

ORIGINAL

FOREST LAKE ESTATES  
HOMEOWNERS ASSN (FLENS)

June 19, 2001

Fm: President FLENS  
To: PSC Tallahassee, Florida

Subject: FLENS Response To Florida PSC DOCKET NO.000545-WS-

RECEIVED  
FLORIDA PUBLIC  
SERVICE COMMISSION

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MAIL ROOM

1. This letter was not received until 18, June, 2001. Accordingly, we request letters concerning Labrador services, Inc, be more timely in order to give our Homeowners Association time to study and staff a response.
2. Our response to this letter is as follows and is keyed to each issue:
  - a. Issue 1 Yes. Show cause proceedings should be issued for violation of Chapter 367.031, Florida Statues. Mr Henry Viau was well aware he was in violation of the Florida Statues. He owned and operated this park for over 10 years and it was his style to get away with anything he could.
  - b. Issue 2 No. Wastewater certificates should not be granted to Labrador Services. They should be tabled until such time our services are upgraded to accommodate the number of homes (860) in this park. Specifically, the rank odor that the sewage treatment plant gives off is so offensive that a number of homes adjacent to the plant were moved out of the park. A truck from BWI makes a daily visit to the sewage treatment plant to take excess residue from the plant. It is our belief that the sewage treatment plant is not big enough to service this park. This is probably the reason Mr. Viau never got PSC certification for this plant because he knew it was not big enough for his park. Further, when he built the RV park of over 100 spaces, he routed all the sewage to the main park sewage treatment plant.
  - c. Issue 3 No rates should be entertained at this time until issue 2 is settled. Mr Viau charged \$15.00 per month for both water and sewage. During the summer period two thirds of the people are not here and still pay this amount. He has received more than enough money to upgrade the sewage treatment plant and the water system during the past ten years. He choose not to as he was aware that the PSC knew nothing about his operation and he could get away with it. Now Labrador Services wants the PSC to certify their operation and for the tenants of this park to shoulder the cost of the upgrades to both the water and sewage treatment plant. This should not be.
  - d. Issue 4 Yes. Labrador Services should be fined. The only way the PSC knows about Labrador Services is because of Mr. Vias demise. Otherwise, it would have been business as usual. Not only did they not file a 2000 report, but also as the PSC knows Mr. Viau got away from having to file for the previous 10 years. Does the PSC consider this an illegal operation?
  - e. Issue 5 Yes. Labrador Services should be fined for failure to file their RAFs for 2000. Once again this is the mentality of Labrador Services to get away with everything they can. Ignorance is no excuse. Not only should they be

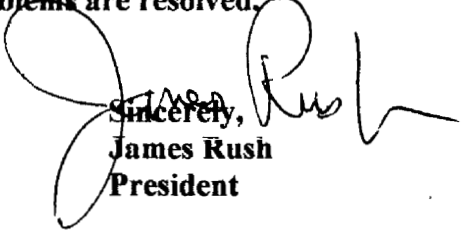
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fined for not filing their RAFs on time but also, they should be fined for not complying with PSC rules in the operation of an illegal water/sewage treatment plant.

- f. Issue 6 ? Can't comment on this issue as FLENS is unaware of the Co-ops intent.
- g. Issue 7 Definitely no. This docket should be remaining open until the water sewage/treatment plant is upgraded to accommodate the number of homes in this park and the RV park. There are too many aforementioned problems and if the docket is closed they will not be addressed. Actually, the PSC should send an investigating team to inspect the water and sewage/treatment plant so that they know first hand of the existing problems. This has been ongoing for ten years now and its time our problems are resolved.

  
Sincerely,  
James Rush  
President

# FLORIDA PUBLIC SERVICE COMMISSION

## COMMISSION CONFERENCE AGENDA

**CONFERENCE DATE AND TIME: June 25, 2001, 9:30 a.m.**

**LOCATION: Room 148, Betty Easley Conference Center**

**DATE ISSUED: June 14, 2001**

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### NOTICE

Persons affected by Commission action on certain items on this agenda for which a hearing has not been held (other than actions on interim rates in file and suspend rate cases) may be allowed to address the Commission when those items are taken up for discussion at this conference. These items are designated by double asterisks (\*\*) next to the agenda item number.

