

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Investigation of utility rates of Aloha Utilities, Inc. in Pasco County, Florida))))

DOCKET NO. 960545-WS

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MOTION FOR CLARIFICATION

COMES NOW, Aloha Utilities, Inc. ("Aloha" or "Utility") by and through its undersigned counsel, and files this Motion for Clarification of the requirements of the Florida Public Service Commission's ("PSC" or "Commission") Final Order No. Order PSC-00-1285-FOF-WS ("the Order") and in support thereof states as follows:

1. On July 14, 2000, the Commission issued its Final Order in the above-referenced docket. Among other things within that Order, the fifth ordering paragraph specifically provided:

"ORDERED that Aloha Utilities, Inc. shall immediately implement a pilot project using the best available treatment alternative to enhance the water quality and to diminish the tendency of the water to produce copper sulfide in the customers' homes as set forth in the body of this Order."

2. Nowhere in the body of this Order, nor in any Commission Rule, nor in any other document that Aloha is aware of, are the words "best available treatment alternative" defined. Nor was that term even used at hearing to the knowledge of Aloha's consultants or counsel.

3. Aloha has provided substantial information and suggested water treatment alternatives and suggestions to the Commission over the unprecedented five year span of this proceeding, including the study and recommendation of what Aloha and its engineers felt was the best available method for the reduction of hydrogen sulfide.

4. However, the Order does not specify the removal of hydrogen sulfide as the goal of the pilot project, as was the purpose of the detailed study performed by Aloha at the Commission's behest and submitted in May of 1997.

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5. The pilot project is not a further study of treatment alternatives, but instead is the construction of a mini- treatment plant, under an already resolved treatment methodology. This distinction was clearly made by Mr. Porter at hearing. Its sole purpose is to determine optimum sizing of components and constituents, and appropriate dosing rates for the prescribed treatment chemicals.

6. Since the methodology to be employed by Aloha is nowhere delineated in the Commission's Order, nor by any regulatory requirement other than the Commission's Order, Aloha cannot proceed with the construction of the required pilot project until such time as the appropriate treatment methodology is further clarified by the Commission by Order.

7. Aloha knows of no method or different treatment option available to it to address the concerns raised by the customers and by the Commission other than those presented in evidence at hearing.

8. No guidance was given in the Order as to the method of treatment to be utilized. Utility witness David Porter testified at hearing, and the Utility still believes today, that packed tower aeration is the best available treatment method to reduce hydrogen sulfide and increase water quality. However, several different alternative treatment methods were discussed during the hearing, and the Order provides no guidance as to whether the Commission desires for the Utility to implement one of those or some other alternative, or if so, which one.

9. Aloha is being required to comply with a requirement of the Commission's Order which is nowhere else delineated nor described by any other regulatory body. As such, until and unless the Commission clarifies the meaning of the fifth ordering paragraph of its Order, the Utility cannot comply with that requirement, nor the other related requirements of the Order.

10. The Commission has recognized, in previous proceedings, the appropriateness of granting a Motion for Clarification of a Commission Order as to what is required of a Utility (Order No. PSC-97-1059-FOF-TP, dated September 9, 1997 in Docket No. 961230-TP).

WHEREFORE, Aloha Utilities, Inc. requests that the Florida Public Service Commission clarify its Order No. PSC-00-1285-FOF-WS to provide Aloha specific guidance as to the treatment methodology that the Commission desires that Aloha implement through a pilot testing program. Until the Commission provides that information, Aloha is unable to move forward with design, permitting, and construction of the pilot project facilities, and cannot possibly comply with the Commission's Order.


Respectfully submitted this 31st day of July, 2000.



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and accurate copy of the foregoing has been furnished by Hand Delivery to Ralph Jaeger, Esquire and Jason Fudge, Division of Legal Services, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399-0850 and via facsimile to Stephen M. Presnell, Esq., Office of Public Counsel, 111 Madison Street, Room 812, Tallahassee, FL 32399-1400 on this 31st day of July, 2000.



F. Marshall Deterding, Esq.

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