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January 30, 2003 ..

VIA HAND DELIVERY

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

RECEIVED FPSC  
03 JAN 30 PM 4:53  
COMMISSION  
CLERK

**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:

Please find the original and fifteen copies of Aloha Utilities, Inc.'s Response in Opposition to Motion for Extension of Time to be filed in the above-stated 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*  
Suzanne Brownless  
Attorney for Aloha Utilities, Inc.

SB:smh  
Bayo-lti-Aloha.wpd

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FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

00983 JAN 30 8

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

ALOHA UTILITIES, INC.'S RESPONSE IN OPPOSITION  
TO MOTION FOR EXTENSION OF TIME

Pursuant to Rule 28.106.204, Florida Administrative Code, Aloha Utilities, Inc. (Aloha) files this response in opposition to motion for an extension of time to file testimony and in support thereof states as follows:

1. The filing date for prefiled testimony for all parties to this docket was set by Order PSC-02-0551-PCO-SU, issued on November 12, 2002, approximately three months ago. Aloha, at the suggestion of the Commission, first approached Adam Smith regarding settlement of this proceeding shortly after Adam Smith filed its protest in October of last year and has made numerous settlement offers since in an effort to reach an agreement which is mutually satisfactory to both parties. Until this last week, all efforts by Aloha to settle were summarily rebuffed.

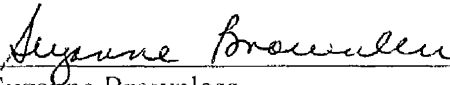
2. Aloha is presently working diligently with Adam Smith to reach settlement and will continue to devote whatever resources are necessary to do so. However, it is Aloha's belief that Adam Smith's recent desire to seriously discuss viable options for settlement are the direct result of the filing dates in the current procedural schedule. Further, should settlement not be reached between the parties, a delay in Adam Smith's testimony filing date would create further delays in the procedural progress of the docket to all parties' detriment.

DOCUMENT NUMBER-DATE

00983 JAN 30 8

**WHEREFORE**, for the reasons stated above, Aloha opposes an extension of time until February 7, 2003 for Adam Smith to file its direct testimony.

Respectfully submitted, this 30<sup>th</sup> day of January, 2003 by:



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Attorney for Aloha Utilities, Inc.

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 (\*\*) E-Mail, this 30th day of January, 2003.

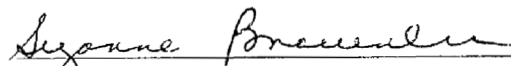
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Suzanne Brownless, Esq.

c: 3777