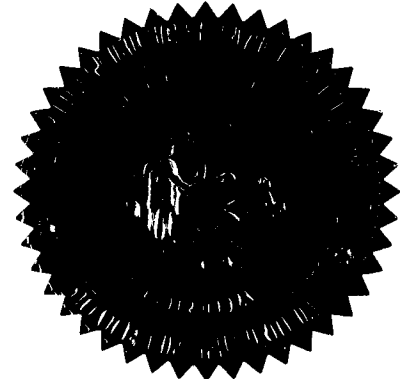


BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 991666-WU

In the Matter of

APPLICATION FOR AMENDMENT OF
CERTIFICATE NO. 106-W TO ADD
TERRITORY IN LAKE COUNTY BY
FLORIDA WATER SERVICES
CORPORATION.



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VOLUME 3

Pages 282 through 388

PROCEEDINGS:

HEARING

BEFORE:

COMMISSIONER LILA A. JABER
COMMISSIONER BRAULIO L. BAEZ
COMMISSIONER MICHAEL A. PALECKI

DATE:

Wednesday, July 11, 2001

TIME:

Commenced at 10:06 a.m.

PLACE:

E. L. Puryear Building
243 South Lake Avenue
Groveland, Florida 34736

REPORTED BY:

TRICIA DeMARTE
Official FPSC Reporter
(850) 413-6736

APPEARANCES:

(As heretofore noted.)

DOCUMENT NUMBER-DATE

FLORIDA PUBLIC SERVICE COMMISSION

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FPSC-COMMISSION CLERK

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COMMISSIONER JABER: Let's go ahead and get started.

MS. BROWNLESS: Thank you.

JOHN L. TILLMAN, JR.

resumed the stand as a witness on behalf of Florida Water Services Corporation and, having been previously sworn, testified as follows:

CONTINUED CROSS EXAMINATION

BY MS. BROWNLESS:

Q Mr. Tillman, I just want to identify these exhibits for the record. You identified for me the rate schedule from the Palisades County Club; is that correct?

A Yes, I did.

Q And you indicated --

A It was actually three tariff sheets there; correct?

Q Yes, sir.

And you indicated that those were true and correct, to the best of your knowledge and belief; is that correct?

A That is correct.

Q And they are the current -- at least the one for September 20th, the year 2000 is the current tariff in effect; is that correct?

A That is the current -- yes.

MS. BROWNLESS: We would like to identify this as

1 Exhibit Number 9.

2 COMMISSIONER JABER: Yes. Exhibit Number 9 shall be
3 the Palisades tariff dated September 28th (sic), 2000.

4 (Exhibit 9 marked for identification.)

5 BY MS. BROWNLESS:

6 Q Mr. Tillman, we also discussed the notice of permit
7 issue with the permit for the Summit a planned unit
8 development. Do you have that document?

9 A The DEP document?

10 Q Yes, sir, the DEP document, WD35-0080593-010.

11 A Yes, I have it.

12 Q Okay. We have already established the authenticity
13 of this document through judicial notice. Is this the document
14 that was provided to me by your counsel in response to a
15 deposition exhibit?

16 A Yes, it is.

17 COMMISSIONER JABER: Mr. Brownless, hang on one
18 second. Mr. Yarborough, I hate to do this to you, but do you
19 mind just taking it -- thank you.

20 MS. BROWNLESS: Yes, ma'am.

21 COMMISSIONER JABER: Thank you.

22 BY MS. BROWNLESS:

23 Q Is this the document that you referenced in your
24 testimony?

25 A I'm sorry, say again. I didn't hear you.

1 Q This DEP permit, okay?

2 A Yes.

3 Q We've already authenticated the authenticity of it?

4 A Correct.

5 Q And is this true and correct, to the best of your
6 knowledge and belief?

7 A Yes, it is.

8 MS. BROWNLESS: We'd like to identify this as
9 Exhibit Number 10.

10 COMMISSIONER JABER: Exhibit 10 shall be the DEP --
11 can you give me a short title, Ms. Brownless?

12 MS. BROWNLESS: It's called the -- I can give you the
13 permit number. How is that?

14 COMMISSIONER JABER: All right. That's Permit Number
15 WD-0080 --

16 MS. BROWNLESS: No. It's WD35-0080593-010.

17 COMMISSIONER JABER: Thank you. That's Exhibit 10.

18 (Exhibit 10 marked for identification.)

