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Subject: AQUA UTILITIES FLORIDA, INC. RATE ACTION (Docket. No. 100330-WS): INTERVENER, YES COMPANIES, LLC D/B/A ARREDONDO FARMS', Notice of Filing Transcript of Deposition of AUF Employee Grisham
Attachments: GRISHAM DEPO.pdf

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b. Docket No. 100330-WS

In Re: Application for increase in water/wastewater rates in Alachua, Brevard, DeSoto, Hardee, Highlands, Lake, Lee, Marion, Orange, Palm Beach, Pasco, Polk, Putnam, Seminole, Sumter, Volusia, and Washington Counties by Aqua Utilities Florida, Inc.

c. Document being filed on behalf of YES COMPANIES, LLC d/b/a ARREDONDO FARMS**d. There are a total of 143 pages****e. The document attached for electronic filing is: INTERVENER, YES COMPANIES, LLC D/B/A ARREDONDO FARMS', Notice of Filing Transcript of Deposition of AUF Employee Grisham**

Thank you for your cooperation and attention to this matter.

Sue

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for increase in water/wastewater
Rates in Alachua, Brevard, DeSoto, Hardee,
Highlands, Lake, Lee Marion, Orange, Palm
Beach, Pasco, Polk, Putnam, Seminole, Sumter,
Volusia, and Washington Counties by Aqua
Utilities Florida, Inc.

DOCKET NO. 100330-WS

Filed: November 7, 2011

**INTERVENER, YES COMPANIES, LLC D/B/A ARREDONDO FARMS',
NOTICE OF FILING COPY OF TRANSCRIPT OF THE DEPOSITION OF
AQUA UTILITIES FLORIDA, INC. EMPLOYEE STEVEN GRISHAM**

Intervener, Yes Companies, LLC d/b/a Arredondo Farms ("YES"), by and through its undersigned counsel, hereby gives notice of filing a copy of the transcript of the deposition of Aqua Utilities Florida, Inc. employee Steven Grisham, along with exhibits "A" and "B" thereto, for use at the technical hearing in this matter.

Respectfully submitted,

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 100330-WS

In Re: Application for increase in water/
wastewater rates in Alachua, Brevard,
DeSoto, Hardee, Highlands, Lake, Lee,
Marion, Orange, Palm Beach, Pasco, Polk,
Putnam, Seminole, Sumter, Volusia and
Washington Counties by Aqua Utilities
Florida, Inc.

-----/

PROCEEDINGS: Deposition of
 STEVEN EDWARD GRISHAM

DATE: October 27, 2011

TIME: 1:10 p.m. to 4:45 p.m.

PLACE: Anderson Court Reporting
 14150 Third Street
 Dade City, Florida

REPORTED BY: Lois C. Grigg
 Notary Public
 State of Florida at Large

ORIGINAL

ANDERSON COURT REPORTING

Phone: (352) 567-5484

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1 THEREUPON,

2 STEVEN GRISHAM,

3 the deponent herein, being first duly sworn, was
4 examined and testified as follows:

5 THE DEPONENT: I do.

6 DIRECT EXAMINATION

7 BY MR. MCBRIDE:

8 Q Good afternoon, Mr. Grisham. My name is
9 Andrew McBride. I'm an attorney for YES Communities,
10 LLC. Will you please state your name for the record?

11 A Steve Grisham.

12 Q What's your middle name?

13 A E, Edward. Steven Edward Grisham.

14 Q Are you on any medications this afternoon
15 that might impair your ability to answer questions
16 truthfully or to remember events clearly?

17 A No.

18 MR. MAY: Excuse me. My understanding was
19 that you were going to identify the parties and
20 the individuals who are in the room with you.

21 THE COURT REPORTER: Okay. We have of
22 course Mr. McBride who's conducting the
23 deposition; Mr. Grisham who's the deponent. We
24 have Elizabeth Bevington from Holland & Knight.
25 We have Ms. Patty Christensen, and we have

1 someone with Mr. McBride, a Mallory Starling
2 from YES Communities. That's it.

3 MR. MAY: Thank you so much.

4 BY MR. MCBRIDE:

5 Q Mr. Grisham, these are what I call the
6 ground rules of the deposition. I would ask that you
7 don't talk over me when I'm asking you a question.
8 In response, I won't talk over you when you're
9 answering a question. That way there's a clear
10 transcript that can be taken down.

11 I'd ask that you give verbal answers to
12 questions, not a nod of the head or a nonverbal
13 response. She wouldn't be able to put that on the
14 record. Do you understand that?

15 A Yes.

16 Q Okay. Your lawyer may object to a
17 question. Unless you're specifically instructed not
18 to answer, I would ask that you answer the question.
19 And I will ask if you've ever been deposed before.

20 A No, I have not.

21 Q How did you prepare for this deposition
22 today?

23 A They've kind of prepped me like --

24 MS. BEVINGTON: Let me interrupt. I'm
25 going to object to the question as to the extent

1 it could invade the attorney-client privilege,
2 and I would instruct the witness not to answer
3 with respect to any of the communications he may
4 have had with counsel.

5 You're free to discuss the length of time
6 or the fact of the meeting and who was present
7 but not the contents of the communication.

8 THE DEPONENT: Right.

9 MR. MCBRIDE: That's correct.

10 BY MR. MCBRIDE:

11 Q So with that in mind, how did you prepare
12 for today's deposition?

13 A We had a meeting.

14 Q When was that?

15 A This morning.

16 Q Was that the only meeting?

17 A No. There was another meeting by phone
18 Monday or Tuesday when I got back from vacation.

19 Q Since the time you were served with the
20 subpoena, are those the only two meetings you've had
21 with regard to this deposition?

22 A No. I had one more yesterday.

23 Q Was that in person?

24 A No.

25 Q By phone? Were your attorneys present in

1 all these meetings?

2 A In person or by phone?

3 Q Either.

4 A Yes.

5 Q The meeting this morning. How long did
6 that last?

7 A About an hour.

8 Q Did you review any documents in this
9 meeting?

10 A No.

11 Q The meeting yesterday. How long did that
12 last? Pardon me. Monday, the meeting on Monday.

13 MS. BEVINGTON: I object to the form. I
14 don't think the witness testified that there was
15 a meeting on Monday.

16 Q Did you testify there was a phone meeting
17 on Monday?

18 A Or possibly Tuesday. I think Monday was my
19 first day back. I think it was Tuesday.

20 Q How long did that meeting last?

21 A About two hours.

22 Q Did you review any documents at that
23 meeting?

24 A No.

25 Q How long did the meeting yesterday last?

1 A Four hours.

2 Q Who was present at that meeting?

3 A Kim Joyce, Bruce, and Ms. Elizabeth here.

4 Q Did you review any documents at that
5 meeting?

6 A I believe so. If reviewing the document
7 you mean like what was said by Ms. Mallory, maybe. I
8 never saw any papers, no, but --

9 Q You never physically reviewed any papers?

10 A No.

11 Q When you say what was said by Mallory, are
12 you referring to the affidavit of Mallory?

13 A Yes.

14 Q Is that the only document?

15 A That's it.

16 Q What's your date of birth?

17 A 8-13, 1970.

18 Q Are you married?

19 A Yes.

20 Q How long?

21 A Nineteen years October 30th.

22 Q Do you have any children?

23 A Two.

24 Q How old are they?

25 A Eighteen and sixteen.

1 Q What's your current address?

2 A 12381 Southeast 102nd Avenue, Belleview,
3 Florida, 34420.

4 Q What is your highest level of education?

5 A High school diploma. I never received a
6 degree from college.

7 Q Did you attend college?

8 A Yes, I did.

9 Q Where did you attend?

10 A FSU for two weeks and CFCC for 18 months.

11 Q What does that stand for?

12 A Central Florida, Central Florida Community
13 College.

14 Q Where are you employed?

15 A Aqua Utilities Florida.

16 Q What's your job title?

17 A Field service technician.

18 Q What does that job entail?

19 A Doing service orders, repairing leaks, and
20 a little face time with customers.

21 Q Does it entail anything else?

22 A (Shaking head).

23 MS. BEVINGTON: Let me interrupt for a
24 moment. You have to speak your response, Mr.
25 Grisham, so that the court reporter can write it

1 down.

2 A No.

3 Q Thank you. Have you had any other

4 positions with Aqua in your time there?

5 A With Aqua Utilities Florida? No. It's

6 always been the same.

7 Q How long you been with Aqua Utilities

8 Florida?

9 A Since 2003 or 2004 when they bought the
10 previous water company.

11 Q Do you know when that was?

12 A I'm not sure of an exact date, no.

13 Q When you started employment with Aqua
14 Utilities Florida, you don't remember if it was 2003
15 or if it was 2004?

16 A I don't know because they just bought out
17 my old company.

18 Q What was that company?

19 A Aqua Source.

20 Q You said your old company. Were you
21 employed by Aqua Source?

22 A Yes.

23 Q For how long?

24 A Since 2001.

25 Q What was your position with Aqua Source?

1 A Field service technician.

2 Q Prior to 2001, what line of work were you
3 in?

4 A Manufacturing. I was supervisor at Mark 3.

5 Q What is Mark 3?

6 A Used to be. It closed down.

7 Q What did Mark 3 manufacture?

8 A Vans, luxury vans, Suburbans, trucks.

9 Q Did you have any experience in utilities
10 when you went to work for Aqua Source?

11 A No, sir.

12 Q You said Aqua Source --

13 A Right.

14 Q -- was purchased by Aqua Utilities Florida?

15 A It was all in a merger when Florida Water,
16 Aqua Source and -- yeah. We were all purchased.

17 Q So you've held the same position since
18 2001?

19 A Yes.

20 Q Have you received any merit raises in your
21 position with Aqua Utilities Florida?

22 A I get a raise every year. I'm not sure if
23 it's a merit raise. I'm not sure what it's for.

24 Q Is it a scheduled raise?

25 A Yes.

1 Q Have you received any awards?

2 A Yes.

3 Q What are those awards?

4 A The presidential award.

5 Q What is the presidential award?

6 A It's for going above and beyond your job
7 description, just doing a good job, I guess.

8 Q When did you receive this?

9 A Last year, a year before. I think in the
10 last four years, five years I have not received one.

11 Q You received it every year but one in the
12 last four or five years?

13 A Right.

14 Q How many presidential awards are given by
15 Aqua Utilities of Florida?

16 A I don't know.

17 Q But more than one employee receives it?

18 A Yes.

19 Q Have you ever been written up or
20 disciplined in your time with Aqua Utilities Florida?

21 A Yes.

22 Q When was that?

23 A Most recent?

24 Q Yes.

25 A When I gave Ms. Mallory the key to the

1 meters, the locks on our meters.

2 Q When did you receive that?

3 A When they found out that I had loaned her
4 the key.

5 Q Do you remember a specific time?

6 A No. It's -- it came out in the PSE hearing
7 that I had -- she had a key to our meter lock, and
8 that's when I was reprimanded.

9 Q Are you referring to the September 12th
10 Gainesville hearing?

11 A I believe so, yes.

12 Q What happened as a result of the reprimand?

13 A It's still pending right now. It was just
14 a verbal, verbal reprimand, and hopefully that's all
15 it will be. I haven't -- I don't know what the total
16 thing will be yet.

17 Q Did anyone inform you that the reprimand
18 process isn't complete?

19 A No.

20 Q Did they inform you it was complete?

21 A No.

22 Q You were just given a verbal reprimand?

23 A Yes, I was.

24 Q Who gave that to you?

25 A Supervisor.

1 Q What is the supervisor's name?

2 A Well, the first reprimand come from Stacey
3 Barnes.

4 Q You said the first reprimand.

5 A Yes.

6 Q I want to clarify what you said. The first
7 reprimand relating to giving --

8 A The key.

9 Q There was more than one reprimand relating
10 to the key?

11 A Yes.

12 Q Can you please explain?

13 A It was brought to my attention that the
14 loaning of an Aqua key, that it's not Aqua policy for
15 anyone but Aqua personnel to have a key since 9/11
16 because that's the same key that works our gates to
17 all our water facilities, so it was --

18 Q Did she meet with you in person?

19 A Who?

20 Q Ms. Barnes.

21 A It's a guy.

22 Q Pardon me. Mr. Barnes.

23 A Yes.

24 Q Where did that occur?

25 A Over the phone.

1 Q So it wasn't in person?

2 A No.

3 Q How long was the phone conversation?

4 A Thirty minutes.

5 Q What did Mr. Barnes say to you in this
6 conversation?

7 A Explained to me that it's not Aqua's policy
8 to give out a key, wanted to know why I did give a
9 key.

10 Q How did you respond?

11 A I told him why.

12 Q Why did you give the key?

13 A It was -- it made it easier for me and Ms.
14 Mallory to expedite the turn-ons and reconnects for
15 the shutoffs for nonpayment.

16 Q What else did you tell him?

17 A That's it.

18 Q Was anything else said during this
19 conversation?

20 A No.

21 Q You sure?

22 A Yes.

23 Q What do you mean when you say it made it
24 easier to expedite turn-ons?

25 A Well, once I leave the area, once I leave

1 Arredondo Farms, the customer has to wait another --
2 till the next business day for me to come back and
3 turn it on. And this just made it easier for -- if
4 somebody paid, I could call her so that they wouldn't
5 be without overnight.

6 Q What is Aqua's policy on this?

7 MS. BEVINGTON: Object to the form.

8 Q You can answer.

9 A Aqua's policy is when they pay the bill, it
10 goes on my next business day work order.

11 Q I'd like to ask you about what you just
12 said. Does it always go on the next business day's
13 work order, or does it depend on whether payment was
14 made before or after you leave the site?

15 A It goes on the following day. That's
16 Aqua's policy. My practice is I always check. Like
17 I'll check the next day's service order to see if
18 anyone's paid before I left.

19 Q How do you check if payment is made?

20 A I can call before I leave or scroll out on
21 my computer for the next business day's service
22 orders.

23 Q When you say you can call before you leave,
24 what are you referring to specifically?

25 A I can call our office and find out if

1 anyone's even called in to make a payment
2 arrangement.

3 Q Can you check on your computer as well?

4 A I can't check -- unless there's a service
5 order been generated, I can't check. Only thing I
6 can check is if there's a service order to reconnect
7 them for the following day. That's the only thing I
8 can check.

9 Q You can't check payment status online?

10 A No.

11 Q You stated it's your practice to check the
12 next day's service order to see if any payment's been
13 made.

14 A Right.

15 Q That's not Aqua's policy?

16 A No. Service orders -- Aqua's policy is
17 service orders, you do your service orders for that
18 day before you go home. That's what they try to do.
19 If you get a -- only exception is multiple shutoffs.

20 Q What do you mean by that?

21 A Arredondo has the most shutoffs of any of
22 my subdivisions.

23 Q Okay. Go on.

24 A So I tend to try to get a head start on any
25 service orders I can have up there by the end of the

1 day when I leave. That's just -- I just -- it's my
2 practice to try to make the day easier for the next
3 day. And if anybody's shut off and they get
4 reconnected, I'd like for them to have it that day so
5 that they don't spend the night without water.

6 Q Does Aqua know that you have your own
7 policy on this issue?

8 A Yes.

9 Q Is that something you were reprimanded for?

10 A No.

11 Q So you're allowed to have your own policy?

12 MS. BEVINGTON: I'm going to object to the
13 form. The witness never testified that it was a
14 policy.

15 Q Go ahead.

16 A It's my practice, and I get a little leeway
17 because I've been there for so long.

18 Q What do you mean by leeway?

19 A I don't understand the question.

20 Q Can you just provide some explanation on
21 that point when you say you get leeway because you've
22 been there so long?

23 A I get to use my judgment if it doesn't
24 conflict against Aqua policy.

25 Q Does this conflict against Aqua policy?

1 A Yes.

2 Q I'm a little confused.

3 A Well, I'm sorry you're confused.

4 Q Could you just provide some more
5 explanation on this when you say you get leeway to
6 use your own judgment when it doesn't conflict with
7 policy?

8 A Right. Well, say you have a mother and
9 three children who has -- couldn't pay the bill. The
10 water gets shut off. She promises me she gets paid
11 tomorrow. I can leave her on and see if she pays
12 tomorrow, if I believe her. But you got crackheads
13 saying the same thing. I can use my judgment if I
14 want to help that single mom leave the water on for
15 one more day.

16 Q What do you mean when you say crackhead?

17 A Arredondo Farms is full of drug people,
18 people that are on drugs. I personally witnessed
19 drug deals go down.

20 Q How many times have you witnessed that?

21 MS. BEVINGTON: Can I clarify? Over the 11
22 years?

23 A Over 11 years or like --

24 Q Yeah, over the 11 years.

25 A Too many to count.

1 Q How about over the last three years?

2 A Well, they deal hand-to-hand deals out
3 front and on the corners. At least 20, 30.

4 Q If you describe them as crackheads, then
5 why do you feel sympathy towards them?

6 A Not all of them are.

7 Q Not all of them --

8 MS. BEVINGTON: Let me object to the form.
9 I think you're mischaracterizing the witness's
10 testimony with respect to sympathy and
11 crackheads.

12 MR. MCBRIDE: That's his term, crackhead.

13 THE DEPONENT: Right.

14 MS. BEVINGTON: But sympathy was not. I
15 don't know where that came from.

16 BY MR. MCBRIDE:

17 Q You understand the question, or would you
18 like me to restate it?

19 A Restate it, please.

20 Q You gave the example of a single mother
21 with three children and giving them an extra day to
22 pay before the water would be shut off.

23 A Right. If she promised me the check's
24 coming, you know, she gets a check from somebody on
25 this date. And, you know, in my 10 years there, I've

1 heard just about every excuse why the bill didn't get
2 paid. It's just you get a feel for the people when
3 you're around them a lot.

4 Q Would you describe it as sympathy you have
5 towards these individuals?

6 MS. BEVINGTON: Which individuals are you
7 referring to?

8 Q The individuals in the community who you
9 might give an extra day to. You can answer.

10 A Yes.

11 Q You said that not all of the people in the
12 park are crackheads?

13 A No.

14 Q What percentage of the people do you think
15 are crackheads?

16 A I'd say there's less than half have
17 probably got some deal with drugs, or somebody at
18 their residence has something to do with drugs.

19 Q I want to go back to what we were talking
20 about a few minutes ago. You mentioned that you had
21 more than one conversation with supervisors at Aqua
22 regarding being reprimanded for giving the key.

23 A Right.

24 Q Your first conversation was with Mr.
25 Barnes.

1 A Right.

2 Q What was the second conversation?

3 A Paul Thompson, my immediate supervisor.

4 Q That came after the conversation with Mr.

5 Barnes?

6 A They all kind of piled on within the next

7 day and a half.

8 Q And do you remember specifically when this

9 conversation occurred?

10 A Not specifically, no.

11 Q Was it within a week of the Gainesville

12 hearing?

13 A Oh, yes.

14 Q Within a day?

15 A Within a day.

16 Q Within a day. You said they all piled on,

17 all the conversations. How many conversations were

18 there in total?

19 A Three.

20 Q Who was the third one with?

21 A Harry Householder.

22 Q Starting with the second conversation with

23 Mr. Thompson, what was the context of that

24 conversation?

