

REQUEST TO ESTABLISH DOCKET
(Please Type)

| | | | |
|------|--------------|------------|-----------|
| Date | May 10, 2002 | Docket No. | 020413-SU |
|------|--------------|------------|-----------|

1. Division Name/Staff Name:

2. OPR: OFFICE OF THE GENERAL COUNSEL (GERVASI)

3. OCR: DIVISION OF ECONOMIC REGULATION (MERCHANT, WILLIS, FLETCHER)

4. Suggested Docket Title: INITIATION OF SHOW CAUSE PROCEEDINGS AGAINST ALOHA UTILITIES, INC., FOR FAILURE TO CHARGE APPROVED SERVICE AVAILABILITY CHARGES IN VIOLATION OF ORDER NO. PSC-01-0326-FOF-SU AND SECTION 367.091, FLORIDA STATUTES.

5. Suggested Docket Mailing List (attach separate sheet if necessary)

A. Provide NAMES OR ACRONYMS ONLY if a regulated company.

B. Provide COMPLETE NAME AND ADDRESS for all others. (Match representatives to companies.)

1. Parties and their representatives (if any):

ALOHA UTILITIES, INC.

F. Marshall Deterding, Esq.
Rose, Sundstrum, and Bentley, LLP
2548 Blairstone Pines Drive
Tallahassee, FL 32301
(850) 877-6555
(represents Aloha Utils., Inc.)

2. Interested persons and their representatives (if any):

| | |
|----------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------|
| Stephen Burgess, Esq. Office of Public Counsel 111 W. Madison Street, #812 Tallahassee, FL 32399-1400 (850) 488-9330 | Rep. Mike Fasano 8217 Massachusetts Avenue New Port Richey, FL 34653 |
|----------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------|

| | |
|-----------------------------------------------------------------------------------------|-----------------------------------------------------------------|
| I. H. Suncoast Homes, Inc. P.O. Box 273020 Tampa, FL 33688-3020 (813) 948-2620 | Windward Homes 5402 Beaumont Center Blvd. Tampa, FL 33634 |
|-----------------------------------------------------------------------------------------|-----------------------------------------------------------------|

| | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| J. Ben Harrill, Esq. Jerry Figurski, Esq. Figurski & Harrill 2435 U.S. Hwy. 19, Suite 350 Holiday, FL 34691 (727) 942-0733 (727) 944-3711 (fax) (represent Windward Homes) | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|

6. Check one:

Documentation is attached.

Documentation will be provided with recommendation.

DOCUMENT NUMBER-DATE
05085 MAY 10 08

FPSC-COMMISSION CLERK

FAX COVER SHEET

May 9, 2002

To: Ralph Jaeger

From: Susan Williams, I.H. Suncoast Homes, Inc. (813)948-2620

This is the letter we received. Let me know if you find out anything or if you need anything else.

Pages including cover: 2

Aloha Utilities, Inc.

*6915 Perrine Ranch Road
New Port Richey, FL 34655*

(727) 372-0115 Fax (727) 372-2677

April 16, 2002

I.H. Suncoast Homes, Inc.
P.O. Box 273020
Tampa, FL 33688-3020

Re: Thousand Oaks, Phase 2 - 5
Additional Fees

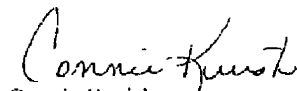
To Whom it May Concern:

As per the attached wastewater tariff effective May 23, 2001, the additional sewage plant capacity charge (impact fee) must be paid prior to commencement of water and/or sewer services. The prior amount paid was \$206.75, which leaves a balance of \$1,443.25.

We apologize for any inconvenience this may have caused. Should you have any further questions, please feel free to contact our office.

Sincerely,

ALOHA UTILITIES, INC


Connie Kurish
Administration Manager

CK/pjy

2002gencom III Suncoast Homes sewer impact

FIGURSKI & HARRILL
THE HOLIDAY TOWER
2435 U.S. HIGHWAY 19, SUITE 350
HOLIDAY, FLORIDA 34691
Phone Number: (727) 942-0733
Fax Number: (727) 944-3711

Fax

To: Bart Fletcher (Florida Public Service Commission)

Fax #: (850) 413-7018

From: J. Ben Harrill, Esquire

Re: Thousand Oaks / Letter from Aloha Dated April 22, 2002

Total pages, including cover: 2

Date Sent: May 9, 2002

COMMENTS:

CONFIDENTIAL WARNING - THIS TRANSMISSION MAY CONTAIN CERTAIN INFORMATION WHICH IS PRIVILEGED OR CONFIDENTIAL. IF YOU ARE NOT THE INTENDED RECIPIENT OF THIS TRANSMISSION AND RECEIVED IT IN ERROR, PLEASE CONTACT THE SENDER IDENTIFIED ABOVE FOR FURTHER INSTRUCTIONS.

