

BEFORE THE PUBLIC SERVICE COMMISSION

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.

DOCKET NO. 050018-WU

FILED: FEBRUARY 28, 2006

JOINT MOTION TO RESCHEDULE PREHEARING AND HEARING DATES  
AND TO AMEND PROCEDURAL SCHEDULE

Pursuant to Rule 28-106.204, Florida Administrative Code, the staff of the Florida Public Service Commission, Aloha Utilities, Inc., the Office of Public Counsel, Wayne T. Forehand, John H. Gaul, Ph.D., and Sandy Mitchell, Jr. (parties), jointly move the Prehearing Officer to revise the Order Establishing Procedure in this docket to reschedule the formal evidentiary hearing to September 6-8 and 11-15, 2006, and reschedule the prehearing to August 28, 2006, subject to the approval of the Chairman's Office, and to amend the dates for prefiled testimony and prehearing statements commensurately, as follow:

<u>Activity</u>	<u>Current Date</u>	<u>Requested Date</u>
Staff/Intervenor Direct	March 6, 2006	May 3, 2006
Aloha Direct	May 22, 2006	July 19, 2006
Staff/Intervenor Rebuttal	June 22, 2006	August 23, 2006
Prehearing Statements	June 22, 2006	August 23, 2006

As grounds therefor, the parties jointly state:

1. At a special agenda conference held on August 17, 2005, the Commission deferred a decision on Aloha Utilities, Inc.'s offer of settlement filed in this docket, encouraged the parties to engage in continuing settlement negotiations with the involvement of the customers, the Office of Public Counsel, and other interested persons, and held all pending

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litigation before the Commission in temporary abeyance to allow the parties to focus their efforts on the settlement negotiations during the course of the next 90 days.

2. Commensurate with the 90 day timeframe provided for continuing negotiations, the prehearing was initially rescheduled to April 3, 2006, and the hearing was rescheduled to April 10-14 and 19-21, 2006.

3. Because the parties required an additional 90 days in which to continue the settlement negotiations, the prehearing was rescheduled to June 28, 2006, and the hearing was rescheduled to July 10-14, 20-21, and August 4, 2006.

4. Much progress has been made in the settlement negotiations. The negotiating team has tentatively agreed on a plan that involves installation of anion exchange water treatment facilities to remove hydrogen sulfide and thereby address the color, taste and odor problems. As indicated by notice attached as Exhibit A, the Committee for Better Water Now (of which the individual intervenors are members) has scheduled a meeting of Aloha customers for March 9, 2006, to present the negotiated plan and to explain the Committee's rationale for supporting the plan. This customer meeting date is after the currently scheduled date for staff and intervenor testimony.

5. The parties are optimistic that an overall settlement agreement can be executed shortly after the March 9th customer meeting, and can be presented to the Commission for approval at either the March 21 or April 4 agenda conference. The parties therefore request an additional 60 days in which to finalize a settlement agreement. The parties jointly request that the prehearing be rescheduled to August 28, 2006, and the hearing be rescheduled to September 6-8 and 11-15, 2006.

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WHEREFORE, the parties respectfully request that the Prehearing Officer revise the Order Establishing Procedure in this docket to reschedule the prehearing and hearing subject to the approval of the Chairman's Office, and amend the procedural schedule to reflect the controlling dates leading up to the rescheduled hearing as set forth above.

Respectfully submitted,

\* \_\_\_\_\_ Date \_\_\_\_\_  
JOHN L. WHARTON, ESQ.  
Rose, Sundstrom & Bentley, LLP  
On behalf of Aloha Utilities, Inc.

\* \_\_\_\_\_ Date \_\_\_\_\_  
ROSANNE GERVASI, ESQ.  
Office of the General Counsel  
On behalf of the staff of  
the Florida Public Service Commission

\* \_\_\_\_\_ Date \_\_\_\_\_  
STEPHEN C. REILLY, ESQ.  
Office of Public Counsel  
On behalf of the Citizens

\* \_\_\_\_\_ Date \_\_\_\_\_  
WAYNE T. FOREHAND  
Intervenor

\* \_\_\_\_\_ Date \_\_\_\_\_  
JOHN H. GAUL, PH.D.  
Intervenor

\* \_\_\_\_\_ Date \_\_\_\_\_  
SANDY MITCHELL, JR.  
Intervenor

\* \_\_\_\_\_ Date \_\_\_\_\_  
EDWARD O. WOOD  
Intervenor

\* Please see attached signature pages and e-mail messages.

