

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

DOCKET NO. 010503-WU
ORDER NO. PSC-01-2375-PCO-WU
ISSUED: December 10, 2001

FOURTH ORDER ESTABLISHING NEW CONTROLLING
DATES FOR FILING REBUTTAL TESTIMONY

Order No. PSC-01-2350-PCO-WU, issued December 6, 2001, granted in part and denied in part Aloha Utilities, Inc.'s (Aloha or utility) Motion for Extension of Time to File Rebuttal Testimony (Motion). The Order specifically stated that assuming the deposition of staff's witness, Frances J. Lingo went forward on Friday, December 7, 2001, all rebuttal testimony was due on Friday, December 14, 2001. That Order otherwise reaffirmed Orders Nos. PSC-01-1680-PCO-WU, and PSC-01-1752-PCO-WU, issued August 17, 2001 and August 28, 2001, respectively.

On Friday, December 7, 2001, pursuant to Aloha's Amended Notice of Taking Deposition Duces Tecum, the parties convened for the oral deposition of Ms. Lingo. The deposition began at 9:00 A.M., but was ended at 11:00 A.M. due to Ms. Lingo's continuing illness. The parties agreed to reconvene the following Friday, December 14, 2001 in order to complete the deposition of Ms. Lingo.

Having considered all the above, it appears reasonable to grant Aloha a further extension to file its rebuttal testimony. As stated previously, the rebuttal testimony is currently due on December 14, 2001. Because Ms. Lingo's deposition is being delayed an additional seven days, it is appropriate to extend the date to file rebuttal testimony an additional seven days as well. All other controlling dates shall remain the same.

Based on the foregoing, it is

ORDERED by Commissioner Michael A. Palecki, as Prehearing Officer, that if the deposition of staff witness Frances J. Lingo takes place on Friday, December 14, 2001, all rebuttal testimony shall be due on Friday, December 21, 2001. It is further

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ORDERED that all other controlling dates remain the same. It is further

ORDERED that Orders Nos. PSC-01-1680-PCO-WU, and PSC-01-1752-PCO-WU are reaffirmed in all other respects.

By ORDER of Commissioner Michael A. Palecki, as Prehearing Officer, this 10th day of December, 2001.



MICHAEL A. PALECKI
Commissioner and Prehearing Officer

(S E A L)

LAE

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, Florida

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Administrative Code, if issued by a Prehearing Officer; (2) reconsideration within 15 days pursuant to Rule 25-22.060, Florida Administrative Code, if issued by the Commission; or (3) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Director, Division of the Commission Clerk and Administrative Services, in the form prescribed by Rule 25-22.060, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.