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OF COUNSEL

June 20, 2002

Jon S. Wheeler, Clerk
First District State of Florida
District Court of Appeals
301 Martin L. King Jr. Blvd.
Tallahassee, FL 32399-1850

Re: Aloha Utilities, Inc. vs. Florida Public Service Commission
Our File No. 26038.35

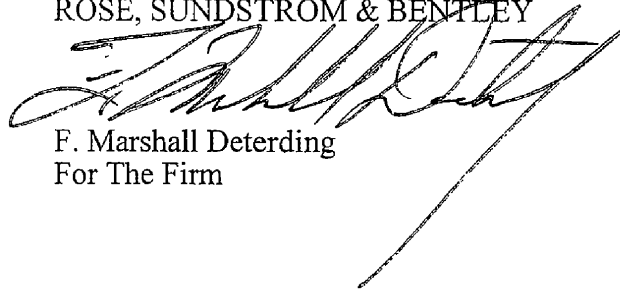
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Dear Mr. Wheeler:

Attached is the completed docketing statement for the above-referenced case as requested in your letter of May 31, 2002. Each of the parties of record in the case before the lower tribunal has been copied with this letter and docketing statement. If you need any further information or have any questions in this regard please let me know.

Sincerely,

ROSE, SUNDSTROM & BENTLEY



F. Marshall Deterding
For The Firm

FMD/tms
Enclosures

cc: Ralph Jaeger, Esq.
Edward O. Wood
Margaret Lytle, Esq.
Stephen C. Burgess, Esq.
State Representative Michael Fasano
Stephen G. Watford
David Porter
Bob Nixon
Blanca Bayo
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IN THE DISTRICT COURT OF APPEAL
FIRST DISTRICT, STATE OF FLORIDA

DOCKETING STATEMENT AND
NOTICE OF APPEARANCE OF COUNSEL

APPELLANT/PETITIONER: If this case involves an original writ, is an appeal of a non-final order, or is a "child" case (as defined in paragraph 13 below), this Docketing Statement must be completed and returned immediately. In all other cases, counsel for the appellants or the appellants, if not represented by counsel, must file the Docketing Statement within 20 days from the date of the cover letter accompanying this Docketing Statement.

APPELLEE/RESPONDENT (AND AMICUS CURIAE): Are not required to file a Docketing Statement unless there are amendments, corrections, or additions to the Docketing Statement filed by appellant. Appellees and Amici are only required to file the notice of appearance if counsel's name does not already appear on the certificate of service. Appellee's Docketing Statement and notice of appearance are due no later than the answer brief.

PLEASE PROVIDE THE FOLLOWING INFORMATION (ATTACH ADDITIONAL PAGES IF NECESSARY):

If this is a child case (SEE QUESTION 13), check here _____

1. NAME OF CASE:

DCA CASE NUMBER:

2. NOTICE OF APPEARANCE OF COUNSEL.

ATTORNEY FOR (LIST CLIENT BY NAME): Aloha Utilities, Inc
ATTORNEY'S SIGNATURE: [Signature]
ATTORNEY'S PRINTED NAME: F. Marshall Deterding & John L. Whar
BAR NO.: 515876
ADDRESS: 2548 Blairstone Pines Dr,
Tallahassee, FL 32301
PHONE NO.: 850-877-6555

Docketing statement of: **Appellant/Petitioner** X
 Appellee/Respondent
 Amicus

All correspondence and orders will be sent to counsel as specified above unless the court allows withdrawal or substitution of counsel.

3. If the appeal is an appeal of a final order or of a partial final judgment, are there any matters still pending in the lower tribunal? If yes, please explain specifically the nature of the order being appealed and what matters remain pending in the lower tribunal. No

4. TYPE OF CASE: Place a check by the most appropriate type of case.

A. Civil

- 1. Domestic Relations - divorce, child custody, paternity or support
- 2. Child Dependency
- 3. Malpractice - professional malpractice or products liability
- 4. Negligence
- 5. Contract or Indebtedness - not involving property issues
- 6. Foreclosure - mortgage, lien
- 7. All Others - specify _____

B. Criminal

- 1. Direct Appeal - judgment and sentence
- 2. Direct Appeal - sentence only
- 3. Direct Appeal - juvenile
- 4. Collateral Attack (Rule 3.850 or habeas corpus) - judgment and sentence
- 5. Collateral Attack (Rule 3.800, Rule 3.850 or habeas corpus) - sentence only
- 6. Collateral Attack - juvenile
- 7. Inmate Appeal - gain time, rule challenges, disciplinary action
- 8. Appeal by the State
- 9. All Others - specify _____

C. Administrative

- 1. Department of Professional Regulation
- 2. Unemployment Appeals Commission
- 3. Rule Challenge - specify agency _____

4. All others - specify Appeal of Final Order of Florida Public Service Commission

D. Workers' Compensation

5. **REAL PARTIES IN INTEREST:** List names and addresses of all persons, business entities, and organizations having a direct interest in the outcome of this action.

