

ORIGINAL


MEMORANDUM

March 3, 2006

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06 MAR -3 PM 3:28

TO: DIVISION OF THE COMMISSION CLERK AND ADMINISTRATIVE SERVICES

FROM: OFFICE OF THE GENERAL COUNSEL (GERVASI) 

RE: DOCKET NO. 050018-WU 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.

COMMISSION CLERK

Please file the attached E-MAIL from Rosanne Gervasi dated February 27, 2006 and copy of JOINT MOTION TO RESCHEDULE PREHEARING AND HEARING DATES AND TO AMEND PROCEDURAL SCHEDULE, signed by Edward O. Wood, in the above-referenced docket.

DATE DOCUMENTS SENT TO CCA 3/3/06

RG/pz  
Attachments

- CMP \_\_\_\_\_
- COM \_\_\_\_\_
- CTR \_\_\_\_\_
- ECR \_\_\_\_\_
- GCL \_\_\_\_\_
- OPC \_\_\_\_\_
- RCA \_\_\_\_\_
- SCR \_\_\_\_\_
- SGA \_\_\_\_\_
- SEC 1
- OTH \_\_\_\_\_

DOCUMENT NUMBER-DATE

01897 MAR-3 06

FPSC-COMMISSION CLERK

**Ed Wood**

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**From:** "Rosanne Gervasi" <RGervasi@PSC.STATE.FL.US>  
**To:** <eow3rd@gte.net>; "Wayne Forehand" <wayeforehand@verizon.net>  
**Cc:** <reilly.steve@leg.state.fl.us>; <martyd@rsbattorneys.com>  
**Sent:** Monday, February 27, 2006 5:48 PM  
**Attach:** 050018-motionamendschedule4a rg.doc  
**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.

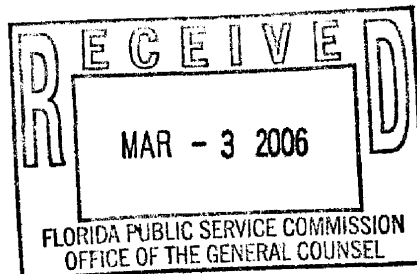
Thank you.

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

*2/28/06*

*Attached is the signed copy requested*

*E. Wood*



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:

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., Sandy Mitchell, Jr., and Edward O. Wood (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

JOINT MOTION TO RESCHEDULE PREHEARING AND HEARING DATES AND TO  
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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.

JOINT MOTION TO RESCHEDULE PREHEARING AND HEARING DATES AND TO  
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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.

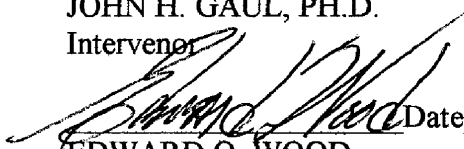
\_\_\_\_\_  
Date \_\_\_\_\_  
ROSANNE GERVASI, ESQ.  
Office of the General Counsel  
On behalf of the staff of  
the Florida Public Service Commission

\_\_\_\_\_  
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 2/28/06  
EDWARD O. WOOD  
Intervenor

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:

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 \_\_\_ day of February, 2006:

F. Marshall Deterding, Esq. and  
John Wharton, Esq.  
ROSE, SUNDBSTROM & 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  
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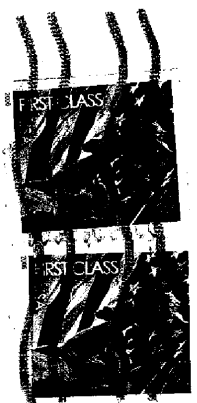
ROSANNE GERVASI, STAFF COUNSEL

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2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850  
Telephone No.: (850) 413-6199  
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TAMPA FL 336

01 MAR 2006 PM 2 T



Ms. Pamela Gerassi, Senior Attorney  
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