25 A Basically letting me know that's not Aqua

1 policy and that I messed up, bad judgment on my part,
2 and I needed to receive the -- get the key back ASAP.

3 Q What did you do in response? Let me
4 rephrase. What did you say in response to that?

5 A "I'm sorry."

6 Q That's all you said?

7 A What could I say?

8 Q How long was that conversation?

9 A That was about 15 minutes.

10 Q Was that in person?

11 A No. Over the phone.

12 Q Was anyone else present?

13 A No.

14 Q What was the third conversation?

15 A I was talking with Harry.

16 Q Was that over the telephone?

17 A No. In person.

18 Q Was anyone else present for that
19 conversation?

20 A No.

21 Q How long did that conversation last?

22 A About 20 minutes.

23 Q Where did it occur?

24 A At the Lady Lake office.

25 Q What did Mr. Householder say to you?

1 A He just told me that that's something that
2 we just don't do at this company, and he give me the
3 list of reasons why we don't do it and why it was a
4 bad judgment on my part.

5 Q Was anything else said?

6 A No.

7 Q What were those lists of reasons?

8 A That that key was the same key that opened
9 the gates to our wells, that that key could be
10 duplicated and could be passed around the park. And
11 since 9/11, nobody was supposed to have the key but
12 Aqua personnel.

13 Q Did he threaten you in any way?

14 A No.

15 Q Was anything said about your future with
16 Aqua?

17 A No.

18 Q Are you aware if any written report was
19 made of this conversation --

20 A No.

21 Q -- or any of these conversations?

22 A No. I'm not aware of any.

23 Q Do you believe the matter is closed?

24 MS. BEVINGTON: Object to the form.

25 A I can't answer that. Truthfully, I have no

1 idea.

2 Q Was anything said to you in any of these
3 three conversations that would indicate the matter is
4 or is not closed?

5 MS. BEVINGTON: That's been asked and
6 answered.

7 Q Go ahead.

8 A No.

9 Q Were there any other reprimands in your
10 time with Aqua aside from the issue with the key?

11 A Yes.

12 Q What were those?

13 A Speeding. Written up for speeding.

14 Q When was that?

15 A This year.

16 Q Any others?

17 A I don't know how many years ago, but I was
18 written up for a verbal altercation with a customer.

19 Q And where did that occur?

20 A Arredondo.

21 Q You say you don't remember how many years
22 ago?

23 A No.

24 Q Was it more than two years ago?

25 A Oh, yes.

1 Q Was it with Aqua Utilities Florida or the
2 prior company?

3 A Might have been -- might have been the
4 prior company. I can't say that definite.

5 Q What was the nature of the verbal
6 altercation?

7 A I get a lot of threats, and I just had
8 enough of the threat that day, and I mouthed off back
9 instead of nodding and taking it.

10 Q A customer threatened you?

11 A Yes.

12 Q What did they say to you?

13 A He'd whip my ass for shutting his water
14 off.

15 Q Do you remember what you said in response?

16 A Not word for word at this time, but I'm
17 sure it was a few cuss words and something else.

18 Q How did your employer find out?

19 A I called and told him. I called and told
20 him because I knew the customer was calling in, too,
21 so I just called ahead of time.

22 Q What happened as a result of that?

23 A I got just a write-up, and I didn't get a
24 raise or the presidential award if you get a
25 write-up.

1 Q You didn't receive the presidential award
2 that year?

3 A I don't even know if it was around that
4 year, but I didn't receive a raise that year.

5 Q Does only Aqua Florida Utilities offer the
6 presidential award?

7 A It was called something different under the
8 other company, and it's been too many years.

9 Q Were there any other reprimands?

10 A Not to my knowledge.

11 Q You mentioned there were other properties
12 that you do service work at.

13 A Yes, sir.

14 Q And what are those properties?

15 A You want a list of them?

16 Q Why don't you start by just giving me a
17 number.

18 A Okay. There's two in Alachua County,
19 Arredondo Farms and Arredondo Estates; five in Citrus
20 County; and thirteen in Ocala, Belleview and
21 Summerfield area.

22 Q Do you know how many properties Aqua has in
23 the state of Florida?

24 A I have no idea.

25 Q Do you visit other properties or only

1 these?

2 A Just those.

3 Q Are you the only technician who's assigned
4 to these properties?

5 A Yes.

6 Q How many technicians work for Aqua in the
7 state of Florida?

8 A I have no idea.

9 Q If you could give a ballpark. Is it more
10 than 10 or --

11 MS. BEVINGTON: I'm going to object. The
12 witness said he had no idea, and you're forcing
13 him to guess now, and it's inappropriate.

14 Q If you can.

15 A I really wouldn't have a clue.

16 Q How often do you visit Arredondo Farms?

17 A Almost every day.

18 Q Between Alachua and Ocala, how long is the
19 drive between the property in Alachua and the
20 property in Ocala?

21 A About an hour. Our north side properties
22 to Gainesville, it's about a --

23 Q Is that the longest drive you have between
24 two properties?

25 A No.

1 Q What's the longest drive that you've had
2 between properties?

3 A Probably from Crystal River to Gainesville
4 takes me about an hour and a half.

5 Q Is this your service area?

6 A Yes, sir.

7 Q Do you consider this a large service area?

8 MS. BEVINGTON: Object to the form.

9 A In relation to what?

10 Q Other technicians you might know at Aqua.

11 MS. BEVINGTON: Object to the form.

12 A It's a large mileage square area, yes.

13 Q Do you find it burdensome traveling to all
14 those properties?

15 A No.

16 Q You believe it's efficient to travel to so
17 many different properties?

18 MS. BEVINGTON: Object to the form.

19 A It works, and it works in the long run.

20 It's what the company set up, and it works.

21 Q What do you mean when you say it works in
22 the long run?

23 A Well, I have a hard day where I have to get
24 some overtime to get all my service orders done on
25 one day, but the next day I may not have as many

1 service areas or so much area to cover. So by the
2 end of the week, it still works out to be a 40-hour
3 week, maybe a 10-hour day one day, six-hour day
4 another. But a 40-hour week it works out to.

5 Q When you visit Arredondo Farms, how long do
6 your visits usually last?

7 A It depends on the number of work orders I
8 have that day.

9 Q So what's the low end number?

10 A For Arredondo? Three or four.

11 Q What's the high end number for work orders?

12 A Forty, fifty.

13 Q When you have 40 to 50, how long would you
14 find yourself spending at the park?

15 A As long as it takes, sometimes depending on
16 what those 40 or 50 service orders were. If they're
17 disconnects, they don't take that long. If they're
18 high service complaints, they take longer.

19 Q Do you ever spend half the day at Arredondo
20 Farms?

21 A Yes.

22 Q Do you spend more than half the day at
23 Arredondo Farms?

24 A Not all the time, no.

25 Q So please describe the different types of

1 service orders that you're given.

2 A I get -- as it pertains to Arredondo?

3 Q Yes.

4 A I get shutoffs for nonpayment, move-ins, an
5 occasional move-out, turn off and block which -- for
6 theft of services or usage on closed accounts, leaks
7 and high bill complaints which is HSC, high service
8 complaint.

9 Q Are there any others?

10 A Meter exchange. That's about it.

11 Q You said "about it." Are you sure if
12 there's any others?

13 A I'm not sure if there would be any more.
14 I'm not sure how many different service orders come
15 through. I just know how many I get. Oh, yes. Lab.
16 They call it lab. It's water quality complaint and
17 sewer backups they call us on, and that's it.

18 Q At the beginning of this deposition, I
19 asked you what the job entails, and you said service
20 orders, recurring leaks, and face time with
21 customers. Would repairing leaks be considered one
22 of these service orders?

23 A Yes.

24 Q So is the list of service orders you just
25 gave me also face time with customers?

1 A Yes, on high service complaints or leak
2 complaints.

3 Q So on leaks and high service complaints,
4 you have face time with customers?

5 A Yes.

6 Q What do you do for a move-in?

7 A Take a meter read and just punch it in a
8 computer, make sure you turn the water on.

9 Q When you say "take a meter read," could you
10 describe that in more detail, please?

11 A It's called a start read. When a customer
12 moves in, we go and take that read and start that
13 customer's usage from then.

14 Q What does the read show? What is the read?
15 Is it the number of gallons that have been used?

16 A On the meter since it's been in the ground,
17 yes.

18 Q So it's not reset?

19 A No.

20 Q It's continuous?

21 A Yes.

22 Q What do you do for a move-out?

23 A A move-out?

24 Q Um-hum.

25 A We hardly get any up there that call in.

1 Q Why is that?

2 A They move through. You got people there,
3 and they just leave with a big bill. They just
4 leave. They don't call, bother to call the utility
5 company to move out.

6 Q Is that what you would want them to do?

7 A Yes.

8 Q They would call the utility company and
9 inform the utility company that they're moving out?

10 A Most of my other places do, and that stops
11 their billing right then on that date that they get
12 that read.

13 Q So what do you do on a move-out call?

14 A Get the read, turn the water off.

15 Q What happens if somebody moves out without
16 calling it in?

17 A I guess it stays in that person's name
18 until it's shut off.

19 Q What happens if there's been a move-in?

20 MS. BEVINGTON: I'm going to object to the
21 form and ask you to clarify what you mean by
22 "move-in."

23 MR. MCBRIDE: I'm using his term, when
24 somebody else moves in.

25 A I guess Communities is supposed to make

1 sure that customer knows that we're the water company
2 and they have to call and turn their service off.
3 They have to -- it's the customer's responsibility to
4 turn their service on when they move into a new
5 place.

6 Q Is there any way of knowing after somebody
7 moves out when the new resident moves in and when
8 their service would begin from?

9 A Again, the customer is supposed to call in
10 and start that process.

11 Q What do you see?

12 A In years past, or how it is recently?

13 Q Both. Start with years past.

14 A Years past, people would bail, leave the
15 water -- you know, if the water was on, they wouldn't
16 pay the bill. New customers would move in and think,
17 "Gee, I've got free water." And they'll keep it
18 until we shut them off, and then they would call and
19 set up a move-in then.

20 Q When you would then set up a move-in, would
21 they be responsible for the arrearage that's owing?

22 A I'm not sure. I don't know what the
23 billing aspect -- I don't know what billing bills
24 them for.

25 Q In your experience, do you find that

1 move-outs are caused by water shutoffs?

2 MS. BEVINGTON: I'm going to object to
3 the form.

4 Q You can answer.

5 A As a form of water shutoff? The people
6 didn't pay their bill. Is that the reason that they
7 left, is because they didn't pay their water bill?
8 Is that what you're asking?

9 Q I'm asking if you see those correlate where
10 a water will be shut off, and then you'd have a move-
11 in directly thereafter or a move-out order, what your
12 experience is.

13 MS. BEVINGTON: I still object to the form.

14 A I'm not clear on what it is you want me to
15 answer to.

16 Q I'll move on. You also describe turn-off
17 and blocks.

18 A Yes.

19 Q What does that refer to?

20 A Theft of services, tamper codes, and usage
21 on accounts that were supposed to be off.

22 Q What does a tamper code refer to?

23 A Cut wire, unplugged ERT, broken meter face
24 or meter turned around backwards.

25 Q All those things you just described. Are

1 those ways that people can get free water?

2 A Yes.

3 Q You say accounts that were supposed to be
4 turned off. What do you mean by that?

5 A Accounts where -- that there's usage when
6 it shouldn't be usage on it.

7 Q Could you explain in a little more detail,
8 please?

9 A Say this address is not supposed to have
10 anybody in it, and it's using water without setting
11 up an account.

12 Q So what would you do in response to that?

13 A I get a TOBK. I got to go shut it off and
14 put a lock on it. That's what the block means.

15 Q What does TOBK stand for?

16 A Turn off and block.

17 Q Do you get these type of calls regularly?

18 A In Arredondo, yes.

19 Q Every week?

20 A No. They're usually bunched up in a month
21 time when the reports come out.

22 Q The reports?

23 A Yeah. I'm not sure what it is, but they
24 get reports of when the meter reads get read the week
25 after all these reports come out off of what the

1 meters are saying. Like that week that the meter
2 reads is the week before it tells me -- well, it
3 doesn't tell me.

4 It tells somebody or prints it out off a
5 computer what the meter reads are and what -- you
6 know, if there's tamper codes or if there's usage on
7 accounts that should be off.

8 Q How often are these reports generated?

9 A I'm not sure.

10 Q You say you're not sure. Can you explain
11 in the best detail you can?

12 A I don't know how many. All I know is that
13 when I get the service order, I do it.

14 Q How far apart are these meter reports?

15 MS. BEVINGTON: Object to the form.

16 A I don't know. I don't see the reports.

17 Q I understand that. You're saying that this
18 type of service call is bunched together around the
19 time of reports. Is that what you're trying to
20 explain to me?

21 A That's a guess. I'm not comfortable saying
22 yes to that.

23 Q That's speculation?

24 A Right.

25 Q Okay. What do you know about these

1 reports?

2 A Not much, really. Just that they generate
3 service orders off those reports.

4 Q Would the report show there was water
5 usage?

6 A That's something I don't know. I've never
7 seen one of the reports.

8 Q Do you have more of this type of call at
9 Arredondo than other properties?

10 A Yes.

11 Q Let me ask you about leaks as a type of
12 service call you receive.

13 A Yes, sir.

14 Q What happens on a leak call?

15 A I have to go out and find out if it's on
16 our side or YES Communities' side, if it's a house
17 leak, if it's a street leak. We've got to determine
18 how bad the leak is and how we're going to approach
19 it and then call the crew.

20 Q How do you determine which side it's on?

21 A Oh, anything on the opposite side, house
22 side of the meter is the homeowner's responsibility.

23 Q How do you know which side of the meter the
24 leak falls on?

25 A Because if you see a meter in the ground,

1 there's a leak detector on these meters. If the --
2 if it's spinning, if it's bubbling up before the
3 meter, it's always ours. And if the meter's spinning
4 when everything's off in the house, the leak's
5 theirs.

6 Q Do you receive a lot of leak calls at
7 Arredondo Farms?

8 MS. BEVINGTON: Object to the form.

9 A In relation to -- I have leaks in every
10 place. We deal with leaks all over. It's not like
11 leaks are specific to Arredondo, but as far as large
12 numbers, not really. They're about average across on
13 leaks.

14 Q Arredondo is?

15 A Yes.

16 Q Compared to other properties?

17 A Right.

18 Q Do you find that the leak is more likely to
19 be, in your experience, on the homeowner's side or on
20 the utility's side?

21 A Again, if it's -- if it's outside on the
22 street, there's no doubt it's ours. And most of our
23 big leaks are ours, but it's mostly ours on the big
24 leaks. If you're asking about a leak at a meter box,
25 most of the time it is on the homeowner's side.

1 Q More than 50 percent of the time?

2 A Yes.

3 Q I want to ask you about something you just
4 said. You mentioned the big leaks --

5 A Yes.

6 Q -- were often on your side.

7 A They're always on our side.

8 Q Why are the big leaks always on your side?

9 A It's our main -- it's our course main.
10 Customer doesn't get billed for anything until it
11 goes through the meter.

12 Q I want to ask you about what you just said.
13 If the customer doesn't get billed until it goes
14 through the meter, then would an Aqua leak or a leak
15 that's on your side affect the customer's water
16 usage?

17 A No.

18 Q So the only leak that could affect a
19 customer's water usage is on the homeowner's side?

20 A Yes.

21 Q That's not the utility's responsibility?

22 A No.

23 Q Do you know if leakage estimates on rates
24 are ever made?

25 A I don't know what they are, but I know that

1 they do -- if a customer shows that the repair's been
2 fixed, the company would usually do it.

3 Q But that wouldn't be a leak that was on
4 Aqua's side?

5 A No.

6 Q You say you interact with customers with
7 regard to leaks?

8 A (Nodding).

9 Q Can you explain what that means?

10 A Well, if a customer calls me for a leak in
11 a meter box and they want to know -- everybody wants
12 to know if it's on their side or our side, and you
13 let them know. And then if it's on their side and
14 they're renting, they go see Mallory and call the
15 maintenance department. If it's on our side, we call
16 Reno (phonetic) Plumbing to come fix it.

17 Q I'd like to ask you about high bill
18 complaints. Tell me about high bill complaints.

19 A What is it you want to know?

20 Q I want to know everything about high bill
21 complaints.

22 MS. BEVINGTON: I'm going to object to the
23 form.

24 Q Go ahead. What is a high bill complaint?

25 A It's a customer thinks their bill is too

1 high.

2 Q How do you respond to those complaints?

3 A Well, I have to go out and make sure their
4 meter is working properly.

5 Q How do you do that?

6 A Well, there's one of two ways. You go, you
7 read it, you test the ERT, make sure everything works
8 fine. And if the customer is still not happy, you
9 can perform what's called a field test.

10 Q What's a field test?

11 A We have a meter that's calibrated, and we
12 get it brought up. And I pull their meter out of the
13 ground, hook it into this thing, run water through
14 it, and then they'll get a percentage of how their
15 meter is either running slow or fast.

16 Q What do you mean by slow or fast?

17 A The older a meter gets, it starts to run
18 slower. New meters, people claim they run fast, but
19 I haven't run across one yet.

20 Q Should meters run at different speeds?

21 A No.

22 Q So if a meter is running fast, does that
23 mean it's showing too many gallons of usage?

24 MS. BEVINGTON: Object to the form.

25 A I've never seen one do that.

1 MS. BEVINGTON: If you could leave a little
2 space between the question so we don't speak
3 over each other.

4 THE DEPONENT: Right.

5 Q You stated that older meters sometimes run
6 slow.

7 A Right.

8 Q Does that mean they run under?

9 A Undercharge.

10 Q Undercharge for water?

11 A Yes.

12 Q And you've seen that?

13 A Yes.

14 Q How do you tell if it's running fast or
15 slow?

16 A Well, the calibrated meter, you run 10
17 gallons through the calibrated meter. Well, actually
18 you run 10 gallons through the person's meter. You
19 go from zero to zero, and it's usually over 10
20 gallons through the calibrated meter go through what
21 actually goes through the person's meter.

22 Q In your experience, have you ever found a
23 meter's gone fast?

24 A Never.

25 Q Do you usually find it's going the right

1 speed?

2 A The older a meter gets, it runs a little
3 slower, and we have -- if it gets below 98.5 percent,
4 you change it out so the company saves money. We
5 don't continue to lose money.

6 Q By undercharging?

7 A Right.

8 Q So a customer would request that you do a
9 check on the meter?

10 A Yes.

11 Q And they would do this because they have a
12 high bill?

13 A They swear they don't use the water.
14 There's no way -- they always say they never -- they
15 can't use that much water, so the meter has got to be
16 wrong.

17 Q You hear that a lot?

18 A Yeah.

19 Q But in your experience, the meter's either
20 right, or it's undercharging the customer?

21 A Right. Yes.

22 Q And if it's undercharging, you would then
23 replace it with a new meter?

24 A Up to a certain percentage. I mean, a
25 certain percentage of loss is acceptable. When it's

1 98.5, then we have to change it out.

