

In re: Initiation of show cause proceedings against Aloha Utilities, Inc. in Pasco County for failure to charge approved service availability charges, in violation of Order No. PSC-01-0326-FOF-SU and Section 367.091, Florida Statutes.

DOCKET NO. 020413-SU
ORDER NO. PSC-02-1551-PCO-SU
ISSUED: November 12, 2002

ORDER ON MOTION TO EXPEDITE AND REVISING
ORDER ESTABLISHING PROCEDURE

Order No. PSC-02-1460-PCO-SU, issued October 23, 2002, established the procedures to be followed in this docket. By that Order, Aloha Utilities, Inc.'s (Aloha or utility) direct testimony and exhibits are due to be filed on November 25, 2002.

On October 25, 2002, Aloha filed a Motion to Expedite, in which the utility states that it served discovery on the other parties to this docket on that same date, two days after the issuance of Order No. 02-1460-PCO-SU. Under the applicable rules of discovery, parties have 30 days from the date of service to respond to discovery requests. Thus, the utility will not receive the responses to its discovery requests until November 25, 2002, the date on which its testimony is due. Aloha states that it has promptly sought to avail itself of discovery in order to use the requested information in its prefiled testimony. However, information made available on the same day that its testimony is due to be filed cannot be so utilized.

Aloha requests that the parties be required to expedite their discovery responses by 10 days, and respond by November 14, 2002, in order to provide Aloha with adequate time to incorporate the discovery responses into its direct testimony. In turn, Aloha is willing to answer any discovery served by other parties within 20 days, as well. Aloha alternatively requests that 10 days be added to its testimony filing date and to those of all other parties. Moreover, Aloha states that it has contacted the parties regarding this motion, but as of the time of filing, it had not yet received any response.

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

On October 31, 2002, Adam Smith Enterprises, Inc. (Adam Smith) filed a Response to Aloha's Motion to Expedite, in which it states that it does not object to the entry of an order requiring all parties to respond to discovery within 20 days instead of 30 days. With respect to Aloha's alternative request, Adam Smith does not object to a reasonable revision to procedural milestones, provided that the revised schedule adequately protects the parties' procedural rights. However, Aloha suggests that intervenors' direct testimony could be filed on January 2, 2003, the day following the New Year holiday. Adam Smith submits that given the time frame prior to hearing in this case, this proposal is neither reasonable nor necessary. No other responses to the Motion were received.

Controlling Dates

In consideration of the foregoing, and because Aloha's request can be accommodated without the rescheduling of the Prehearing or the Hearing already scheduled in this case, I find it appropriate to revise certain controlling dates set forth in Order No. PSC-02-1460-PCO-SU, as follows, in order to allow more time for the parties to conduct discovery prior to the filing of testimony. Therefore, the following dates are hereby revised to govern the key activities of this case.

- | | |
|---|-------------------|
| 1) Utility's direct testimony
and exhibits | January 6, 2003 |
| 2) Intervenors' direct testimony
and exhibits | February 3, 2003 |
| 3) Staff's direct testimony and
exhibits, if any | February 17, 2003 |
| 4) Rebuttal testimony and exhibits | March 3, 2003 |
| 5) Prehearing Statements | March 3, 2003 |

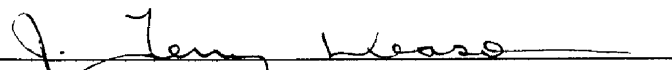
Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Aloha Utilities, Inc.'s Motion to Expedite is granted to the extent set forth in the body of this Order. It is further

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ORDERED that Order No. PSC-02-1460-PCO-SU is revised as set forth in the body of this Order, and is otherwise reaffirmed in all other respects.

By ORDER of Commissioner J. Terry Deason as Prehearing Officer, this 12th day of November, 2002.



J. TERRY DEASON
Commissioner and Prehearing Officer

(S E A L)

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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 Administrative Code, if issued by a Prehearing Officer; (2)

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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.