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Ruth Nettles

From: wayne forehand [wayneforehand@verizon.net]
Sent: Monday, March 24, 2008 8:00 AM
To: Filings@psc.state.fl.us
Cc: Steve Reilly OPC; martyd@rsbattorneys.com; jwharton@rsbattorneys.com; Jean Hartman
Subject: Electronic Filing Docket No. 060122-WU

Attachments: SDOC0320.pdf



SDOC0320.pdf
(279 KB)

ELECTRONIC FILING

John P. Andrews

Better Water Now

1216 Arlinbrook Drive

Trinity, Florida 34655

(727) 372-2104

c/o wayneforehand@verizon.net

b. Docket No. 060122-WU In Re: Application for Limited Proceeding

c. Document being filed on behalf of four customers of Aloha Utilities, Inc.

d. There are a total of six pages.

e. The document attached for electronic filing is Petition on Proposed Agency Action.

Wayne T. Forehand

On behalf of Four Customers

Telephone: (727) 372-2104

E-mail: wayneforehand@verizon.net

*Done
3/24/08*

DOCUMENT NUMBER-DATE

02166 MAR 24 8

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Joint petition for approval of)
stipulation on procedure with Office) Docket No. 060122-WU
of Public Counsel, and application for)
limited proceeding increase in water rates) Filed: March 24, 2008
in Pasco County, by Aloha Utilities, Inc.)
_____ /

PETITION ON PROPOSED AGENCY ACTION

John P. Andrews, Chairman, Wayne T. Forehand, member, Richard E. Wiltsey, member, and Susan Hendrick, member, individually, and as the Executive Committee for "Better Water Now," hereinafter called Petitioners, pursuant to Chapter 120.57, Florida Statutes, and Rules 25-22.029 and 28-106.201, Florida Administrative Code, file this objection to the Florida Public Service Commission's ("Commission") Order No. PSC-08-0137-PAA-WU ("Order"), issued March 3, 2008, and state:

1. The name and address of the agency affected and the agency's file number:

Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850
Docket No. 060122-WU

2. The above Petitioners are all customers of Aloha Utilities, Inc. ("Aloha," "Utility" or "Company") whose substantial interests will be affected by the Order because the Order authorizes the Utility to increase the rates and charges it imposes upon its customers. Further, the above Petitioners are all of the members of the Executive Committee of "Better Water Now," which was formed to provide customer input and to advocate correction of the quality of service problems experienced by the Aloha customers.

DOCUMENT NUMBER-DATE

02166 MAR 24 08

FPSC-COMMISSION CLERK

3. The address and telephone number of the one of the above Petitioners shall serve as the address and telephone number for all of the Petitioners, which shall be the address for service purposes during the course of the proceeding. This address and telephone number is as follows:

1216 Arlinbrook Drive
Trinity, Florida 34655
(727) 372-2104

4. The Petitioners received a copy of the Order by electronic mail on March 4, 2008.

5. At this time the ultimate facts alleged, including the specific facts which the Petitioner contends warrants reversal or modification of the agency's proposed action are as follows:

Rate Base

- a. It is imprudent to construct a temporary interconnection with Pasco County, and the costs of the temporary interconnection facility are overstated.
- b. It is imprudent to locate a single interconnection facility in the industrial park area as proposed by Aloha.
- c. The gallons of bulk water to be purchased from Pasco County and the associated impact fees included in rate base in 2008 and 2009 are overstated.

Expenses

- a. The rate per thousand gallons of water purchased from Pasco County is overstated and should be reduced.
- b. The flows that will be purchased from Pasco County are overstated and should be reduced.

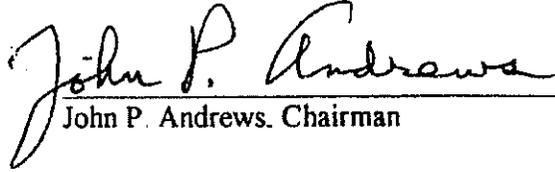
- c. As a result of subparagraphs a. and b. the cost of bulk water purchased from Pasco County in 2008 and 2009 is overstated and should be reduced.
 - d. The salaries and wages and related pensions and benefits associated with chloramine conversion and the interconnection facility are excessive and should be reduced.
 - e. Purchased power costs associated with the interconnection facility and the purchased power costs and chemical costs of the chloramine conversion are overstated and should be reduced.
6. Each of the foregoing matters involve disputed issues of material fact.
7. Order No. PSC-08-0137-PAA-WU establishes March 24, 2008 as the date by which protests must be filed.
8. Section 367.081, Florida Statutes, is a specific statute the Petitioners contend requires reversal of the agency's proposed action.
9. The Petitioners seek the Commission to take the following actions with respect to the agency's proposed action:
- a. Determine the proper water revenue requirements and resulting rates after:
 - i. making adjustments to remove the temporary interconnection costs included in rate base, as they are imprudent;
 - ii. making a finding of the imprudence of the location of the proposed interconnection facility;
 - iii. establishing the correct water flows to be purchased from Pasco County for purposes of determining the impact fees assessed by Pasco County;

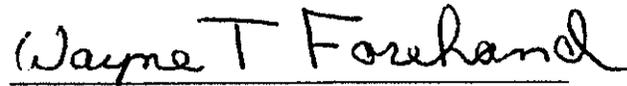
- iv. setting the rate per thousand gallons to be charged by Pasco County at \$3.43;
- v. establishing the correct water flows to be purchased from Pasco County;
- vi. establishing the bulk water costs to be purchased from Pasco County based upon the correct water flows and correct rate to be charged by Pasco County;
- vii. adjusting salaries and wages and related pensions and benefits associated with chloramine conversion and the interconnection facility;
and
- viii. adjusting purchased power costs associated with the interconnection facility and purchased power and chemical costs of the chloramine conversion.

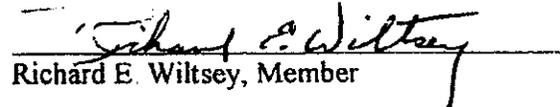
WHEREFORE, the Petitioners hereby protest and object to Commission Order No. PSC-09-0137-PAA-WU as provided above, and petitions the Commission to conduct a formal evidentiary hearing, under the provisions of Section 120.57(1), Florida Statutes, and further petitions that such hearing be scheduled at a convenient time within or as close as practical to the Utility's certificated service area.

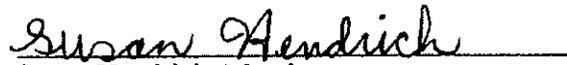
Respectfully submitted,

EXECUTIVE COMMITTEE FOR BETTER WATER NOW


John P. Andrews, Chairman


Wayne T. Forehand, Member


Richard E. Wiltsey, Member


Susan Hendrick, Member

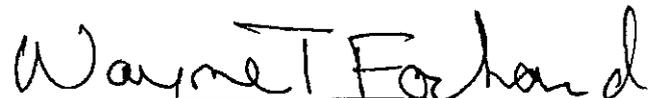
CERTIFICATE OF SERVICE
DOCKET NO. 060122-WU

I HEREBY CERTIFY that a true and correct copy of the foregoing Petition on Proposed Agency Action has been furnished by electronic mail and U S. Mail to the following parties on this 24th day of March, 2008.

Jean Hartman, Esquire
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

John L. Wharton, Esquire.
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Wayne T. Forehand
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