

ORIGINAL

SUZANNE BROWNLESS, P. A.
ATTORNEY AT LAW
1975 Buford Boulevard
Tallahassee, Florida 32308

ADMINISTRATIVE LAW
GOVERNMENTAL LAW
PUBLIC UTILITY LAW

TELEPHONE (850) 877-5200
TELECOPIER (850) 878-0090

October 25, 2002

VIA HAND DELIVERY

RECEIVED FPSC
02 OCT 25 PM 4:17
COMMISSION CLERK

Blanca S. Bayo, Director
Division of Commission Clerk and
Administrative Services
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0800

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 PSC-01-0326-FOF-SU and Section 367.091, F.S.

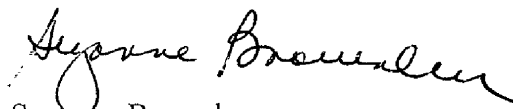
Dear Ms. Bayo:

Attached please find the original and fifteen copies of Aloha Utilities, Inc.'s Motion To Expedite to be filed in the above-styled docket. Also attached is a copy to be stamped and returned to our office.

Should you have questions or need any additional information, please contact me.

Thank you for your assistance in this matter.

Very truly yours,



Suzanne Brownless
Attorney for Aloha Utilities, Inc.

AUS _____
CAF _____
CMP _____
COM 3
CTR _____
ECR _____
GCL _____
OPC _____
MMS _____
SEC 1
OTH _____

SB:smh
Bayo-lt-Aloha.vpd

RECEIVED & FILED

RJM
FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

11730 OCT 25 02

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: 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.)
_____)

DOCKET NO. 020413-SU

MOTION TO EXPEDITE

Pursuant to Rule 28-106-204, Florida Administrative Code, Aloha Utilities, Inc. (Aloha) files this Motion to Expedite and in support thereof states as follows:

1. Order PSC-02-1460-PCO-SU (Order 02-1460), issued on October 23, 2002, establishes the prehearing procedures to be followed in this docket and has set the date by which Aloha's direct testimony and exhibits are due as November 25, 2002. [Order 02-1460 at 7]

2. Discovery before the Florida Public Service Commission (FPSC) is controlled by § 120.569(2)(f), F.S., and Rule 28-106.206, Florida Administrative Code, which applies the Rules of Civil Procedure regarding discovery to administrative proceedings. Rule 1.340 and 1.350, F.R.C.P., allow parties to serve written interrogatories and requests for production of documents and allow 30 days from the date of service for the party served to respond. [Rules 1.340(a) and 1.350(b), F.R.C.P.]

3. Aloha served interrogatories and a request for production of documents by hand delivery and overnight courier on Windward Homes, Inc., Greene Builders, Inc. and Adam Smith Enterprises, Inc., parties to this docket, on October 25, 2002, two days after the issuance of Order 02-1460 establishing the testimony due dates in this docket. Thus, under the applicable rules cited above, the discovery will not be due until Monday, November 25, 2002, the date on which

DOCUMENT NUMBER
11730 OCT 25 02
FPSC-COMMISSION CLERK

Aloha's testimony is currently scheduled to be due.

4. Order PSC-02-1250-SC-SU, issued on September 11, 2002, was comprised of a show cause section to which Aloha had 21 days to respond, a proposed agency action section on which substantially affected parties could request a hearing within that same time period and a final order section to which parties could file a request for reconsideration within 15 days. Aloha filed a timely amended motion for clarification and reconsideration on September 26, 2002 and timely filed a response to the show cause on October 2, 2002. The motions for reconsideration and clarification, as well as Aloha's response to the show cause, along with associated responsive pleadings by other parties, are to be heard by the Commission on November 5, 2002.

5. The hearing date set for this docket is April 11, 2003, with testimony due by Intervenor and Commission Staff on December 23, 2002 and January 21, 2003, respectively. Aloha has promptly sought to avail itself of discovery in order to use the requested information in its prefiled direct testimony. Obviously, information made available on the same day that Aloha's direct testimony is due cannot be so utilized.

