

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Initiation of show cause
proceedings against Aloha Utilities, Inc.
in Pasco County for failure to charge
approved service availability charges,
in violation of Order No. PSC-01-0326-FOF-SU
and Section 367.091, Florida Statutes.

Docket Number 020413-SU

GREENE BUILDERS, INC.'S RESPONSE TO ALOHA UTILITIES, INC.'S MOTION
FOR CLARIFICATION AND MOTION FOR RECONSIDERATION

Pursuant to Rules 25-22.060 and 28-106.204, Florida Administrative Code, (FAC),
Greene Builders files this Response to Aloha Utilities, Inc.'s (Aloha's) Motions for
Clarification and Reconsideration of Order PSC-02-1250-SC-SU (Show Cause Order),
issued September 11, 2002, and in support thereof states as follows:

1. Filed in conjunction with this Response, Greene Builders, Inc. (Greene Builders) has filed a Petition for Formal Hearing pursuant to Rule 28.106.201, FAC; Chapter 120 and Chapter 367, Florida Statutes.
2. In that Petition for Formal Hearing, Greene Builders contends that the FPSC violated the Florida Statutes, the Florida Administrative Code, exceeded its statutory authority, and violated the Contracts Clause of the United States Constitution, when, in its Show Cause Order, it permitted Aloha to backbill developers, such as Greene Builders, for increased service availability charges that were not in effect, nor lawful, for the period of time from May 23, 2001 to April 16, 2002.

DOCUMENT NUMBER DATE

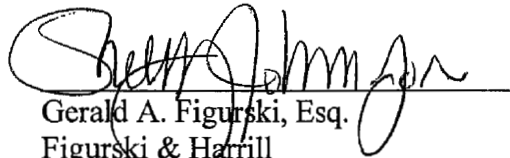
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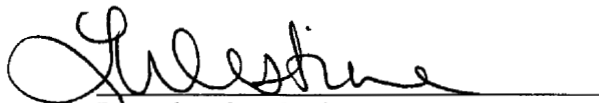
3. In light of the fact that Greene Builders believes that specific provision of the Show Cause Order which grants Aloha the ability to backbill developers for the increased fees is illegal, Greene Builders objects to any clarification or reconsideration of the Show Cause Order prior to its Petition for Formal Hearing addressed.
4. At that time, Aloha's Motion for Clarification and Reconsideration may be moot.

WHEREFORE, Greene Builders respectfully requests that the Commission deny Aloha's Motion for Clarification and Reconsideration.

RESPECTFULLY submitted this 27th day of September, 2002 by:




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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the original and ^{fifteen} seven copies of the foregoing Greene Builders, Inc.'s Response to Aloha Utilities, Inc.'s Motion for Clarification and Motion for Reconsideration have been furnished to Ms. Blanca Bayo, Director, Department of Records and Reporting, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Betty Easley Building, Room 110, Tallahassee, Florida 32399-0850, by U.S. Mail this ^{27th} day of September, 2002, and that copies of the foregoing have been furnished to Rosanne Gervasi, Esquire, Florida Public Service Commission, Legal Division, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850 and Suzanne Brownless, Esquire, Suzanne Brownless, P.A., 1975 Buford Boulevard, Tallahassee, Florida 32308, by United States Mail this ^{27th} day of September, 2002.


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