2 Q Does the customer ever inquire why you're
3 changing the meter?

4 A Yes.

5 Q What do you tell them?

6 A The reason.

7 Q Do they ever ask what impact it's going to
8 have?

9 A Yeah.

10 Q What do you tell them?

11 A That, "The 500 gallons that you're getting
12 for free, you're going to have to pay for it now."

13 Q Do they get angry?

14 A Very.

15 Q One of the other items you listed was a
16 meter exchange. Is that what you just described?

17 A Yes.

18 Q What is a lab quality complaint?

19 A Where a customer in Arredondo specifically
20 complains about hard water.

21 Q You say Arredondo specifically. What do
22 you mean by that?

23 A Well, that's the group you're concerned
24 with; right?

25 Q Right. But do you get these complaints in

1 other communities?

2 A Yes.

3 Q Is it only hard water?

4 A No.

5 Q What are the other complaints?

6 A Milky-looking water which is air bubbles.

7 When you fill a glass, it looks like milk. Then the
8 air bubbles dissipate.

9 Q What else?

10 A That's usually it, hard water complaints.

11 Q Do you get complaints about the smell?

12 A From the sewer plant or the --

13 Q From the water.

14 A -- water? I've had people complain about
15 the smell.

16 Q How about the taste?

17 A Yes.

18 Q Is there anything else they complain about?

19 A Not that I can recall at this time.

20 Q You ever see complaints for sediment?

21 A Oh, yes.

22 Q You ever hear complaints about chlorine?

23 A Yes.

24 Q Any others you can remember?

25 A No.

1 Q So how do you respond to one of these lab
2 quality complaints?

3 A Well, I go to the address, take a sample
4 from the outside hose bib in a clear jar, see if
5 there's any sediment, if there's any bubbles. Smell
6 it, see if there's any smell and check the chlorine
7 residual to make sure it's within parameters.

8 Then basically they have to call in and get
9 a quality, annual quality water report. It's printed
10 out on the -- on e-mail. You can go to Aqua, or you
11 can ask -- call the 800 number, and they'll give you
12 a list of what everything's in the water.

13 Q The customer can do that?

14 A Yes. Plus there's one posted on the fence
15 if they wanted to walk up and take a look at it.

16 Q Would they do that based on the sample you
17 would take from their home?

18 A Yes.

19 Q Is that what the report would be based on?

20 A No. It's what's in the water. I've seen
21 the calcium and lime, and they can pull it out of a
22 faucet inside the home, but I don't pull it out
23 outside the home.

24 Q What do you mean by that?

25 A It's built up in the lines inside the home.

1 Q In your experience, it comes from inside
2 the home?

3 A Yes.

4 Q You said that was calcium?

5 A And lime.

6 Q When you take these samples, do you find
7 that the water is any of these things that are being
8 complained about?

9 MS. BEVINGTON: ' Object to the form.

10 A The water is hard water. It's safe to
11 drink. It's just hard water.

12 Q Do you drink it?

13 A I don't like the taste of hard water. I
14 prefer bottled water.

15 Q What about the issue of it being milky?

16 A It's usually air bubbles. When they run
17 their faucet or after we do a repair, sometimes
18 there's still air in the line. It can be when you
19 turn on a faucet, and the screen in it is partially
20 clogged or not working properly. It just fills it
21 full of air bubbles. And if you set that glass on
22 the counter, all the air bubbles will come to the top
23 and dissipate, and there's really nothing we can do
24 about it.

25 Q Are you referring to water that's taken

1 from inside the home?

2 A Inside the home, yes.

3 Q What about the water sample you take
4 outside the home?

5 A If it has air bubbles in it, then I can go
6 open up a hydrant and try to flush some of the air
7 out of the lines on the high end of the part.

8 Q Have you done that before?

9 A Yes.

10 Q How often have you done that?

11 A What, let the air out of the part?

12 Q Um-hum.

13 A We try to do it every time there's a
14 repair. We go there to try to limit how much air
15 gets in the lines.

16 Q What about in response to one of these
17 complaints?

18 A Most of the time, I don't see it outside
19 the home. It's mostly inside the home. See, we'll
20 know after a break if there's going to be air in the
21 line. We'll expect a few of the milky water
22 complaints, and we'll know to keep flushing. But
23 during these particular customer complaints on the
24 hard water, when you take a sample it's usually just
25 from inside the home. The air bubbles are from

1 inside.

2 Q What about when it's not?

3 A When it's not, we go and flush the system,
4 let the air out, keep trying it. We'll come back to
5 it once or twice and make sure that when we take an
6 outside hose bib sample that there's no air in it.

7 Q What about complaints related to the smell
8 of the water? Do you respond to complaints of the
9 smell of the water?

10 A Well, I go take a sample, and if I don't
11 smell any strange smell -- you know, if the chlorine
12 is running a little high, that's a smell I can smell.
13 And then I can relay that to the operator, and he can
14 back the chlorinator down.

15 Q Have you encountered that at Arredondo
16 Farms?

17 A Yeah, once or twice.

18 Q You said you call the operator?

19 A Yes.

20 Q Where is the operator?

21 A He's the operator of the operations plant.

22 Q Is he at Arredondo Farms?

23 A He goes there and operates the facility.

24 Q When you take these samples outside the
25 home, do you ever find sediment built up in the

1 water?

2 A Yes, sometimes.

3 Q What do you do in response to that?

4 A Flush the outside hose bib till it's not
5 there anymore.

6 Q Do you receive a lot of sediment complaints
7 at Arredondo Farms?

8 A Not so much sediment as spots on their
9 dishes. That's one I get a lot, is spots on the
10 dishes and rings in the toilet.

11 Q What happens when you respond to those
12 complaints?

13 A Try to tell them that CLR does wonders for
14 cleaning your faucets and drains from the hard water
15 buildup, and there's stuff you can put in your
16 dishwasher from Publix that will eliminate those
17 spots.

18 Q Do you ever find that spots on the dishes
19 are caused by something outside the home?

20 A Other than hard water?

21 Q Yes.

22 A No.

23 Q I'm just trying to understand. Is it the
24 plumbing inside the home that's causing the hard
25 water or the nature of the hard water itself?

1 A It's hard water. It's Florida.

2 Q Did you ever have occasion to take chlorine
3 samples at Arredondo Farms?

4 A Yes.

5 Q Is that just what you described to me?

6 A Yes.

7 Q Are there any other types of chlorine
8 samples you've taken?

9 A No.

10 Q You ever find that the levels of chlorine
11 were higher than what they're supposed to be or
12 what's allowable?

13 MS. BEVINGTON: Object to the form.

14 A I don't know that I've ever found them to
15 be too low. I have -- when we change a new Stenner
16 pump, I've seen them too high.

17 Q How many times have you seen that?

18 A Over 10 years, two or three times.

19 Q What did you do in response to that?

20 A Called the operator, let him know the
21 chlorine residual's too high and ask him if he wants
22 me to bump it down. And he'll come back and check it
23 the next day to make sure the level comes down at
24 these addresses.

25 Q Were you aware if he did that?

1 A No.

2 Q Do you ever remove sediment buildup from
3 fire hydrants at Arredondo Farms?

4 A I open the hydrants and flush them, yes.

5 Q When was that?

6 A I try to do it once a month.

7 Q Why do you do that?

8 A To help with the hard water, keep any
9 buildup that might be in there, try to move it along.

10 Q Do you communicate the high level sediment
11 to Aqua?

12 MS. BEVINGTON: Object to the form.

13 A The hard water is no secret. It's on the
14 water report. It's just hard water. You're going to
15 have sediment buildup if you don't maintain it
16 correctly.

17 Q If who doesn't maintain it correctly?

18 A Well, we try to flush it out of the line,
19 but the homeowner is responsible for cleaning out the
20 home.

21 Q What about the fire hydrant? Who's
22 responsible for that?

23 A That would be us.

24 Q Do you maintain the fire hydrants as part
25 of your job responsibilities?

1 A Between me and the operator, we take turns
2 who's flushing, who's less busy.

3 Q Did you ever have occasion to request that
4 Aqua install blow-off valves at the end of streets in
5 Arredondo Farms?

6 A Yes.

7 Q What happened?

8 A We've had some installed.

9 Q When did that happen?

10 A This past year.

11 Q When did you first begin requesting that
12 these were installed?

13 A It's been in the works, just not in the
14 budget for a few years.

15 Q Have you been requesting for a few years?

16 A I'd say at least two years.

17 MR. MCBRIDE: Here are some photographs I'd
18 like you to take a look at, please. I apologize
19 to the individuals on the line. These are
20 photographs that were included with Exhibit 14
21 that was filed at the Gainesville hearing and
22 subsequently filed by YES Communities.

23 And these are Pages 30, 29, 28, 24, 23, 22,
24 20, 21 and 18. It's Bate stamped with those
25 numbers. I'm going to introduce this as

1 Composite Exhibit A in this deposition.

2 BY MR. MCBRIDE:

3 Q These are photographs that were taken at
4 Arredondo Farms. Have you seen any of these before?

5 MS. BEVINGTON: I'm going to object to the
6 form. Go ahead.

7 A Yes. I've seen these before.

8 Q Where did you see these photographs?

9 A Ms. Mallory showed them to me.

10 Q I'd like you to look at the first
11 photograph with the number 30 on the bottom. Do you
12 know what that refers to?

13 MS. BEVINGTON: I'm going to object to the
14 form. What do you mean? What the number 30
15 refers to or --

16 MR. MCBRIDE: No. What the photograph
17 refers to.

18 MS. BEVINGTON: What it refers to?

19 MR. MCBRIDE: What it depicts.

20 MS. BEVINGTON: Thank you.

21 A Yeah.

22 Q What is that?

23 A Looks like calcium or lime buildup out of a
24 hot water heater.

25 Q It appears to be in some sort of sack. Do

1 you know how it would be taken out of the heater and
2 put in a sack like this?

3 A Looking right there in front of it, it's a
4 vacuum cleaner.

5 Q Have you personally vacuumed sediment out
6 of a heater?

7 A No.

8 Q Is this more sediment than you would
9 typically see?

10 A In how many years? If it was ten years of
11 hard water, no. If it was six years of hard water,
12 no. If it was six months of hard water, yes. You
13 shouldn't have that much in six months. How long was
14 it between maintenance on this hot water heater?

15 Q So somewhere between six months' and ten
16 years' worth would be your estimate of the amount of
17 sedimentation that had built up here?

18 A I wouldn't say six months. It would have
19 to be years.

20 MS. BEVINGTON: Object to the form.

21 Q Years. Okay. If you could look at the
22 next photograph, please. It's marked 29, Bate
23 stamped 29. Have you seen this photograph before?

24 A Yes, I have.

25 Q What is depicted in this photograph?

1 A Two hot water heating elements.

2 Q Are you aware what the substance is on the
3 heating elements?

4 A It appears to be lime or calcium buildup.

5 Q Have you observed heating elements with
6 these substances built on them in your experience at
7 Arredondo Farms?

8 A I've never personally checked any. I've
9 never personally seen any, but I've seen the ones
10 that they say were pulled out of homes, yes. But
11 I've never personally witnessed any pulled out.

12 Q Have you ever witnessed this at any other
13 community?

14 MS. BEVINGTON: Object to the form.

15 Witnesses what, them being pulled out?

16 MR. MCBRIDE: No.

17 A It happens at my house because I have hard
18 water.

19 Q You've seen elements with sedimentation
20 built up?

21 A Yeah. That's when I realized I had to
22 start taking care of it. After eight years of not
23 doing anything about it, the element will burn out
24 when the sediment builds up to a --

25 Q So in your experience, it was after eight

1 years that it looked like this?

2 A I don't know. I don't know when these were
3 pulled out or the last time it was maintained
4 (sic).

5 Q I'm asking about your experience. In your
6 experience, had it been eight years?

7 MS. BEVINGTON: With his home?

8 A With my home, yes.

9 Q Did it look similar to this?

10 A Yes.

11 Q In your experience as a water maintenance
12 technician, how long should a heating element last?

13 A It depends on how hard the water is, and I
14 don't really have any expertise on the hot water
15 heaters.

16 Q In your experience as a water maintenance
17 technician, are you familiar with whether elements go
18 out early or -- let me rephrase that. Have you heard
19 a lot of complaints about elements?

20 A In Arredondo?

21 Q Yes.

22 A Yes.

23 Q Is there anything you can do to respond to
24 those complaints?

25 A Just tell them about the -- they're

1 supposed to get a good maintenance, maintain once a
2 year or once every six months. You know, they give
3 you a little drill thing. The company sends out
4 packets to tell you how to address the issues with
5 your hot water heater and your filters and screens.

6 Q Who sends those out?

7 A The company sent out a paper that explains
8 on the hard water what you should do, how often you
9 should maintain a hot water heater.

10 Q Do you respond to questions about what's in
11 the paper?

12 A No.

13 Q Do you assist customers of Aqua with
14 maintaining heaters or appliances?

15 A No.

16 Q If you could turn to the next page,
17 please, 28. Have you seen this photograph before?

18 A Yes, I have.

19 Q In Ms. Starling's office?

20 A Yes.

21 Q What is depicted in this photograph?

22 A The bottom heating element hole on the hot
23 water heater.

24 Q What is the white substance that seems to
25 have protruded out?

1 A Looks like lime or calcium possibly. Can't
2 really tell much more. I'm just guessing.

3 Q If you could turn to the next page, please,
4 Page 24. Have you seen this photograph before?

5 A Yes, sir.

6 Q What does this photograph depict?

7 A A whole lot of hot water heating elements
8 with lot numbers on them.

9 Q Have you had any conversations with Ms.
10 Starling about what's depicted in this photograph?

11 A Yes.

12 Q What was discussed?

13 A I don't rightly recall everything in that
14 conversation. It was awhile ago.

15 Q Do you recall anything from the
16 conversation?

17 A Not really. I could refresh my memory.

18 Q Do you recall if you and her discussed that
19 these were damaged heating elements?

20 A Oh, yes. Definitely damaged heating
21 elements.

22 Q You stated earlier that with regard to
23 another picture that you'd be surprised if it was --
24 that that had occurred in six months.

25 A Right.

1 Q Would you be surprised if these were newer
2 than six months old?

3 MS. BEVINGTON: Object to the form.

4 A Yes, I would be.

5 Q If I could have you flip two pages forward,
6 Page 22. Have you seen this photograph before?

7 A Yes.

8 Q Are you aware of what's depicted in this
9 photograph?

10 A Not exactly.

11 Q Can you identify what this brass metal
12 object is?

13 A No, not from this picture.

14 Q Can you identify what object is in the
15 circle in the middle of the photograph?

16 A Looks like a loose sediment, lime scale.

17 Q Is it fair to say that this object is some
18 sort of plumbing fixture, piping fixture --

19 MS. BEVINGTON: Object to the form.

20 Q -- or supply line?

21 MS. BEVINGTON: Same objection.

22 A I couldn't tell you by looking at this
23 picture what it is.

24 Q Have you ever observed at Arredondo Farms
25 sediment buildup inside metal piping like this?

1 A No. I've never observed that.

2 Q If you'd flip two more forward, sir, to 21.

3 MS. BEVINGTON: Twenty-one? That was one
4 forward? Just one. Okay.

5 Q Have you seen this photograph before?

6 A I don't think I've seen this.

7 Q Do you have any idea what's depicted in
8 this photograph?

9 A It looks like a hot water heater.

10 Q Do you have any idea what the substance is?

11 A No, I don't.

12 Q Have you ever observed anything like that
13 before at Arredondo Farms?

14 A No, I have not.

15 MR. MCBRIDE: I'm going to introduce those
16 as Exhibit A.

17 MS. BEVINGTON: I don't know what you mean
18 by introducing them. They can be marked, but
19 this witness has not identified them. I want to
20 be clear for the record about that.

21 MR. MCBRIDE: That's fine.

22 (Whereupon, YES Communités, LLC's,
23 Exhibit A was marked for identification.)

24 BY MR. MCBRIDE:

25 Q Is it your testimony that you've been

1 threatened before when working at Arredondo Farms?

2 A Verbally, yes.

3 Q And how often does that happen?

4 A I'd say once a month. It really depends,
5 but usually about once a month.

6 Q What sort of threats do you have?

7 A Just prior a few years back, I've had my
8 mirror busted off my truck, stuff stolen off my
9 truck, my truck keyed. In the last few years, just
10 basically physical threat, physical harm while I'm
11 bent down at the meter. When I stand up, I'm bigger
12 than most of the people there, and it kind of fades
13 away. But a lot of people cuss me.

14 Q You receive a lot of complaints while
15 you're at Arredondo Farms?

16 A Just about -- yes. I would say yes.

17 Q What types of complaints have you heard?

18 A Price of the water. That's everyone's main
19 concern.

20 Q What do they say with regard to the price
21 of the water?

22 A The water should be free. It shouldn't be
23 something they should pay for, and that it's just way
24 too high.

25 Q They tell you it should be free?

1 A Yes. Not everyone, but a few.

2 Q But they also say it's too high?

3 A Yes.

4 Q Are you aware of what the water costs at
5 Arredondo Farms?

6 A I am not.

7 Q Do you have any reason to know whether or
8 not the water is expensive?

9 MS. BEVINGTON: Object to the form.

10 A I hear more complaints about the cost of
11 water from Arredondo Farms than anywhere else in the
12 county. But I do have complaints, but Arredondo
13 Farms is the one that complains the most about the
14 cost of the water.

15 Q Do you know if the water is more expensive
16 at Arredondo Farms than other communities?

17 A I wouldn't know that.

18 Q Do you have any opinion as to why you
19 receive more complaints at Arredondo Farms?

20 A An opinion? It's low-income housing. They
21 really don't -- I guess they just don't want to
22 pay it.

23 Q So they're less able to afford it?

24 MS. BEVINGTON: Object to the form.

25 A You want my opinion or --

1 Q Yes.

2 A I really couldn't say, I guess. I don't
3 know what they make. I just know what they tell me
4 they make or what their fixed income is or what
5 goverment check they receive. And that's what I
6 hear. If this is why they can't afford it, I don't
7 know.

8 Q Do you have reason to believe that a lot
9 of -- that certain residents at Arredondo Farms are
10 on government checks?

11 A Yes.

12 Q How do you know that?

13 A You hear them complaining about it.

14 Q What do they say?

15 A "I get so much from the state. My baby
16 daddy ain't paying for this. My baby daddy ain't
17 paying for that." The state, DCF here, this, that
18 and the other. So, yeah. You just get the feeling
19 everyone, that they're just talking about that
20 they're on fixed incomes, whether they receive it
21 from the government or state assisted or from other
22 governmental organizations.

23 Q Have you had conversations with other
24 employees of Aqua about that?

25 MS. BEVINGTON: About --

1 A About --

2 Q About whether or not people at Arredondo
3 Farms are on state assistance. Does this come up in
4 your conversations with other people?

5 A Not with -- the operator, we talk about it
6 because he has to -- whenever I'm not there, he
7 covers for me and has to hear all their stories.

8 Q Anybody else?

9 A No.

10 Q What about Mr. Barnes?

11 A I don't recall ever having a conversation
12 with Stacey about that.

13 Q Is it common knowledge at Aqua that
14 Arredondo Farms is a lower-income community?

15 MS. BEVINGTON: Object to the form.

16 A Lower income or like kind of a bad
17 neighborhood? It's common knowledge that it's got --
18 I mean, Mallory's trying to clean it up since she's
19 been here, but it's one that we -- it's just a bad
20 neighborhood.

