

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Petition by customers of Aloha Utilities, Inc. for deletion of portion of territory in Seven Springs area in Pasco County.

DOCKET NO. 020896-WS

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-04-0929-PCO-WS

ISSUED: September 22, 2004

ORDER CONSOLIDATING DOCKET NOS. 010503-WU AND 020896-WS
FOR PURPOSES OF HEARING ON DELETION PETITIONS AND
PROTEST TO ORDER NO. PSC-04-0712-PAA-WS

BY THE COMMISSION:

Two separate petitions for deletion of portions of Aloha Utilities, Inc.'s (Aloha or utility) Seven Springs service territory were filed on July 18, 2002 and May 25, 2004, in Docket No. 020896-WS (deletion petition docket). By Order No. PSC-04-0712-PAA-WS, issued July 20, 2004, in Docket Nos. 010503-WU and 020896-WS, this Commission set the deletion petitions directly for formal hearing. The Order Establishing Procedure, Order No. PSC-04-0728-PCO-WS, was issued July 27, 2004, in Docket No. 020896-WS. Subsequently, a third petition for deletion of a portion of Aloha's Seven Springs territory was filed in the docket on August 17, 2004.

Also by Order No. PSC-04-0712-PAA-WS, this Commission proposed to grant Aloha's motion to modify the fourth ordering paragraph of Order No. PSC-02-0593-FOF-WU, issued April 30, 2002, in Docket No. 010503-WU (rate case order), to require Aloha to, among other things, "meet a goal of 0.1 mg/L of sulfides in its finished water as that water leaves the treatment facilities of the utility." The intention of that requirement was to adopt the standard used by the Tampa Bay Water Authority (TBW) to combat a "black water problem" that results from the existence of hydrogen sulfide in the source water.

On August 9, 2004, V. Abraham Kurien, M.D., Harry Hawcroft, and Ed Wood, individually and collectively filed a protest to portions of the proposed agency action contained in Order No. PSC-04-0712-PAA-WS.¹ The protest disputes the proposed requirement that Aloha meet the TBW standard as the water leaves Aloha's treatment facilities, as well as the methodology upon which compliance with the TBW standard shall be determined.

¹ See Order No. PSC-04-0831-CO-WS, issued August 25, 2004, in Docket No. 020896-WS (partially consummating Order No. PSC-04-0712-PAA-WS).

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

Rule 28-106.108, Florida Administrative Code, provides that “[i]f there are separate matters which involve similar issues of law or fact, or identical parties, the matters may be consolidated if it appears that consolidation would promote the just, speedy, and inexpensive resolution of the proceedings, and would not unduly prejudice the rights of a party.” The subject matter of the protest of Order No. PSC-04-0712-PAA-WS is sufficiently related to the issues raised in the deletion petitions such that the protested issues may be appropriately included in the deletion petition proceeding, thereby obviating the need to hold separate hearings in the two dockets. Moreover, although the two dockets do not involve identical parties because the rate case docket involves intervenors other than utility customers, both dockets involve the utility and its customers as parties. Therefore, the consolidation of Docket Nos. 010503-SU and 020896-WS will promote the just, speedy, and inexpensive resolution of the proceedings.

Order No. PSC-04-0728-PCO-WS, the Order Establishing Procedure issued in Docket No. 020896-WS, shall apply to the protest to Order No. PSC-04-0712-PAA-WS, as well as to all three deletion petitions. Sufficient time has been given therein for the filing of petitioner, intervenor (including utility), staff, and rebuttal testimony prior to the consolidated hearing to assure that there will be no undue prejudice to the parties. All parties shall reference Docket Nos. 010503-SU and 020896-WS on all future filings in these proceedings until the issues identified for the consolidated hearing are resolved.

Based on the foregoing, it is

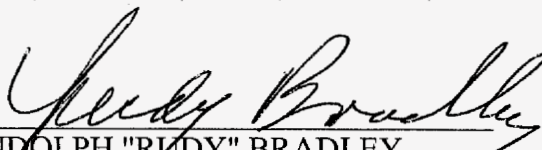
ORDERED by Commissioner Rudolph “Rudy” Bradley, as Prehearing Officer, that Docket Nos. 010503-SU and 020896-WS shall be consolidated for the purposes of hearing on the three deletion petitions filed in Docket No. 020896-WS and on the protest to Order No. PSC-04-0712-PAA-WS filed in Docket No. 010503-SU. It is further

ORDERED that Order No. PSC-04-0728-PCO-WS, the Order Establishing Procedure issued in Docket No. 020896-WS, shall apply to the protest to Order No. PSC-04-0712-PAA-WS, as well as to all three deletion petitions. It is further

ORDERED that all parties shall reference Docket Nos. 010503-SU and 020896-WS on all future filings in these proceedings until the issues identified for the consolidated hearing are resolved.

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By ORDER of Commissioner Rudolph "Rudy" Bradley, as Prehearing Officer, this
22nd day of September, 2004.



RUDOLPH "RUDY" BRADLEY
Commissioner and Prehearing Officer

(SEAL)

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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; or (2) 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.