

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application of ALOHA)
UTILITIES, INC. for an increase)
in water rates for its Seven)
Springs System in Pasco County,)
Florida.)
_____)

DOCKET NO. 010503-WU

**ALOHA UTILITIES, INC.'S RESPONSE TO MOTION TO SUPPLEMENT
POST HEARING STATEMENT OF ISSUES AND POSITIONS AND
MOTION TO STRIKE SUPPLEMENT TO POST HEARING STATEMENT
OF ISSUES AND POSITIONS**

Aloha Utilities, Inc. ("Aloha" or "Utility"), files this Response to Motion to Supplement Post Hearing Statement of Issues and Positions and moves the Prehearing Officer to strike the Supplement to Post Hearing Statements of Issues and Positions filed by the Office of Public Counsel and adopted by customers Harry Hawcroft and Edward Wood filed by the Office of Public Counsel and in support thereof states as follows:

1. The Florida Public Service Commission ("Commission" or "PSC") issued its Prehearing Procedure Order No. PSC-05-0069-PCO-WU on January 19, 2005. In that order, the Commission determined that Briefs addressing all issues are due to be filed by all parties by April 7, 2005.

2. At hearing, Chairman Baez reiterated the due date for the filing of such Briefs as April 7, 2005 (TR 367).

3. The Office of Public Counsel and the customers Harry Hawcroft and Edward Wood filed their Post Hearing Statements on April 7, 2005.

DOCUMENT NUMBER DATE

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FPSC-COMMISSION CLERK

4. Neither the OPC nor customers Harry Hawcroft or Ed Wood provided any discussion of Issue No. 4 as outlined in Prehearing Order No. PSC-05-0235-PHO-WU dated March 2, 2005 as part of the Post Hearing Statements filed by those two parties.

5. After receiving the Post Hearing Statement and Brief filed by Aloha on April 7, 2005, the OPC filed an additional Motion to Supplement the Post Hearing Statement of Issues and Positions (Motion) and a Supplement to the Post Hearing Statement of Issues and Positions which it had previously filed (Supplement). That Motion and Supplement were filed on April 11, 2005.

6. The filing of the Supplement to the Post Hearing Statement of Issues and Positions and the Motion to Supplement filed by the OPC state no grounds for their after-the-fact request for the authority to supplement and both the Prehearing Procedure Order and the Prehearing Order, as well as the Chairman's directions at hearing clearly placed deadlines on the filing of any such Post Hearing Statements of Issues and Positions.

7. Aloha is prejudiced by the filing of such documents after the deadline and after the filing of its positions on Issue No. 4.

8. Allowing the filing of the Supplement is clearly contrary to the Prehearing Procedure Order, the directions of the presiding officer at hearing, and established Commission procedure.

WHEREFORE, the Supplement to the Post Hearing Statements of Issues and Positions filed by OPC and proposed for adoption by customers Harry Hawcroft and Edward Wood is untimely and is prejudicial to Aloha and Aloha requests that the

Prehearing Officer strike that Supplement to the Post Hearing Statement of Issues and Positions as filed on April 11, 2005 by the OPC.

Respectfully submitted this 18th
day of April, 2005, by:

A handwritten signature in black ink, appearing to read "F. Marshall Deterding", is written over a light gray rectangular background. The signature is cursive and somewhat stylized.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. Mail or Hand Delivery* on this 18th day of April, 2005, to:

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