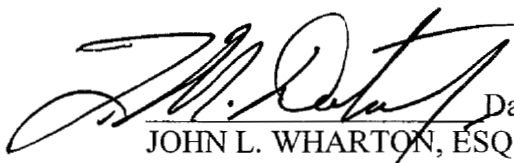
~~6 The parties have conferred with Mr. Ed Wood, customer intervener in this case.~~


*ES*

~~Mr. Wood does not support the Joint Motion.~~

WHEREFORE, the parties respectfully request that the Prehearing Officer revise the Order Establishing Procedure in this docket to reschedule the prehearing and hearing subject to the approval of the Chairman's Office, and amend the procedural schedule to reflect the controlling dates leading up to the rescheduled hearing as set forth above.

Respectfully submitted,

  
Date 3/22/06  
JOHN L. WHARTON, ESQ.  
Rose, Sundstrom & Bentley, LLP  
On behalf of Aloha Utilities, Inc.

  
Date 2/22/06  
ROSANNE GERVASI, ESQ.  
Office of the General Counsel  
On behalf of the staff of  
the Florida Public Service Commission

\_\_\_\_\_  
Date \_\_\_\_\_  
STEPHEN C. REILLY, ESQ.  
Office of Public Counsel  
On behalf of the Citizens

\_\_\_\_\_  
Date \_\_\_\_\_  
WAYNE T. FOREHAND  
Intervenor

\_\_\_\_\_  
Date \_\_\_\_\_  
JOHN H. GAUL, PH.D.  
Intervenor

\_\_\_\_\_  
Date \_\_\_\_\_  
SANDY MITCHELL, JR.  
Intervenor

~~6. The parties have conferred with Mr. Ed Wood, customer intervenor in this case.~~

~~Mr. Wood does not support the Joint Motion.~~ *sc*

WHEREFORE, the parties respectfully request that the Prehearing Officer revise the Order Establishing Procedure in this docket to reschedule the prehearing and hearing subject to the approval of the Chairman's Office, and amend the procedural schedule to reflect the controlling dates leading up to the rescheduled hearing as set forth above.

Respectfully submitted,

\_\_\_\_\_  
Date  
JOHN L. WHARTON, ESQ.  
Rose, Sundstrom & Bentley, LLP  
On behalf of Aloha Utilities, Inc.

\_\_\_\_\_  
Date  
ROSANNE GERVASI, ESQ.  
Office of the General Counsel  
On behalf of the staff of  
the Florida Public Service Commission

*Stephen C. Reilly*  
\_\_\_\_\_  
Date *2/28/06*  
STEPHEN C. REILLY, ESQ.  
Office of Public Counsel  
On behalf of the Citizens

*Wayne Forehand*  
\_\_\_\_\_  
Date *2-23-06*  
WAYNE T. FOREHAND  
Intervenor

\_\_\_\_\_  
Date  
JOHN H. GAUL, PH.D.  
Intervenor

*Sandy Mitchell, Jr.*  
\_\_\_\_\_  
Date *2-23-06*  
SANDY MITCHELL, JR.  
Intervenor

~~3-15-06~~  
~~3-15-06~~

~~\_\_\_\_\_~~

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**ATTACHMENT**

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**Rosanne Gervasi**

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**From:** REILLY.STEVE [REILLY.STEVE@leg.state.fl.us]  
**Sent:** Tuesday, February 28, 2006 2:28 PM  
**To:** Rosanne Gervasi  
**Subject:** Dr. Gaul's support of the Joint Motion

May I confirm that Dr. Gaul is on a trip and cannot be reached. However, Wayne Forehand assures me that he believes Dr. Gaul supports the Joint Motion to reschedule the dates in Docket No. 050018-WU.

