



Public Service Commission

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COMMISSION CLERK

DATE: October 24, 2003
TO: Division of the Commission Clerk and Administrative Services
FROM: Lorena A. Holley, Office of the General Counsel *JAM*
RE: Docket No. 020896-WS - Petition by customers of Aloha Utilities, Inc. for deletion of portion of territory in Seven Springs area in Pasco County.

Please file the attached letters in the docket file for the above-referenced docket.

- 1) Letter to Chairman Lila A. Jaber, from Senator Mike Fasano, dated October 3, 2003; and
- 2) Letter to The Honorable Mike Fasano, from Lorena A. Holley, dated October 24, 2003.

LAH/dm

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FPSC-COMMISSION CLERK

THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Military and Veterans' Affairs, Base Protection,
and Spaceports, *Chair*
Appropriations - Subcommittee on Criminal Justice
Criminal Justice
Ethics and Elections
Governmental Oversight and Productivity
Health, Aging, and Long-Term Care

SENATOR MIKE FASANO
11th District

October 3, 2003

The Honorable Lila Jaber, Chair
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399

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Florida Public Service Commission
CHAIRMAN JABER

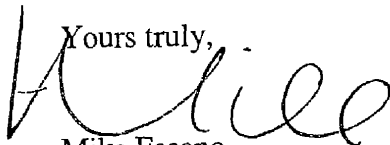
Dear Chair Jaber:

On September 29, 2003 the Public Service Commission-mandated Citizens Advisory Committee (CAC) pertaining to Aloha Utilities met and passed the attached resolution which details Aloha's unwillingness to continue working with the CAC and the Office of Public Counsel's commissioned water quality auditor Dr. Audrey Levine as approved by the Commission. I am expressing my support for the CAC's resolution and am asking for your intervention to bring this matter to a swift resolution.

Additionally, as you are well aware, there has been a docket held in abeyance (020896-WS) which addresses a customer-led petition effort pertaining to Aloha. I respectfully request that prior to the Commission taking any official action on the docket that a public hearing be scheduled in the community served by Aloha so that all customers who would like to address the Commission on this issue may have that opportunity.

Thank you in advance for your attention to this request.

Yours truly,



Mike Fasano
State Senator, District 11

MF/gg

Attachment

Cc: Honored Members of the Florida Public Service Commission
Steve Burgess, Associate Public Counsel
Wayne Forehand, CAC Chairman

REPLY TO:

8217 Massachusetts Avenue, New Port Richey, Florida 34653-3111 (727) 848-5885
310 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5062

Senate's Website: www.flsenate.gov

JAMES E. "JIM" KING, JR.
President

ALEX DIAZ DE LA PORTILLA
President Pro Tempore

Amended Motion for CAC Meeting 29.Sep.2003

Whereas Aloha in its presentation to the Citizen's Advisory Committee on July 23, 2003 chose not to discuss the requested topic of "Complexities of Extracting, Processing and Distributing Water from its Wells and Facilities" and also chose not to discuss the requested topic of "Customer Familiarization with Water Chemistry" and,

Whereas Aloha at this same meeting chose instead to focus its presentation on new processes, installations and the need for rate increases and,

Whereas Aloha at this same meeting failed to acknowledge any role or responsibility whatsoever for the numerous customer complaints of black water and rotten egg smell and,

Whereas Aloha at this same meeting failed to enter into a clear and concise discussion of the objective causes for poor quality water provided to its service area and represented by the Citizen's Advisory Committee and,

Whereas Aloha seems to be proceeding with plans to install a specific new method, without determining what could be the optimum method and,

Whereas Aloha has attempted to impose unacceptable conditions on the independent Auditor and on its prior agreement for the sampling of raw, finished and distributed water,

It is concluded that the PSC mandated discussions between the Citizen's Advisory Committee and Aloha Utilities on Quality of Service Issues have reached an impasse and it is resolved that they cannot be productively resumed,

1. Until Aloha allows for the sampling of raw and finished water at the processing plant and delivered water at the Utility side of the meter as its President promised on July 23, 2003 without inappropriate conditions and an independent analysis and interpretation of resulting data are made available to the Citizen's Advisory Committee and,
2. Until Aloha agrees to discuss the water quality problems in a responsive and forthright manner.

