

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application for approval of )  
Reuse Project Plan and increase in )  
wastewater rates in Pasco County )  
by Aloha Utilities, Inc. )

Docket No. 950615-SU

In Re: Investigation of utility )  
rates of Aloha Utilities, Inc. in )  
Pasco County. )

Docket No. 960545-WS

MOTION TO CONSOLIDATE

COMES NOW, Aloha Utilities, Inc. (hereinafter "Utility" or "Aloha"), by and through its undersigned attorneys pursuant to Section 25-22.035(2), Florida Administrative Code, and files this Motion to Consolidate the request for investigation in Docket No. 960545-WS with the ongoing proceeding in Docket No. 950615-SU and currently scheduled for hearing on September 9 and 10, 1996, and in support thereof states as follows:

1. On June 1, 1995, Aloha applied for approval of a reuse project plan and an increase in rates for wastewater service to its Seven Springs customers. Such application was amended by additional information supplied on July 13, 1995, and Docket No. 950615-SU was assigned to that application.

2. The Florida Public Service Commission (hereinafter "Commission" or "PSC") issued Order No. PSC-95-1605-FOF-SU on December 28, 1995, disposing of that application.

3. By protest dated January 5, 1996, and filed with the Commission on January 10, 1996, Representative Mike Fasano, a customer of the Utility filed a protest and request for hearing on Order No. PSC-95-1605-FOF-SU. This matter is now scheduled for hearing on September 9 and 10, 1996, in Pasco County, Florida.

DOCUMENT NUMBER-DATE

05534 MAY 17 1996

FPSC-RECORDS/REPORTING

4. On April 30, 1996, Mr. James Goldberg, President of the Wyndtree Master Community Association, filed a petition of some 262 individual customers, all within Aloha's Seven Springs service area requesting that the Commission investigate water quality and several other aspects of Aloha's operations and rate setting. The Commission assigned Docket No. 960545-WS to this request.

5. Both the undersigned counsel and counsel for Staff has contacted Mr. Goldberg and inquired as to the specific desires of the customers with regard to this petition and request for investigation and the undersigned has learned that Mr. Goldberg's primary concerns are that the customers be given an opportunity to present live evidence and comments to the Commissioners concerning the quality of water and the appropriateness of a rate increase in wastewater given those water quality concerns. In addition, the customers may wish to address the issue, previously raised by the Commission Staff, of the way effect, if any, the proposed reuse plan should have on the Utility's water customers.

6. Based upon these facts, Aloha contends that these separate matters currently pending before the PSC involves similar issues of law and fact, and while there are not currently identical parties to the matter, Aloha is willing to agree to have the petitioners act as intervenors in the ongoing proceeding before the PSC or simply provide testimony at hearing and to recognize the additional issue of water quality and the appropriateness of the increase in wastewater rates given the water quality concerns to be identified and discussed by the persons who signed the petition.

Aloha would agree that such evidence could be submitted by these persons, either through prefiled testimony and exhibits (as intervenors) or through oral customer testimony at hearing (as concerned customers). Aloha believes that consolidation will promote the just, speedy and inexpensive resolution of both proceedings and would not unduly prejudice the rights of any party.

7. The undersigned has contacted both Mr. James Goldberg, President of Wyndtree Master Community Association, who filed the petition, and Representative Mike Fasano, the customer protestant in Docket No. 950615-SU and both have no objection to consolidation of these proceedings.

WHEREFORE Aloha Utilities, Inc. requests that the Florida Public Service Commission consolidate Docket Nos. 950615-SU and 960545-WS and allow evidence to be presented by the persons who signed the petition either as intervenors through prefiled testimony and exhibits due to be filed with the Commission on July 10, 1996, or as concerned customers, orally, at hearing on the issues of water quality of Aloha's Seven Springs system and its effect on the proposed wastewater rate increase resulting from the reuse plan filed in Docket No. 950615-SU.

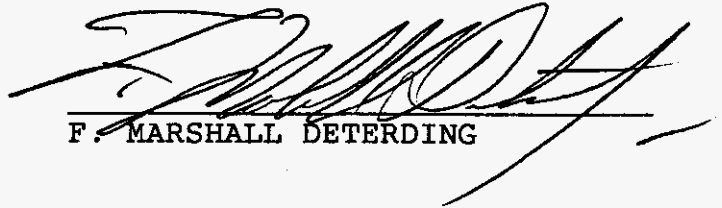
Respectfully submitted this  
17<sup>th</sup> day of May, 1996, by:

ROSE, SUNDSTROM & BENTLEY  
2548 Blairstone Pines Drive  
Tallahassee, Florida 32301  
(904) 877-6555

  
F. Marshall Deterding

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by Hand Delivery to Bobbie Reyes, Esquire, and Ralph Jaeger, Esquire, Division of Legal Services, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399, and by U.S. Mail to Representative Mike Fasano, 8217 Massachusetts Avenue, New Port Richey, Florida 34653, and James Goldberg, President, 1251 Trafalgar Drive, New Port Richey, Florida 34655, this 17<sup>th</sup> of May, 1996.



F. MARSHALL DETERDING