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February 19, 2008

VIA HAND DELIVERY

Ann Cole, Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

Re: Aloha Utilities, Inc.; PSC Docket Nos. 060122-WU and 060606-W

Dear Ms. Cole:

On February 14, Senator Fasano wrote a letter to the Commission alleging that a tour of the water plants and well sites related to the proposed anion project, which Aloha was undertaking voluntarily for the benefit of OPC and its engineering consultant, had been cancelled on the day it was scheduled after being confirmed the day before it was scheduled. We want to make clear, in writing, that the postponement of the site visit in no way, shape, or form, unfolded consistent with the false sequence of events which Senator Fasano has now communicated directly to the Commissioners. Due to the emergency hospitalization of the wife of Aloha's engineering consultant, the tour had been postponed before noon *the day before* it was scheduled to occur (over 24 hours in advance of its scheduled commencement), and it was certainly never "confirmed" on that date. Either the Office of Public Counsel misrepresented this information to Senator Fasano, or the Office of Public Counsel correctly conveyed this information to Senator Fasano, and Senator Fasano simply misrepresented the information in his letter to each of the Commissioners. This was only one of many of the misrepresentations in the Senator's letter. Again, typically, as is the case with most of Senator Fasano's letters, Aloha was not favored with a copy.

The postponement of the tour was made known to counsel for OPC over 24 hours in advance by email. Counsel for OPC is hardly in a position to claim that email is not an effective means of communicating with him since it is his exclusive method of initially serving pleadings in administrative proceedings.

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Additionally, Senator Fasano's suggestion that Mr. Watford should have conducted his site visit, in the place of Mr. Porter, is specious. Mr. Porter is the person most familiar with the anion project and in light of the fact that the anion facilities are yet to be constructed, most of the information gleaned from the tour would have been from Mr. Porter himself. Mr. Porter is making himself available to conduct a tour this week although, as of this writing, OPC has indicated they will not attend. Mr. Porter's value to the tour certainly outweighs the minimal delay of one week because of the aforementioned medical emergency.

Senator Fasano's letter also claims that Aloha "thumbed its nose at the (C)ommission by purposely delaying notifying the (C)ommission that Dr. Levine's report was going to be months behind". This statement is completely untrue. Aloha contacted the Commission Staff as soon as it knew that a delay in the USF report would adversely impact the project schedule. Aloha would have nothing to gain by purposefully delaying notifying Staff of this matter, and in fact such a delay would be to Aloha's detriment.

Senator Fasano's continued politicalization of these issues, while consistent with his past actions, are not helpful in moving forward with the anion project which the Commission has ordered be implemented.

Thank you in advance for your attention to this matter.

Sincerely,



John L. Wharton  
For The Firm

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cc: Stephen Watford  
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