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March 7, 2005



Harold McLean  
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Charles J. Beck  
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Blanca S. Bayo, Director  
Division of Records and Reporting  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

Re: Docket No. 010503-WU

Dear Ms. Bayo:

Enclosed for filing in the above-referenced dockets are the original and 15 copies of Citizens' Response to Aloha's Motion for Summary Final Order.

Please indicate the time and date of receipt on the enclosed duplicate of this letter and return it to our office.

Sincerely,

Charles J. Beck  
Deputy Public Counsel

- CMP \_\_\_\_\_
- COM 5
- CTR \_\_\_\_\_
- ECR \_\_\_\_\_
- GCL \_\_\_\_\_
- OPC CJB:bsr
- MMS \_\_\_\_\_ Enclosures
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**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Application for Increase in Water Rates ) Docket No. 010503-WU  
for Seven Springs System in Pasco County )  
by Aloha Utilities, Inc. ) Filed: March 7, 2005  
\_\_\_\_\_ )

**CITIZENS' RESPONSE TO ALOHA'S  
MOTION FOR SUMMARY FINAL ORDER**

The Citizens of Florida, through Harold McLean, Public Counsel, file this response in opposition to the motion for summary final order filed by Aloha Utilities, Inc., on March 1, 2005.

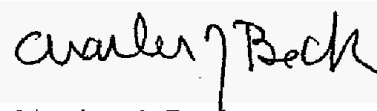
1. On August 9, 2004, V. Abraham Kurien, MD, Harry Hawcroft, and Ed Wood filed a protest of the Commission's proposed agency action order no. PSC-04-0712-PAA-WS. Subsequently, Dr. Kurien filed both direct and rebuttal testimony in this proceeding on his own behalf as well as on behalf of Mr. Hawcroft and Mr. Wood. The positions of Dr. Kurien, Mr. Hawcroft, and Mr. Wood are identical, as reflected in the joint prehearing statement of Dr. Kurien, Mr. Hawcroft, Mr. Wood, and the Office of Public Counsel filed on February 15, 2005.

2. While it is true that Dr. Kurien recently moved out of the territory served by Aloha Utilities, Mr. Hawcroft and Mr. Wood are still served by Aloha and have an ongoing substantial interest in this proceeding. There is no requirement by this Commission that they personally file testimony showing their substantial interest, nor is there any requirement that witnesses in this proceeding be customers of the company.

3. Aloha has taken no action whatsoever to inquire whether Mr. Hawcroft and Mr. Wood have a substantial interest in this proceeding, presumably because they know that they do. Instead, without citing any authority, Aloha has tried to manufacture a requirement out of thin air that would require them to prefile testimony showing their substantial interest. Since there is no such requirement, and since Dr. Kurien's testimony (which disputes Aloha's testimony) is sponsored by Mr. Hawcroft and Mr. Wood, Dr. Kurien's prefilled testimony is properly before the Commission. There is no basis for Aloha's motion for summary final order because Dr. Kurien's testimony disputes positions taken by Aloha on issues of fact and policy. In addition, Aloha has itself raised an issue of law upon which there is disagreement, and this, too, precludes a summary final order.

**WHEREFORE**, Citizens request the Commission to deny Aloha's motion for summary final order.

Respectfully submitted,




Charles J. Beck  
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**DOCKET NO. 010503-WU  
CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of the foregoing has been furnished by  
U.S. Mail or hand-delivery to the following parties on this 7th day of March,  
2005.

  
Charles J. Beck

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