21 Q What do you mean by that?

22 A A lot of bad people live there, drug
23 dealers. SWAT shot a guy in 2010, just this year.
24 The bank across the street's been robbed more times
25 than the convenience store down the road. And they

1 have the choppers flying over Arredondo Farms and
2 Arredondo Estates. Both places are right across the
3 street from each other.

4 Q You said there was an incident with SWAT?

5 A Yeah.

6 Q When was that?

7 A I'm not sure of the exact date. It might
8 have been end of last year, first of this year. I
9 know the lot number was 2202 that the guy was leaving
10 when he got shot, and the papers and everybody was
11 there.

12 Q You say this is common knowledge at Aqua?

13 A Yes.

14 Q What does that mean, common knowledge? Who
15 would have that common knowledge?

16 A People in the field. We have to be safe.
17 You know, if we go up there to work at night, try to
18 always have somebody else there. Never go alone.
19 Park your truck where they can't steal the stuff.
20 Park it where you can see it so it doesn't get
21 robbed. That's about it. Just we have to be careful
22 and not to endanger ourselves.

23 Q Are you aware whether people in the
24 customer service line would have this knowledge as
25 well?

1 A I have no idea.

2 Q Do you have any contact with them?

3 A No. Just -- no, I wouldn't.

4 Q Have you ever heard people make jokes about
5 Arredondo Farms?

6 A I myself have made jokes about Arredondo
7 Farms being a dangerous place to be after dark.

8 Q With other employees of Aqua?

9 A Just the operator. He's the only one I
10 talk to. He's the only guy I see there during the
11 day.

12 Q You said earlier it was common knowledge
13 that it's a bad neighborhood. Did you ever have
14 opportunity to make jokes with any of the people who
15 have this common knowledge?

16 MS. BEVINGTON: I'm going to object to the
17 form. He testified about who he talked to about
18 that. But you can answer the question.

19 A I don't -- oh, no. I can't recall anyone
20 else except just the people in the field.

21 Q Ever speak with Ms. Emily Hill about this
22 being a bad neighborhood?

23 A I may have, but I'm not sure. I couldn't
24 tell you yes or no definite.

25 Q How do you know Ms. Starling?

1 A She came into YES Communities. She's a
2 friend of mine or was a friend of mine.

3 Q How long have you known her?

4 A About a year.

5 Q Good friends?

6 A As good as you can be with never going and
7 doing anything with each other.

8 Q Outside of work?

9 A Outside of work. Nothing outside of work.

10 Q Have you and Ms. Starling spoken about
11 issues at Arredondo Farms?

12 A Yes.

13 Q How often?

14 A Daily for a while. Tried to figure out
15 solutions to what her people need and what our people
16 need, tried to come to an agreement. That's how she
17 wound up with the key and --

18 Q Do you ever go to Ms. Starling's office
19 when you're at Arredondo Farms?

20 A Yes, sir.

21 Q Have you ever had an opportunity to review
22 customer bills with Ms. Starling?

23 A I have looked over bills, yes, that she's
24 handed me.

25 Q You still do that?

1 A Not so much anymore.

2 Q Why would you look at bills with her?

3 A Because she asked me to.

4 Q What would you do in response?

5 A Try to get her -- give her the people that
6 she needs to call if there's an issue, try to figure
7 out what an issue was. But the billing part of it is
8 not in my purview. I could tell her if there was
9 something wrong with a meter or if a customer had a
10 leak or if the numbers didn't match up. That's about
11 all I could tell her.

12 Q You said if there was something wrong with
13 the meter, if there's a leak, or if the numbers
14 didn't match up. Anything else where you would have
15 expertise?

16 A No.

17 Q Have you seen problems with meters at
18 Arredondo Farms?

19 A Yes.

20 Q What sort of problems?

21 A Meters in the beginning, the ERTs didn't
22 match up to every meter correctly. It was a small
23 percentage, but that was fixed.

24 Q What does ERT stand for?

25 A Electronic reader, transmitter.

1 Q And when was this that these didn't match
2 up?

3 A She showed me certain accounts, and that's
4 the first thing I looked at is that. I couldn't
5 really tell you. I can't remember dates.

6 Q So what would happen if an ERT didn't match
7 up? Would the bill be inaccurate?

8 A Yes.

9 Q Would you advise Mr. Starling to do
10 anything?

11 A Yes. I'd change the ERT. She would have
12 to call billing and explain to them what was wrong.
13 And then I could take -- they would send me a service
14 order, and I could fill out my end of it, what I
15 knew, the meter part of it. And the billing part
16 would have to be handled by the billing department.

17 Q So you had nothing to do with the billing
18 side of this?

19 A No.

20 Q How many meters did you find had ERTs that
21 didn't match up?

22 MS. BEVINGTON: In what period are you
23 talking about?

24 A Yeah. Since the three years they were put
25 in?

1 Q Yes.

2 A Twelve, fifteen.

3 Q Do you know how those billing issues were
4 resolved?

5 A I have no idea.

6 Q Were there any other meter issues you're
7 aware of?

8 A Just the tampering.

9 Q Tampering. Describe that, please.

10 A Customer can unplug the ERT, and their
11 meter stays -- the read comes back at the same read
12 for a couple of months till a report spits out that
13 it's been tampered with. Then when I plug it in,
14 they get a big read and a big bill, and they go to
15 Miss Mallory.

16 Q In your experience, was it always the
17 result of a fraudulent act by the customer, or was it
18 a mistake?

19 A The tampering is always a result of the
20 customer, but sometimes the batteries just die in the
21 ERT, and it doesn't read it. Sometimes it is
22 mechanical failure.

23 Q In which case, the meter wouldn't read for
24 some length of time?

25 A Right.

1 (Whereupon, a recess was taken, after which
2 the deposition resumed.)

3 BY MR. MCBRIDE:

4 Q Mr. Grisham, we were discussing situations
5 where the ERTs didn't match up.

6 A Yes.

7 Q You stated that you've observed this about
8 12 to 15 times.

9 A Over a span. What time frame are you
10 looking at?

11 Q In the past three years.

12 A In the past three years? Yeah, I'd say
13 maybe 12, 15.

14 Q Just at Arredondo Farms?

15 A Yes.

16 Q Do you observe this at other properties
17 also?

18 A Yes.

19 Q Would this cause bills that span for more
20 than 30 days or one month? After this problem was
21 addressed, would the resident be back-billed?

22 A I'm not sure how they do it. I never saw
23 the customer's bill.

24 Q You've seen some bills?

25 A Some bills, but I don't know which ones

1 you're talking about.

2 Q I'm marking this as B, and this is also
3 from the documents that were filed at the Gainesville
4 hearing, Exhibit 14. And this is Bate stamped 79.

5 (Whereupon, YES Communities, LLC's
6 Exhibit B was marked for identification.)

7 Q Have you ever seen this bill before?

8 A I don't think I've ever seen 2425.

9 Q See the highlighted portion where it says
10 "total days, 370"?

11 A Yes.

12 Q Have you ever seen a bill before that has
13 spanned for over 300 days?

14 A I have.

15 Q How many of these have you seen?

16 A A couple.

17 Q A couple?

18 A I'm not sure. I wouldn't say five.

19 Q Did you see these -- how did you see these?

20 A Mallory brings them to my attention.

21 Q Is it out of the ordinary for a bill to
22 span this many days?

23 MS. BEVINGTON: Object to the form.

24 A It's not our typical practice, no.

25 Q Do you know why a bill might span for this

1 many days?

2 A That I do not.

3 Q In this case, the billing period is from
4 September 8, 2009 to September 13, 2010. Wouldn't
5 that be billed every month during that time period?

6 A Could you rephrase that question?

7 Q Yes. Would it be the typical practice that
8 the customer be sent a bill each month during this
9 time period?

10 A Yes. That's customary.

11 Q Do you know if bills that span a high
12 number of days, more than 30 days, can be the result
13 of meter issues, meter problems?

14 A Yes.

15 Q You stated earlier that sometimes the ERTs
16 didn't match up because of mechanical failures.

17 A No. An ERT's never not matched up because
18 of mechanical failure. An ERT might not read because
19 of a mechanical failure.

20 Q What's the difference?

21 A ERT might be working, just reading the
22 wrong meter, and if it's not working, it gets the
23 same read every month.

24 Q Okay. Does Aqua have any programs,
25 software?

1 A I don't know.

2 Q Not that you're aware of? Okay. What
3 other billing issues would you and Ms. Starling
4 discuss?

5 A Customer receiving a bill that was from a
6 previous tenant.

7 Q How many times did you and her discuss that
8 type of situation?

9 A Several.

10 Q What do you mean when you say "receive a
11 bill"?

12 A The last tenant never called in and
13 canceled service, and the new customer moves in and
14 they'll get the bill that was meant for the previous
15 tenant. First time out the gate, it's usually a
16 large bill because it's, you know, due to be shut off
17 when they see it. So we've had a few of those.

18 Q You said a few.

19 A I couldn't accurately give you any kind of
20 numbers.

21 Q Would that come up every week?

22 A No. There was different stuff every week,
23 different -- different concerns that me and her
24 talked about, not all of them pertaining to this Aqua
25 stuff.

1 Q So what would you do when she would show
2 you or tell you about a bill?

3 A I would call and see who it was that -- you
4 know, I'd get on the phone and call somebody and see
5 who it was they needed to talk to or e-mail and send
6 the information so that it could get straightened
7 out.

8 Q Are you aware if this ever led to water
9 shutoffs?

10 A That what led to water shutoffs?

11 Q These types of bills.

12 A I wouldn't know. I will say sitting in
13 front of me, this one did, but I don't know of any
14 others. You'd have to give me lot numbers, and I'd
15 have to look back through my stuff.

16 Q What about Lot 2100? Are you aware if
17 there was a water shutoff recently at Lot 2100?

18 A Yes.

19 Q What do you recall regarding that water
20 shutoff?

21 A It was a TOBK. No one was supposed to be
22 moved in, and there was usage, so I had to shut it
23 off and lock it.

24 Q Did you ever have opportunity to review the
25 bills for that lot?

1 A 2100? Not at 2100, I don't think.

2 Q Did you ever discuss that lot with Ms.
3 Starling?

4 A Yes.

5 Q Do you remember what was discussed?

6 A I believe it was Jose somebody, that they
7 were supposed to be moved in, and the paperwork
8 wasn't on file. That's why I had to shut them off.
9 But again, without my "go" book or anything, I can't
10 look back and tell you for certain.

11 Q Is your memory that the paperwork wasn't on
12 file?

13 MS. BEVINGTON: Object to the form; asked
14 and answered.

15 A The reason that I shut off 2100 was that
16 there was usage on a closed account. Their reasoning
17 when we asked about it was the paperwork wasn't on
18 file.

19 Q Did Mallory ever inform you that the
20 paperwork had been faxed in?

21 A She tells me that on every one.

22 Q On every one?

23 A Every one that she has questions about.
24 She tells me she's done everything by the book.

25 Q Did you believe her on Lot 2100?

1 A I never witnessed it, but if you ask me if
2 I believe her character, yes.

3 Q Did you have any discretion to not shut off
4 the water?

5 A At 2100? No, not on that one.

6 Q Why didn't you have discretion?

7 A TOBKs, they're turn-offs and blocks. Those
8 aren't something I get a chance to -- shutoff for
9 nonpayments, I can. Turn off and blocks, they're
10 already shown in the system that something's not
11 going like it's supposed to, so I have to block off
12 anything that says TOBK.

13 Q Was there ever a time when you'd have the
14 discretion to not block that off?

15 A TOBKs, no. Shutoff for nonpayment, yes.

16 Q Was there ever a time where even if you
17 didn't have the discretion, you chose not to block
18 them off?

19 A Yes.

20 Q When was that time?

21 A I'd say probably prior to the meeting.

22 Q The meetings that you described earlier.
23 Are you referring to the meetings following the
24 Gainesville hearing?

25 A Yes. When I have to -- can't trust my

1 judgment anymore.

2 Q Would you describe, please, the water
3 shutoff process?

4 A I'll get a service order. I don't know how
5 many times -- I mean, it's not my -- I don't know the
6 extent of how many times they send bills to the
7 customer before they get shut off. I don't know how
8 long, how many months they have to be behind to get
9 shut off.

10 I know if it's over \$100, and I know that
11 when I get the service order, I shut them off. I
12 know that before I do, they've already gotten several
13 letters telling them I'm going to do it before I get
14 there to shut them off.

15 Q What's the difference between a shutoff
16 and a --

17 A TOBK?

18 Q -- TOBK?

19 A The TOBK, they're not supposed to be --
20 shutoff for nonpayments is a customer is supposed to
21 be there and is not paying. TOBK is they don't know
22 why there's usage. There shouldn't be no one there.
23 Shut it off and lock it. It could be theft of
24 services. It could be somebody moved in without
25 calling in. Could be a neighbor stealing water.

1 Those are the ones they want immediately locked off.

2 Q Has that always been the policy?

3 A To lock off TOBKs? Yes.

4 Q Do you ever provide Ms. Starling with door
5 hangers that might list the lot numbers where water
6 will be shut off?

7 A Yes.

8 Q Why did you do that?

9 A She asked me to so that she could see if
10 anyone on there was late on their rent or if she
11 could pay the money herself out of YES Communities'
12 money.

13 Q Is that something you're required to do?

14 A No.

15 Q You chose to do it?

16 A Yes.

17 Q And why?

18 A Because Mallory's my friend, and I thought
19 it would help both of us if she got a list of the
20 people I was going to have to shut off and, you know,
21 if she was going to pay them. Because some of her
22 clientele, she does pay their utility bills. It just
23 made it easier so that less people got shut off. And
24 if YES was going to pay the money, our company still
25 got the money. Everybody was happy.

1 Q Do you still provide these hangers?

2 A No.

3 Q And why is that?

4 A Again, I can't trust my judgment anymore.
5 I have to follow company policy.

6 Q Was the company aware that you were
7 providing her with those hangers?

8 A No, they were not.

9 Q Would it have been a violation of some
10 company policy?

11 A Not as long as she's on the account that
12 the person -- she's having the customers put her on
13 the account as a move-in so that she can handle the
14 Aqua issues. And as long as her name was on it, it
15 wasn't an issue. As long as her name is on and she
16 could talk to the company and represent her tenants,
17 it was okay.

18 Q Well, what if her name wasn't on the
19 account?

20 A Then I wasn't supposed to.

21 Q You and Ms. Starling would work together to
22 prevent shutoffs?

23 A Tried to.

24 Q What specifically would you do in working
25 together?

1 A Well, like I said, she would pay the bills
2 on the ones. If the customer was already gone, I
3 could clear it out. Like a lot of the homes I had
4 shutoffs for, the people were already gone, so it
5 wasn't hurting anybody. So I could go shut off the
6 house, and no problem. And if the customer was going
7 to have Mallory pay the bill for them, she would pay
8 the bill, and that's about it.

9 Q When did you provide Mallory -- Ms.
10 Starling with the key?

11 A When we started working together, trying to
12 get a lot of these issues straightened up. I don't
13 remember an exact date, but it was early in the year.

14 Q What would the key allow Ms. Starling to do?

15 A If there was a shutoff for nonpayment and I
16 left the area, say on a Friday and I left, that the
17 customer wouldn't have to be without water for a
18 weekend. She could unlock it for them.

19 I would call her. She would take the
20 readings down just like as if I would do it, and she
21 would call me with them or text me with them, and I
22 could put them in the computer the next day when I
23 got service orders. So it just helped her tenants
24 not be without water, just helped them get their
25 water turned on quicker.

1 Q Did you feel bad for a tenant to have their
2 water shut off?

3 A Yes.

4 Q How often would this occur?

5 A Shutoffs?

6 Q Her unlocking the box.

7 A I don't know. She may have got -- I don't
8 have an accurate count. Ballparking it, 10, 12
9 times.

10 Q Total?

11 A Yeah, at most.

12 Q Have you ever been given a shutoff order
13 where Ms. Starling had shown you a billing error
14 related to the account?

15 A Yes.

16 Q Did you continue with the shutoff?

17 A Sometimes. Not every time.

18 Q How many times do you believe this
19 happened?

20 A I wouldn't have -- I mean, in a year's time
21 that I had a shutoff order for somebody that already
22 paid their bill or YES Communities paid the bill?
23 I'd be guessing. I wouldn't have -- I don't know how
24 to answer that.

25 Q Does Aqua have a policy relating to shutoff

1 in other circumstances?

2 A Yes.

3 MS. BEVINGTON: I'm sorry. I didn't catch
4 the question.

5 Q Does Aqua have a policy relating to shutoff
6 under those circumstances?

7 MS. BEVINGTON: What circumstances are we
8 talking about?

9 MR. MCBRIDE: The circumstances we were
10 just discussing.

11 A Like an incorrect shutoff? Yes.

12 Q What is that policy?

13 A That someone would come back the same day
14 if it was an Aqua error to reconnect. And that's
15 another thing Mallory having the key helped me with.
16 Less overtime for me driving up after 4:00 or so.
17 Whenever they tell you it was an Aqua error, go back.
18 She could handle it.

19 Q How do you determine if it's an Aqua error?

20 A I just get it on my computer. I have no
21 idea. It just says, "Please reconnect today, Aqua
22 error."

23 Q Who makes that determination?

24 A I don't know.

25 Q And you've done that in the past?

1 A Yes.

2 Q Would you sometimes ask Mallory to
3 reconnect for you?

4 A Yes.

5 Q What do you know about the customer service
6 hearing that occurred in Gainesville September 12th?

7 A I know that there's a lawsuit pending
8 against it. Any of the details, I don't really know.
9 That's all I know, that Arredondo Farms doesn't want
10 us to raise the rate again.

11 Q Did you speak with anyone at Aqua about
12 what happened at the Gainesville hearing?

13 A I talked to Stacey Barnes and e-mailed
14 Harry Householder.

15 Q When did you speak with Ms. Barnes?

16 A Mr.

17 Q I apologize.

18 A You're not insulting me. I called him a
19 she on the first time I e-mailed him. I said, "Hey,
20 Ms. Barnes." I made the same mistake. Stacey's was
21 addressing the disconnects, and Harry's was
22 addressing service -- I mean, leak or low pressure
23 complaints.

24 He had me go to several addresses, check
25 for low pressure, try to talk to the customer, and

1 then go to all four corners of the park, try to
2 figure out and test all the pressure and everything
3 to see whether there was some validity to the
4 accusations.

5 Q What did you discover?

6 A That we had pressure. On the homes that
7 were complaining about low pressure, we had good
8 pressure outside the home but inside the home, low
9 pressure. Means that there was something wrong with
10 the interior plumbing.

11 Q And that wouldn't be Aqua's responsibility?

12 A No.

13 Q Is that all you spoke with Mr. Householder
14 about?

15 A Yes. That's it. I didn't speak to him.
16 It was e-mail.

17 Q Pardon me.

18 A And Stacey sent me to check on Ms. Mallory
19 about a two-inch meter at the office. He wanted me
20 to make all that -- expedite everything that could
21 speed things along. But she didn't want the meter at
22 the office. She just -- the one that was replaced at
23 the laundromat was already done. That was it.

