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OF COUNSEL

February 24, 2000

VIA HAND DELIVERY

Blanca S. Bayo, Director
Division of Records & Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0862

Re: Aloha Utilities, Inc.; PSC Docket No. 991643-SU
Petition for Wastewater Rate Increase for its Seven Springs System Customers in Pasco
County, Florida
Our File No. 26038.30

Dear Ms. Bayo:

Attached in accordance with the requirements of Rule 25-30.440(1)(a) and (b), are two copies of the maps requested in those Rule subsections. These should be filed in the above-referenced case. We submitted a copy of these maps to the Commission staff in advance in order to obtain agreement from the staff that the attached maps do comply with the requirements of the Rule. We have now received verbal confirmation in which the staff agreed that the attached maps do meet those requirements. Based upon that assurance, we are hereby withdrawing our Petition for Emergency Variance submitted on February 9, 2000 under the provisions of Rule 28-104.002 and 28-104.004, F.A.C.

However, we should note that we are very disappointed in the way the staff has handled that Petition for Emergency Variance. The staff had told us in meetings prior to filing the Rate Case Application or the Petition for Emergency Variance that based upon the circumstances in which Aloha found itself, they agreed that a Variance was appropriate in these circumstances. No further investigation of the facts surrounding the requested Variance were necessary. However, some members of the legal staff rather than issuing a recommendation to grant the Variance (whether an emergency under their definition or not), apparently felt it was more important to discuss the issue of whether this situation constituted "an emergency" than to resolve the substantive issue, the answer to which was already known. Therefore, they utilized their time and efforts and those of the Commissioners to issue a recommendation which served no purpose but to delay something that required no delay, and where delay would plainly cause the Utility to suffer irreparable financial harm. They took this position even though it would have taken less time to issue a recommendation granting the Variance, than to investigate, draft and file a recommendation based upon the legal niceties of whether or not this situation constituted an emergency.

It should also be noted that the maps that are attached are the result of many long hours of work on nights and weekends by the Utility's consulting engineers, that we contend, and we believe

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the technical staff agrees, were not needed for any purpose in this rate proceeding. Those maps were already being created as part of an overall accumulation of a great many CAD maps for a sewer master plan the Utility was in the process of developing. However, substantial additional effort and accelerated work was necessary in order to provide them at this time. That task was accelerated after we learned of the staff's recommendation not to review the Variance on an emergency basis, approximately one week ago.

Based upon the above, please include the attached two maps as "**Exhibit 10**" to the above-referenced docketed Application for Increase in Wastewater Rates for Aloha Utilities, and based solely upon the staff's assurances that the attached maps comply with the requirements of Rule 25-30.440(1)(a) and (b), F.A.C., we hereby withdraw our Application for Emergency Variance pursuant to Rule 28-104.002 and 28-104.004, F.A.C. filed with the Commission on February 9, 2000 and scheduled for consideration at the Commission's February 29, 2000 agenda conference.

Should you have any questions in this regard, please let me know.

Sincerely,

ROSE, SUNDBSTROM & BENTLEY



F. Marshall Deterding
For The Firm

FMD/tmg
Enclosures

cc: Commissioner J. Terry Deason
Commissioner Lila A. Jaber
Commissioner E. Leon Jacobs, Jr.
Rosanne Gervasi, Esquire
Noreen Davis, Director
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Bob Crouch, P.E.
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STATE OF FLORIDA



DIVISION OF THE COMMISSION CLERK & ADMINISTRATIVE SERVICES
BLANCA S. BAYÓ
DIRECTOR

Public Service Commission

MAPS/DIAGRAMS

DOCKET NO.: 991643-SU

DOCUMENT NO.: 02549-00

DOCUMENT DESCRIPTION: *(Example: page 5 of pdf file.)*

In accordance with the requirements of Rule 25-30.440(1)(a) and (b) Aloha Utilities Inc., Seven Springs WWTP Sewer Collection System 4 sheets. [CLK Note: Map forwarded to Staff.]