

Dorothy Menasco

From: DAVIS.PHYLLIS [DAVIS.PHYLLIS@leg.state.fl.us]
Sent: Thursday, March 19, 2009 2:20 PM
To: Filings@psc.state.fl.us
Cc: Jean Hartman; jwharton@rsbattorneys.com; REILLY.STEVE
Subject: 060122-WU Electronic Filing
Attachments: Customer Intervenors & Petitioners Motion to Establish a Rate Stabilization Escrow Account.pdf

Electronic Filing

a. Person responsible for this electronic filing:

Stephen C. Reilly, Associate Public Counsel
Office of Public Counsel
c/o The Florida Legislature
111 West Madison Street, Room 812
Tallahassee, FL 32399-1400
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reilly.steve@leg.state.fl.us

b. **Docket No. 010503-WU**

In re: Application for an increase in water rates for Seven Springs System in Pasco County by Aloha Utilities, Inc.

Docket No. 060122-WU

In re: Application for limited proceeding increase in water rates in Pasco County, by Aloha Utilities, Inc.

Docket No. 060606-WS

In re: Progress reports on implementation of Anion Exchange in Pasco County, filed by Aloha Utilities, Inc. pursuant to Order No. PSC-06-0270-AS-WU

c. There are a total of 6 pages.

d. The document attached for electronic filing is Customer Intervenors' and Petitioners' Motion to Establish a Rate Stabilization Escrow Account.

Phyllis W. Philip-Guide
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DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application for an increase in water rates for Seven Springs System in Pasco County by Aloha Utilities, Inc.

Docket No. 010503-WU

In Re: Application for limited proceeding Increase in water rates in Pasco County, by Aloha Utilities, Inc.

Docket No. 060122-WU

In Re: Progress reports on implementation of Anion Exchange in Pasco County, filed by Aloha Utilities, Inc. pursuant to Order No. PSC-06-0270-AS-WU.

Docket No. 060606-WS

Filed: March 19th, 2009

CUSTOMER INTERVENORS' AND PETITIONERS'
MOTION TO ESTABLISH A RATE STABILIZATION ESCROW ACCOUNT

The Customer Intervenors and Parties to the Settlement Agreement in Docket No. 060606-WS and the Customer Petitioners, in Docket No. 060122-WU, collectively referred to as ("Customer Representatives") file this motion to convert the Refund Escrow Account referred to in paragraph 3 (d) of the Settlement Agreement in Docket No. 060606-WS ("Refund Escrow Account") to a Rate Stabilization Escrow Account, and state:

1. Customer Representatives agree with and adopt as their own all of the paragraphs (1-15) presented in the Citizens' Response To Aloha's Motion For Contingent Release Of Escrow Monies.
2. Given the passage of time and the transfer of ownership of Aloha Utilities, Inc. ("Aloha"), it will be difficult to determine and properly distribute refunds to the

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appropriate customers because of Aloha's over collections from its customers for the period between January 2002 through July 2003. For this reason, the Customer Representatives request the Commission to transfer control of the Refund Escrow Account to the Florida Governmental Utility Authority ("FGUA") for the purpose of establishing a Rate Stabilization Escrow Account for the benefit of the customers.

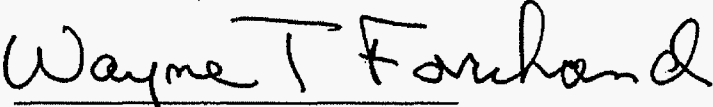
3. The Board of FGUA or successor Board of County Commissioners of Pasco County (should the County assume ownership) ("the County Board") shall maintain and control the new Rate Stabilization Escrow Account in trust for the benefit of the customers to be applied at a future time to offset a future rate increase that is deemed appropriate by the Board of FGUA or the County Board. The new Rate Stabilization Escrow Account will continue to earn interest and increase in value until such time as the Board of FGUA or the County Board determines to apply the funds to offset a future rate increase.
4. With the Purchase of Aloha by FGUA, establishing this Rate Stabilization Escrow Account comes as close as we can to satisfy both the letter and spirit of paragraph 3(d) of the Settlement Agreement with regard to the final disposition of refund monies repeatedly ordered by this Commission.
5. The Customer Representatives have conferred with all of the other Parties of Record and FGUA concerning this motion. Aloha does not support the motion. The Office of Public Counsel supports the motion. FGUA does not oppose the

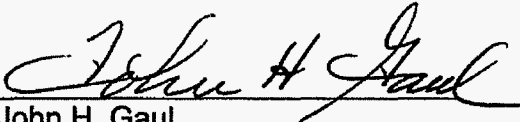
motion and would commit to establish, maintain and when necessary properly apply the funds in the proposed Rate Stabilization Escrow Account for the benefit of the customers should the Commission approve the transfer of such funds to an FGUA Escrow Account.

WHEREFORE, for the reasons stated in the Citizens' Response To Aloha's Motion For Contingent Release Of Escrow Monies and for the additional reasons stated above, the Customer Representatives request the Commission to issue an order requiring the transfer of the funds remaining in the Refund Escrow Account to FGUA, with the conditions contained in this motion, for the purpose of establishing a Rate Stabilization Escrow Account for the benefit of customers.

Respectfully submitted,

CUSTOMER INTERVENORS/ PARTIES
TO THE SETTLEMENT AGREEMENT
IN DOCKET NO. 060606-WS


Wayne T. Forehand


John H. Gaul

Sandy Mitchell, Jr.

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Respectfully submitted,

CUSTOMER INTERVENORS/ PARTIES
TO THE SETTLEMENT AGREEMENT
IN DOCKET NO. 060606-WS

Wayne T. Forehand

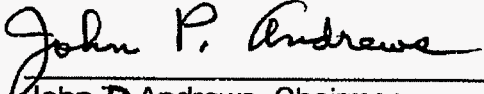
John H. Gaul



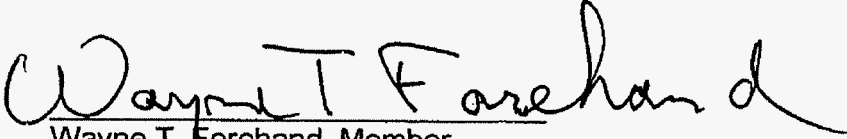
Sandy Mitchell, Jr.

3-11-09

CUSTOMER PETITIONERS IN DOCKET NO. 060122-WU
AND
EXECUTIVE COMMITTEE FOR BETTER WATER NOW



John P. Andrews, Chairman



Wayne T. Forehand, Member



Richard E. Wiltsey, Member



Susan Hendrick, Member

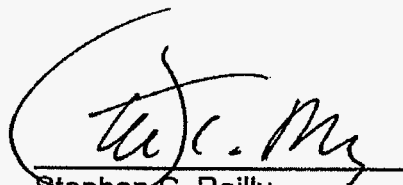
CERTIFICATE OF SERVICE
DOCKET NO. 060122-WU & DOCKET NO. 060606-WS

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via electronic mail and by U. S. Mail to the following parties this 19th day of March, 2009:

Jean Hartman, Esquire
Office of the General Counsel
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

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Stephen C. Reilly