

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-05-0862-PCO-WU
ISSUED: August 25, 2005

ORDER GRANTING UNOPPOSED MOTION TO AMEND PROCEDURAL SCHEDULE
AND ESTABLISHING REVISED CONTROLLING DATES

At the Commission's August 17, 2005, special agenda conference, a decision on Aloha Utilities, Inc.'s offer of settlement was deferred, all parties were encouraged to engage in settlement negotiations, and all pending litigation in this matter was held in temporary abeyance to allow the parties to focus on the settlement negotiations. Staff was instructed to report back to the Commission within 90 days of the special agenda conference on the progress of the negotiations.

On August 23, 2005, prosecutorial staff filed its Unopposed Motion to Amend Procedural Schedule, which sets forth revised filing and other controlling dates for this docket. In support of its motion, staff states that, due to the temporary abeyance of this proceeding, the prehearing conference has been rescheduled from January 4, 2006, to April 3, 2006, and the hearing has been rescheduled from January 18 through 27, 2006, to April 10 through 14 and 19 through 21, 2006. Prosecutorial staff requests that the controlling dates be rescheduled to coincide with the revised prehearing conference and hearing dates. It further states that no party objects to its motion.

I find that prosecutorial staff's Unopposed Motion to Amend Procedural Schedule to be reasonable, and it is hereby granted. The following revised dates shall govern this case.

- | | |
|--|-----------------------------|
| 1) Commission Staff's/Intervenors' Direct Testimony and Exhibits | December 9, 2005 |
| 2) Utility's Direct Testimony and Exhibits | February 24, 2006 |
| 3) Commission Staff's/Intervenors' Rebuttal Testimony and Exhibits | March 29, 2006 |
| 4) Prehearing Statements | March 29, 2006 |
| 5) Prehearing Conference | April 3, 2006 |
| 6) Hearing | April 10-14 and 19-21, 2006 |

DOCUMENT NUMBER-DATE

08198 AUG 25 05

FPSC-COMMISSION OF PUBLIC UTILITIES

7) Briefs

June 7, 2006

All discovery shall be completed by April 3, 2006. Except as modified herein, all other provisions of Order No. PSC-05-0514-PCO-WU (Order Establishing Procedure), issued May 11, 2005, shall remain in effect.


Therefore, it is

ORDERED by Commissioner J. Terry Deason, as Prehearing Officer, that prosecutorial staff's Unopposed Motion to Amend Procedural Schedule is granted. It is further

ORDERED that the revised controlling dates set forth in the body of this Order shall govern this case. It is further

ORDERED that, except as modified in this Order, all other provisions of Order No. PSC-05-0514-PCO-WU shall remain in effect.

By ORDER of Commissioner J. Terry Deason, as Prehearing Officer, this 25th day of August, 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 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.