

ORIGINAL

BEFORE THE PUBLIC SERVICE COMMISSION

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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

COMMISSION  
CLERK

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., Harry C. Hawcroft, Sandy Mitchell, Jr., and Edward O. Wood, jointly move the Prehearing Officer to revise the Order Establishing Procedure in this docket to reschedule the formal evidentiary hearing to July 10-14, 20-21, and August 4, 2006, and reschedule the prehearing to June 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>
CMP _____			
COM <u>5</u> _____			
CTR _____	Staff/Intervenor Direct	December 9, 2005	March 6, 2006
ECR _____	Aloha Direct	February 24, 2006	May 22, 2006
GCL _____	Staff/Intervenor Rebuttal	March 29, 2006	June 22, 2006
OPC _____	Prehearing Statements	March 29, 2006	June 22, 2006
RCA _____	As grounds therefor, the parties jointly state:		
SCR _____	1. At a special agenda conference held on August 17, 2005, the Commission deferred a		
SGA _____	decision on Aloha Utilities, Inc.'s offer of settlement filed in this docket, encouraged the parties		
SEC <u>1</u> _____	to engage in continuing settlement negotiations with the involvement of the customers, the		
OTH <u>kump</u> _____	Office of Public Counsel, and other interested persons, and held all pending		

11/21/05  
KMP

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

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 rescheduled to April 3, 2006, and the hearing was rescheduled to April 10-14 and 19-21, 2006.

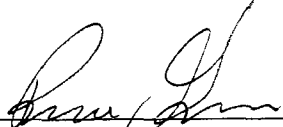
3. Much progress has been made towards settlement of the case during the course of the settlement negotiations, with the active involvement of the utility, the customers, the Office of Public Counsel, the staff, and other interested persons. However, the parties require an additional 90 days in which to continue these settlement negotiations and finalize a settlement agreement. In the event that a settlement agreement is not reached within that timeframe, the parties jointly request that the prehearing be rescheduled to June 28, 2006, and the hearing be rescheduled to July 10-14, 20-21, and August 4, 2006.

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.

JOINT MOTION TO RESCHEDULE PREHEARING AND HEARING DATES AND TO  
AMEND PROCEDURAL SCHEDULE  
DOCKET NO. 050018-WU  
PAGE 3

Respectfully submitted,

 Date 11/7/05  
JOHN L. WHARTON, ESQ.  
Rose, Sundstrom & Bentley, LLP  
On behalf of Aloha Utilities, Inc.

 Date 11/8/05  
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 \_\_\_\_\_  
HARRY C. HAWCROFT  
Intervenor

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


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

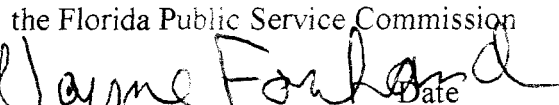
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PAGE 3

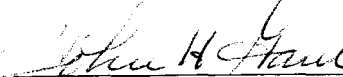
Respectfully submitted,

\_\_\_\_\_  
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 11/9/05  
STEPHEN C. REILLY, ESQ.  
Office of Public Counsel  
On behalf of the Citizens

\_\_\_\_\_  
Date 11-8-05  
WAYNE T. FOREHAND  
Intervenor

\_\_\_\_\_  
Date 11/09/05  
JOHN H. GAUL, PH.D.  
Intervenor

\_\_\_\_\_  
Date \_\_\_\_\_  
HARRY C. HAWCROFT  
Intervenor

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

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

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DOCKET NO. 050018-WU  
PAGE 3

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  
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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 \_\_\_\_\_  
HARRY C. HAWCROFT  
Intervenor

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

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

\*  
— Please see attached e-mail dated November 10, 2005.

JOINT MOTION TO RESCHEDULE PREHEARING AND HEARING DATES AND TO  
AMEND PROCEDURAL SCHEDULE  
DOCKET NO. 050018-WU  
PAGE 4

ATTACHMENT

Rick Melson

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**From:** REILLY.STEVE [REILLY.STEVE@leg.state.fl.us]  
**Sent:** Thursday, November 10, 2005 5:22 PM  
**To:** Rick Melson  
**Subject:** RE: Aloha: Joint Motion for Extension of Time

Rick Melson

Your understanding is correct. Thank you for your assistance. Steve Reilly

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

**From:** Rick Melson [mailto:RMelson@PSC.STATE.FL.US]  
**Sent:** Thursday, November 10, 2005 9:04 AM  
**To:** REILLY.STEVE  
**Subject:** Aloha: Joint Motion for Extension of Time

Based on our conversation yesterday, I understand that:

1) Mr. Forehand has made several unsuccessful attempts over the past 10 days to contact Mr. Hawcroft (who is travelling abroad), Mr. Mitchell (who is in the hospital) and Mr. Wood (who is out of state) to obtain signatures on the Joint Motion to Reschedule Prehearing and Hearing Dates and to Amend Procedural Schedule.

2) Under these circumstances, the customer representatives who are actively participating in the settlement negotiations -- the Office of Public Counsel, Dr. Gaul, and Mr. Forehand -- agree that the Prehearing Officer should rule on the Joint Motion without waiting for signatures from these parties.

Please reply to confirm that my understanding is correct.

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DOCKET NO. 050018-WU

FILED: NOVEMBER 14, 2005

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 14th day of November, 2005:

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

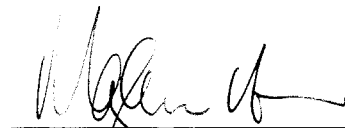
Mr. Harry Hawcroft  
1612 Boswell Lane  
New Port Richey, FL 34655

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

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



MARY ANNE HELTON, ATTORNEY SUPERVISOR  
FOR ROSANNE GERVASI, STAFF COUNSEL

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Tallahassee, FL 32399-0850  
Telephone No.: (850) 413-6199  
Facsimile No.: (850) 413-6250