

JAMES E. "JIM" KING, JR.
PRESIDENT



Charles J. Beck
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ORIGINAL

STATE OF FLORIDA
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c/o THE FLORIDA LEGISLATURE
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JOHNNIE BYRD
SPEAKER



December 3, 2003

Ms. Blanca S. Bayó, Director
Division of the Commission Clerk
and Administrative Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0870

RECEIVED FPSC
DEC - 3 PM 3:20
COMMISSION
CLERK

RE: Docket Nos. 020896-WS

Dear Ms. Bayó:

Enclosed are an original and fifteen copies of a Motion to Remove Docket from State of Abeyance for filing in the above-referenced docket.

Please indicate receipt of filing by date-stamping the attached copy of this letter and returning it to this office. Thank you for your assistance in this matter.

RECEIVED & FILED

lh

FPSC-BUREAU OF RECORDS

Sincerely,

Stephen C. Burgess
Stephen C. Burgess
Deputy Public Counsel

SCB/dsb
Enclosures

- AUS _____
- CAF _____
- CMP _____
- COM _____
- CTR _____
- ECR _____
- GCL _____
- OPC _____
- MMS _____
- SEC 1
- OTH _____

DOCUMENT NUMBER-DATE

12318 DEC-3 03

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition by Customers of)
Aloha Utilities, Inc. for Deletion of)
Portion of Territory in Seven Springs)
Area in Pasco County.)
_____)

DOCKET NO. 020896-WS
FILED: December 3, 2003

**MOTION TO REMOVE DOCKET
FROM STATE OF ABEYANCE**

The Citizens of the State of Florida, through their attorney, the Public Counsel, pursuant to Rule 28-106.204, Florida Administrative Code, hereby file this motion to remove this docket from the current state of abeyance. The Citizens state:

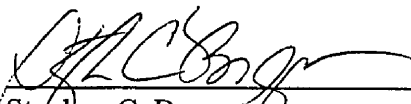
1. This docket was initiated in response to a Petition filed by 1491 customers. Because the subject of the Petition was subsumed in Aloha's appeal of the Final Order in Docket No. 010503, the Commission placed this docket in abeyance during the pendency of the appeal. Since that time, the First District Court has rendered its decision. Accordingly, all subject matter of the Petition now rests within the jurisdiction of the Commission.
2. Among the issues raised by the Petition, the petitioners asked for an independent audit of Aloha's water quality and operations. During the period that this case has been in abeyance, Dr. Audrey Levine has performed an audit of Aloha's water quality. A report of her findings will be completed imminently. The petitioners seek a PSC hearing on that report, and on the implications of its findings.
3. Since Dr. Levine's audit report now is imminent, OPC moves the Commission to remove this docket from abeyance and to schedule procedures for hearing the issues presented by the Petitioners.

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12318 DEC-3 8
FPSC-COMMISSION CLERK

WHEREFORE, the Citizens of the State of Florida hereby move the Commission to remove this docket from abeyance and to schedule appropriate procedures for a hearing.

Respectfully submitted,

HAROLD MCLEAN
Public Counsel



Stephen C. Burgess
Deputy Public Counsel

Office of Public Counsel
c/o The Florida Legislature
111 West Madison Street, Room 812
Tallahassee, FL 32399-1400

(850) 488-9330

Attorneys for the Citizens of the
State of Florida

**CERTIFICATE OF SERVICE
DOCKET NO. 020896-WS**

I HEREBY CERTIFY that a true and exact copy of the above and foregoing Motion to Remove Docket from State of Abeyance has been furnished by hand delivery or U.S. Mail to the following parties of record this 3rd day of December, 2003.

Lorena Holley, Esquire*
Division of Legal Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

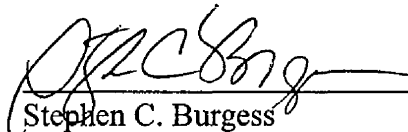
John Wharton, Esquire
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2548 Blairstone Pines Drive
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Aloha Utilities, Inc.
Mr. Stephen G. Watford
6915 Perrine Ranch Road
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Senator Mike Fasano
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V. Abraham Kurien, M.D.
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Stephen C. Burgess
Deputy Public Counsel