

BEFORE THE PUBLIC SERVICE COMMISSION

FLORIDA PUBLIC SERVICE
COMMISSION,

Petitioner,

PSC Docket No. 050018-WU
Order No. PSC-05-0204-SC-WU

vs.

ALOHA UTILITIES, INC.

Respondent.

RESPONDENT'S REQUEST FOR FORMAL HEARING

The Respondent, Aloha Utilities, Inc., ("Aloha"), by and through its undersigned counsel, and pursuant to Rule 28-107.004(3), Florida Administrative Code, hereby requests a formal administrative hearing to be conducted pursuant to Sections 120.569 and 120.57(1), Florida Statutes, and that this matter be transferred to the Division of Administrative Hearings for the conduct of such hearing, and states:

1. The Respondent is Aloha Utilities, Inc. For the purposes of this proceeding, the Respondent's address and telephone number is that of its undersigned counsel, to whom all communications, correspondence, pleadings and other legal papers should be directed.

2. On or about February 22, 2005, Aloha received from the Florida Public Service Commission a document entitled “Show Cause Order,” and captioned “In re: Initiation of deletion proceedings against Aloha Utilities, Inc. for failure to provide sufficient water service consistent with the reasonable and proper operation of the utility system in the public interest, in violation of Section 367.111(2), Florida Statutes.” This document is further identified as “Docket No. 050018-WU, Order No. PSC-05-0204-SC-WU, Issued: February 22, 2005.”

3. Respondent Aloha is requesting a hearing involving disputed issues of material fact and law, to be conducted pursuant to Sections 120.569 and 120.57(1), Florida Statutes. Aloha asserts that grounds do not exist, either in fact or in law, which warrant the action proposed in the “Show Cause Order.”

4. Respondent Aloha further requests that the Petitioner’s “Show Cause Order” and this Request for Formal Hearing be transmitted to the Division of Administrative Hearings for the assignment of an Administrative Law Judge to conduct a formal administrative hearing. Simultaneously with the filing of this Request for Formal Hearing, Aloha has filed a Motion for Abatement. Should the PSC deny that Motion, Aloha will file a formal motion with the PSC that this proceeding be transmitted to the Division of Administrative Hearings.

5. By filing this Request for Formal Hearing, Respondent does not intend to

waive any procedural, substantive, constitutional or jurisdictional defenses, motions, or administrative or judicial remedies with regard to the Petitioner's "Show Cause Order."

Respectfully submitted this 15th day of March, 2005.



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Counsel for *Aloha Utilities, Inc.*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the original and 15 copies of the foregoing has been furnished by Hand Delivery to the Director, Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, FL, 32399, on this 15th day of March, 2005:



JOHN L. WHARTON, ESQ.