24 Q You said two-inch meter. What do you mean
25 by that?

1 A Commercial meters.

2 Q Mr. Barnes wanted you to check on --

3 A To make sure that everything that was
4 requested was done.

5 Q Did anyone else speak with you about the
6 Gainesville hearing or the testimony that was given
7 at the Gainesville hearing?

8 A Ms. Mallory did a little bit.

9 Q I'm going to ask you about that, but before
10 I do, did anyone ever express an opinion to you that
11 the people who spoke at the Gainesville hearing were
12 paid actors?

13 A No, not at all. That's ridiculous.

14 Q Not paid actors but that they were acting?

15 A No. No.

16 Q That they were being insincere in any way?

17 A They may have said it sounded rehearsed.

18 Q Who told you that?

19 A I couldn't -- I don't know exactly. I'm
20 trying to think who I talked to about the -- that's
21 it. I couldn't tell you.

22 Q Were any of the residents crying at the
23 hearing?

24 A No. I didn't know anyone cried at the
25 hearing.

1 Q You never heard that?

2 A No.

3 Q Was it one person who told you that they
4 thought the testimony was rehearsed, or did you
5 overhear people discussing that the testimony was
6 rehearsed?

7 A That may have been me and my supervisor
8 talking about this upcoming -- this here deposition.
9 We might have talked about it. That was just his
10 feel for it, not like -- I don't even think he was
11 there, so --

12 Q Was that Mr. Barnes?

13 A No.

14 Q Mr. Householder?

15 A No.

16 Q What is his name?

17 A Paul Thompson.

18 Q Mr. Thompson?

19 A It was just interoffice talk.

20 Q Did he say anything else about what
21 transpired at the Gainesville hearing?

22 A No. He just asked me what I thought, and I
23 told him I didn't know. I didn't hear. He just told
24 me what he had thought. That was it.

25 Q Before I cut you off, you stated that you

1 had spoken with Ms. Starling.

2 A Yes.

3 Q When did you speak with her?

4 A When I came to get the key, I spoke to her.
5 I think we've spoken several times since.

6 Q How many times?

7 A I couldn't give you an accurate answer. It
8 was such a normal thing to just stop by and see if
9 she needed anything before I left.

10 Q When did you get the key from her?

11 A I'm not sure of an exact date. I would
12 probably say the day after the hearing, I had to
13 drive up here and get it. I believe it was a
14 Thursday. I think so.

15 Q What did you and Ms. Starling discuss at
16 that time?

17 A How she was sorry she got me in trouble.
18 She didn't mean for it to happen.

19 Q What else?

20 A That's basically all I remember out of the
21 conversation. That was my big concern. The rest of
22 it just went away.

23 Q What do you mean by that?

24 A I only focused on my job and being in
25 trouble. I didn't focus on anything else.

1 Q Did you explain to her why you were in
2 trouble?

3 A Yeah. They wanted the key back, and I
4 explained to her that -- well, she knew when the
5 customer stood up and told them that YES unlocked
6 their meter that it was going to be blow-back on me.

7 Q What else did she tell you?

8 A That's about it.

9 Q Was there anything else you said to her?

10 A Can't remember. Oh, yes. I did tell her
11 that I had to follow Aqua policy from now on.

12 Q What does that mean?

13 A No key. I couldn't go with a list ahead of
14 time and us sit down and see if she was going to pay
15 bills that customers were there. I couldn't do that.
16 I had to follow Aqua policy.

17 Q Anything else?

18 A Not that I recall.

19 Q Were you ever asked by Aqua about specific
20 residents who spoke at the Gainesville hearing?

21 A Not the residents. I was asked --
22 apparently somebody spoke in the thing. It was
23 somebody who had a leak or a pressure problem. I was
24 asked to meet with that woman and see what I could
25 do, if anything, to see if it was something Aqua

1 could do or if it was something that YES had to do,
2 and that was it.

3 Q Were you ever asked to check the meters of
4 the new residents who spoke at the Gainesville
5 hearing?

6 A I don't know who spoke at the Gainesville
7 hearing. All I know is the problem meters were a
8 list that they give me to check this for a problem,
9 check this for a problem. They never told me who
10 spoke or why I had to go check for a certain issue.

11 Q Did you receive a list from Aqua during
12 that week?

13 MS. BEVINGTON: Object to the form. A
14 list?

15 Q You just mentioned a list.

16 A Yeah. Of addresses I needed to check for
17 pressure, see if there's anything I could do for it,
18 and I want to say the laundromat account and
19 something. I don't remember what the other one was.
20 I had no names. It had just lots that I needed to
21 check for pressure, lots to check for -- make sure
22 the meter numbers matched up, and that was it. I
23 didn't have any turnoffs or anything, that list or
24 anything like that.

25 Q You mentioned that you got the key from her

1 on Thursday. You're not sure?

2 A I would guess it would be Thursday if it
3 was the day after the meeting, but I shouldn't be
4 guessing. I don't know the exact date.

5 Q Did you have a list at that time?

6 A Yes. A pressure complaint list. That's
7 the list I had with me.

8 Q Only related to pressure complaints?

9 A Yeah. I didn't have another list.

10 Q How often do you receive a list from Aqua?

11 MS. BEVINGTON: Object to the form.

12 A Well, whenever we get a bunch of -- you
13 know, if we get complaints in a certain area, they
14 may bunch it up as a list for me to go see if there's
15 something I can do to fix it.

16 Q When did you get the next list from Aqua?

17 A I haven't got one since because this has
18 been taking up all my time. I did have one for
19 Castle Lake the week before of -- it was water
20 quality on two houses and low pressure on two houses
21 in Castle Lake the week before.

22 And the week before that, I had one for
23 Ridge Meadows. I had five, six houses on one side
24 that turns out one of our valves got shut off during
25 reconstruction and didn't get opened up. It was low

1 pressure.

2 Q Did you receive additional locks?

3 A Yes.

4 Q When did you receive those?

5 A Today.

6 Q Prior to today?

7 A I'd say I got my first order of locks in
8 August. My second one I had to place an order
9 because I didn't have enough. I only carry so many
10 locks, and it just -- I didn't have enough to cover
11 all the turnoffs.

12 Q How many locks do you typically carry?

13 A Fifty.

14 Q How many do you need?

15 A I usually use about 50 a month at
16 Arredondo, 30 to 50 typically.

17 Q So how many did you request?

18 A Twenty-five more.

19 Q When did you request those?

20 A In August before the hearing. It was
21 before the hearing I asked for them.

22 Q How many more did you request?

23 A Fifty more.

24 MS. BEVINGTON: Asked and answered.

25 Q I'm sorry?

1 A I asked for 50 more, and I only got 25
2 more.

3 Q Did you ask for locks in September?

4 A No, not at all in September. It was before
5 and after. I just got -- yeah. It was way before.

6 Q You only requested that one time?

7 A Yeah. I have to request them every --
8 about twice a year because the locks will get rusted
9 and quit working when sand and stuff gets in them, so
10 it's not uncommon for me to sometimes request 25
11 locks three times a year.

12 Q How many do you have right now?

13 A On my truck right now? Maybe eight because
14 the other twenty-five I haven't picked up yet.

15 Q Did you discuss the issue of locks with Ms.
16 Starling?

17 A Yes. We talked about it. That's why she
18 had a key.

19 Q After the Gainesville hearing?

20 A I don't -- I couldn't answer that
21 truthfully yes or no. I don't know. We talked about
22 so much stuff. But like I said, my focus was on the
23 whole key thing and all the repercussions that could
24 have possibly come from that. I didn't focus on
25 other stuff so much.

1 Q Besides retrieving the key from Ms.
2 Starling, what else were you specifically instructed
3 to do by Aqua?

4 A Follow Aqua policy.

5 Q Did they give you any specific examples?

6 A No, no specific examples, just -- just
7 don't be trusting my judgment, go by the policy. You
8 can't go wrong if you go by Aqua policy.

9 Q With the exception of the conversation with
10 Mr. Barnes, the e-mail with Mr. Householder, and your
11 conversation with Mr. Thompson, were there any other
12 conversations related to the Gainesville hearing?

13 A No.

14 Q Were there any other conversations with
15 anyone at Aqua related to the requirement that you go
16 by the policy?

17 A No.

18 Q We touched on this earlier, but with regard
19 to a water shutoff --

20 A Yes.

21 Q -- have you been advised to leave the
22 community once all the work orders are completed?

23 A If I have service orders in different
24 communities, I have to travel to them, you know.
25 Gainesville is -- I don't go to one area a day. I

1 mean, when I'm done if I have other service orders, I
2 need to go get them. So it's just how it has to
3 work. If I'm done with my service orders, I've got
4 to go.

5 Q If you've already left the park, would
6 there be any way of returning to the park to turn
7 back on water if payment's made after you leave?

8 A If it's an Aqua error, they'll send me back
9 on overtime.

10 Q But if it's not an Aqua error?

11 A No.

12 Q Has it always been that way? Have you ever
13 acted differently in the past?

14 MS. BEVINGTON: Object to the form.

15 A I think we've actually beat that dead
16 horse.

17 Q Please answer the question.

18 A Yes. When I gave her the key so that we
19 could fix that, I was breaking Aqua policy.

20 MR. MCBRIDE: Do you mind if I continue?

21 MS. BEVINGTON: No. Go ahead.

22 Q Are you aware of a monitoring program?

23 A I don't know what it is. I've heard of it,
24 but I don't know what it is.

25 Q What have you heard about it?

1 A That there's a monitoring program.
2 Couldn't tell you what it is or how it works or
3 anything about it.

4 Q Are you aware if any action you take or any
5 part of your job specifically relates to the
6 monitoring program?

7 A I have no idea.

8 Q Do you believe that Aqua listens to your
9 suggestions on how to improve customer service?

10 A Yes. I believe they listen.

11 Q Do you believe they act upon it?

12 A Well, we've shown -- they've put together a
13 task force to help with new move-ins because that was
14 something that me and Mallory brought to them. So,
15 yeah. I have to say yeah. I believe they are
16 working towards it.

17 MR. MCBRIDE: I believe I'm just about
18 done. I would ask just a quick two-minute break
19 before closing.

20 MS. BEVINGTON: Okay.

21 (Whereupon, a recess was taken, after which
22 the deposition resumed.)

23 BY MR. MCBRIDE:

24 Q Do you believe there's more problems at
25 Arredondo Farms than the other communities?

1 A Percentage-wise, yes.

2 Q What do you think is the cause of all these
3 problems?

4 A Steps not being followed, procedure not
5 being followed to the letter. I mean, when you have
6 a move-in, if all the steps are followed, that person
7 moves in. Then it starts over. They'll move a
8 person into that address. Then the last person
9 wouldn't get the shutoff notice, and they wouldn't
10 return that bill. I mean, there's little things on
11 both sides that could be addressed, but I don't have
12 a fix-all answer for you.

13 Q Who's not following the steps?

14 A Well, previous, before Mallory and them
15 started doing it through YES, the customers
16 themselves wouldn't follow the proper steps to get
17 their water turned on. If they left, they never
18 would call to shut it off. You know, all those steps
19 help line everything up to operate like it's supposed
20 to.

21 And when they're not -- now we are moving
22 in the right direction with Mallory and them handling
23 it, doing all the paperwork there. It's a whole lot
24 less of an issue than it was prior to the team being
25 set up, the Aqua team and Mallory working together.

1 It's a whole lot less problems as it used to be.

2 Q What could Aqua do differently?

3 A Well, they set up the team to work on that.
4 I guess we'll just have to take each problem
5 separately and address it. I don't know what other
6 issues that are on the table that they're working on
7 right now.

8 Q Do you believe that some of the billing
9 errors you encountered at Arredondo Farms can be
10 traced back to Aqua?

11 MS. BEVINGTON: Object to the form.

12 A Yes. I believe some of them can be traced
13 back like the wrong ERT on the meter. That's one
14 that can be traced back to us.

15 Q Any others?

16 A I can't think of any right off the top of
17 my head. That's just one that I know was an issue.
18 Me and Mallory talked about it, Lot twenty something
19 oh nine, twenty, thirty oh nine, something like that.
20 It was the wrong ERT.

21 MR. MCBRIDE: That's all I have.

22 MS. CHRISTENSEN: Ralph, did you want to go
23 first, or do you really want me to go first?

24 MR. JAEGER: I will go first if you don't
25 mind. And are they done?

1 MS. CHRISTENSEN: Yes.

2 MR. JAEGER: I missed that. I just have
3 about four questions, actually about four areas
4 that I hope will go fast, and I'll try not to
5 beat a dead horse.

6 CROSS-EXAMINATION

7 BY MR. JAEGER:

8 Q First thing I want to know is about these
9 service orders. At the start of your day, do you
10 like pick up that batch of service orders at the
11 beginning of each day?

12 A Yes, sir. They come in on the computer at
13 8:00 o'clock in the morning.

14 Q For turn-ons, is there ever a time when you
15 have so many that you don't get it done on the day
16 you receive the service order?

17 A Not turn-ons. Turn-ons are a priority. I
18 can do those. I'm authorized -- if I had 400
19 turn-ons, I have to get 400 turn-ons done or call
20 upon people to help me do it.

21 Q Okay. Now you were talking about leaks and
22 it was on the customer's side of the meter. What
23 kind of notice do you give to the customers when it's
24 the customer's responsibility?

25 A Well, I usually leave them a door tag

1 telling them that their meter's spinning and to check
2 for leaks. At Arredondo, I leave a door tag and go
3 tell Mallory and their maintenance guys, mostly
4 Mallory.

5 Q And you do that the same day you're there
6 and detect the leak. Is that correct?

7 A Yes.

8 Q Now the ERT meters. I know most of those
9 were installed in 2008, or that's when Aqua switched
10 over to them. Is that correct?

11 A Yes.

12 Q And were most of the problems up front, or
13 had you had a continuing problem with getting the
14 wrong ERT meter with the customer?

15 A Most of the problems were up front. Later
16 a few issues that we're having comes when we have a
17 meter change-out, and the ERT gets changed out with
18 the meter. That's when we have that.

19 Q In the last year, say from September of
20 2010 to September of 2011, how many of those problems
21 have you had?

22 A Throughout my area or Arredondo in
23 particular?

24 Q Arredondo Farms in particular but
25 throughout your area. Do both.

1 A It would be both. I'd say probably 50
2 meter change-outs, but probably only -- I don't
3 know -- maybe five since last year with the wrong ERT
4 number in the computer.

5 Q That was for all systems that you do or for
6 Arredondo Farms?

7 A Oh, for Arredondo Farms. Probably five for
8 Arredondo Farms. Probably 50 for the rest of them,
9 but it's usually corrected the following month.
10 Whenever it shows up, it's something where you just
11 go back. You get the numbers, and it goes right back
12 in the computer.

13 Q How long do the batteries last,
14 approximately, on those ERT meters?

15 A I'm not exact. I've heard five years, and
16 I've heard eight years.

17 MR. JAEGER: Okay. That's all I had.

18 Thank you.

19 MS. CHRISTENSEN: Let me follow up right
20 where Ralph left off.

21 CROSS-EXAMINATION

22 BY MS. CHRISTENSEN:

23 Q You said five to eight years on the battery
24 life --

25 A Yes.

1 Q -- for the electronic reader? Do you
2 all -- are you part of any program to check those
3 batteries or check the meters that you're aware of?

4 A No, ma'am. I'm not part of any program.

5 Q Are you aware of any program that would
6 have you checking to make sure that those are
7 functioning?

8 A I know that there's a -- the reader, the
9 big reader that the guy rides around and reads them
10 with, if it doesn't read, it spits up a code right
11 then, and that's one of the reports that they get.

12 Q Is that something that's automatically
13 generated to you the next day --

14 A No, not to me.

15 Q -- or that you follow up?

16 A It's not generated to me. Usually the
17 meter reader himself has to go and manually read it,
18 and then that's when the service order is generated,
19 when it goes in the manual read slot.

20 Q Do you know how long it is between the
21 determination that it's not reading and the manual
22 read takes place and then a service order is
23 generated for you?

24 A No. I have no idea how long that is.

25 Q Okay. And just for my clarification, the

1 meter reader is completely separate from what you do
2 as a service technician; correct?

3 A Right. It didn't used to be. I used to
4 read meters, but now one guy can read the whole
5 state, north end of the state.

6 Q And do you have any communication with the
7 meter reader at all regarding your service area,
8 direct communication?

9 A If he's -- if he goes to an address and
10 sees a leak, that's when he calls me. Like when he
11 drives through these subdivisions, any possible leak
12 or any problem that he sees he'll call me with.

13 Q Is that part of policy that he calls you?

14 A No. It's just what we do.

15 Q And you've referred to Aqua policy numerous
16 times during the deposition. Is that a written
17 policy, and if so, do you have a copy of it?

18 A I do not have a copy, no. But I don't know
19 if I've ever -- I'm told what I'm supposed to do.
20 This is how it's supposed to be, and that's what I
21 do.

22 Q So you didn't see any written policy before
23 those conversations that you had with your
24 supervisors?

25 A No, I did not.

1 Q So the first time that you were made aware
2 of Aqua's policy was during those conversations?

3 MS. BEVINGTON: I'm going to object to the
4 form.

5 A No. I knew what the policy was when I
6 started working there. Ten years ago when Aqua took
7 over, I knew what the policy was.

8 Q And how were you made aware?

9 A They tell you what it is. When you're
10 going through your job, when you start doing it, you
11 know, they'll tell you, "This is what we do." Your
12 supervisor tells you, "This is what we do and how we
13 do it."

14 Q But I just want to make sure --

15 A Years before this, I've known that -- I
16 knew I was messing up.

17 Q But it's not written. You don't have a
18 manual or written policy that you could go back to
19 that you're aware of?

20 A No. I haven't seen one, no.

21 Q Okay. Do you all have any in-service
22 training that you've attended or refreshers that you
23 had, and if so how often?

24 A The only thing that they refresh us on is
25 every time our computer gets a new upgrade as far as

1 a pipe is a pipe and a meter is a meter. There's no
2 change there since I've been doing it. It's the
3 same. Nothing's changed.

4 Q Okay. I think you told Mr. Jaeger, but I
5 want to make sure that I'm clear. You said turn-ons
6 are a priority. Does that include for customers that
7 are --

8 A Move-ins and turn-ons.

9 Q Turn-ons are people that have had their
10 water previously shut off?

11 A No. Those are reconnects.

12 Q Okay. So what happens with reconnects?
13 Can there be a time to lay between reconnects?

14 A They generally go in the next business day.

15 Q So if somebody gets disconnected on a
16 Friday for nonpayment and they make the payment after
17 you've left the service area, if I'm understanding
18 correctly, they may not get turned back on until the
19 following Monday when you get there?

20 MS. BEVINGTON: Object to the form.

21 MS. CHRISTENSEN: What form problem?

22 MS. BEVINGTON: You're making an assumption
23 that there would be a turnoff on Friday, and I
24 don't think there's been any evidence to that
25 effect.

