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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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COMMISSION CLERK

IN RE: Petition by Customers of)
ALOHA UTILITIES, INC., for deletion of)
portion of territory in Seven Springs)
Area in Pasco County, Florida.)

Docket No. 020896-WS

IN RE: Application for increase in water)
rates for Seven Springs System in Pasco)
County by ALOHA UTILITIES, INC.)

Docket No. 010503-WU

ALOHA'S NOTICE OF SUPPLEMENTAL AUTHORITY
TO
MOTION FOR TERMINATION OF PROCEEDINGS
AS THEY RELATE TO DELETION OF TERRITORY

ALOHA UTILITIES, INC., by and through its undersigned counsel, hereby
notices, as supplemental authority for its "Motion for Termination of Proceedings as
they Relate to Deletion of Territory," the case of Associated Home Health Agency,
Inc. v. State, Department of Health and Rehabilitative Services, 453 So.2d 104 (Fla.

CMP _____
COM 5 1st DCA 1984), in support of its positions that third parties may not initiate or
CTR _____
ECR _____ prosecute a deletion proceeding; that only the agency may initiate such a proceeding
GCL _____ in accordance with Section 120.60, Florida Statutes, and Rule 28-107.004, Florida
OPC _____
MMS _____ Administrative Code; that the agency has the burden of proving the allegations of its
RCA _____
SCR _____
SEC 1
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administrative complaint; and that any proceeding which is commenced or conducted absent the proper institution of proceedings under Section 120.60 is fatally defective.

Respectfully submitted this 10th
day of November, 2004, by:

A handwritten signature in black ink, appearing to read "John L. Wharton", written over a horizontal line.

JOHN L. WHARTON

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. Mail or via hand delivery (indicated by *) to the following on this 10th day of November, 2004:

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