

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
ORDER NO. PSC-05-0811-PCO-WU
ISSUED: August 5, 2005

ORDER GRANTING MOTION TO AMEND PROCEDURAL SCHEDULE AND
CHANGING PREHEARING CONFERENCE AND OTHER
CONTROLLING DATES

By Order No. PSC-05-0514-PCO-WU (Order Establishing Procedure), issued May 11, 2005, hearing dates and other controlling dates were established for this docket. By Order No. PSC-05-0598-PCO-WU, issued May 31, 2005, and Order No. PSC-05-0641-PCO-WU, issued June 15, 2005, the hearing and controlling dates were revised. The hearing in this matter is currently scheduled for January 18 through 27, 2006, and the prehearing conference is currently scheduled for December 19, 2005.

On August 4, 2005, prosecutorial staff filed a Motion to Amend Procedural Schedule. By its motion, prosecutorial staff requests that the prehearing conference be changed to January 3, 2006, and that the filing dates for testimony and prehearing statements be changed by approximately two weeks.

In support of its motion, prosecutorial staff states that “[t]he change in the filing date for staff/intervenor direct testimony is requested to avoid unnecessary work over the course of the next two weeks by staff and intervenors in the event the Commission votes on August 17, 2005, to accept the pending Offer of Settlement.” It further states that, if the Commission votes to accept the Offer of Settlement, this docket will be placed in abeyance, which will eliminate the need to file the direct testimony currently due on August 19, 2005. It asserts that the other changes to the filing dates and the prehearing conference are necessary to allow the same time between testimony filing dates that currently exists.

Prosecutorial staff states that, if the Offer of Settlement is not accepted, the change in the filing dates and the date of the prehearing conference will have no impact on the current hearing dates. It represents that no party objects to this request.

I find that the revised filing dates for testimony and prehearing statements proposed by prosecutorial staff are reasonable. However, the January 3, 2006, date proposed for the prehearing conference could potentially conflict with other scheduled Commission business. I find that January 4, 2006, is a more appropriate date.

DOCUMENT NUMBER-DATE

07590 AUG-5 05

FPSC-COMMISSION CLERK

Prosecutorial staff's Motion to Amend Procedural Schedule is hereby granted, with the modification to the proposed prehearing conference date. Accordingly, the following revised dates shall govern this case.

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|--|-------------------|
| 1) Commission Staff's/Intervenors' Direct Testimony and Exhibits | September 2, 2005 |
| 2) Utility's Direct Testimony and Exhibits | November 18, 2005 |
| 3) Commission Staff's/Intervenors' Rebuttal Testimony and Exhibits | December 21, 2005 |
| 4) Prehearing Statements | December 21, 2005 |
| 5) Prehearing Conference | January 4, 2006 |

Except as modified herein, all other provisions of Orders Nos. PSC-05-0514-PCO-WU, PSC-05-0598-PCO-WU, and PSC-05-0641-PCO-WU shall remain in effect.

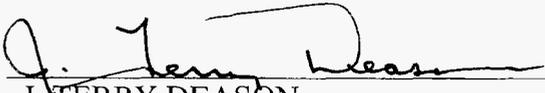
Therefore, it is

ORDERED by Commissioner J. Terry Deason, as Prehearing Officer, that prosecutorial staff's Motion to Amend Procedural Schedule is hereby granted, with the modification to the proposed prehearing conference date set forth in the body of this Order. It is further

ORDERED that the revised controlling dates set forth in the body of this Order shall govern this case. It is further

ORDERED that, except as modified in this Order, all other provisions of Orders Nos. PSC-05-0514-PCO-WU, PSC-05-0598-PCO-WU, and PSC-05-0641-PCO-WU shall remain in effect.

By ORDER of Commissioner J. Terry Deason, as Prehearing Officer, this 5th day of August, 2005.



J. TERRY DEASON
Commissioner and Prehearing Officer

(S E A L)

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, Florida Administrative Code; or (2) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Director, Division of the Commission Clerk and Administrative Services, in the form prescribed by Rule 25-22.060, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.