

ORIGINAL

Matilda Sanders

From: ROBERTS.BRENDA [ROBERTS.BRENDA@leg.state.fl.us]  
 Sent: Wednesday, April 20, 2005 2:33 PM  
 To: Filings@psc.state.fl.us  
 Cc: Charles Beck  
 Subject: e-filing  
 Attachments: 010503 OPC's Opposition to Aloha's Motion to Strike e-filed version.doc

Electronic Filing

a. Person responsible for this electronic filing:

Charles J. Beck, 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  
 beck.charles@leg.state.fl.us

b. Docket No. 010503-WU

In re: Application for increase in water rates for Seven Springs System in Pasco County in Aloha Utilities, Inc.

c. Document being filed on behalf of Office of Public Counsel

d. There are a total of 4 ages.

e. The document attached for electronic filing is OPC's Opposition to Aloha's Motion to Strike.

(See attached file: 010503 OPC's Opposition to Aloha's Motion to Strike e-filed version.doc)

IP \_\_\_\_\_

M 5 Thank you for your attention and cooperation to this request.

R \_\_\_\_\_

R \_\_\_\_\_ Brenda S. Roberts  
 Secretary to Charles J. Beck, Deputy Public Counsel.  
 L \_\_\_\_\_ Office of Public Counsel  
 Telephone: (850) 488-9330  
 C \_\_\_\_\_ Fax: (850) 488-4491

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DOCUMENT NUMBER - DATE

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FPSC-COMMISSION CLERK

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Application for increase in )  
Water Rates for Seven Springs )  
System in Pasco County by )  
Aloha Utilities Inc. )  
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Docket No. 010503-WU  
Filed April 20, 2005

OPC'S OPPOSITION TO ALOHA'S MOTION TO STRIKE

The Office of Public Counsel (OPC) files this response in opposition to the motion to strike filed by Aloha Utilities, Inc. (Aloha) on April 18, 2005, and states the following:

1. OPC filed a motion to supplement post-hearing statements of issues and positions on April 11, 2005, and filed an accompanying proposed supplement to the post-hearing statements. The supplement addressed the legal issue of the Commission's jurisdiction to implement the standards proposed in this case. Aloha responded on April 18, 2005, and moved to strike OPC's supplement to post hearing statements of issues and positions.

2. Aloha claims it is prejudiced by the filing of OPC's supplemental statement, but that is so only if it is prejudicial for the Commission to be presented with differing views of the Commission's jurisdiction. Acceptance of the supplemental statement will assist the Commission in making the best possible decision concerning its jurisdiction in this case. The Commission acts in

the public interest<sup>1</sup>, and the consideration of differing views concerning its jurisdiction should assist the Commission in fulfilling that responsibility. The public interest would not be best served by the Commission only considering Aloha's interpretation of the Commission's jurisdiction.

**WHEREFORE**, OPC requests the Prehearing Officer to deny Aloha's motion to strike.

Respectfully submitted,

s/ Charles J. Beck  
Charles J. Beck  
Deputy Public Counsel  
Fla. Bar No. 217281

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

(850) 488-9330

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<sup>1</sup> §367.011(3), Florida Statutes, states that "The regulation of utilities is declared to be in the public interest, and this law is an exercise of the police power of the state for the protection of the public health, safety, and welfare. The provisions of this chapter shall be liberally construed for the accomplishment of this purpose."

**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 20th day of April, 2005.

s/ Charles J. Beck  
Charles J. Beck

Rosanne Gervasi, Esquire  
Division of Legal Services  
Fla. Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

F. Marshall Deterding, Esquire  
John Wharton, Esquire  
Rose, Sundstrom and Bentley, LLP  
2548 Blairstone Pines Drive  
Tallahassee, FL 32301

Mr. Harry Hawcroft  
1612 Boswell Avenue  
New Port Richey, FL 34655

V. Abraham Kurien, M.D.  
7726 Hampton Hills Loop  
New Port Richey, FL 34654

Edward O. Wood  
1043 Daleside Lane  
New Port Richey, FL 34655

Senator Mike Fasano  
8217 Massachusetts Avenue  
New Port Richey, FL 34653

Aloha Utilities, Inc.  
Mr. Stephen G. Watford  
6915 Perrine Ranch Road  
New Port Richey, FL 34655-3904

John H. Gaul, Ph.D.  
7633 Albacore Drive  
New Port Richey, FL 34655

Wayne T. Forehand, Chairman  
Citizens' Advisory Committee  
1216 Arlinbrook drive  
Trinity, FL 34655-4556

James Mitchell, Jr.  
Riviera Home Owners Association  
5957 Riviera Lane  
New Port Richey, FL 34655

Ann Winkler  
Riverside Village Estates, Unit 4  
4417 Harney Court  
New Port Richey, FL 34655

John Parese  
Riverside Villas  
4029 Casa del Sol Way  
New Port Richey, FL 34655

Jack Shreve, Esquire  
Office of Attorney General  
PL-01, The Capitol  
Tallahassee, FL 32399-1050