BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application of Aloha)
Utilities, Inc. for limited)
proceeding emergency, temporary)
and permanent increase in water)
rates to its customers in its)
Seven Springs service area in)
Pasco County, Florida.)

UI APR 17 PM 3: 34

Docket No. 0101650WU36 AND REPORTING

MOTION FOR REFUND OF FILING FEE

Aloha Utilities, Inc. (hereinafter "Aloha", "Applicant" or "Utility") by and through its undersigned counsel, files this Motion for Refund of Filing Fee in the above-referenced matter and in support thereof states as follows:

- 1. On February 5, 2001, Aloha filed a request for limited proceeding increase in water rates to its customers in the Seven Springs service territory, as a result of requirements imposed by the Water Management District which resulted in substantial increases in Aloha's bulk purchases of water from Pasco County. The Utility requested both emergency interim and final rates. Within six weeks, the staff issued a recommendation recommending not only denial of the request for interim relief, but also that the case be dismissed in total as an inappropriate vehicle for seeking recovery of such increased costs, under the circumstances.
- 2. As part of that Application, a filing fee, in accordance with the requirements of Commission rules, of \$2,250 was submitted.
- 3. While the staff recommendation did not address the issue of the filing fee, it is normal for the Commission when dismissing a

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case in short order, such as the instant case, that the filing fee be refunded in total to the Utility.

4. As the staff recommendation did not discuss the issue of refund of the filing fee, Aloha Utilities, Inc. is seeking refund of those monies through this Motion, since it is unlikely that issue will be addressed in the Final Order to be issued in the next few days.

WHEREFORE, Aloha Utilities, Inc. requests that the Commission issue its order authorizing the refund of the filing fee filed in the above-referenced matter, as part of its action in dismissing this case and closing this docket.

Respectfully submitted this // day of April, 2001, by:

ROSE, SUNDSTROM & BENTLEY, LLP 2548 Blairstone Pines Drive Tallahassee, Florida 32301 (850) 877-6555

F. MARSHALL DETERDING

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by Hand Delivery to the following parties this day of April, 2001.

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

F. MARSHALL DETERDING