

REQUEST TO ESTABLISH DOCKET
(PLEASE TYPE)

Date 6/5/97

Docket No. 970695-WS

1. Division Name/Staff Name Legal Services /Ralph Jaeger
2. OPR Ralph R. Jaeger
3. OCR Connie McCaskill, Jackie Gilchrist F.S.
4. Suggested Docket Title Request for a Section 120.57(1) hearing by Aloha Utilities, Inc. in Pasco County.

5. Suggested Docket Mailing List (attach separate sheet if necessary)

- A. Provide NAMES ONLY for regulated companies or ACRONYMS ONLY regulated industries, as shown in Rule 25-22.104, F.A.C.
B. Provide COMPLETE name and address for all others. (Match representatives to clients.)

1. Parties and their representatives (if any)

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

2. Interested Persons and their representatives (if any)

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

6. Check one:

- Documentation is attached.
 Documentation will be provided with the recommendation.

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PSC/RAR 10 (Revised 01/96)

DOCUMENT NUMBER-DATE

05688 JUN-96

FPSC-RECORDS/REPORTING

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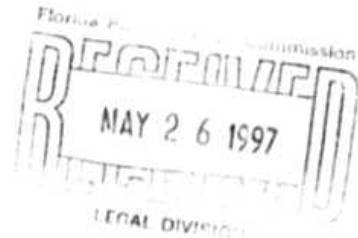
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May 23, 1997

VIA HAND DELIVERY

Ralph Jaeger, Esquire
Division of Legal Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399



Re: Aloha Utilities, Inc.;
Our File No. 26038.01

Dear Ralph:

Aloha Utilities recently received the attached two letters from Evelyn Sewell concerning payment of regulatory assessment fees. As you will recall, Aloha Utilities filed a Motion for Release of Escrowed Funds on March 10, 1997, stating that unless those funds were released prior to March 31, 1997, Aloha would be unable to pay regulatory assessment fees by their due date. The Commission acted on April 1, 1997, to release those funds and Aloha immediately sent payment for regulatory assessment fees to the Commission after obtaining such release (on April 14, 1997).

In light of these facts, we believe that our Motion for Release of Escrow Funds effectively requested an extension of time to file those regulatory assessment fees when the Commission could not act to release those funds until after March 31, 1997. As such, no penalty should be imposed. Certainly, for the purposes of calculating the additional amounts due from Aloha, they should follow those outlined under Rule 25-30.120(4)(a), because not only did the Utility file and state its inability to pay by the due date, but those payments were made on April 14, 1997, immediately after release of funds from escrow. The motion, including the provision which we contend constitutes a request for extension was filed with the Commission well in advance of that due date. The Commission specifically recognized the Utility's situation in granting the release of escrowed funds and we believe that should also be recognized for the purposes of the regulatory assessment fee penalty and interest provisions.

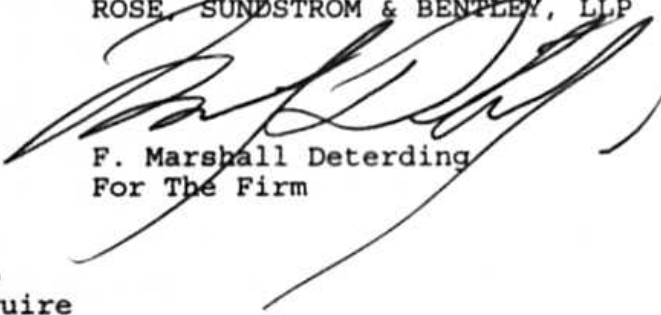
Ralph Jaeger, Esquire
May 23, 1997
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To the extent that we need to do so, we would like to request a short hearing on this matter or at least that it be presented to the Commissioners for decision. Time is of the essence in processing this request since Ms. Sewell has indicated a requirement that we pay over \$12,000 in penalty and interest by May 28, 1997, to avoid further interest charges. If we can agree that the Utility is liable for only the .75% fee required under the rule where an extension is appropriate, the Utility will gladly pay that immediately upon notification to that effect. Please be sure that whoever needs to receive this request gets it immediately. To the extent necessary, please consider this our request for hearing under Section 120.57(1), Florida Statutes.

We appreciate your prompt attention to this matter.

Sincerely,

ROSE, SUNDBSTROM & BENTLEY, LLP



F. Marshall Deterding
For The Firm

FMD/lts

cc: Ms. Blanca Bayo
Lila Jaber, Esquire
Ms. Evelyn Sewell
Ms. Jackie Gilchrist
Mr. Charles Byrne
Mr. Stephen Watford