Aloha Utilities, Inc.

6915 Penine Ranch Road
New Port Richey, FL 34655
(727) 372-0115 Fax (727) 372-2677

April 22, 2002

Mr. Chad Horne
Windward Homes
5402 Beaumont Center Blvd.
Tampa, FL 33634

VIA CERTIFIED RETURN RECEIPT:
7099-3400-0018-4330-7707

RE: Thousand Oaks Multi-family Development-Wastewater Plant Capacity Charge

Dear Mr. Horne:

Effective May 23, 2001, Aloha Utilities, Inc. was authorized by the Florida Public Service Commission to increase its wastewater service availability charge from \$206.75 to \$1,650.00, a difference of \$1,443.25 per ERC. All connections from that day forward are required to be assessed the new fee. Unfortunately, through a mistake on the part of the Utility, several developers/builders were not assessed the additional fee, either as to their connections made since that time, or assessed for the increase for future connections which have been reserved. Your Company has connected 25 connections since May 23, 2001. As such, we are required by our tariff, Public Service Commission Orders, and by Florida law, to assess you at this increased rate. While the Utility mistakenly failed to charge you for this increase previously, we are authorized both under our Developer Agreement with you and under Public Service Commission Rules to back bill in the case of such a mistake.

The total amount that is due to Aloha from your Company for prior connections is \$36,081.25. For reservation of capacity and connections not yet made, the additional amount owed is \$168,860.25 (117 connections X \$1,443.25 increased charge) per additional connection.

We apologize for this mistake and we will be glad to work with you on the method of repayment. However, we must receive all of these overdue monies for prior connections in order to comply with PSC requirements.

We need to hear from you shortly or we will have to consider alternative measures in order to collect these monies. If you have any questions, please let me know. Again, we appreciate your cooperation in resolving this matter quickly.

Sincerely,

ALOHA UTILITIES, INC.


Stephen G. Warford
President

SGW/rck

Letters02genmaildev@aloha.com Input.doc

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Staff's Investigation
Concerning Aloha Utilities,
Inc.'s, Compliance With Orders
Nos. PSC-01-0961-FOF-SU and PSC-
01-0326-FOF-SU in Regards to
Charging the Appropriate Service
Availability Charges.

UNDOCKETED

DATED: MAY 8, 2002

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the original of the Commission's First Request for Production of Documents to Aloha Utilities, Inc., (NOS. 1 - 2), has been hand-delivered to F. Marshall Deterding, Esquire, Rose, Sundstrom & Bentley, LLP, 2548 Blairstone Pines Drive, Tallahassee, Florida, 32301, and that a true and correct copy thereof has been furnished to the following by U.S. Mail, this 8th day of May, 2002:

Stephen Burgess, Esquire
Office of Public Counsel
c/o The Florida Legislature
111 W. Madison Street, #812
Tallahassee, FL 32399-1400

Rep. Mike Fasano
8217 Massachusetts Avenue
New Port Richey, FL 34653

DATED:

May 8, 2002

Ralph R. Jaeger
Ralph R. Jaeger, Senior Attorney
FLORIDA PUBLIC SERVICE COMMISSION
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850
(850) 413-6199

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Staff's Investigation
Concerning Aloha Utilities,
Inc.'s, Compliance With Orders
Nos. PSC-01-0961-FOF-SU and PSC-
01-0326-FOF-SU in Regards to
Charging the Appropriate Service
Availability Charges.

UNDOCKETED

DATED: MAY 8, 2002

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the original of the Commission's First Set of Interrogatories to Aloha Utilities, Inc. (No. 1), has been hand-delivered to F. Marshall Deterding, Esquire, Rose, Sundstrom & Bentley, LLP, 2548 Blainstone Pines Drive, Tallahassee, Florida 32301, and that a true and correct copy thereof has been furnished to the following, by U.S. Mail, this 8th day of May, 2002:

Stephen Burgess, Esquire
Office of Public Counsel
c/o The Florida Legislature
111 W. Madison Street, #812
Tallahassee, FL 32399-1400

Rep. Mike Fasano
8217 Massachusetts Avenue
New Port Richey, FL 34653

DATED:

May 8, 2002

Ralph K. Jaeger
Ralph K. Jaeger, Senior Attorney
FLORIDA PUBLIC SERVICE COMMISSION
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850
(850) 413-6199