

REQUEST FOR CHANGE TO AGENDA CONFERENCE
HAND DELIVER

ORIGINAL

Date of Request: 5/21/02 Date of Agenda Conference: 5/21/02 Item No. 8A

Docket No.: 020413-SU Brief Title: Initiation of Show Cause Proceedings Against Aloha Utilities, Inc.

Requested by: Staff Other Suzanne Brownless, P.A. on behalf of Aloha Utilities, Inc.

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: July 9, 2002 Agenda Conference

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):

Aloha Utilities, Inc. (Aloha or utility) requests that consideration of this item be continued until the Commission's July 9, 2002 Agenda Conference. The utility states that this request is being made due to a conflict of interest which has arisen only this afternoon with regard to Aloha's counsel, Rose, Sundstrom & Bentley. Due to this previously unknown conflict, the Rose, Sundstrom & Bentley law firm is unable to appear on behalf of Aloha at the May 21, 2002 Agenda Conference. As of May 20, 2002, Aloha has retained Suzanne Brownless, P.A. to represent them in this matter. The utility states that due to the complexity and long history of the service availability charges at issue here, the newly retained law firm need additional time to adequately prepare to present Aloha's position in this matter. In addition, the utility states Stephen Watford, Aloha's President and the only person other than Marty Deterding of the Rose law firm familiar enough with the facts at issue here to appear before the Commission, will be out of the country on a long-planned sailing trip from June 4th until June 20th.

Signature (OPR Staff): *Marshall Williams*

Initials (OPR Division Director or Designee): *MPB*

Signature (Legal Staff): *Blanca*

Initials (Legal Division Director or Designee): *BL*

EXECUTIVE DIRECTOR:

Recommendation to the Chairman's Office

Approve Request Deny Request

Initials: *MPB*

Date: *5/21/02*

Comments:

- AUS
- CAF
- CMP
- COM
- CTR
- ECR
- GCL
- OPC
- MMS
- SEC
- OTH

CHAIRMAN's OFFICE:

Approve Request Deny Request

Initials: *AC*

Date: *5/21/02*

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.

DOCUMENT NUMBER-DATE

05376 MAY 21 02

FPSC-COMMISSION CLERK

BLANCA
PSC/EXD-1 (03/02)
STANBY
ROSE

SUZANNE BROWNLESS, P. A.

ATTORNEY AT LAW
1311-B Paul Russell Road, Suite 201
Tallahassee, Florida 32301

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PUBLIC UTILITY LAW

TELEPHONE (850) 877-5200
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May 20, 2002

VIA FAX
413-7180

Chairman Lila Jaber
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850

RE: Docket No. 020413-SU
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, F.S.

Dear Chairman Jaber:

This letter is to request that consideration of the above-styled docket, listed as Item No. 8A on the May 21st agenda, be continued until the Commission's July 9, 2002 agenda conference. This request is being made due to a conflict of interest which has arisen only this afternoon with regard to Aloha's counsel, Rose, Sundstrom & Bentley. Due to this previously unknown conflict, the Rose, Sundstrom law firm is unable to appear on behalf of Aloha at tomorrow's agenda and my firm was retained as of 4:00 p.m. today to represent Aloha in this matter.

Due to the complexity and long history of the service availability charges at issue here, I do not believe that I have time to adequately prepare to present Aloha's position to the Commission tomorrow. Aloha is requesting that the item be continued until the Commission's July 9th agenda because the President of Aloha, Stephen Watford, the only person other than Marty Deterding of the Rose law firm familiar enough with the facts at issue here to appear before the Commission, will be out of the country on a long planned, and long paid for sailing trip from June 4th until June 20th.

Until the Commission can consider this item at the July 9th agenda, Aloha will collect the new service availability charges of \$1,650.00 only from customers who received notice of the service availability charge increase after April 16, 2002. Further, all customers will be connected to Aloha's system upon request. Notwithstanding this action, Aloha specifically reserves the right to contest the effective date of the service availability tariff

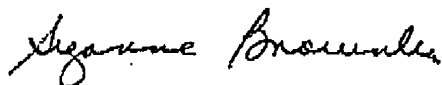
Chairman Lila Jaber
May 20, 2002
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and the necessity of giving notice of the service availability increase before the Commission and on appeal.

Aloha has spoken with Dr. Bane, Harold McLean and Marshall Willis concerning this request and under the terms set forth above, they support Aloha's request for continuance until the July 9th agenda.

I greatly appreciate the Staff's willingness to work with Aloha to reach a mutually satisfactory solution which addresses Aloha's due process concerns while protecting ratepayers' interests.

Very truly yours,



Suzanne Brownless

c: 3586

cc: Stephen Watford
Marty Deterding, Esq.