Included in the above category are items brought before the Commission for tentative or proposed action which will be subject to requests for hearing before becoming final. These actions include all tariff filings, items identified as proposed agency action (PAA), show cause actions and certain others.

To obtain a copy of staff's recommendation for any item on this agenda, contact the Division of Records and Reporting at (850) 413-6770. There may be a charge for the copy. The agenda and recommendations are also accessible on the PSC Homepage, at <http://www.floridapsc.com>, at no charge.

Any person requiring some accommodation at this conference because of a physical impairment should call the Division of Records and Reporting at (850) 413-6770 at least 48 hours before the conference. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, which can be reached at 1-800-955-8771 (TDD). Assistive Listening Devices are available in the Division of Records and Reporting, Betty Easley Conference Center, Room 110.

Video and audio versions of the conference are available and can be accessed live on the PSC HomePage on the day of the Conference. The audio version is available through archive storage for up to three months afterward.



Agenda for  
Commission Conference  
June 25, 2001

ITEM NO. CASE

12\*\*PAA

DOCKET NO. 000545-WS - Application for original certificates to operate a water and wastewater utility in Pasco County by Labrador Services, Inc.

(Continued from previous page)

has filed proposed water and wastewater tariffs. The effective date of the utility's rates and charges should be the stamped approval date of the tariff sheets, pursuant to Rule 25-30.475, Florida Administrative Code.

ISSUE 4: Should Labrador be ordered to show cause, in writing within 21 days, why it should not be fined for failure to file its 2000 annual report in apparent violation of Rule 25-30.110, Florida Administrative Code?

RECOMMENDATION: No. Show cause proceedings should not be initiated at this time. Staff further recommends that the penalties set forth in Rule 25-30.110(7), Florida Administrative Code, should not be assessed. However, Labrador should be required to file its 2000 annual report by October 1, 2001. If Labrador fails to do so, staff will bring a show cause recommendation at that time. Moreover, the utility should be put on notice that penalties, if assessed, continue to accrue until such time as the annual report is filed and that the annual report must comply with Rule 25-30.110, Florida Administrative Code, including compliance with the National Association of Regulatory Utility Commissioners Uniform System of Accounts (NARUC USOA), which requires the use of original costs to report the cost of the utility's assets when it was first dedicated to public service.

ISSUE 5: Should Labrador be ordered to show cause, in writing within 21 days, why it should not be fined for failure to timely pay RAFs for 2000, in apparent violation of Sections 350.113(3)(e) and 367.145, Florida Statutes, and Rule 25-30.120(1), Florida Administrative Code?

RECOMMENDATION: No. Show cause proceedings should not be initiated at this time. However, Labrador should be required to remit RAFs in the amount of \$8,721.00 for 2000 by October 1, 2001, along with a statutory penalty in the amount of \$2,180.25 and \$610.47 in interest, for its failure to timely pay its 2000 RAFs. If Labrador fails to do so, staff will bring a show cause recommendation at that time. In addition, the utility should be put on notice that interest continues to accrue until such time as the 2000 RAFs are remitted.



Agenda for  
Commission Conference  
June 25, 2001

ITEM NO.

CASE

12\*\*PAA

DOCKET NO. 000545-WS - Application for original certificates to operate a water and wastewater utility in Pasco County by Labrador Services, Inc.

(Continued from previous page)

ISSUE 6: Should the Commission acknowledge the Co-op's withdrawal of its March 15, 2001, complaint against Labrador for apparent violation of Rule 25-30.355(1), Florida Administrative Code?

RECOMMENDATION: Yes.

ISSUE 7: Should this docket be closed?

RECOMMENDATION: No. If no timely protest is received to the proposed agency action issue, upon the expiration of the protest period a Consummating Order should be issued. The docket should remain open pending receipt of the utility's 2000 annual report and 2000 RAFs including penalties and interest. Upon receipt and verification of the annual report and RAFs, the docket should be administratively closed.