

State of Florida



## Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD  
TALLAHASSEE, FLORIDA 32399-0850

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

---

**DATE:** November 8, 2004  
**TO:** All Parties of Record & Interested Persons  
**FROM:** Rosanne Gervasi, Senior Attorney, Office of the General Counsel  
**RE:** Docket No. 020896-WS - Petition by customers of Aloha Utilities, Inc. for deletion of portion of territory in Seven Springs area in Pasco County.  
Docket No. 010503-WU – Application for increase in water rates for Seven Springs System in Pasco County by Aloha Utilities, Inc.

---

**BY FACSIMILE ONLY**

Please note that an informal meeting between Commission staff, Aloha Utilities, Inc., and customers has been scheduled for the following time and place:

Wednesday, November 10, 2004, 10:35 a.m.  
Florida Public Service Commission  
2540 Shumard Oak Blvd., Room 154 – Gunter Building  
Tallahassee, FL

The purpose of the meeting is to discuss the attached preliminary list of issues, which was updated as a result of our last issue identification meeting, for the March 8 – 10, 2005 hearing on the petitions for deletion of territory and protest to Order No. PSC-04-0712-PAA-WS. Parties and interested persons may participate by telephone by dialing SunCom 291-6513 or non-Suncom (850) 921-6513. If you have any questions about the meeting, please call Rosanne Gervasi, at (850) 413-6224.

I:\020896\020896-informal2.rg.doc

DOCUMENT NUMBER-DATE  
12013 NOV-8 3  
FPSC-COMMISSION CLERK

**Aloha**  
**Docket Nos. 020896-WS and 010503-WU**

**Issue 1: What is the legal standard for the Commission to amend a certificate of authorization to delete territory?**

Suggested areas to be addressed include: (1) the legal standard for deletion; (2) whether the Commission has the authority to delete territory contingent on some other occurrence, such as acceptance by another utility; (3) if the territory is deleted contingent upon another provider stepping in, what is the regulatory posture and responsibility of Aloha in the interim; (4) whether the Commission has the authority to require Aloha to sell or lease its facilities to another service provider; and (5) the definition and applicability of the concept of 'constructive abandonment'.

**Issue 2: What actions of Aloha, if any, meet the legal standard for amendment of Aloha's certificate to delete territory?**

Suggested areas to be addressed include: (1) whether Aloha has violated any statute, rule, order or tariff; (2) whether Aloha has failed to serve or properly serve customers in the petition areas; (3) whether there is another provider that is ready, willing and able to provide service in the event the Commission determines deletion is merited; and (4) whether it is economical and feasible for another provider to serve the customers in the petition areas.

**Issue 3: What is the legal description of the territory requested to be deleted in the customers' petitions?**

Suggested areas to be addressed include a metes and bounds legal description of the areas included in the petitions.

**Issue 4: Will the treatment methodology chosen by the utility address the black water problem which was identified in the petitions as the reason for the request for deletion?**

Suggested areas to be addressed include: (1) whether the proposed treatment process is a sufficient improvement over the existing treatment process to alleviate customers' concerns about future water quality; (2) how long will it take to fully implement the new process; and (3) whether Aloha's past actions are sufficient to justify deletion if the proposed treatment addresses the concerns with black water in the future.

**Issue 5: Should the Commission approve the petitions for deletion of territory from Aloha's certificated service area?**

Suggested areas to be addressed include: (1) whether all customers in the petition areas wish to be deleted; (2) what actions would be necessary to physically discontinue service by Aloha and initiate service from another provider; (3) the impact on the remaining customers if the petitions are granted; and (4) the impact on the customers in the petition areas.

**Issue 6: Should the reference to sulfide in “finished water” in the proposed agency action order be stated as a maximum contaminant level for total sulfides of 0.1 mg per liter of delivered water at the point of its entry into the domestic system at the domestic meter?**

**Issue 7: Should the improvements be such that sulfide present in raw water or generated during treatment and transmission be removed, not converted, to a level not to exceed 0.1 mg/L in finished water delivered at the point of entry into the domestic system?**

**Issue 8: Should compliance with such requirements be determined based upon samples taken at least once a month at a minimum of two sites at domestic meters most distant from each of the multiple treatment facilities with such sites rotated to provide the greatest likelihood of detecting any departure from the maximum levels permitted?**