

ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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In re: Application for increase in )  
wastewater rates in Seven Springs )  
System in Pasco County by Aloha )  
Utilities, Inc. )  
\_\_\_\_\_ )

Docket No. 991643-SU

RECORDS AND  
REPORTING

MOTION FOR ORAL ARGUMENT

COMES NOW, Aloha Utilities, Inc. (hereinafter referred to as "Aloha" or the "Utility"), pursuant to the provisions of Rule 25-22.0601(f), Florida Administrative Code, (hereinafter referred to as "F.A.C.") hereby files this Motion for Oral Argument and would state and allege as follows:

1. On March 5, 2001, Aloha filed its Cross Motion for Reconsideration. On March 22, 2001, the Staff Recommendation on that Cross Motion was filed.

2. Aloha's Cross Motion for Reconsideration has been filed pursuant to Rule 25-22.060, F.A.C. Rule 25-22.060(f), F.A.C., provides that "oral argument on any pleading filed under this rule shall be granted solely at the discretion of the Commission." This Motion requests oral argument in support of Aloha's Cross Motion for Reconsideration pursuant to (f) of the aforementioned rule, which may be granted "solely" at the discretion of the Commission.

3. Clearly, the aforementioned rule does not require, as a condition precedent to the exercise by the Commission of its sole discretion, the filing of a Request for Oral Argument pursuant to Rule 25-22.058, F.A.C. The Commission's sole discretion in granting argument as requested herein, has no condition precedent established by rule or Commission policy.

4. Traditionally, the Commission has allowed the parties to address Motions for Reconsideration filed after evidentiary proceedings, as is the case here, without a formal contemporaneous request for oral argument on any such motions. The Motion for Reconsideration rule, in fact, speaks to oral argument on Motions for Reconsideration without reference to Rule 25-22.058, F.A.C., and the Commission has traditionally exercised its sole discretion to allow such oral argument.

APP \_\_\_\_\_  
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CTR \_\_\_\_\_  
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OPC \_\_\_\_\_  
PAI \_\_\_\_\_  
RGO \_\_\_\_\_  
SEC I \_\_\_\_\_  
SER \_\_\_\_\_  
OTH \_\_\_\_\_

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*[Signature]*  
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5. No party will be prejudiced if oral argument is allowed on Aloha's Cross Motion for Reconsideration. Oral argument is anticipated to be made on OPC's Motion for Reconsideration in this same case. This case has numerous complex issues and the parties have addressed, through oral argument, numerous issues in this case to this same panel. There is no reason to deny Aloha (or, for that matter, OPC) the opportunity to present oral argument on the Cross Motion for Reconsideration now.

6. The issues raised by the Cross Motion for Reconsideration are complex and the evidence in this case is substantial. Oral argument will aid the Commission in comprehending those issues raised by Aloha's Cross Motion for Reconsideration and fully comprehending staff's recommendation as it relates to the same. Oral argument will facilitate an expeditious and efficient disposition of these issues. In the absence of oral argument, the Commissioners task of comprehending the issues raised by the Cross Motion for Reconsideration, OPC's Response thereto, and the Staff Recommendation, will be further complicated.

WHEREFORE, in consideration of the above, Aloha respectfully request that the Commission utilize its sole discretion to provide each of the parties an opportunity to address the Commission, by oral arguments, on those issues raised by Aloha's Cross Motion for Reconsideration.

Respectfully submitted this 26<sup>th</sup> day of March, 2001.



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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via hand delivery to the following on this 28<sup>th</sup> day of March, 2001:

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