

REQUEST FOR CHANGE TO AGENDA CONFERENCE
HAND DELIVER

ORIGINAL

Date of Request: 5/13/02 Date of Agenda Conference: 5/21/02 Item No. _____

Docket No.: 020413-SU Brief Title: Show Cause against Aloha Utilities, Inc.

Requested by: Staff Other _____

Please attach a copy of the written documentation filed (if other) _____ (Name)

STAFF's Recommendation to Executive Suite (IF OTHER) Approve Request Deny Request

ACTION REQUESTED [see APM 2.11 and SOP 1607]

- Defer Item to Agenda Scheduled Date: _____
- Change Order of Item or Take Up at Time Certain
- Withdraw Item
- Late Filed Recommendation (must be filed no later than 3:00 p.m. on the date approved for late filing) A copy of the front page of the recommendation must be provided to CCA by 12 noon on the regular filing date for use as a place-holder during agenda preparation.
- Add Item to Published Agenda [see Section 120.525(2), F.S.] - Issue an ADDENDUM and give Legal NOTICE
- Add Emergency Item to Published Agenda [see Section 120.525 (3), F.S.] - Issue an ADDENDUM and Give Fair NOTICE

Concise explanation, justification or comments (attach additional sheet if necessary):

Docket No. 020413-SU was opened on 5/13/02 to initiate show cause proceedings against Aloha Utilities, Inc. for failure to charge its approved service availability charges, in apparent violation of a Commission order and Section 367.091, Florida Statutes. In April, 2002, the utility began to backbill customers for the service availability charges that it should have been charging since May 23, 2001. Developers have begun to inquire about the backbilling. Whether the utility should be allowed to backbill under the circumstances, and whether it should be required to refund any backbilled amounts received, will be at issue in the recommendation. If the Commission disallows the backbilling, the utility will likely be required to refund backbilled amounts received. Staff is requesting to late-file a recommendation for the May 21, 2002, agenda in order for the Commission to reach a decision on these matters as soon as possible so that potential refunding is minimized.

Signature (OPR Staff): OCR JBS AM

Initials (OPR Division Director or Designee): OCR JBS

Signature (Legal Staff): (OPR) RL

Initials (Legal Division Director or Designee): (OPR) JBS

EXECUTIVE DIRECTOR:

Recommendation to the Chairman's Office
Initials: MAB

Approve Request Deny Request
Date: 5/13/02

Comments:

CHAIRMAN'S OFFICE:
Initials: [Signature]

Approve Request Deny Request
Date: 5/13/02

Executive Suite will send the original to the Division of Commission Clerk and Administrative Services and return a copy to the requesting staff after the Chairman's Office takes action on this request. Requesting staff should distribute copies to the Division Directors (OPR & OCR) and Attorney assigned to the docket.

AUS _____
DAF _____
DMP _____
DOM _____
DTR _____
EOR _____
SCL _____
DPC _____
MMS _____
SEC T
DTH Blanca
Sandy
Rose

FPSC/EXD-1 (03/02)

DOCUMENT NUMBER-DATE
05128 MAY 13 2002
FPSC-COMMISSION CLERK