1 BY MS. CHRISTENSEN:

2 Q Have you experienced where there have been
3 shutoffs due to nonpayment on Friday?

4 A Yes. Oh, no, no. We don't do turn-ons on
5 Fridays. We can't do turn-ons on Fridays. We do
6 them Monday through Thursday, but I've had people
7 that didn't pay Thursday or Wednesday, whenever they
8 were cut off, pay Friday when they got paid.

9 Q And then what happens in those instances?

10 A Then it goes on my service orders for the
11 Monday.

12 Q Okay. So there could be three days
13 between -- when they make the payment on a Friday,
14 they would not get turned on until Monday?

15 A Possibly.

16 Q Okay. Are you aware of any Aqua policy
17 that would have you come back during the evenings or
18 on the weekends to turn on customers?

19 A If it was an Aqua error.

20 Q Is that the only situation that you're
21 aware of where you would come back after hours or on
22 the weekends?

23 A Yes.

24 Q And do you recall -- and I'm referring
25 specifically to Arredondo Farms -- how many times

1 you've heard complaints regarding high bills or high
2 cost of service in the last year?

3 A I'd be guessing. I would say everybody
4 that I go to do a service order complains about it.
5 I mean, everybody.

6 Q Is that only in Arredondo, or is that the
7 other areas that you service that complain about the
8 high bills?

9 A I hear it in all the areas.

10 Q And I just want to make sure I understand.
11 You were talking about the leaks on the customer side
12 of the meter versus Aqua's side of the meter.
13 Generally speaking, where are the meters located?

14 A In a box.

15 Q Are they attached to the side of the house?
16 Are they out next to the curb or somewhere in
17 between?

18 A In Arredondo Farms, they're beside the
19 house next to the electrical pedestal which will be
20 usually outside by their front door or by their step.
21 It's usually right there.

22 Q And for other areas, it could be out by the
23 curb?

24 A Out by the street.

25 Q Okay. I just wanted to make sure I

1 understood physically where they were and what the
2 difference was. How often do you change out the
3 meters that are not at the customer's request? Do
4 you all -- does Aqua have a program to change out the
5 meters or --

6 A When we went to these new ERTs, there's --
7 I haven't seen it, but there's rumors of a five-year
8 plan on the ERT meters.

9 Q Okay. So that has not been implemented?

10 A We've only got three years in. We've still
11 got two more to go.

12 Q So currently there's no regular change-out
13 program except for if there's a problem with a
14 customer?

15 MS. BEVINGTON: Object to the form.

16 A I hadn't seen one. I'm just told that it's
17 going to be on a five-year rotation.

18 Q And since you're only three years in, that
19 hasn't happened?

20 A Hasn't happened to where I could verify it.

21 Q You had talked a little bit about incorrect
22 shutoffs due to Aqua billing errors. In the last
23 year, how many times has that occurred at Arredondo
24 Farms?

25 A Shutoffs in error?

1 Q Correct.

2 A I've only had to go back maybe four times
3 this year, but I don't know.

4 Q So that's for Arredondo. Is that including
5 the shutoffs in error that Mallory had already taken
6 care off, or is that just the times that you've had
7 to go?

8 A That's just the times I've had to go.

9 Q And how many times would it be when Mallory
10 has come?

11 MS. BEVINGTON: And you're speaking solely
12 about Aqua error shutoffs?

13 MS. CHRISTENSEN: Correct.

14 A I don't have a -- wasn't that many. I'd
15 say an Aqua error shutoff --

16 THE DEPONENT: I don't think you used a key
17 that many times, did you?

18 MS. STARLING: Can I talk?

19 MS. BEVINGTON: No.

20 BY MS. CHRISTENSEN:

21 Q Well, let me ask you this.

22 A Maybe five.

23 Q Okay. So maybe five. For the rest of your
24 service territory in the last year, do you recall how
25 often you had to return to turn water back on due to

1 Aqua error?

2 A For this whole year, maybe two or three
3 times in the rest of the area.

4 MS. CHRISTENSEN: I think that's all the
5 questions that I have.

6 MS. BEVINGTON: I've got a couple, and then
7 I would like to take a short break and consult
8 with my co-counsel who know a lot more about
9 this case than I do. But I do have a couple of
10 follow-ups.

11 CROSS-EXAMINATION

12 BY MS. BEVINGTON:

13 Q Mr. Grisham, I'm sorry to keep going back
14 to a horse that's thoroughly dead, but I want to talk
15 just one more time about the key.

16 A Yes, ma'am.

17 Q Did you know prior to giving the key to Ms.
18 Starling that it would be a violation of Aqua
19 policy?

20 A Yes.

21 Q Did you inform anyone at Aqua that you
22 were giving her that key at the time you gave it to
23 her?

24 A No.

25 Q To your knowledge, when was the first time

1 anyone other than you at Aqua knew that Ms. Starling
2 had that key?

3 A Can you repeat the question?

4 Q To your knowledge, when did Aqua, other
5 than you, find out for the first time that Ms.
6 Starling had that key?

7 A At the hearing when --

8 Q You testified that you've been threatened
9 by some of the residents of Arredondo.

10 A Yes.

11 Q Can you give us a comparison between
12 Arredondo and all the other properties that you
13 service about the frequency of those kind of physical
14 threats?

15 A I've only been threatened two other times
16 that wasn't Arredondo I'd say in the past 10 years.

17 Q And in 10 years, how often were you
18 threatened at Arredondo?

19 A Maybe 10 times.

20 Q You had testified that you visited
21 Arredondo nearly every day.

22 A Yeah.

23 Q What about the other properties? Is there
24 any other property or community that you service,
25 that you visit nearly every day?

1 A Ocala Oaks, but it's three times the size
2 of Arredondo Farms. I usually visit that almost
3 every day.

4 Q You said that the high end of service
5 orders that you receive for Arredondo is between 40
6 and 50. How does that compare with the rest of your
7 service area?

8 A It's -- that is the highest by far, double,
9 triple of all my other systems combined.

10 Q How stable is the resident population in
11 Arredondo? And by that I mean how long do they stay?

12 A It's high turnover for the most part. They
13 do have a couple -- well, maybe a dozen long-time
14 residents that I can remember. But it's usually a
15 high turnover.

16 Q And does this turnover contribute to the
17 number of service calls that you have at Arredondo?

18 MR. MCBRIDE: Object; calls for
19 speculation.

20 Q Go ahead.

21 A Again, I believe so.

22 Q You had mentioned that there was a task
23 force that Ms. Starling was working on having to do
24 with the new move-in procedure. You remember that
25 testimony?

1 A Yes.

2 Q And as part of that procedure, has YES
3 taken on any responsibilities they did not have
4 before?

5 A Mallory --

6 Q Go ahead. Explain it.

7 A Mallory, when the customer comes in, she
8 handles the paperwork and puts in their application
9 for water service now.

10 Q So now when a new customer moves into
11 Arredondo, Aqua's informed about it?

12 A Yes.

13 Q And before now, a new customer would from
14 time to time move into a residence that had water
15 that had never been disconnected, but Aqua did not
16 know about it?

17 MR. MCBRIDE: Object to form.

18 A Yes. Unless the customer called, we
19 wouldn't know. Now YES calls.

20 Q Okay. You testified about the turnoff and
21 block orders that you received.

22 A Yes.

23 Q I think you had said it was -- those are
24 resulting from theft, tamper codes, use of service in
25 places where there should be no use. How does the

1 number of turnoff and block orders received at
2 Arredondo compare to the rest of your service area?

3 A It's -- again, it's way higher than at any
4 other place.

5 Q You testified about some of the things that
6 can be done for calcium and lime buildup maintenance.
7 Do you recall that testimony?

8 A Yes.

9 Q And what were those things again? What
10 would somebody do?

11 A You can do CLR and soak the shower head and
12 put some in the tank on the toilet and move your
13 faucets. Just dip it in there, and it will eat it
14 up. Or there's a thing from Publix you can put in
15 the dishwasher to get the spots off.

16 Q Have you ever described any of that to any
17 of the residents at Arredondo?

18 A Yes.

19 Q Have you ever described that to Ms.
20 Starling?

21 A Yes.

22 Q Has anyone at Aqua ever directed you to
23 retaliate against any customer or any resident of
24 Arredondo Farms that testified at the Gainesville
25 hearing?

1 A No.

2 Q Has anyone at Aqua ever directed you to
3 retaliate against any resident at Arredondo Farms?

4 A No.

5 Q Has anyone at Aqua ever instructed you to
6 treat the residents of Arredondo Farms in any respect
7 differently from the residents of any other community
8 that you service?

9 A No.

10 Q You did not attend the customer service
11 hearing in Gainesville; correct?

12 A No.

13 Q I think you testified that you were already
14 working at Arredondo Farms and had been for at least
15 a couple of years before Aqua purchased the system
16 there. Is that correct?

17 A Yes.

18 Q And in your experience as the technician
19 servicing that area, have you seen any improvements
20 in the wastewater service that's being provided at
21 Arredondo Farms since Aqua has purchased the system?

22 A Yeah. We've doubled the size of the sewer
23 plant.

24 Q Were there any problems that preexisted
25 Aqua that no longer exist as a result of those

1 improvements?

2 A Now that it's bigger, it doesn't get the
3 overflow, and you don't get the smell anymore.

4 Q Has there been any change since Aqua
5 purchased the system in the accuracy of the meter
6 readings at Arredondo Farms?

7 A Yes. For the most part the ERTs. When
8 everything's matched up right, it's dead on.

9 Q Have there been any changes in the
10 condition of the water treatment facilities at
11 Arredondo Farms since Aqua purchased the system?

12 A Yes. We redid a tank, redid all the piping
13 at the water plant. We're putting in valves Monday
14 to change out all the valves. So, yeah. I'd have to
15 say yes.

16 Q What about the water quality? Have there
17 been any changes in the water quality since Aqua
18 purchased the system?

19 A No. It's still the same hard water.

20 Q So the quality of the water, in your
21 experience as the technician at Arredondo Farms, is
22 the same as it was prior to the Aqua acquisition?

23 A Yes.

24 MS. BEVINGTON: I'd like to take a couple
25 of minute break and consult with my co-counsel,

1 and then I think we'll be done.

2 (Whereupon, a recess was taken, after which
3 the deposition resumed.)

4 MS. BEVINGTON: I have no further
5 questions.

6 THEREUPON, THE TAKING OF THE DEPOSITION WAS
7 CONCLUDED AT 4:45 P.M.

8 * * * * *

9 S T I P U L A T I O N

10 It was thereupon stipulated and agreed by and
11 between counsel present for the respective parties
12 and the deponent that the reading and signing of this
13 deposition is not waived.

14 * * * * *

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1 CERTIFICATE OF OATH

2 STATE OF FLORIDA

3 COUNTY OF HERNANDO

4 I, the undersigned authority, certify that
5 STEVEN GRISHAM appeared before me and was duly sworn
6 on October 27, 2011.
7

8 WITNESS my hand and official seal this 30th day
9 of October, 2011.
10



12 Lois C. Grigg
13 Lois C. Grigg
14 Notary Public - State of Florida.
Commission No. DD884324
Expires: June 7, 2013
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1 CERTIFICATE OF REPORTER

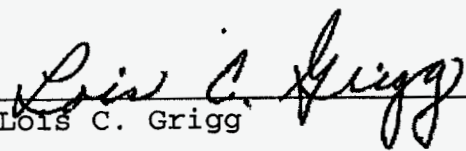
2 STATE OF FLORIDA

3 COUNTY OF HERNANDO

4 I, LOIS C. GRIGG, certify that I was authorized
5 to and did stenographically report the foregoing
6 deposition and that the transcript is a true record
7 of the testimony given by the witness.

8 I further certify that I am not a relative,
9 employee, attorney or counsel of any of the parties,
10 nor am I a relative or employee of any of the parties'
11 attorney or counsel connected with the action, nor am
12 I financially interested in the action.

13 Dated this 30th day of October, 2011.

14
15 
16 Lois C. Grigg
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1 Style: In re: Application for increase in water/
2 wasterwater rates, etc.

3 Deposition of: Steven Grisham

4 Date: October 27, 2011

5 ERRATA SHEET

6 I have read the foregoing pages numbered
7 1 through 119, inclusive, and herewith subscribe to
8 same as the correct transcription of the answers made
9 by me to the questions recorded therein, unless
10 noted.

11	PAGE	LINE	CORRECTION
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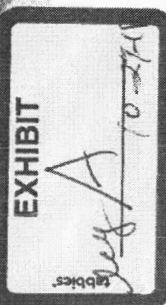
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Steven Grisham

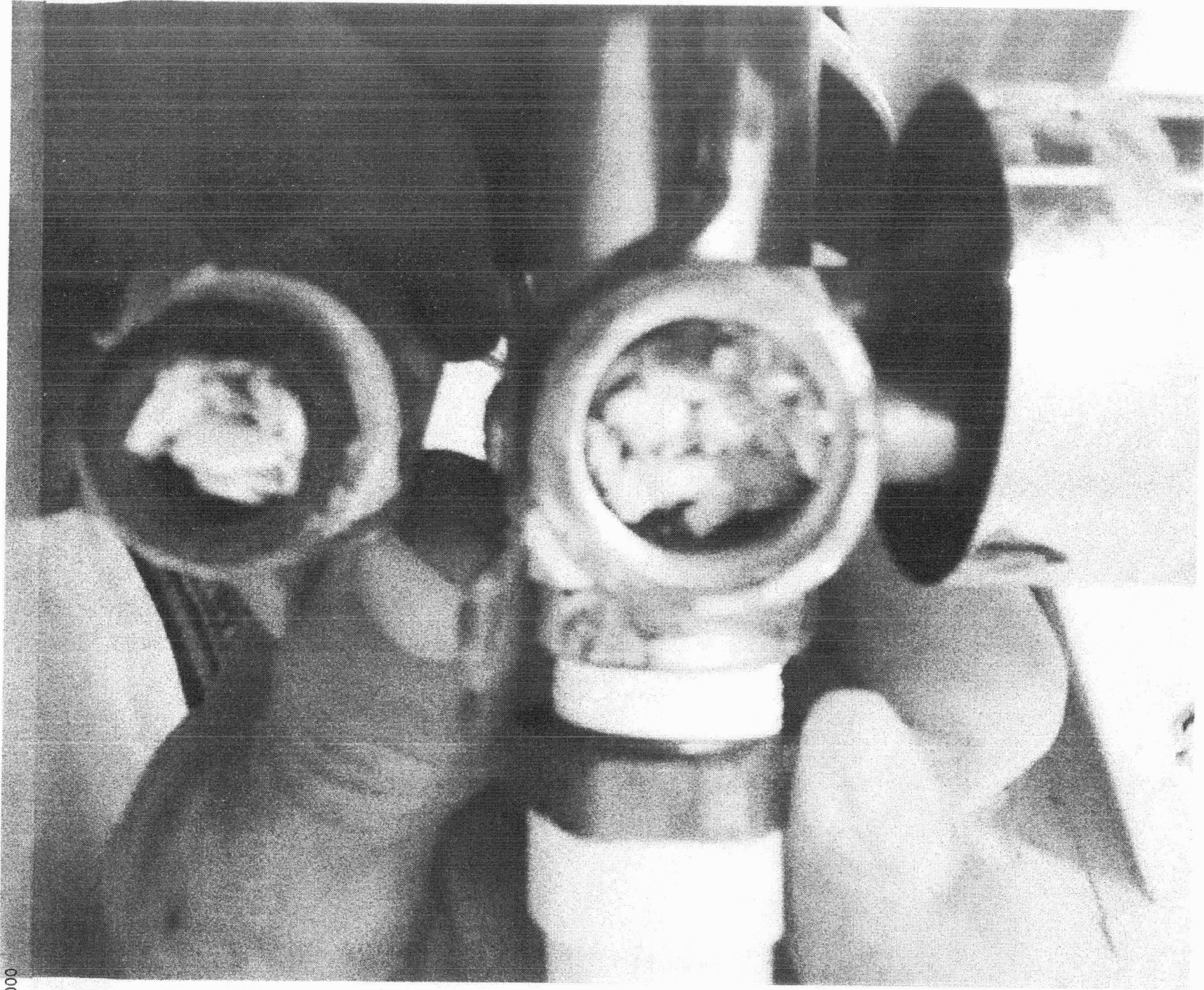
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25 Dated: _____

