

Ann Cole

From: Mary Bane
Sent: Monday, April 20, 2009 3:06 PM
To: Jennifer Brubaker
Cc: William C. Garner; Roberta Bass; Lorena Holley; Larry Harris; Bill McNulty; Booter Imhof; Mary Anne Helton; Tim Devlin; Marshall Willis; Ann Cole; Chuck Hill; Selena Chambers; Mary Bane
Subject: RE: Request to modify Item 13 - Docket Nos. 010503-WU, 060122-WU, 060606-WS, and 090120-WS, regarding Aloha Utilities, Inc.

Approved. The attached recommendation should replace the recommendation filed on April 9th.

From: Jennifer Brubaker
Sent: Monday, April 20, 2009 2:38 PM
To: Mary Bane
Cc: William C. Garner; Roberta Bass; Lorena Holley; Larry Harris; Bill McNulty; Booter Imhof; Mary Anne Helton; Tim Devlin; Marshall Willis; Ann Cole
Subject: Request to modify Item 13 - Docket Nos. 010503-WU, 060122-WU, 060606-WS, and 090120-WS, regarding Aloha Utilities, Inc.

Staff requests permission to make certain additions to Item 13 for the April 21, 2009, Agenda Conference (Docket Nos. 010503-WU, 060122-WU, 060606-WS, and 090120-WS, regarding Aloha Utilities, Inc.) These additions concern matters which came to staff's attention subsequent to the filing of the recommendation on April 9, 2009.

The proposed additions are reflected in the attached document, in type-and-strike format, on pages 7, 16, and 20.

The proposed changes are summarized as follows:

Issue 1 - Staff is proposing adding language to the staff recommendation statement on **page 7**, and to the text of the recommendation at **page 16**. The bank which currently serves as the escrow agent for the escrowed interim funds has indicated that it intends to withdraw as escrow agent. The proposed language recommends that an alternative escrow agent be secured so that the funds may be properly maintained until the Commission disposes of this matter.

Issue 5 - Staff is proposing clarifying the issue statement, recommendation statement, and recommendation text on **page 20** to more clearly track the language of Rule 25-30.037(7), F.A.C. The rule provides that, for transfers to a governmental authority, the utility's certificate will be cancelled upon completion of all pending proceedings before the Commission.

If the proposed additions are approved, I believe it may be administratively efficient to refile the recommendation, with the additions denoted in type-and-strike format, so that the discussion of the item at Agenda can proceed more smoothly from a single document (rather than referring back and forth between the originally-filed recommendation and several pages of strike-and-type additions).

Please let me know if you would like to discuss this request, or if I can provide any assistance regarding this matter.

Thank you.

4/20/2009

DOCUMENT NUMBER-DATE

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