

State of Florida



Public Service Commission

-M-E-M-O-R-A-N-D-U-M-

DATE: December 3, 2004
TO: Blanca S. Bayo, Director, CCA
FROM: Commissioner Charles M. Davidson
RE: Press Release regarding Aloha's Appeal of Order No. PSC-04-1050-FOF-WU

This memo is to inform all parties of record and interested persons in Docket Nos. 010503-WU & 020896-WS, that I am concurrently issuing the attached press release pertaining to Aloha's recent notice of appeal of the Commission's Order No. PSC-04-1050-FOF-WU to the 1st District Court of Appeal. I ask that this memo and the attached press release be placed in the docket file and immediately disseminated to all parties and interested persons in these two dockets.

This press release should not be construed as an indication of my position on the merits of any issue in either of these dockets. My positions on the underlying issues on appeal are clearly reflected in the aforementioned Commission order. Ultimately, any future Commission decision pertaining to the issues on appeal will be based on applicable law and the merits of the arguments before us at that time.

Any person who desires to respond to the content of this memo or the attached press release certainly may do so and should file any such response with the Commission, with reference to the appropriate dockets.

Attachment

cc: Parties of Record & Interested Persons, Docket Nos. 010503-WU & 020896-WS
Rick Melson, General Counsel
David Smith, Attorney Supervisor, Appeals, Rules and Mediation
Dr. Mary A. Bane, Executive Director
Chief Advisors to Commissioners (Arisso, Hinton, Chase, Harris)

DOCUMENT NUMBER-DATE

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State of Florida
Public Service Commission
NEWS RELEASE

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Contact: ♦ Katrina Tew 850-

FOR IMMEDIATE RELEASE:

**FLORIDA PSC COMMISSIONER CHARLES M. DAVIDSON:
TROUBLED BY ALOHA'S LATEST APPEAL**

TALLAHASSEE — On Monday, Aloha Utilities filed notice of its appeal of the Commission's recent order requiring the company to make additional refunds of monies previously collected from its Seven Springs customers on an interim basis.

On October 5, 2004, the Commission unanimously voted that Aloha refund with interest the entire interim increase collected during the 15-month period in which Aloha pursued reversal of portions of the Commission's 2002 rate order. That appeal by Aloha failed when the 1st District Court of Appeal (DCA) affirmed the Commission's 2002 order, which among other things, denied the company's request for a rate increase. The 1st DCA will also handle Aloha's latest appeal.

"While I acknowledge the company's right to choose to pursue an appeal, I must admit that I deeply am troubled by Aloha's apparent and persistent resistance to refunding its customers pursuant to the Commission's order," said Commissioner Charles Davidson. "I had hoped that this refund matter would be put to rest with our recent decision and that the Commission, the company, and the customers, with the help of the Public Counsel, could focus on the other important service issues pertaining to Aloha."

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