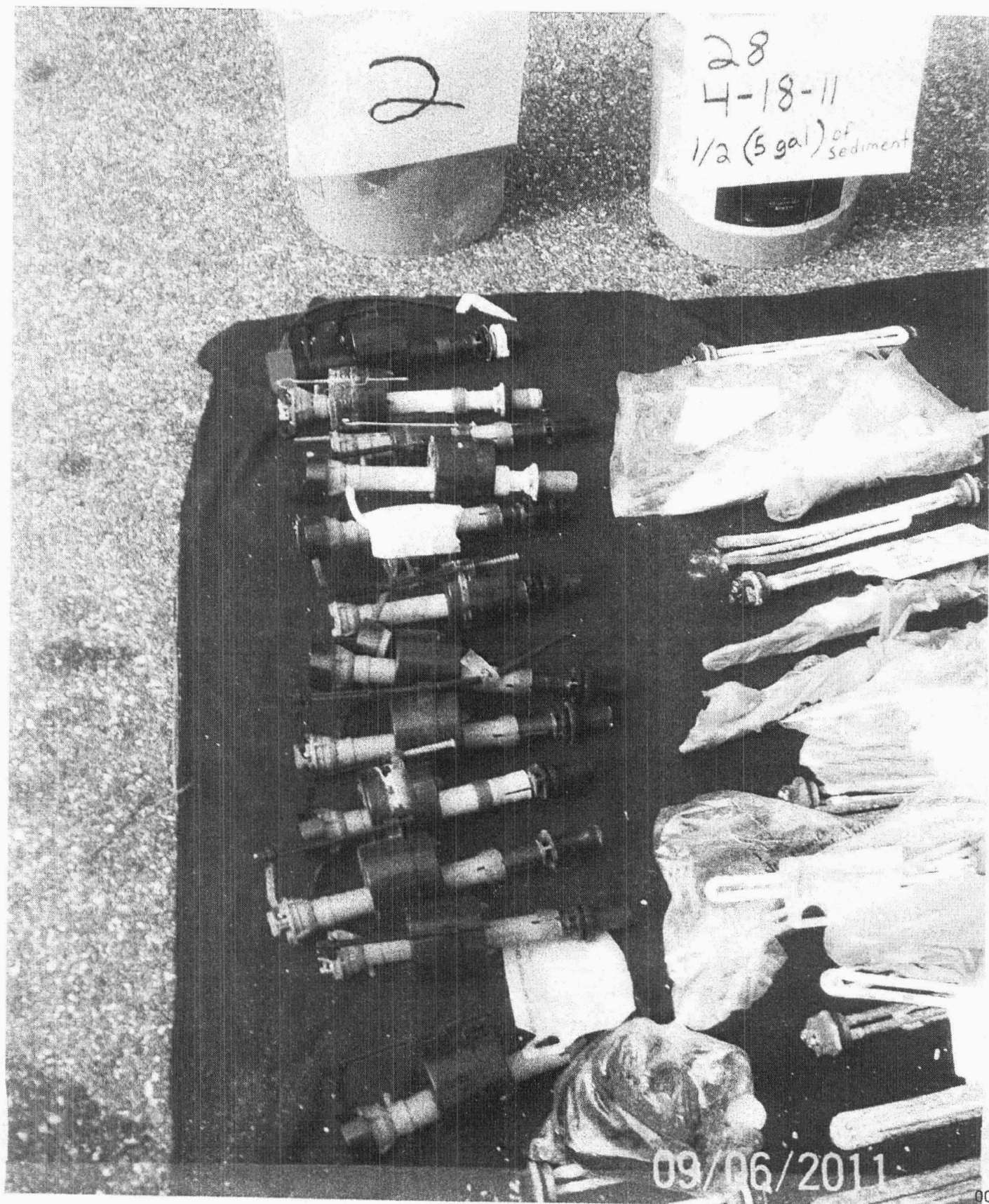


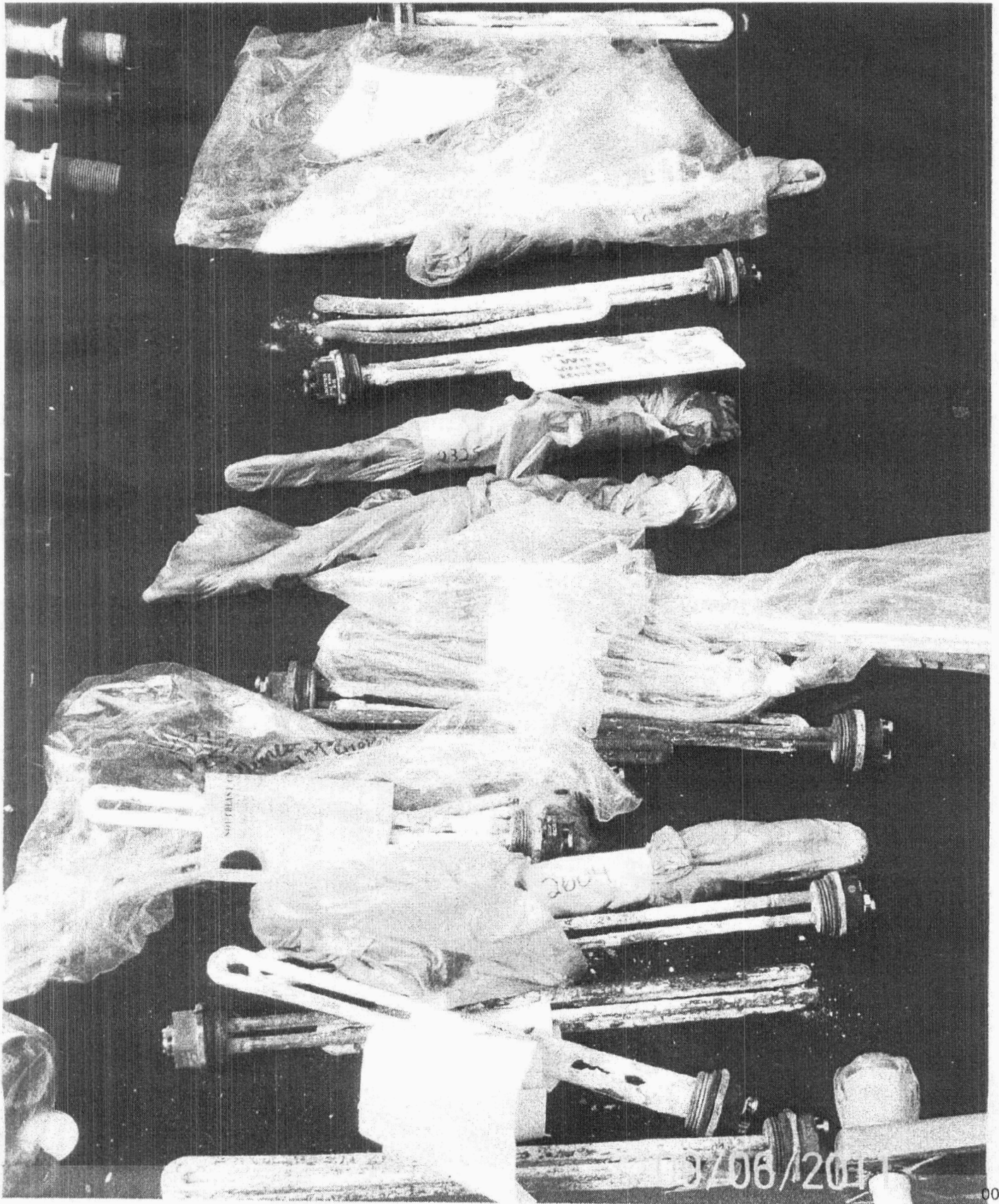
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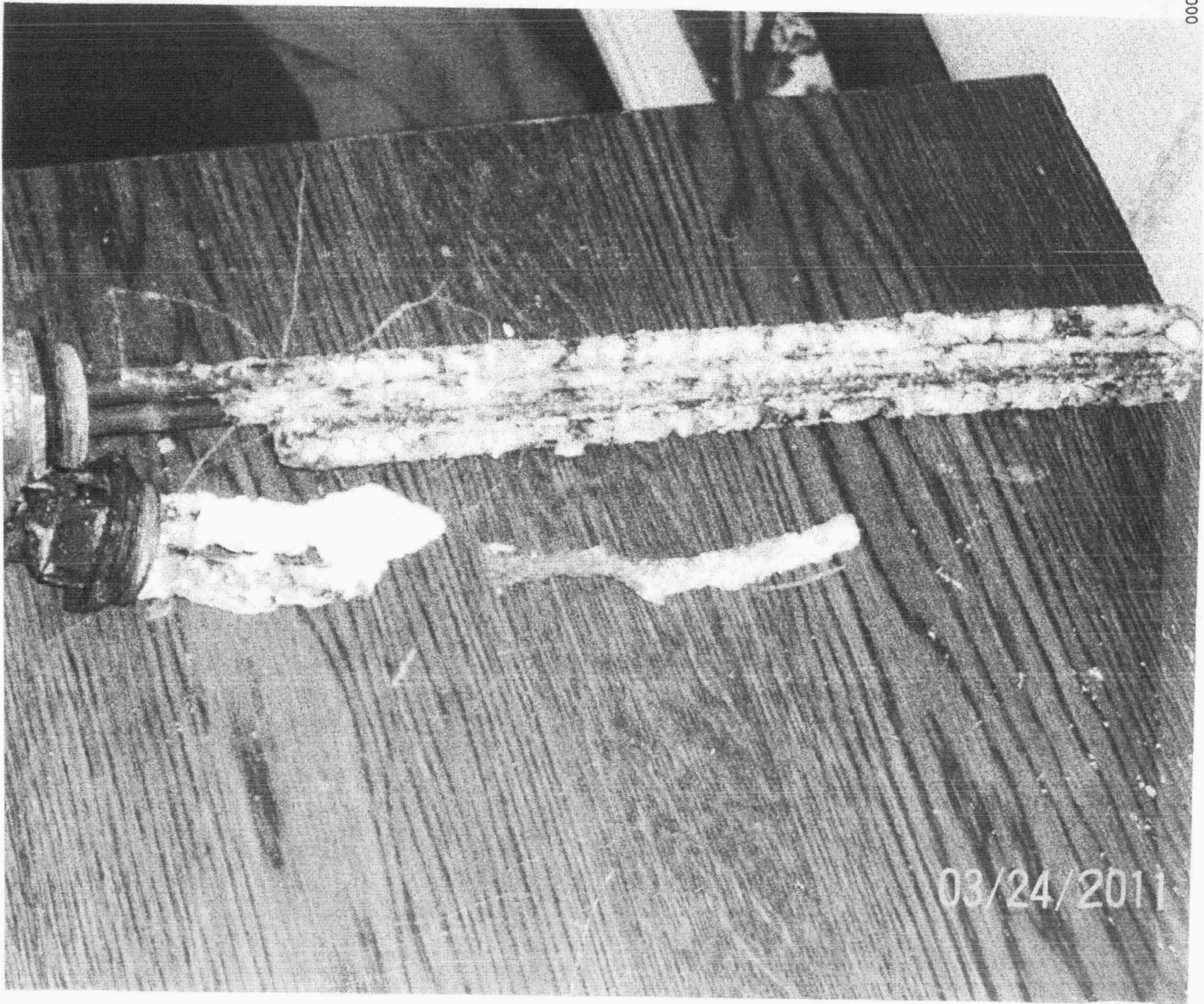


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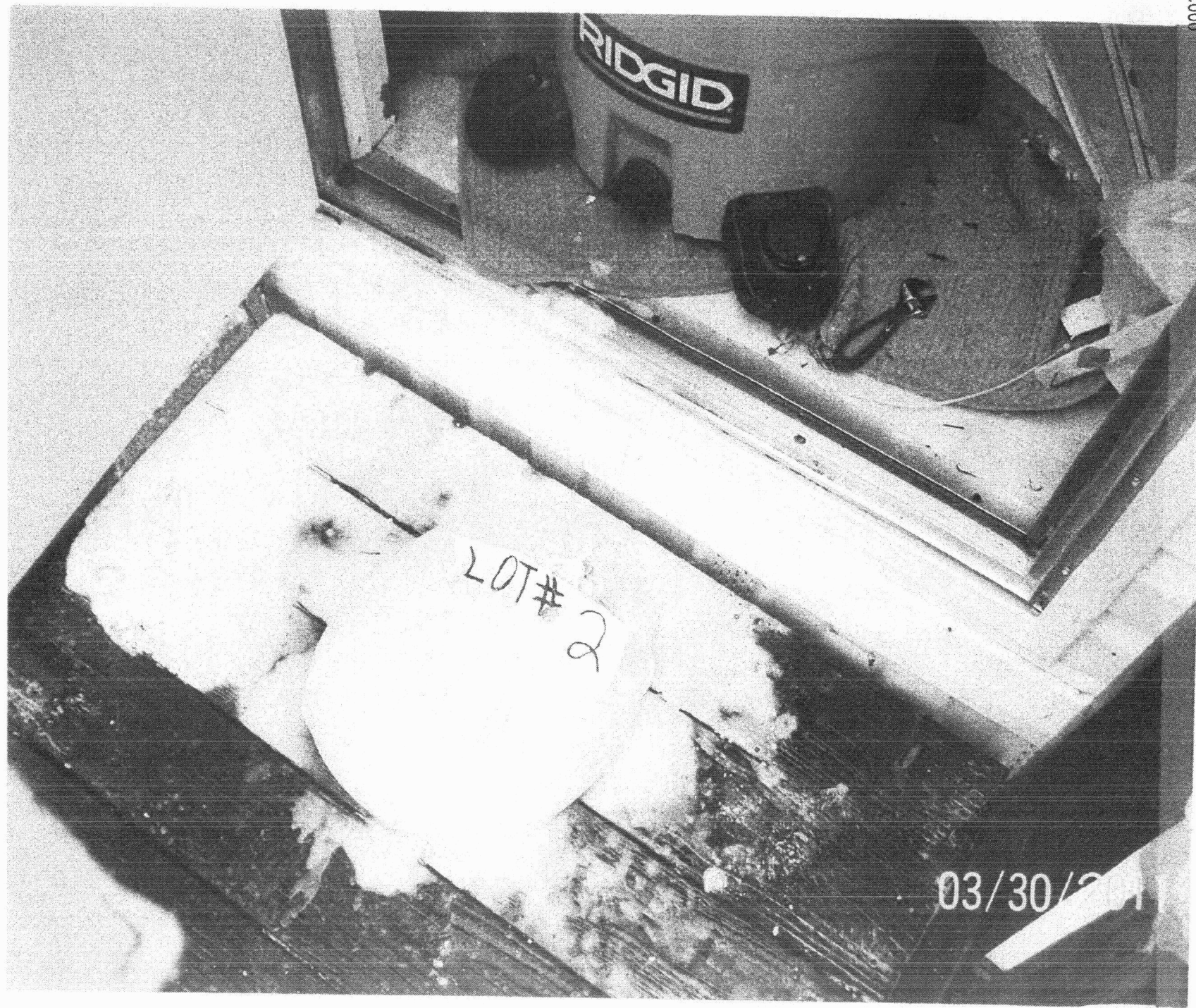


