

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Initiation of deletion proceedings against Aloha Utilities, Inc. for failure to provide sufficient water service consistent with the reasonable and proper operation of the utility system in the public interest, in violation of Section 367.111(2), Florida Statutes.

DOCKET NO. 050018-WU
ORDER NO. PSC-05-0598-PCO-WU
ISSUED: May 31, 2005

ORDER GRANTING JOINT MOTION REQUESTING COMMISSION TO
RESCHEDULE HEARING DATES

By Order No. PSC-05-0514-PCO-WU (Order Establishing Procedure), issued May 11, 2005, hearing and controlling dates were established for this docket. The prehearing conference was scheduled for August 1, 2005, and the hearing was scheduled for August 15 through 19, 2005.

On May 24, 2005, Aloha Utilities, Inc. (Aloha or utility), the Office of Public Counsel (OPC), Commission staff, Wayne T. Forehand, Harry C. Hawcroft, Sandy Mitchell, Jr., and Edward O. Wood filed a Joint Motion Requesting Commission to Reschedule Hearing Dates (Joint Motion), in which the parties request that the hearing in this docket be rescheduled to January 18 through 27, 2006. In support of their Joint Motion, the parties state that “[t]he hearing and other controlling dates established by Order No. PSC-05-0514-PCO-WU conflict with the preexisting schedules of the parties, including certain counsel and many of the witnesses that the parties anticipate will be needed for the hearing.”

I find that the Joint Motion is reasonable, as the parties are in agreement with the change to the hearing dates. Accordingly, the Joint Motion is granted. The hearing dates in this docket are hereby changed to January 18 through 27, 2006. The prehearing conference is hereby changed to December 19, 2005.

The parties shall confer and file by June 10, 2005, proposed revised filing dates for testimony/exhibits and prehearing statements to coincide with the rescheduled prehearing conference and hearing dates. An order will then be issued setting forth revised controlling dates for this docket.

Aloha filed a Motion for Continuance on May 13, 2005, prior to the filing of the Joint Motion, in which it requested that the hearing and controlling dates in this docket be rescheduled. Commission staff filed its Response to Aloha’s Motion for Continuance on May 20, 2005. As the hearing dates have been rescheduled by this order and the controlling dates will be revised once the parties’ proposed revised filing dates for testimony/exhibits and prehearing statements are submitted, the Motion for Continuance is moot.

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Therefore, it is

ORDERED by Commissioner J. Terry Deason, as Prehearing Officer, that the Joint Motion Requesting Commission to Reschedule Hearing Dates is granted. It is further

ORDERED that the prehearing conference is changed to December 19, 2005, and the hearing dates are changed to January 18 through 27, 2006. It is further

ORDERED that the parties shall confer and file by June 10, 2005, proposed revised filing dates for testimony/exhibits and prehearing statements.

By ORDER of Commissioner J. Terry Deason, as Prehearing Officer, this 31st day of May, 2005



J. TERRY DEASON
Commissioner and Prehearing Officer

(SEAL)

SMC

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

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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.