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January 4, 2002

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*OF COUNSEL*

**VIA HAND DELIVERY**

Lorena Espinoza, Esquire  
Division of Legal Services  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

Re: Aloha Utilities, Inc.; PSC Docket No. 010503-WU  
Our File No. 26038.35

Dear Lorena:

As a follow up to yesterday's depositions, I am providing the following information and providing the status of the information not yet accumulated. If for any reason you believe there are any missing exhibits that are not addressed herein, please let me know immediately.

1. **Robert Nixon**

Late-Filed Exhibit No. 1 - Cost associated with revised interim (accounting, legal, engineering and in-house).

We are currently working on this, but it will take us at least until Monday or perhaps Tuesday to finalize it.

2. **Stephen Watford**

Late-Filed Exhibit No. 1 - Date the conservation programs and associated expenses were approved by the District.

As I told you at the hearing yesterday, there is no document whereby those conservation programs have been specifically approved. They will be approved as part of the overall Consent Order once that is finalized and signed by all parties. To date, the conservation measures have been discussed at length and the Water Management District had substantial input in developing the programs and the associated costs, but there is no document (other than the written plan itself) which shows their approval. However, from a negotiation standpoint concerning the Consent Agreement, the conservation program has been agreed to by both parties, to the extent the remaining issues unrelated to those programs are worked out. Therefore, we will not provide anything more on this issue.

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

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3. Late-Filed Exhibit No. 2 - Document whereby the Utility provided staff with a listing of the conservation measures.

In Steve Watford's rebuttal testimony, he noted that this information was provided to the staff with an October 22, 2001 response to staff discovery. That was incorrect and Mr. Watford will correct that at hearing. In fact, that information was provided as part of a Late-Filed Deposition Exhibit to the first deposition of Mr. Watford, with a letter dated October 19, 2001 from me to you.

Late-Filed Exhibit No. 4 - We are currently preparing the list of 10 open positions and the pay rate at which they were filled. This is in response to request by Mr. Burgess. It will probably take us a couple of days to get this document finalized. We will provide it as soon as it is available.

Late-Filed Exhibit No. 5 - Most recent draft of Consent Order with Southwest Florida Water Management District.

Hopefully, this will be provided Monday. We are having to get with the counsel that has been involved in these negotiations, to locate that document before we can send it over.

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

Sincerely,

ROSE, SUNDSTROM & BENTLEY, LLP



F. Marshall Deterding  
For The Firm

FMD/tms  
Enclosure

cc: Blanca S. Bayo (Via Hand Delivery)  
Stephen Burgess, Esq. (Via Hand Delivery)  
Ms. Margaret Lytle (Via Telecopy)  
David W. Porter, P.E.  
Mr. Stephen G. Watford  
Robert C. Nixon, CPA

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