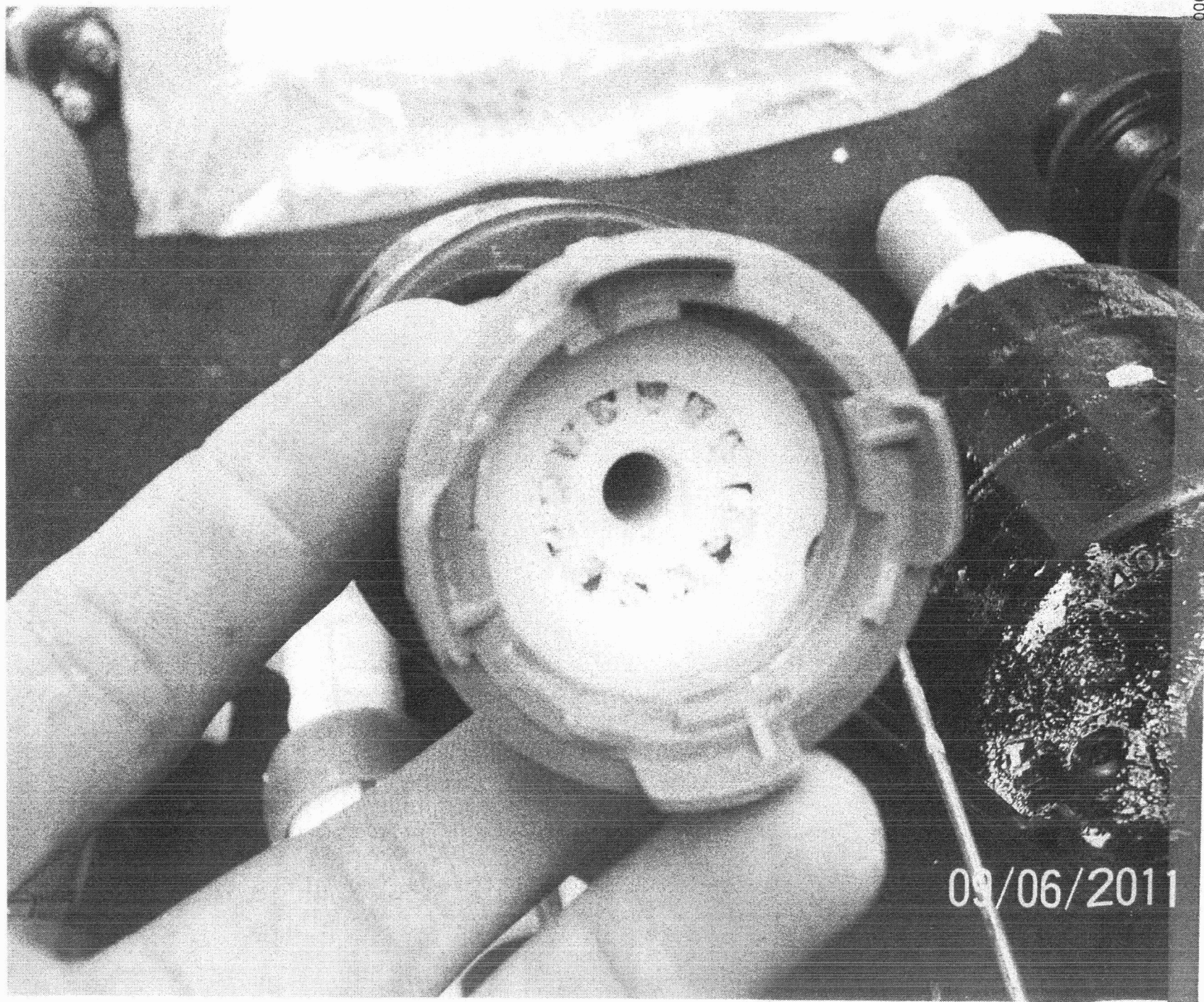




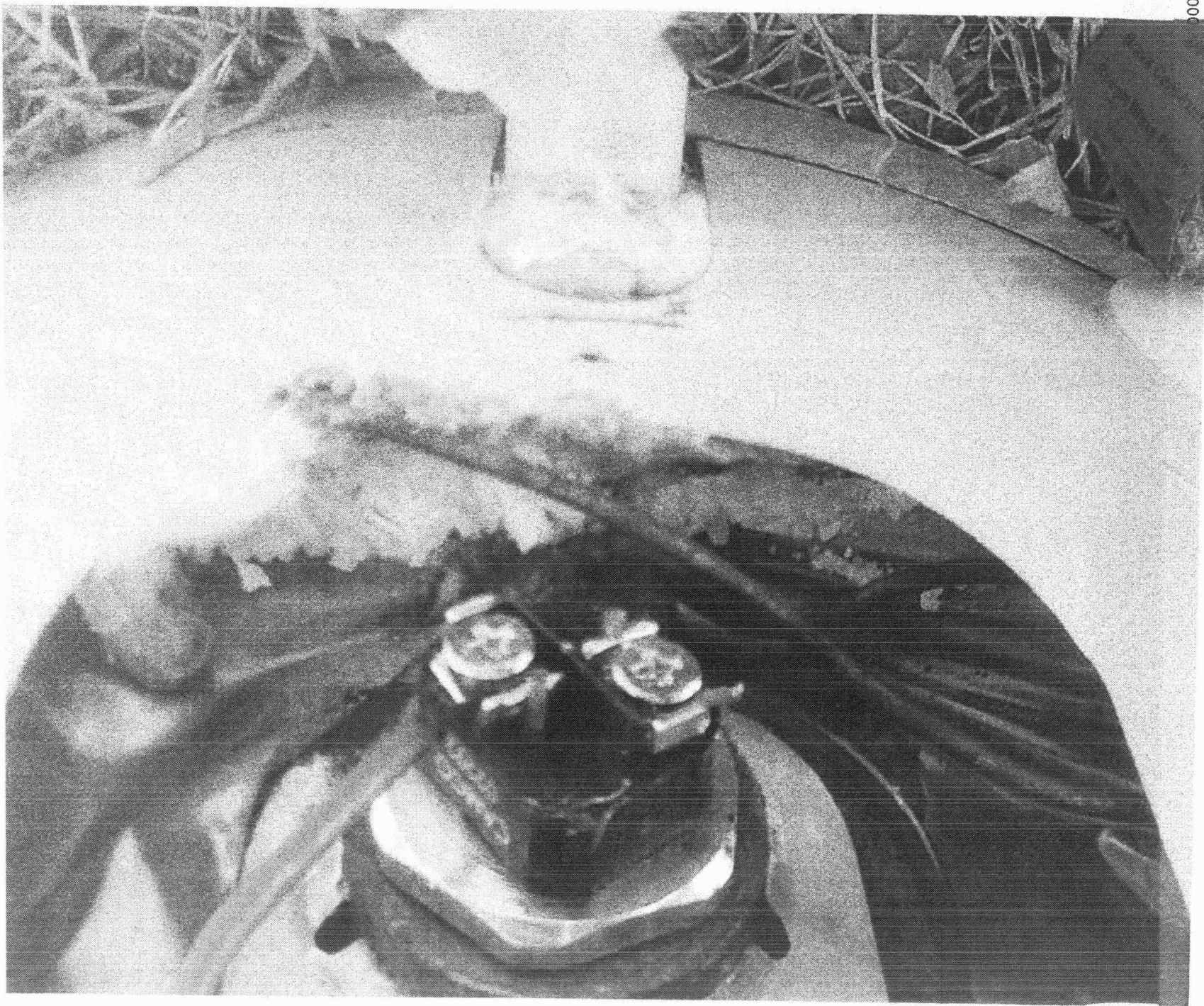


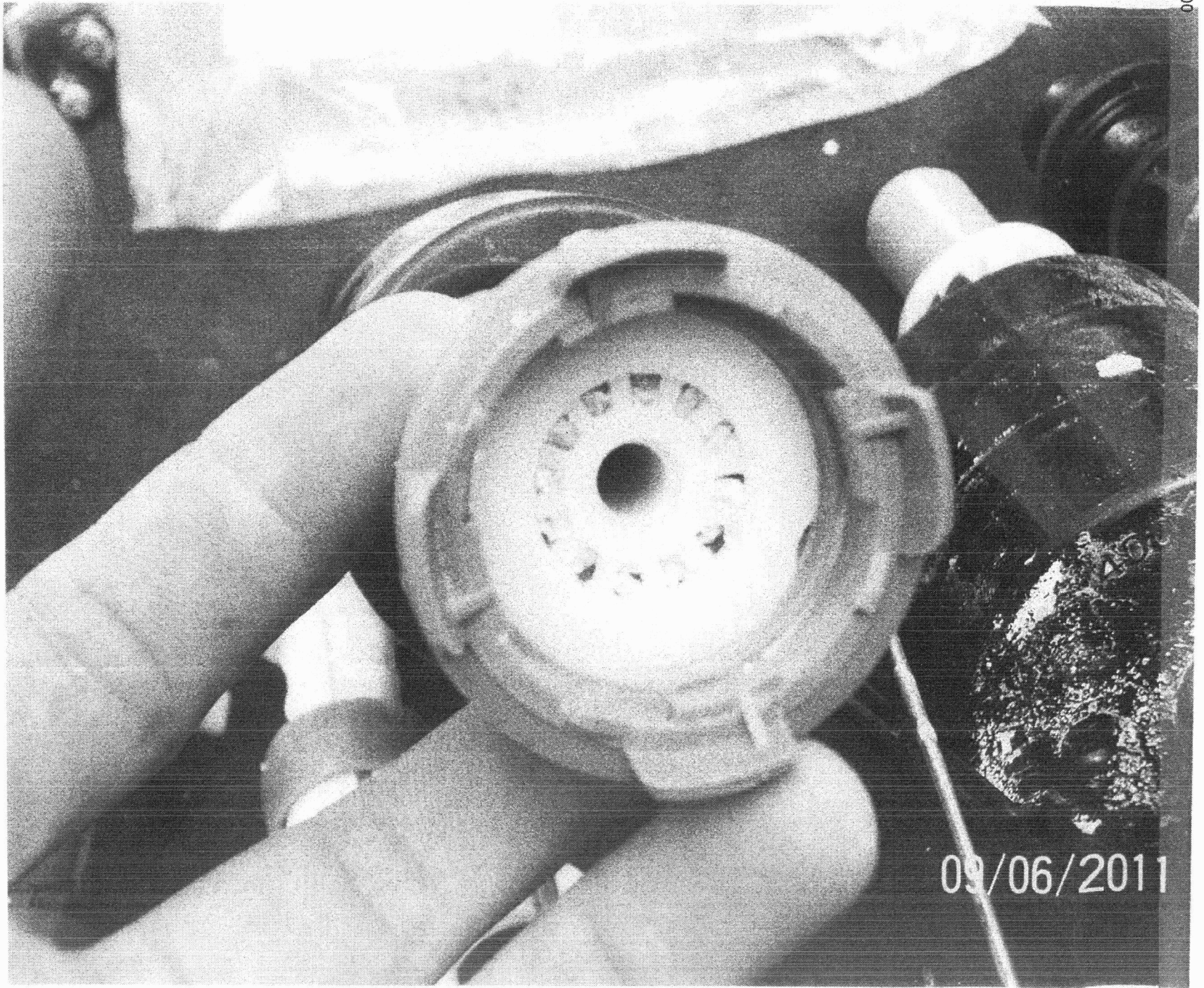
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09/06/2011

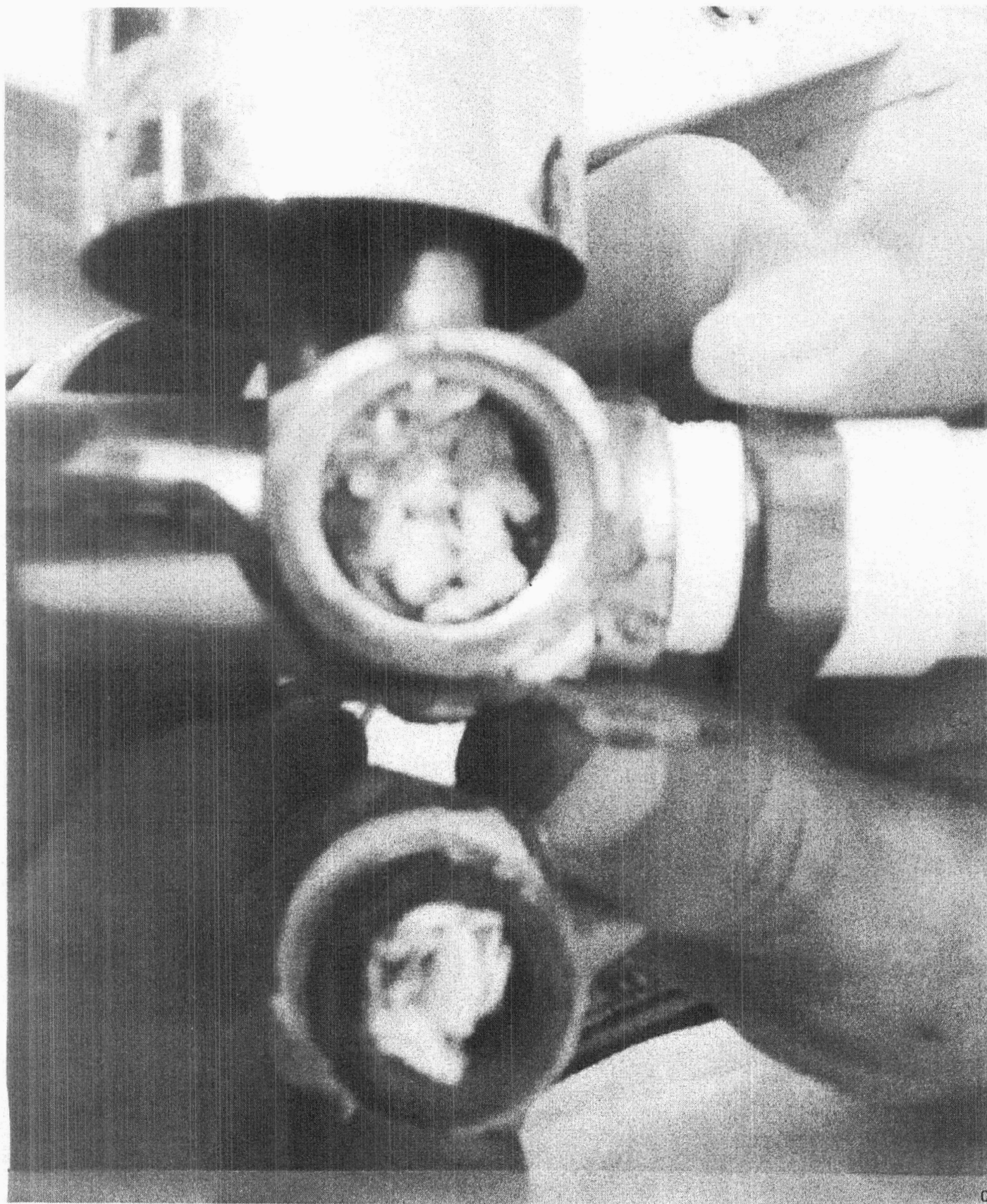




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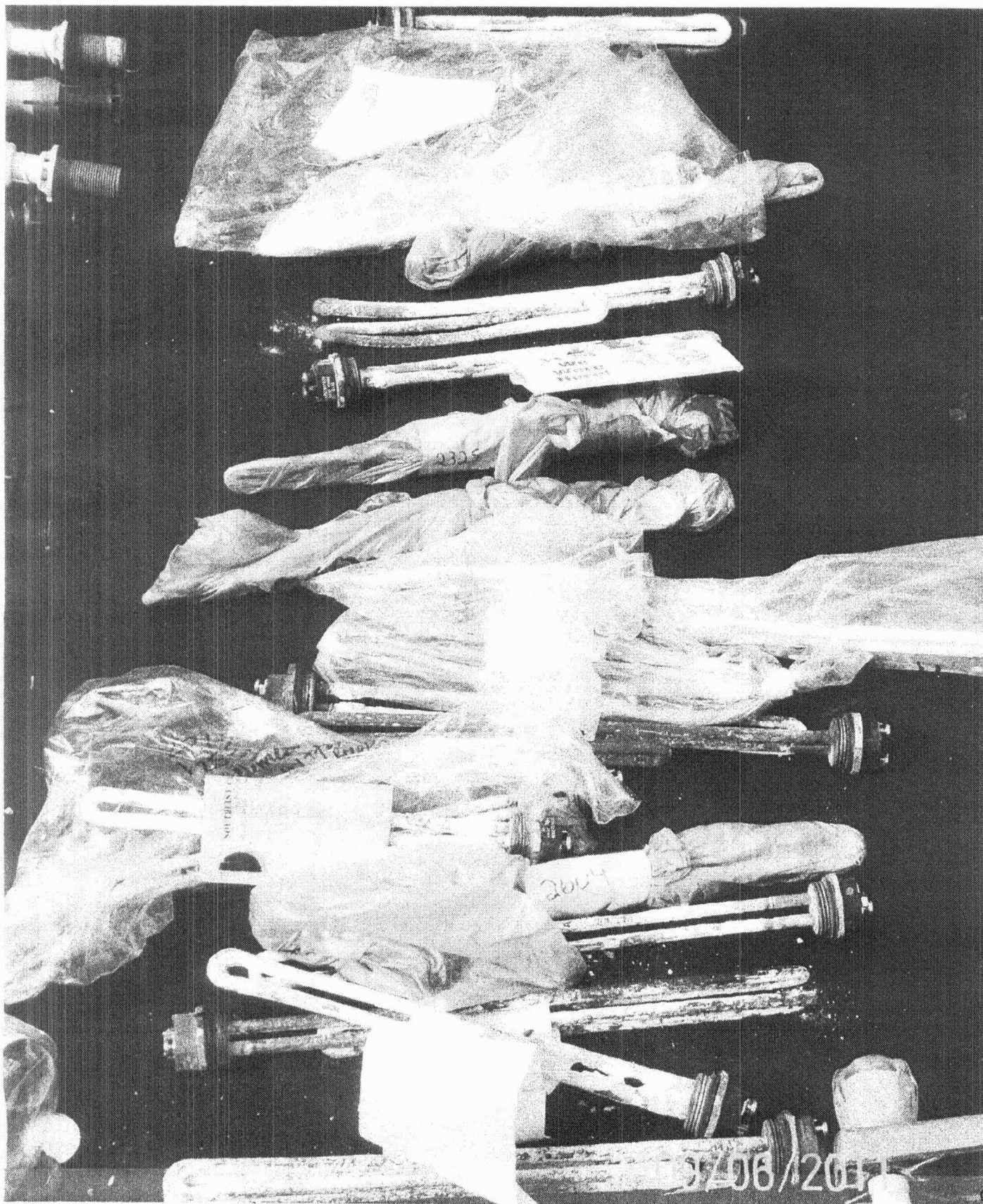
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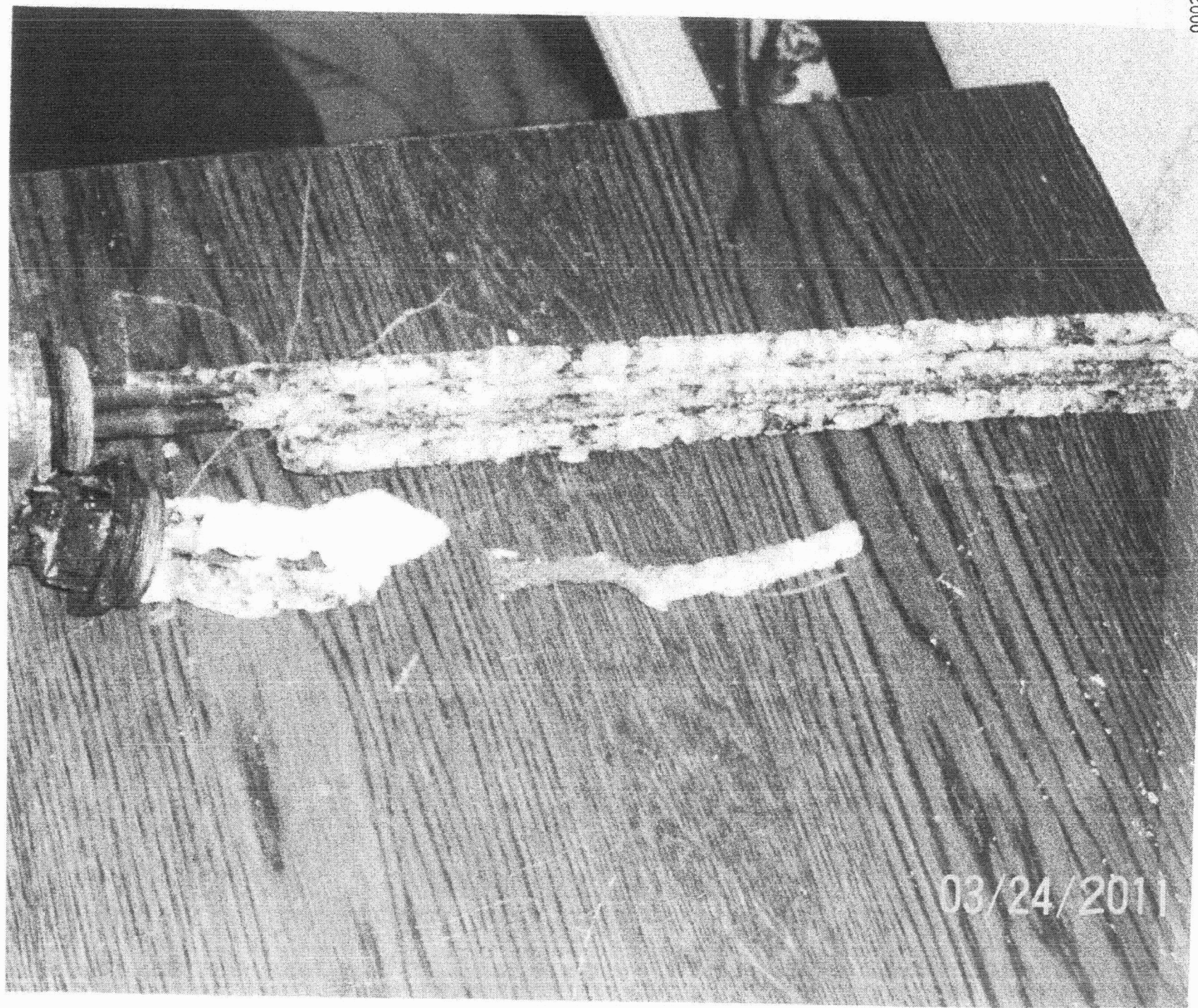
1/2 (5 gal) of sediment



09/06/2011







03/24/2011



Service To:
NEVILYN EVENS
7117 SW ARCHER RD UNIT 2425
GAINESVILLE, FL 32608-3948

Account Number
001464031 1054790
ARREDONDO FARMS
1336568 PWSID # FL2010042

Aqua Utilities Florida, Inc.
762 W. Lancaster Avenue
Bryn Mawr, PA 19010-3489

Tel: 877.987.2782
Fax: 866.780.8292
e Mail: custserv@aquaaamerica.com

Questions about your water/sewer service? ... Contact us before the due date.

Bill Date: **September 29, 2010**
Total Amount Due: **\$ 798.79**
Current Charges Due Date: **October 21, 2010**

Meter Data

Meter	Size	Billing Period	Days	Read Type	Meter Readings	Usage	Unit
56576281	5/8	09/13/10	370	Actual	132600	55,300	Gallons
		09/08/09		Actual	77300		
Average Daily Usage = 149 Gallons		Total Days = 370		Total Usage		55,300	Gallons

Billing Detail

Amount Owed from Last Bill	\$ 113.65	Current Sewer Charges	760.12
Total Payments Received	60.00	Utility Tax	59.23
Remaining Balance	53.65	Amount Due	\$ 798.79
Adjustments	666.57 Credit		
Water Base Facility Charge Water at Old Rate	25.87		
7,473 gallons @ \$0.00659 per gallon	49.25		
Current Water Charges At Old Rate	75.12		
Water Base Facility Charge Water at Current Rate	167.58		
Next 47,827 gallons @ \$0.00731 per gallon	349.66		
Current Water Charges at Current Rate	517.24		
Current Water Charges	592.36		
Sewer Base Facility Charge Sewer at Old Rate	22.14		
2,840 gallons @ \$0.00701 per gallon	19.91		
Current Sewer Charges At Old Rate	42.05		
Sewer Base Facility Charge Sewer at Current Rate	378.02		
Next 47,827 gallons @ \$0.00711 per gallon	340.05		
Current Sewer Charges at Current Rate	718.07		

Message Center (see reverse side for other information)

- LONG BILL ALERT - This bill covers a greater number of days of service than your normal bill. If you require payment arrangements, please call 877.987.2782.
- Aqua Utilities Florida is pleased to provide you with your annual Water Quality Report. If you do not receive a copy of the report by the end of June and would like to receive a free copy, please call 1.877.WTR.AQUA or visit our website at www.aquautilitiesflorida.com to view your report.
- The due date refers to current charges only. If you do not pay your bill on time, your service could be subject to interruption. To ensure proper credit, please remember to print your full 16 digit account number when paying your bill.

Keep top portion for your records.
Return this portion with your payment.

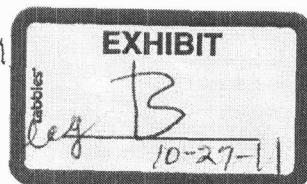
AQUA Water/Sewer Bill

Aqua Utilities Florida, Inc.
762 W. Lancaster Avenue • Bryn Mawr, PA 19010-3489

Service To:
NEVILYN EVENS
7117 SW ARCHER RD UNIT 2425
GAINESVILLE, FL 32608-3948

Account Number
001464031 1054790
Amount Due: **\$ 798.79**
Current Charges Due Date: **October 21, 2010**
Amount Enclosed:

*****AUTO**MIXED AADC 189 C 57 P 101
NEVILYN EVENS
7117 SW ARCHER RD LOT 2425
GAINESVILLE FL 32608-4649



00146403110547900000000798794

Please make check payable to Aqua Util. FL.
Print your account number on your check,
then mail to address on back.