19 BY MS. BROWNLESS:

20 Q And we also discussed the Department of Environmental
21 Protection application for public drinking water facility
22 construction for the Summit?

23 A Yes, we did.

24 Q And this has also been authenticated pursuant to
25 judicial notice. Is this document true and correct, to the

1 best of your belief?

2 A To the best of my knowledge, it is.

3 MS. BROWNLESS: We'd like to identify that as
4 Exhibit Number 11.

5 COMMISSIONER JABER: Short title, Ms. Brownless.

6 MS. BROWNLESS: DEP application.

7 COMMISSIONER JABER: Exhibit 11 is marked as the DEP
8 application.

9 (Exhibit 11 marked for identification.)

10 MS. BROWNLESS: Thank you.

11 MR. MENTON: There was one other document that you at
12 least referred to in the testimony which was a warranty deed.
13 Did you want to --

14 MS. BROWNLESS: I don't care if the warranty deed is
15 in or not. You can put it in if you want to, Steve.

16 MR. MENTON: I would suggest we go ahead -- he
17 referred to it in his testimony, which is a warranty deed.

18 COMMISSIONER JABER: Exhibit 12, it's the warranty
19 deed for what, Mr. Menton?

20 MR. MENTON: This is confirming that the developer
21 owns the property.

22 MS. BROWNLESS: It's the recorded warranty deed, I
23 guess. It's the recorded warranty deed.

24 COMMISSIONER JABER: Developer's recorded warranty
25 deed is Exhibit 12.

1 (Exhibit 12 marked for identification.)

2 BY MS. BROWNLESS:

3 Q And with regard to this exhibit, Mr. Tillman, is this
4 exhibit -- it's been -- we discussed it, and I think you
5 indicated that you -- it was provided to you by the developer;
6 is that correct?

7 A It was provided to my staff by the developer, yes.

8 Q To Florida Water.

9 And is that true and correct, to the best of your
10 knowledge and belief?

11 A It is.

12 MS. BROWNLESS: Thank you. That's all we have,
13 Commissioner. Thank you.

14 COMMISSIONER JABER: Thank you, Ms. Brownless.
15 Staff, how much cross examination do you have for Mr. Tillman?

16 MS. CHRISTENSEN: Probably about five, ten minutes,
17 not very much.

18 COMMISSIONER JABER: Let's go ahead and do that.

19 MS. CHRISTENSEN: Can I ask for a quick clarification
20 on Exhibit 9? We only spoke about the September 2000 sheet,
21 but there were several other tariff sheets that were handed out
22 as well. Are we talking about a composite of all of them?

23 MS. BROWNLESS: Exhibit 9 consists of a
24 September 20th, 2000 tariff, the February 20th, 2000 tariff,
25 and the October 1st, 1999 tariff.

1 MS. CHRISTENSEN: Okay. Thank you.

2 CROSS EXAMINATION

3 BY MS. CHRISTENSEN:

4 Q Mr. Tillman, I need to refer you back to the map that
5 I think is hanging underneath the DEP map. I can flip it over.
6 On that map, there's a dotted section that's kind of hanging
7 off of the proposed Summit area. Do you see that, where we're
8 talking about?

9 A Yes, I do.

10 Q Is that currently within Florida Water Services'
11 certificated territory?

12 A It is.

13 Q Okay. If Florida Water Services serves the -- if
14 Florida Water Services, which currently serves the Palisades
15 section, if they were granted the Summit development, how would
16 you propose to serve that additional territory that's currently
17 in your certificated territory?

