

State of Florida



Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399-0850

-M-E-M-O-R-A-N-D-U-M-

DATE: February 6 , 2008
TO: Ann Cole, Commission Clerk - PSC, Office of Commission Clerk
FROM: Jared Deason, Regulatory Analyst IV, Division of Economic Regulation
RE: Docket No. 070641-WU, Complaint by Warren Dunphy, on behalf of Realm Management, LLC regarding required installation of a reuse line by Aloha Utilities, Inc.

Attached is a document for inclusion in the docket file for Docket No. 070641-WU, Complaint by Warren Dunphy, on behalf of Realm Management, LLC regarding required installation of a reuse line by Aloha Utilities, Inc.

The document is a letter which is dated December 28, 2007 addressed to Troy Rendell from Mr. F. Marshall Deterding from Rose, Sundstrom & Bentley.

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December 28, 2007

Mr. Troy Rendell
Division of Economic Regulation
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Re: Aloha Utilities, Inc.; Dunphy Complaint
Reuse Line North of State Road 54 on the West Side of Little Road
Our File No. 26038.53

Dear Troy:

Aloha has been asked to outline a proposed method for dealing with the appropriate construction and donation of the reuse line on the west side of Little Road, north of State Road 54, from the Wal-Mart to the Chang Medical Center and how the developers located along that route could work together to install that line and contribute it to Aloha, thereby moving the process forward as quickly as possible. We have outlined below a suggested schedule based upon our engineer's estimate of the time that is required for each of the relevant items, and the securities that are required by Aloha in order to ensure completion, while at the same time allowing the parties to move forward with the required services and meeting their obligations.

- December 31 - Agreement between parties (Regents Bank & Alli Gators) and Aloha Utilities, Inc., stating their mutual agreement to construct the Proposed Reuse pipeline to serve Alli Gators, Regents Bank, Manos Property and Chang Medical Park. Submit security, in a form acceptable to Aloha, in amount equal to the agreed upon estimated cost of all such facilities.
- January 31- Submit construction drawings prepared by Florida Registered Engineer showing the proposed reuse main construction from the existing 24-inch Reuse main on the south side of SR 54 to a point of service to Chang Medical Park to Aloha for review and approval.

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Execute a Refundable Advance Agreement and/or additional Developer Agreement, as necessary, and provide security for the construction of the reuse line acceptable to the Utility in the form of escrowed funds, letter of credit, or bond equal to the entire cost of construction of the reuse line plus the utility's overheads.

- Submit all Permit Applications requiring signature of Aloha. Submit copies of Permit Applications which do not require execution by Aloha.
- March 3 - Submit copies of construction Bids or copy of negotiated contract price to Aloha for Review.
- April 1 - Provide copies of contract between the developer(s) and the contractor, copy of Notice-to-Proceed to the contractor, and copies of required Permits, including FDOT, FDEP, and Pasco County.
- May 1 - Contractor to be on site and commencing actual construction of the pipeline.
- September 1 - Submit Signed and Sealed Record Drawings to Aloha for Approval. Certify completion of construction to Aloha and to regulatory agencies.
- September 15 - Submit acceptance of construction by FDEP, FDOT, and Pasco County.
- Release of security for construction of line, to the extent not utilized for construction of facilities and to the extent additional costs above those originally estimated have not been incurred in the construction of the facilities or by Service Company. Any such additional charges will be assessed against the security if sufficient, or on a proportional basis to each of the signatories to the Refundable Advance Agreement in proportion to their sharing of the original estimated cost of construction.

If you have any further questions in this regard, please let me know.

Sincerely,
ROSE, SUNDBSTROM & BENTLEY



F. Marshall Deterding
For The Firm

FMD/tms

cc: Katherine Fleming, Esq.
Cheryl Bulecza-Banks
Jared Deason