

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

*In Re* Investigation of Utility )  
rates of Aloha Utilities, Inc. )  
In Pasco County, Florida. )  
\_\_\_\_\_ /

DOCKET NO. 960545-WS

FILED: July 6, 1999

**INTERVENORS' MOTION FOR MORE TIME  
TO PROVIDE PREFILED TESTIMONY**

The Citizens of the State of Florida, by and through JACK SHREVE, Public Counsel, (Citizens) and Aloha Customer Mike Fasano, (Intervenors) move the Florida Public Service Commission (Commission) for more time to provide prefiled testimony, and as grounds therefore say:

1. On June 30, 1999, Aloha Utilities, Inc., (Aloha) filed its prefiled direct testimony in accordance with the schedule set forth in Order No. PSC-99-0514-PCO-WS; this testimony comprises more than 600 pages of highly technical data, addressing engineering issues, primarily, and including additional pages of financial data;

2. Order No. PSC-99-0514-PCO-WS provides that intervenor direct testimony should be filed on or before July 13, 1999, nine working days after the direct filing to which it must respond;

3. The Affidavit of Ted L. Bidy, P.E., attached hereto as Exhibit A, and made a part hereof by reference, alleges as follows:

- ▶ That he is under contract to the Office of Public Counsel, the Citizens representatives in this docket;

DOCUMENT NUMBER-DATE

08089 JUL-6 99

FPSC-RECORDS/REPORTING

- ▶ That he was provided a copy of Aloha's engineering testimony as soon as practicable after it was filed;
- ▶ That any meaningful evaluation and response to Aloha's engineering testimony would take considerably longer than nine days, and should include both a site visit by Mr. Bidy, and the sampling and analysis of Aloha's raw and treated water.

4. While the Intervenors have been in possession since 1997 of a copy of the exhibit which comprises the bulk of the engineering testimony in this case, the Intervenors had no assurance that the exhibit would be used or relied upon in the forthcoming hearing until such time as it was identified as a part of Aloha's direct testimony to be offered at this hearing, and could not have practically engaged in its evaluation, verification, and response until its filing;

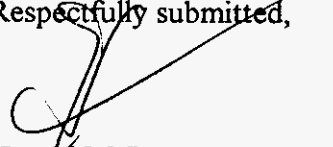
5. By the terms of Order No. PSC-97-0280-FOF-WS, Aloha was afforded three months to compile the exhibit which comprises the bulk of the Aloha's engineering testimony, it is patently unreasonable to expect that any meaningful evaluation, verification, and response to such a report can take place within nine working days.

6. The Intervenors' meaningful point of entry into the administrative process depends upon a fair opportunity to evaluate, verify, and respond to prefiled testimony which may be and probably is adverse to their interests.

7. Undersigned counsel has advised staff counsel of this motion, and has sought from Counsel for Aloha whether the motion would be opposed, but as of this date, no definitive word has been received from counsel.

WHEREFORE, the Intervenors move the Commission for additional time in which to provide their prefiled direct testimony such that the testimony should be filed after August 13, 1999, an extension of 30 days.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'H. McLean', is written over the text 'Respectfully submitted,'.

Harold McLean  
Associate Public Counsel

Office of Public Counsel  
c/o The Florida Legislature  
111 West Madison Street  
Room 812  
Tallahassee, FL 32399-1400

Attorney for the Citizens  
of the State of Florida

**CERTIFICATE OF SERVICE  
DOCKET NO. 960545-WS**

I HEREBY CERTIFY that a copy of the foregoing has been furnished by U.S. Mail or hand-delivery to the following parties on this 6th day of July, 1999.



---

Harold McLean

Ralph Jaegar  
Division of Legal Services  
Fla. Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

Marshall Deterding, Esq.  
Rose, Sundstrom & Bentley  
2548 Blairstone Pines Drive  
Tallahassee, FL 32301

James Goldberg, President  
Wyndtree Master Community Assoc.  
1251 Trafalger Drive  
New Port Richey, FL 34655

Representative Mike Fasano  
8217 Massachusetts Avenue  
New Port Richey, FL 34653

STATE OF FLORIDA )  
)  
)  
COUNTY OF LEON )

AFFIDAVIT

PERSONALLY came and appeared before me, the undersigned person, Ted L. Biddy, P.E., personally known to me, who being first duly sworn by said as follows:

- 1) I am Ted L. Biddy, P.E.; I am a registered professional Engineer in the State of Florida, and in other states, my office is in Tallahassee, Florida; I am under contract to the Office of Public Counsel to provide engineering analysis of issues in Docket No. 960545, currently before the Florida Public Service Commission;
- 2) I have examined the direct pre-filed testimony filed on June 30, 1999, by Aloha Utilities, Inc. in Docket No. 960545, made available to me at 10:00 a.m. on July 1, 1999. Any meaningful analysis of the engineering data contained therein would take considerably more than eight working days, and should include a site visit, and the taking of water samples -- both raw and treated -- for analysis, and consideration of the results of independent laboratory testing. The formulation of testimony for presentation to the Commission would take even longer. My analysis, verification, and response to the Aloha's testimony would take a full forty five days; any lesser time would materially diminish the extent to which I could provide assistance to the Citizens of the State of Florida.

And further, AFFIANT SAYETH NAUGHT.

*Ted Biddy*  
\_\_\_\_\_  
TED L. BIDDY, P.E.

SWORN TO and subscribed before me this 2<sup>nd</sup> day of July, 1999 at Tallahassee, Florida.

*Dana Singletary Burns*  
\_\_\_\_\_  
NOTARY PUBLIC

my commission expires: \_\_\_\_\_