18 MS. BROWNLESS: Ms. Christensen, there's two little
19 boxes on there, and I'm not sure which box you are talking
20 about.

21 MS. CHRISTENSEN: Would you like me to go and point?

22 MS. BROWNLESS: Can you have Mr. Tillman point or you
23 point or somebody point?

24 BY MS. CHRISTENSEN:

25 Q Specifically this portion, this is the portion we're

1 talking about; correct?

2 A Yes, ma'am, I understood that.

3 Q And currently you are serving in here?

4 A Yes, I am.

5 Q If you were granted the Summit, which is this
6 territory in here, how is -- is Florida Water proposing to
7 serve this territory, how would you do that?

8 A There would probably be an additional extension of
9 that line in the, I guess that's a westerly direction to reach
10 that property. Depending on the line sizes inside the
11 development, it could possibly be fed from inside the Summit
12 development itself off a lateral main or something of that
13 nature.

14 Q Now, assume you were not granted the Summit
15 territory, then how would Florida Water Services be able to
16 serve this territory that you already have that's kind of
17 hanging out here?

18 A We would attempt to move in the most direct route.
19 I'm not sure exactly how the highway comes down there, but we
20 would go down the right-of-way if there's a highway and extend
21 service to that area from our existing system to the Palisades.
22 Does that answer your question?

23 Q Yes, I believe it does.

24 A Okay. Thank you.

25 Q Actually, one more follow-up question. Would it be

1 less expensive to serve that Section 9, that floating section,
2 if you were granted the Summit territory?

3 A Yes, it would.

4 Q Now, there's been a lot discussion today about
5 whether or not the Palisades plant has sufficient capacity to
6 serve the Summit. Let's assume the worst case scenario, that
7 after assuming Florida Water Services granted the territory and
8 you go to hook up the Summit and you determine at that point
9 you don't have sufficient capacity, what would Florida Water
10 Services do at that time?

11 A We have an option on a third well that is on the
12 Summit property. We have taken the initiative to go ahead and
13 do appropriate testing on that well. We have done pump down
14 test on it, and if I remember correctly, the flows are around
15 560 to 600 gallons per minute. Additionally, we have done
16 chemical analysis on that well to determine that it is suitable
17 for potable water. And all the results have been favorable as
18 using that as a potable water well.

19 Q There was talk also about the DEP consumptive use
20 permit and not having a specific capacity which may be -- that
21 it may go over that based on projections currently. How would
22 Florida Water Services propose dealing with that if, in fact,
23 you are going to have to go over the consumptive -- the DEP
24 consumptive use permit?

25 MR. MENTON: And if I might. I'm sorry to interject

1 at this point, but it's the Water Management District that
2 issues the consumptive use permits, and the DEP permit is for
3 the water plant itself.

4 MS. CHRISTENSEN: I stand corrected.

5 BY MS. CHRISTENSEN:

6 Q With that correction.

7 A The consumptive use permit, as I said earlier, is a
8 control. We have adequate flows to be able to support
9 additional customers out of the existing Palisades property or
10 our plant there. We would, in fact, go to the Water Management
11 District and have that capacity that's reflected on the CUP
12 increased. That capacity is determined by the number of people
13 that you serve. And as those customers come on-line or
14 potentially come on-line in the Summit, that gives us
15 justification to go to the Water Management District to have
16 that increased.

17 Q And let me ask, it's been your testimony that you
18 currently have sufficient capacity to serve the Summit area;
19 correct?

20 A I have, yes.

21 Q And do you know whether or not -- let's assume for
22 sake of argument that you determine that you didn't have
23 sufficient capacity. How soon or how quickly could Florida
24 Water Services obtain the capacity necessary to serve the
25 Summit?

