

ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Investigation of utility rates of Aloha Utilities, Inc. in Pasco County, Florida

DOCKET NO. 960545-WS

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

COMES NOW Aloha Utilities, Inc. (hereinafter "Aloha" or "Utility"), by and through undersigned counsel, hereby files this Response to Intervenor's Motion for More Time to Provide Prefiled Testimony and in support thereof states as follows:

1. The extensive Engineering Report which the Intervenor alleges requires detailed analysis, and therefore the additional time requested for filing their testimony, has been in the hands of the Intervenor and the Florida Public Service Commission for over two years now. The newest material provided in the prefiled testimony of Aloha (filed approximately two weeks ago) is a published study from one year ago which has been in possession of the Public Service Commission in its draft form for at least eighteen months and of which the Public Counsel has been aware of (if not in possession of) for approximately that same amount of time, if not longer.

2. To suggest that Aloha's testimony somehow raises new issues of which the Intervenor were not aware, is disingenuous. Intervenor were fully aware at least since March that Aloha contested that it had any obligation to submit direct testimony on the subject of quality of

service and Aloha has taken the position throughout that the Utility had no such an obligation.

3. Intervenor are the ones who protested the Commission's Order proposing to take no further action in this proceeding, not Aloha. As such, Intervenor should have known at least

since they filed their protest, what areas they wished to present evidence on to the Commission, and

RECEIVED & FILED

DOCUMENT NUMBER-DATE

08298 JUL 13 2008

FPSC-BUREAU OF RECORDS

FPSC-RECORDS/REPORTING

- AFA
APP
CAF
CMU
CTR
EAG
LEG
MAS
OPC
RRR
SEC
WAW
OTH

14

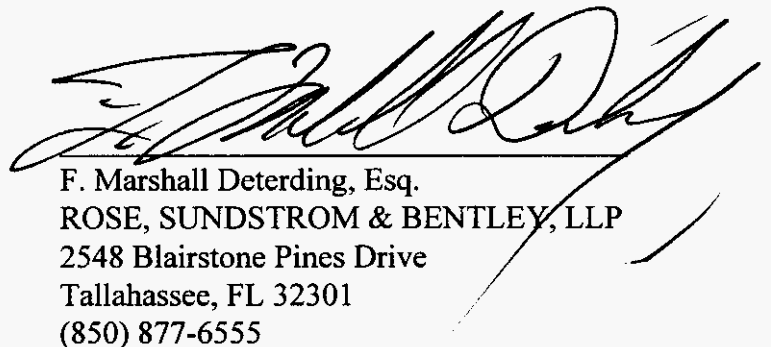
it was not incumbent upon Aloha to "raise issues" in this proceeding to which the Intervenors would have to respond. Intervenors are the protestants in this proceeding.

4. Aloha's rebuttal testimony is necessary in order to allow Aloha the opportunity to respond to allegations raised by the Intervenors. If any entity is in need of more time in which to file testimony in this proceeding, it is Aloha's required rebuttal that will require additional time to prepare. Intervenors should have known what their issues are since before the filing of their protest over six months ago.

5. However, if the Commission is willing to grant to Aloha additional time after the filing of testimony by the Commission Staff, equal to that granted by the Commission to the Intervenors to file their direct testimony, Aloha has no objection to the granting of the thirty-one day period of time up until August 13, 1999 for Intervenors to file their direct testimony.

WHEREFORE, Aloha Utilities, Inc. does not object to the granting of extension up until August 13, 1999 for the filing of Intervenors' direct testimony so long as Aloha is granted an extension of a like-number of days, after the revised filing date for Staff testimony, for the filing of Aloha's rebuttal testimony. Otherwise, if Aloha is not granted an equal extension of time, then Aloha opposes Intervenors' Motion as unprecedented and unreasonable under the circumstances.

Respectfully submitted this 13th day of July, 1999.



F. Marshall Deterding, Esq.
ROSE, SUNDSTROM & BENTLEY, LLP
2548 Blairstone Pines Drive
Tallahassee, FL 32301
(850) 877-6555

CERTIFICATE OF SERVICE

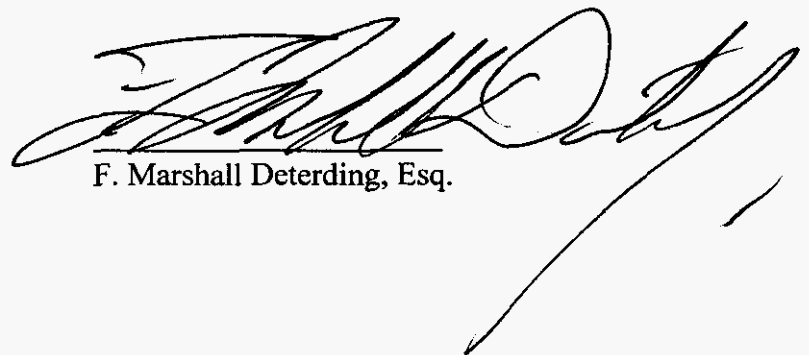
I HEREBY CERTIFY that a true and accurate copy of the foregoing has been furnished via Hand Delivery (denoted by *) and by Regular U.S. Mail to the following on this 13th day of July, 1999:

Ralph Jaeger, Esq.*
Division of Legal Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

James Goldberg, Esq.
1251 Trafalger Drive
New Port Richey, FL 34655

Mike Fasano
8217 Massachusetts Avenue
New Port Richey, FL 34653

Harold McLean, Esq.
Office of Public Counsel
111 Madison Street, Room 812
Tallahassee, FL 32399-1400



F. Marshall Deterding, Esq.

aloha\17\moretime.mot