

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application of Aloha Utilities, Inc.)
for Increase in Wastewater Rates in its Seven)
Springs System in Pasco County, Florida)
_____)

DOCKET NO. 050018-WU

**ALOHA’S RESPONSE TO
ED WOOD’S MOTION FOR RECONSIDERATION**

Aloha Utilities, Inc. (“Aloha”), by and through its undersigned counsel, hereby files this Response to Ed Wood’s Motion for Reconsideration, and in support thereof would state and allege as follows:

1. If in fact the Commission considers Mr. Wood’s letter of January 10, 2006, which was not copied upon Aloha and which has none of the requisites for a formal Motion, to be a Motion for Reconsideration, then the same should be denied.

2. This Commission should deny the Motion for Reconsideration. The Motion does nothing more than reargue issues which were necessarily considered by the Commission prior to its issuance of Order No. PSC-06-0015-FOF-WU. Mr. Wood makes no argument whatsoever that the Commission overlooked or failed to consider anything, but rather makes clear that he simply doesn’t care for the Commission’s decision.

3. This Commission has often had occasion to restate its standard in reviewing motions for reconsideration. Numerous PSC orders on motions for reconsideration contain language very much like the following:

The standard of review for a motion for reconsideration is whether the motion identifies a point of fact or law which was overlooked or which we failed to consider in rendering our Order. See Stewart Bonded Warehouse, Inc. v. Bevis, 294 So. 2d 315 (Fla. 1974); Diamond Cab Co. v. King, 146 So. 2d 889 (Fla. 1962); and Pingree v. Quaintance, 394 So. 2d 161 (Fla. 1st DCA 1981). In a motion for reconsideration, it is not appropriate to reargue matters that have already been considered. Sherwood v. State, 111 So. 2d 96 (Fla. 3d DCA 1959); (citing State ex. rel. Jaytex Realty Co. v. Green,

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105 So. 2d 817 (Fla. 1st DCA 1958). Furthermore, a motion for reconsideration should not be granted “based upon an arbitrary feeling that a mistake may have been made, but should be based upon specific factual matters set forth in the record and susceptible to review.” Stewart Bonded Warehouse at 317.

See, e.g., Order No. PSC-00-2534-PCO-SU.

4. Mr. Wood’s Motion fails to rely upon any such specific factual matters, whether set forth in the record or not, and should be summarily denied.

WHEREFORE, and in consideration of the above, Aloha Utilities, Inc. respectfully requests that Mr. Wood’s Motion for Reconsideration be denied in its entirety.

Dated this 23rd day of January 2006.



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Response to Ed Wood’s Motion for Reconsideration has been furnished via U.S. Mail and by facsimile* to the following parties this 23rd day of January, 2006:

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