6. Therefore, Aloha requests that the Commission order the parties to expedite their discovery response by 10 days and respond by Thursday, November 14, 2002, in order to provide Aloha with adequate time to incorporate the discovery responses into its direct testimony. Aloha has asked for 7 interrogatories and 1 document request. Responding in 20, rather than 30 days, to this limited number of interrogatories and documents request should not impose an undue burden on the parties. However, the inability of Aloha to use these responses in its direct testimony is highly detrimental to Aloha. This is the case due to the fact that under Commission procedure Aloha is restricted from presenting testimony based on this information subsequently if

appropriately part of its direct case. Further, Aloha is willing to answer any discovery served by the parties within 20 days as well.

7. Alternatively, should the Commission decline to grant its motion to expedite, Aloha would request that 10 days be added to its testimony filing date and to those of all other parties. Extending the due date for testimony would modify the due date schedule as follows:

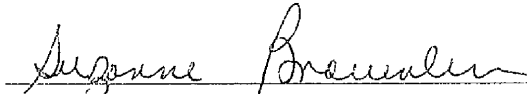
Aloha's direct testimony	December 5, 2002
Intervenor's direct testimony	January 2, 2003
Staff's direct testimony	January 31, 2003
Rebuttal testimony	February 28, 2003
Prehearing Statements	February 28, 2003
Prehearing Conference	March 24, 2003*

*This is the currently scheduled date for the prehearing. No other scheduled dates would change.

8. Aloha has contacted the parties regarding this motion but as of the time of filing has not yet received any response.

WHEREFORE, Aloha Utilities, Inc. requests that this Commission grant its motion to expedite and order that responses to Aloha's First Set of Interrogatories Nos. 1-7 and First Request for Document Production No. 1 be answered within 20 days of service, or on or before Thursday, November 14, 2002. and further order that all subsequent discovery requests be answered within 20 days of the date of service. Or in the alternative, that the Commission modify Order PSC-02-1460-PCO-SU, issued on October 23, 2003, to provide an additional 10 days for each party to file its testimony and prehearing statements as set forth above in paragraph 7.

Respectfully submitted this 25th day of October, 2002 by:



Suzanne Brownless
Suzanne Brownless, P.A.
1975 Buford Blvd.
Tallahassee, FL 32308
Phone: (850) 877-5200
FAX: (850) 878-0090

Attorney for Aloha Utilities, Inc.

c: 3705

CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT a true and correct copy of the foregoing has been provided to the persons listed below by U.S. Mail, (*) Hand Delivery or (**) Overnight Courier this 25th day of October, 2002:

*Rosanne Gervasi
Senior Attorney
Florida Public Service Comm.
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

Diane Kiesling
Landers & Parsons, P.A.
310 West College Ave.
Tallahassee, FL 32302

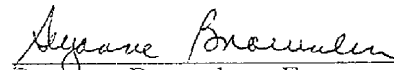
Kathryn G.W. Cowdery
Ruden, McClosky Law Firm
215 South Monroe Street
Suite 815
Tallahassee, FL 32301

**J. Ben Harrill, Esq.
Figurski & Harrill
The Holiday Tower
2435 U.S. Highway 19
Suite 350
Holiday, FL 34691

Stephen G. Watford, Pres.
Aloha Utilities, Inc.
6915 Perrine Ranch Road
New Port Richey, FL 34655-3904

Stephen C Burgess
Jack Shreve
Office of Public Counsel
c/o Florida Legislature
111 West Madison Street
Room 812
Tallahassee, FL 32399-1400

*Joe McGlothlin, Esq.
McWhirter Reeves Law Firm
117 South Gadsden Street
Tallahassee, Florida 32301



Suzanne Brownless, Esq.

c: 3687a