2/28/2006

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**ATTACHMENT**

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**Rosanne Gervasi**

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**From:** Ed Wood [eow3rd@verizon.net]  
**Sent:** Tuesday, February 28, 2006 3:31 PM  
**To:** Rosanne Gervasi; eow3rd@gte.net; Wayne Forehand  
**Cc:** reilly.steve@leg.state.fl.us  
**Subject:** Re: Aloha Motion to Reschedule

This "E Mail" is my agreement with the Motion to reschedule The Aloha hearing for Docket # 050018.

I will send you the my signed copy of the the agreement in tomorrow's regular US Postal Sevice mail. In the meantime please accept this as my acknowledgement.

Sincerely,

Edward O. Wood

----- Original Message -----

**From:** Rosanne Gervasi  
**To:** eow3rd@gte.net ; Wayne Forehand  
**Cc:** reilly.steve@leg.state.fl.us ; martyd@rsbattorneys.com  
**Sent:** Monday, February 27, 2006 5:48 PM  
**Subject:** Aloha Motion to Reschedule

Attached is the Motion to Reschedule with a signature line for Mr. Wood. It is my understanding that Mr. Wood may be in agreement with the motion. This motion needs to be signed and filed as soon as possible this week, since staff and intervenor testimony is currently due on Monday, March 6.

Thank you.

Rosanne Gervasi, Senior Attorney  
Florida Public Service Commission  
Office of the General Counsel  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0863  
tel: (850) 413-6224  
fax: (850) 413-6225

2/28/2006

**ALOHA CUSTOMER MEETING**

Presented by the Committee for Better Water Now

**Spartan Manor**

**6121 Massachusetts Ave, New Port Richey**

**March 9, 2006 at 7:00PM**

The Committee for Better Water Now (CBWN) is announcing a meeting for Aloha Customers in the Seven Springs water district. The meeting will be held at 7:00PM on March 9<sup>th</sup> at Spartan Manor. Please plan to arrive early as we must start promptly!

This meeting will discuss the following topics:

1. The negotiated plan that involves installation of anion exchange water treatment facilities to address problems with black water, color, taste and odor.
2. The rationale for CBWN support for implementation of this process.
3. Discussion of cost for this and other changes that will be occurring in the next 24 months.

This plan resulted from months of discussion between the CBWN, Aloha Utilities, the OPC, PSC staff and Dr. James Taylor (Prof. at UCF) with representatives of Pasco County and the DEP in attendance.

Members of local government as well as representatives from OPC, PSC and the CBWN will be available to answer questions at this meeting as will Dr. Taylor who acted as a technical consultant in this process.

This meeting is your chance to understand how your water quality is going to improve over the next 24 months and the impact it will have on our community.



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of JOINT MOTION TO RESCHEDULE PREHEARING AND HEARING DATES AND TO AMEND PROCEDURAL SCHEDULE, has been served to the following by U. S. Mail, this 28<sup>th</sup> day of February, 2006:

F. Marshall Deterding, Esq. and  
John Wharton, Esq.  
ROSE, SUNDSTROM & BENTLEY, LLP  
2548 Blairstone Pines Drive  
Tallahassee, FL 32301

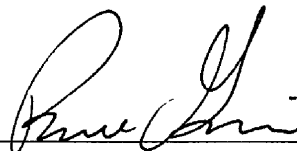
Mr. Edward O. Wood  
1043 Daleside Lane  
New Port Richey, FL 34655

Mr. Wayne T. Forehand  
1216 Arlinbrook Drive  
Trinity, FL 34655-4556

Steve Reilly, Esq.  
Office of Public Counsel  
c/o The Florida Legislature  
111 West Madison Street, Room 812  
Tallahassee, FL 32399-1400

Mr. James (Sandy) Mitchell, Jr.  
5957 Riviera Lane  
New Port Richey, FL 34655-5679

John H. Gaul, Ph.D.  
7633 Albacore Drive  
New Port Richey, FL 34655



ROSANNE GERVASI, STAFF COUNSEL

FLORIDA PUBLIC SERVICE COMMISSION  
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