

MCWHIRTER REEVES
ATTORNEYS AT LAW

ORIGINAL

TAMPA OFFICE:
400 NORTH TAMPA STREET, SUITE 2450
TAMPA, FLORIDA 33602-5126
P.O. BOX 3350 TAMPA, FL 33601-3350
(813) 224-0866 (813) 221-1854 Fax

PLEASE REPLY TO:

TALLAHASSEE

TALLAHASSEE OFFICE:
117 SOUTH GADSDEN
TALLAHASSEE, FLORIDA 32301
(850) 222-2525
(850) 222-5606 Fax

October 31, 2002

VIA HAND DELIVERY

Blanca S. Bayo, Director
Division of Records and Reporting
Betty Easley Conference Center
4075 Esplanade Way
Tallahassee, Florida 32399-0870

Re: Docket No.: 020413-SU

Dear Ms. Bayo:

On behalf of Adam Smith Enterprises, Inc. (Adam Smith), enclosed for filing and distribution are the original and 15 copies of the following:

- ▶ Adam Smith Enterprises, Inc.'s Response to Aloha Utilities, Inc.'s Motion to Expedite.

Please acknowledge receipt of the above on the extra copy of each and return the stamped copies to me. Thank you for your assistance.

Sincerely,

Joseph A. McGlothlin

RECEIVED - FPSC
02 OCT 31 PM 3:40
COMMISSION
CLERK

JAM/bae
Enclosure

AUS	_____
CAF	_____
CMP	_____
COM	<u>3</u>
CTR	_____
ECR	_____
GCL	_____
OPC	_____
MMS	_____
SEC	<u>1</u>
OTH	_____

RECEIVED & FILED

FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

MCWHIRTER, REEVES, MCGLOTHLIN, DAVIDSON, DECKER, KAUFMAN & ARNOLD, P.A.

11943 OCT 31 8
FPSC-COMMISSION CLERK

BEFORE THE 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

Filed: October 31, 2002

**ADAM SMITH ENTERPRISES, INC.'S RESPONSE
TO ALOHA UTILITIES, INC.'S MOTION TO EXPEDITE**

Adam Smith Enterprises, Inc. ("Adam Smith"), through its undersigned counsel, responds to the Motion to Expedite filed by Aloha Utilities, Inc. ("Aloha") on October 25, 2002, and states:

1. In paragraph 4, Aloha refers to its amended motion for clarification directed to Order No. PSC-02-1250-SC-SU, which it filed on September 26, 2002. That motion is the subject of a pending Motion to Strike that Adam Smith filed on October 11, 2002.

3. In its Motion to Expedite, Aloha requests the Commission to order parties to expedite discovery responses within 20 days. The motion is directed to seven interrogatories and one request to produce documents that Aloha filed on October 25, 2002. In its motion, Aloha says it is willing to answer any discovery served by the parties within 20 days as well.

4. Adam Smith does not object to the entry of an order requiring all parties to respond to discovery within 20 days instead of 30 days.

5. In its motion, Aloha asks in the alternative that the Commission revise the deadlines for the filing of testimony. Adam Smith does not object to a reasonable revision to procedural milestones, provided that the revised schedule protect parties' procedural rights adequately. In its suggested schedule, Aloha indicates the possibility that intervenors' direct testimony could be filed on January 2, 2003, or the day following the New Year holiday. Adam


DOCUMENT NUMBER DATE

1

11943 OCT 31 8

FPSC-COMMISSION CLERK

Smith submits that given the time frame prior to hearing in this case, this particular proposal is neither reasonable nor necessary.


Joseph A. McGlothlin
Joseph A. McGlothlin
McWhirter, Reeves, McGlothlin, Davidson,
Decker, Kaufman & Arnold, PA
117 South Gadsden Street
Tallahassee, Florida 32301
Telephone: (850) 222-2525
Facsimile: (850) 222-5606
jmcglothlin@mac-law.com

Attorneys for Adam Smith Enterprises, Inc.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Response of Adam Smith Enterprises, Inc. to Aloha Utilities, Inc.'s Motion to Expedite was on this 31st day of October, 2002 sent via (*)Hand Delivery or U.S. Mail to the following:

(*)Rosanne Gervasi
Florida Public Service Commission
Division of Legal Services
2540 Shumard Oak Blvd
Tallahassee, FL 32399-0850

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

Office of Public Counsel
Stephen Burgess
111 W. Madison Street, #812
Tallahassee, FL 32399-1400

Marshall Deterding
Rose Law Firm
2548 Blairstone Pines Drive
Tallahassee, FL 32301

Suzanne Brownless, P.A.
1975 Buford Blvd
Tallahassee, FL 32308-4466


Joseph A. McGlothlin