1 A If we had to bring the third line -- the third well
2 on-line, and this is an educated guess because it always is in
3 permitting issues, but I would say within 120 to 180 days at
4 the max.

5 Q Now, Mr. Tillman, you adopted the testimony of
6 Mr. Sweat; correct?

7 A That is correct.

8 Q And attached to Mr. Sweat's direct prefiled testimony
9 was the application that was filed by Florida Water Services?

10 A Yes, it was.

11 Q And in that application, I believe there is a
12 section -- let me see if it's N or P -- that is a required
13 notice that must be sent out in a newspaper of general
14 circulation. Do you see that? I think we're talking about P,
15 Section -- Exhibit P or Attachment P to the -- yeah.

16 A It's Page 47, the small number at the bottom?

17 Q I can barely read those, but I guess. It's entitled
18 "Exhibit P" to the application. It's kind of hard, you just
19 have to flip through it. It's like 0049 on the bottom. If you
20 look, there's some typed numbers on that.

21 A Yes, I have that.

22 Q Okay. Now, do you see anywhere else attached to that
23 prefiled testimony and that exhibit where you actually have a
24 copy of the published notice in there?

25 A Yes, I think it's 47.

1 Q Is it 47?

2 A The legal notice?

3 Q On Page 47? Okay. Do you see a copy of
4 the published -- the affidavit from the newspaper saying that
5 this was published once in a newspaper?

6 COMMISSIONER JABER: Do you know if the application
7 contains a copy of the proof of publication?

8 THE WITNESS: I do not. I do not think it is here,
9 though.

10 BY MS. CHRISTENSEN:

11 Q If I showed you a document would -- let me have you
12 take a look at this document.

13 MS. CHRISTENSEN: If I can approach the witness?

14 COMMISSIONER JABER: I understand what you're --
15 Patty, are you trying to get the proof of publication in as an
16 exhibit?

17 MS. CHRISTENSEN: Uh-huh.

18 COMMISSIONER JABER: Actually, that's something that
19 we should have done at the very beginning. So is there any
20 objection to doing it now?

21 MR. MENTON: No.

22 MS. BROWNLESS: Huh-uh.

23 COMMISSIONER JABER: This should save you a whole lot
24 of trouble.

25 MS. CHRISTENSEN: Thank you. And that ends my

1 questions.

2 COMMISSIONER JABER: Identify that as Exhibit 13.
3 It's Florida Water Services Corporation's proof of publication.

4 MS. CHRISTENSEN: That goes with the application.

5 COMMISSIONER JABER: Yes, related to the application
6 in this proceeding. Yes.

7 MS. CHRISTENSEN: Well, I know we had discussed the
8 proof of publication for hearing notices, and that's something
9 different. We're talking about the one that goes with the
10 application in this matter.

11 COMMISSIONER JABER: Do we need to identify a
12 separate exhibit for the hearing notice?

13 MS. CHRISTENSEN: Probably, we would, and move that
14 in. We can address that later, but for this one, for the
15 application, since Mr. Tillman is sponsoring the application, I
16 think this would be an appropriate time to do that.

17 COMMISSIONER JABER: Okay. Then this will be
18 Exhibit 13.

19 (Exhibit 13 marked for identification.)

20 COMMISSIONER JABER: As a Late-filed Exhibit 14,
21 Florida Water Services Corporation's proof of publication of
22 the notice of hearing. Mr. Menton, you will provide that?

23 MR. MENTON: Yes, ma'am.

24 (Late-Filed Exhibit 14 identified.)

25 COMMISSIONER JABER: Okay. Go ahead.

1 MS. CHRISTENSEN: Staff has no further questions.

2 MS. BROWNLESS: Commissioner Jaber, I forgot one
3 exhibit, I'm sorry.

4 FURTHER CROSS EXAMINATION

5 BY MS. BROWNLESS:

6 Q Mr. Tillman, we discussed the construction sheets,
7 the map that was provided to you by the developer, correct, the
8 big construction sheets?

