

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-06-0174-PCO-WU  
ISSUED: March 6, 2006

ORDER GRANTING JOINT MOTION TO RESCHEDULE PREHEARING AND HEARING DATES AND TO AMEND PROCEDURAL SCHEDULE

At the Commission's August 17, 2005, special agenda conference, a decision on Aloha's 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 requested revised filing and other controlling dates for this docket to accommodate the settlement negotiations. The motion was granted by Order No. PSC-05-0862-PCO-WU, issued August 25, 2005. The prehearing conference was rescheduled to April 3, 2006, and the hearing was rescheduled to April 10 through 14 and 19 through 21, 2006.

On November 14, 2005, the parties filed a Joint Motion to Reschedule Prehearing and Hearing Dates and to Amend Procedural Schedule. By Order No. PSC-05-1161-PCO-WU, issued November 21, 2005, the motion was granted. The prehearing conference was rescheduled to June 28, 2006, and the hearing was rescheduled to July 10 through 14, 20 through 21, and August 4, 2006.

On February 28, 2006, the parties filed a Joint Motion to Reschedule Prehearing and Hearing Dates and to Amend Procedural Schedule (Joint Motion). In support of the Joint Motion, the parties state that "[m]uch progress has been made in the settlement negotiations." They further state that the negotiating team has tentatively agreed on a plan to remove hydrogen sulfide from the water and "thereby address the color, taste, and odor problems."

The parties state that a meeting is scheduled for March 9, 2006, to present the negotiated plan to the customers. The parties assert that they hope to execute an overall settlement agreement shortly after the March 9, 2006, customer meeting, and then present the settlement to the Commission for approval. The parties state that an additional 60 days is needed to finalize the settlement agreement.

DOCUMENT NUMBER-DATE

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The parties request that the prehearing conference be rescheduled to August 28, 2006, and the hearing be rescheduled to September 6 through 8 and 11 through 15, 2006. They further request that the other controlling dates be revised to coincide with the revised hearing dates.

I find the Joint Motion 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   | May 3, 2006                   |
| 2) | Utility's Direct Testimony and Exhibits                         | July 19, 2006                 |
| 3) | Commission Staff's/Intervenors' Rebuttal Testimony and Exhibits | August 23, 2006               |
| 4) | Prehearing Statements                                           | August 23, 2006               |
| 5) | Prehearing Conference                                           | August 28, 2006               |
| 6) | Hearing                                                         | September 6-8 and 11-15, 2006 |
| 7) | Briefs                                                          | October 27, 2006              |

All discovery shall be completed by August 30, 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 the Joint Motion to Reschedule Prehearing and Hearing Dates and to Amend Procedural Schedule is granted. It is further

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

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

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By ORDER of Commissioner J. Terry Deason, as Prehearing Officer, this 6th day of  
March, 2006.

  
J. TERRY DEASON  
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.