See Attached List of Parties and Attorneys from Case below

6. **RECUSALS:** For the information of the court, list any judge(s) on this court who you believe should not participate in this case, stating your reasons for that belief. (Note: Your listing of such judge(s) in the answer to this question, together with the reason for your belief, will not supplant the need for an appropriate separate pleading if you intend to seek the disqualification of a judge.)

None

7. **JUDGES BELOW:** List the name of all judge(s), deputy commissioner(s), master(s), and hearing officer(s)/examiner(s) who were involved in this action below.

*Commissioner Lila A. Faber - Chairman and Presiding officer
Commissioner Braulio L. Baez
Commissioner Michael A. Palecki*

8. **ATTORNEYS:** List the names and addresses of all attorneys who are, or have been, of record in this case and who they represent.

See Attached List of Appearances from Order on Case below

9. **PENDING CASES:**

(a) List the style and docket number of all cases now pending before this court, arising from the same case in the lower tribunal.

None other than this case

(b) List the style and docket number of all cases now pending before this court, which involve the same or similar issues. State the issue(s).

None

10. **PRIOR PROCEEDINGS:** List style, docket number or citation of all prior proceedings in this court which involve the same parties or issues which are being addressed in this case.

None

11. **CURRENT AND PRIOR PROCEEDINGS IN OTHER COURTS:** List style, case number, and court of all pending and prior proceedings in other courts related to this action. State briefly how the case is related.

See Attached List

12. **PROCEEDINGS BELOW:** If you are aware of any cases other than this case pending before a lower tribunal, or about to be filed in this court, which involve the same controversy or parties, or substantially similar issue(s), list each such case by style, case number, and tribunal where filed.

13. CHILD CUSTODY/VISITATION: SUPPORT: PLACEMENT: JUVENILE DEPENDENCY AND DELINQUENCY: Does this appeal directly involve and substantially affect child custody/visitation, support, placement, juvenile dependency, or delinquency? Yes _____ No X.

Unless good cause to the contrary is shown by any party, the court will follow a policy of expediting appeals which involve or affect custody, support, placement, dependency and delinquency. The basic briefing schedule will be the same as in other appeals. However, no extensions of time for briefing will be granted except in extreme emergency; motions will not toll the running of the briefing schedule; and the case will be processed in an expedited manner and decided as early as the interests of justice permit. (NOTE: The court encourages the parties to stipulate to an abbreviated briefing schedule and to arrange with the lower court for the record to be transmitted earlier than the time provided by the Florida Rules of Appellate Procedure.)

CERTIFICATE OF SERVICE

I hereby certify that a completed copy of this Docketing Statement has been mailed first class postage prepaid or has been hand delivered to all parties of record or their counsel on this date, and that the original pink Docketing Statement has been provided to the First District Court of Appeal, and that all of the foregoing statements are true and correct.

Date: 6/20/02

By: 

Current and Prior Proceedings in Other Courts

Public Service Commission Cases and Dockets by Docket Number and style of prior proceedings related to this action briefly stating how the case is related:

1. Docket No. 950615-SU Application for Approval of Reuse Project Plan and Increase in Wastewater Rates in Pasco County by Aloha Utilities, Inc.

This case is related to the instant appeal in that it is the case that first drew complaints from customers as to discolored water from which subsequent investigations arose.

2. Docket No. 960545-WS Investigation of Utility Rates of Aloha Utilities, Inc. in Pasco County.

This case is related in that it is the investigation docket arising out of customer complaints about rates and water that arose as a immediate result of the proposed increase in wastewater rates filed by the Utility in Docket No. 950615-SU.

3. Docket No. 970536-WS Application for Limited Proceeding Increase in Water and Wastewater Rates in Pasco County by Aloha Utilities, Inc.

This limited rate increase request resulted in an order denying any rate relief based upon alleged existing overearnings or immaterial underearnings for the Utility.

4. Docket No. 980245-WS Application for Limited Proceeding Increase in Water and Wastewater Rates in Pasco County by Aloha Utilities, Inc.

This limited rate increase request resulted in an order denying any rate relief based upon alleged existing overearnings or immaterial underearnings for the Utility.

5. Docket No. 000737-WS Investigation of Rates of Aloha Utilities, Inc. in Pasco County for Possible Overearnings for the Aloha Gardens Water and Wastewater Systems and Seven Springs Water System.

This case is related to the instant case on appeal in that this investigation was opened in order to determine whether overearnings existed for the water system just prior to the filing of the application for increase in water rates in the instant case. It also addresses several of the issues addressed in the instant case.

6. Docket No. 991643-SU Application for Increase in Wastewater Rates of Seven Springs

System in Pasco County by Aloha Utilities, Inc.

This case is the wastewater rate increase request filed by the Utility that the Commission in its Final Order in the instant case suggests the Utility should have combined with the instant water rate case.

7. Docket No. 010168-WU Application for Limited Proceeding Emergency, Temporary, and Permanent Increase to Customers in Seven Springs Service Area in Pasco County, by Aloha Utilities, Inc.

This is the initial request of the Utility for immediate recognition of the required increased cost resulting from the requirement of the Water Management District to begin purchasing water from Pasco County which was dismissed by the Florida Public Service Commission, and under which the Florida Public Service Commission ordered the Applicant to file the instant General Rate Increase Application.