9 A Those -- that roll of maps?

10 Q The roll. Okay. And you stated on the record that
11 that map was produced pursuant to your deposition, is that
12 correct, as a deposition exhibit?

13 A That's correct.

14 Q And that map is a true and correct copy of what you
15 received from the developer; correct?

16 A That is correct.

17 MS. BROWNLESS: We would like to have the cover
18 sheet, Sheet Number 4, Sheet Number 5, and Sheets 34 through 37
19 as Exhibit Number 15. And I have some copies of some of these
20 sheets, and I think I can get with Steve, and we'll try to save
21 a --

22 MR. MENTON: Yeah, 4, 5, and what was the other one?

23 MS. BROWNLESS: Sheet Number 4, the cover sheet, you
24 know, the cover page --

25 MR. MENTON: Right.

1 MS. BROWNLESS: -- Sheet Number 4, Sheet Number 5,
2 34, 35, 36, 37.

3 COMMISSIONER JABER: That will be marked as
4 Exhibit Number 15.

5 (Exhibit 15 marked for identification.)

6 MS. BROWNLESS: Thank you.

7 MR. MENTON: Commissioner, I think those are the only
8 sheets that I would want too, but I would like to look through
9 there. And could I advise you in the morning if there might be
10 one more that I would add as part of the composite?

11 COMMISSIONER JABER: Yes. Before we get to redirect,
12 Commissioners, are there any questions from you all?

13 COMMISSIONER PALECKI: Nothing further.

14 COMMISSIONER JABER: Mr. Menton, how much do you need
15 for redirect?

16 MR. MENTON: Commissioner, I would suggest, given the
17 hour that we're getting to and Mr. Mittauer has to leave, we
18 could take him, and I'd do the redirect of Mr. Tillman --

19 COMMISSIONER JABER: That's not what I asked you.

20 MR. MENTON: I think if I try to do it now, it's
21 probably going to take me longer. If I go back and try to trim
22 it down, I can make it shorter. It'd probably take me
23 45 minutes.

24 COMMISSIONER JABER: Okay. We're going to stop now
25 and take Mr. Mittauer up before the evening is out. And

1 Mr. Tillman, we'll continue with your redirect at 9:00 a.m.

2 MR. MENTON: Thank you.

3 MS. BROWNLESS: Thank you.

4 COMMISSIONER JABER: Ms. Brownless, do you want to
5 call your witness? Thank you. You are excused for this
6 evening.

7 (Witness temporarily excused.)

8 COMMISSIONER JABER: Mr. Mittauer, you were in the
9 room when I swore in witnesses?

10 THE WITNESS: Yes, ma'am.

11 COMMISSIONER JABER: Can I ask the parties to remind
12 me tomorrow to address the exhibits with Mr. Tillman?

13 MS. BROWNLESS: Yes, ma'am.

14 JOSEPH A. MITTAUER

15 was called as a witness on behalf of the City of Groveland,
16 Florida and, having been duly sworn, testified as follows:

17 DIRECT EXAMINATION

18 BY MS. BROWNLESS:

19 Q Hello, Mr. Mittauer. Can you state your name and
20 your business address for the record.

21 A My name is Joe Mittauer. My office address is 4611-4
22 U.S. Highway 17, Orange Park, Florida 32003.

23 Q Thank you. Have you previously filed testimony in
24 this docket?

25 A Yes, I have.

1 Q Okay. Do you have any changes that you wish to make
2 to your testimony today?

3 A I do. On Pages 4, Line 17 through Page 5, Line 10,
4 the project is under construction that we had referenced, and
5 the 12-inch water line that was under construction has now been
6 constructed past the Garden City subdivision and is down to the
7 Cherry Lake slough. The project has been pressure tested.
8 They are in the process of doing a bacteriological disinfection
9 on it. So all the line work is in. It's been pressure tested,
10 and it's in its final stages of being certificated.

