

State of Florida



Public Service Commission

-M-E-M-O-R-A-N-D-U-M-

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**DATE:** August 5, 2002  
**TO:** Division of the Commission Clerk and Administrative Services  
**FROM:** Office of the General Counsel (Gervasi) *JS*  
**RE:** Docket No. 020413-SU - Initiation of show cause proceedings against Aloha Utilities, Inc. in Pasco County for failure to charge approved service availability charges, in violation of Order No. PSC-01-0326-FOF-SU and Section 367.091, Florida Statutes.

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Please file the attached letter, with attached executed Settlement Agreement dated July 25, 2002, in the docket file for the above-referenced docket.

RG/dm

cc: Division of Economic Regulation (Fletcher, Merchant, Willis)

1\020413fm rg

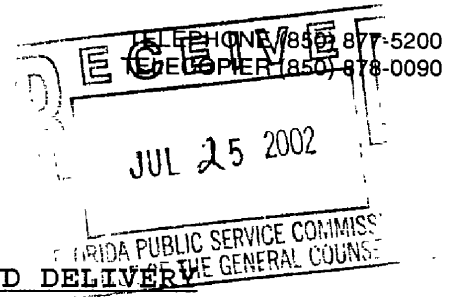
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FPSC-COMMISSION CLERK

SUZANNE BROWNLESS, P. A.

ATTORNEY AT LAW  
1975 Buford Boulevard  
Tallahassee, Florida 32308

ADMINISTRATIVE LAW  
GOVERNMENTAL LAW  
PUBLIC UTILITY LAW

July 25, 2002



Rosanne Gervasi, Esq.  
Senior Attorney  
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, Fla. Stat.

Dear Rosanne:

Attached please find executed Settlement Agreements entered  
into between Aloha Utilities and the following developers:

- 1) Sunfield Homes, 8105 S.R. 54, New Port Richey, FL 34655;
- 2) Windward Homes, 5402 Beaumont Center Blvd., Suite 108,  
Tampa, Florida 33634;
- 3) Grove Park Homes, Inc., Gerald A. Figurski, Esq., 2435  
U.S. Highway 19, Suite 350, Holiday, Florida 34691;
- 4) Trinity Communities, Adam Smith Enterprises, Inc., P.O.  
Box 1608, Tarpon Springs, Florida 34688;
- 5) I.H. Suncoast Homes, 19433 Weymouth Drive, P.O. Box 1639,  
Land O'Lakes, Florida 34639;
- 6) MHC Financing Limited Partnership, Kathryn G.W. Cowdrey,  
Esq., Ruden, McClosky Law Firm, 2115 South Monroe Street,  
Suite 815, Tallahassee, Florida 32301.

Should you have any questions concerning these Settlement  
Agreements, or need any additional information, please contact me.

Very truly yours,

  
Suzanne Brownless

c: 3621  
cc: Steve Watford

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: 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.

DOCKET NO. 020413-SU

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SETTLEMENT AGREEMENT

WHEREAS, the Florida Public Service Commission (Commission) has initiated a show cause proceeding to investigate the collection of service availability charges by Aloha Utilities, Inc. (Aloha);

WHEREAS, MHC Financing Limited Partnership d/b/a County Place Village (MHC), Trinity Communities, Thousand Oaks Development, Grove Park Homes, I.H. Suncoast Homes, Inc., and Windward Homes, parties who have expressed an interest in this docket, have signed this Settlement Agreement (Settlement);

WHEREAS, these interested parties and Aloha have undertaken to resolve the issues raised in this docket in order to provide a prompt and equitable resolution for all interested parties;

WHEREAS, the service availability charges for Aloha were increased by Order No. PSC-01-0326-FOF-SU, issued on February 6, 2001, in Docket No. 991643-SU, the Commission increased Aloha's service availability charges from \$206.75 per equivalent residential connection (ERC) to \$1,650 per residential ERC and \$12.79 per gallon for all other connections;

WHEREAS, Aloha unintentionally failed to file revised tariff sheets for its increased service availability charges until March, 2002 and did not collect the increased service availability charges

until April, 2002;

**WHEREAS**, the Commission administratively approved the tariff sheet changing Aloha's service availability rates effective May 23, 2001 based upon the mistaken belief that Aloha had been collecting the higher service availability charges since that date; and

**WHEREAS**, in reliance upon the May 23, 2001 effective date of the revised service availability tariff, Aloha advised developers and builders who had connected to Aloha's wastewater system after May 23, 2001 but prior to April, 2002 that they would be required to pay the increased service availability charges;

**NOW THEREFORE**, in consideration of the foregoing and the covenants contained herein, the undersigned hereby stipulate and agree as follows:

1. The effective date of the revised service availability tariff shall be April 16, 2002;

2. For connections made before April 16, 2002, developers and builders will not be required to pay the new wastewater service availability charges.