It is the intent of the Citizen's Advisory Committee that this resolution is forwarded to the Public Service Commission for its action.

STATE OF FLORIDA

COMMISSIONERS:
LILA A. JABER, CHAIRMAN
J. TERRY DEASON
BRAULIO L. BAEZ
RUDOLPH "RUDY" BRADLEY
CHARLES M. DAVIDSON



CAPITAL CIRCLE OFFICE CENTER
2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FL 32399-0850

Public Service Commission

October 24, 2003

The Honorable Mike Fasano, Florida Senate
8217 Massachusetts Avenue
New Port Richey, FL 34653-3111

Dear Senator Fasano:

Chairman Jaber requested that I respond to your letter dated October 3, 2003, on her behalf. In your letter, you reference the resolution that was passed by the Aloha Citizens Advisory Committee (CAC) on September 29, 2003. You express your support for the CAC's resolution and ask for the Chairman's intervention to bring the matter that is the subject of the CAC's resolution to a swift resolution.

As you are aware, staff held an informal meeting with the parties on Monday, October 20, 2003, the purpose of the meeting being to facilitate discussions between the Office of Public Counsel (OPC) and Aloha over the completion of the Independent Audit that is being performed by OPC. Staff believes that the meeting was a success, and we were very pleased to have participation from the utility, the Office of Public Counsel, several customers, a number of staff members, as well as Greg Giordano, from your office. I am pleased to report that prior to the meeting taking place, the parties had already come to an agreement with respect to the final testing needed to complete the independent audit, and we were able to confirm this agreement with all those present.

In your October 3, 2003, letter you also reference the Commission's Docket No. 020896-WS, which is being held in abeyance, and which addresses the customer-led petition effort pertaining to Aloha. In your letter, you request that prior to the Commission taking any official action on this docket, that a public hearing be scheduled in the community served by Aloha so that all customers who would like to address the Commission on this issue may have that opportunity.

The other purpose of staff's October 20, 2003, meeting was to discuss recent letters referencing Docket No. 020896-WS; in particular, your letter, as well as a letter received October 3, 2003, from Aloha customer Dr. Abraham Kurien, in which he requests that the Commission hold a hearing to address the customers' petition by the first week of November.

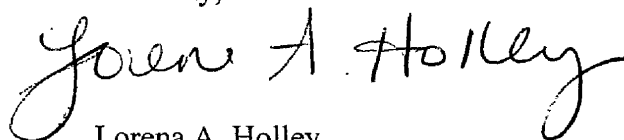
Because we confirmed that all parties are in agreement with respect to OPC's Independent Audit moving forward, we were also able to agree that no further action should be taken with respect to Docket No. 020896-WS until after the report has been completed, published, and until the parties have been given the opportunity to study its contents.

The Honorable Mike Fasano, Florida Senate
October 24, 2003
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Accordingly, as confirmed in our meeting, Docket No. 020896-WS will continue to be held in abeyance until the events described above are completed. At that time, the Commission will be able to determine what are the next appropriate steps that should be taken with respect to your and Dr. Kurien's requests.

On behalf of myself and the other staff members involved in this docket, we look forward to continuing to work with your office and the rest of the parties on these issues. A copy this letter, as well as of your October 3, 2003, letter will be forwarded to the Commission Clerk's office for its inclusion in the docket file. In addition, a copy of this letter will be sent to those present at staff's informal meeting. Should you have any questions or concerns regarding this letter, or any of the issues contained herein, please do not hesitate to contact me at (850) 413-6185.

Sincerely,



Lorena A. Holley
Senior Attorney

cc: Lila A. Jaber, Chairman
Greg Giordano, Legislative Assistant
John H. Gaul, Ph.D
Harry Hawcroft
V. Abraham Kurien, M.D.
Steve Burgess, Esquire, Office of Public Counsel
Marty Deterding, Esquire
Steve Watford, Aloha President

/lah