3. For connections made on or after April 16, 2002, developers and builders will be charged the new service availability charges reflected on the current tariff: \$1,650 per residential ERC and \$12.79 per gallon for all other connections.

4. Aloha will agree to pay a fine of \$2,500.00, pursuant to Section 367.161, Florida Statutes, for failure to file the appropriate service availability tariff on May 23, 2001.

5. No further penalties or adjustments to rate base or CIAC

in this or any other proceeding before the Commission will be assessed or made associated with this matter.

6. To the extent that developers, builders or individuals who connected to Aloha's wastewater utility system prior to April 16, 2002 paid the increased service availability charges, refunds will be made, with interest calculated at the thirty-day commercial paper rate for the appropriate time period, within 30 days of the effective date of the Commission order approving this Settlement. Further, Aloha will comply with the reporting requirements of Rule 25-30.360, Florida Administrative Code.

7. This Settlement is contingent on approval in its entirety by the Commission. This Settlement will resolve all matters in this docket pursuant to, and in accordance with, §120.57(4), Florida Statutes. This docket will be closed effective the date the Commission order approving this Settlement becomes final.

8. This Settlement dated as of the 25<sup>th</sup> day of July, 2002 may be executed in counterpart originals, and a facsimile of an original signature shall be deemed an original.

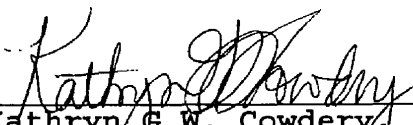
IN WITNESS WHEREOF, the undersigned evidence their acceptance and agreement with the provisions of this Settlement by their signature.

For Aloha Utilities, Inc.



Stephen G. Watford, President  
Aloha Utilities, Inc.  
6915 Perrine Ranch Road  
New Port Richey, Florida 34655

For MHC Financing Limited  
Partnership d/b/a Country Place  
Village

  
\_\_\_\_\_  
Kathryn G.W. Cowdery, Esq.  
Ruden, McClosky, Smith,  
Schuster & Russell, P.A.  
2115 South Monroe Street  
Suite 815  
Tallahassee, FL 32301

Jul 24 02 02:23p

ALOHA UTILITIES

727-372-2677

P. 9

SENT BY: FIGURSKI&HARRILL;  
FROM: GREENE BUILDERS INC

727 9443711;

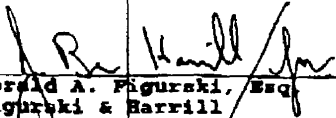
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PAGE 9/9

PHONE NO. : 727 376 9589

Jul, 19 2022 11:29AM P6/6

For Grove Park Homes, Inc.

  
Gerald A. Figurski, Esq.  
Figurski & Harrill  
The Holiday Tower  
2435 U.S. Highway 19, Suite 350  
Holiday, Florida 34691



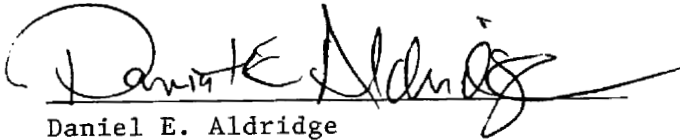
**For Thousand Oaks**  
Phases 2 thru 5 and  
Multi-Family

*Pat O Buck*

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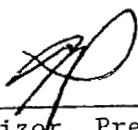
Patricia O. Buck  
Sunfield Homes  
8105 S. R. 54  
New Port Richey, FL 34655

For Trinity Communities

A handwritten signature in black ink, appearing to read "Daniel E. Aldridge". The signature is written in a cursive style with a large initial "D" and a long horizontal stroke at the end.

Daniel E. Aldridge  
Adam Smith Enterprises, Inc.  
P. O. Box 1608  
Tarpon Springs, FL 34688

For I.H. Suncoast Homes



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Bill Pizer, President  
19433 Weymouth Drive  
P. O. Box 1639  
Land O' Lakes, FL 34639

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ALOHA UTILITIES

727-372-2677

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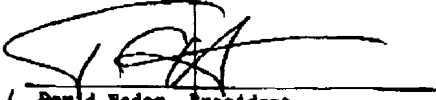
SENT BY: FIGURSKI&HARRILL;  
SENT BY: WINDWARD HOMES, INC.;

727 9443711;  
013 085 2433;

JUL-23-02 16:10;  
JUL-23-02 3:26;

PAGE 5  
PAGE 5/5

For Windward Homes



*transferred*  
*HOME* David Rader, President  
5402 Beaumont Center Blvd. - Suite 108  
Tampa, FL 33634

e: 3404