11 On Page 5, starting with Line 8, I had prepared some
12 construction costs of what it would cost to extend those lines
13 onto the Summit development since the project has now been
14 extended even farther than it was at that time. We've got some
15 revised cost estimates. To extend the project the additional
16 3,000 feet from where it ends currently to the nearest point of
17 the proposed Summit development would be approximately
18 \$145,000.

19 MR. MENTON: Commissioner, if I could. I'm not sure,
20 you are talking about Page 5, what line now?

21 THE WITNESS: Line 8.

22 MR. MENTON: Line 8. And you are talking about
23 extension 3,000 feet now.

24 THE WITNESS: Correct.

25 MR. MENTON: Just to clarify, the 13,000 feet that

1 you measured earlier was to the entrance of the Summit, and the
2 3,000 feet you are talking about now is not to the entrance;
3 correct?

4 THE WITNESS: That's correct.

5 MR. MENTON: So I just want to -- he's changing his
6 testimony rather than updating it, and that's the only point
7 that I wanted to make.

8 COMMISSIONER JABER: And that's exactly what your
9 witness did.

10 MR. MENTON: Okay. Commissioner, if I could. I
11 think -- the point is that the original measurement was to the
12 entrance, and now he's not measuring it from that point any
13 further.

14 MS. BROWNLESS: If you give him a minute, he has
15 additional --

16 COMMISSIONER JABER: Ms. Brownless, what is your
17 response?

18 MS. BROWNLESS: My response is that I think
19 Mr. Menton was a little precipitous. And if you'll just give
20 Mr. Mittauer a minute, he'll give him both figures.

21 COMMISSIONER JABER: Mr. Mittauer, for purposes of my
22 own understanding, your testimony on Page 5 at the top, if you
23 were to substitute a number in for the 13,000 feet, what would
24 that be first? And then clarify what the --

25 THE WITNESS: Approximately 7,000 feet. And we have

1 also prepared a cost estimate for that, and that's
2 approximately \$228,000. The reason we chose to go ahead and
3 put together another estimate for only 3,000 feet, that's the
4 nearest connection point to the proposed development. And we
5 noticed on their drawings that that was the way that Florida
6 Water Services was providing to serve them. They weren't
7 coming to the entrance. They were actually coming to the
8 nearest tie-in point, and that's only \$145,000.

9 MR. MENTON: Commissioner, if I might. I don't have
10 any problem with him updating based upon what was in his
11 prefiled, but when he starts changing his approach on which I
12 have not had an opportunity to depose him, that's the problem
13 that I have.

14 MS. BROWNLESS: Commissioner?

15 COMMISSIONER JABER: Yes.

16 MS. BROWNLESS: We allowed great latitude for
17 Mr. Tillman to change substantial portions of his testimony.
18 This case has been going on a long time. I know that the
19 Commission wants the most accurate information.

20 COMMISSIONER JABER: Ms. Brownless, I also note that
21 I allowed great latitude in your cross examination.

22 MS. BROWNLESS: Yes, ma'am, and I'm happy to --

23 COMMISSIONER JABER: And that's what I will allow
24 Mr. Menton. But Mr. Menton, tell me exactly how your concern
25 could be satisfied, and perhaps you're really saying the same

1 thing, and Mr. Mittauer can address your concern. Your concern
2 is, he's changed his testimony with respect to how they intend
3 to provide the service.

4 MR. MENTON: In terms of where they would connect,
5 for example. And when I took his deposition, we were
6 talking -- you know, at that point the measurements were from
7 the Garden City subdivision to the Summit as he says in here is
8 13,000 feet, and now they are measuring it differently. They
9 are taking it to a closer point. And that's an issue that I
10 did not explore with him in terms of how reasonable that is
11 and, you know, those sorts of things, and I guess that's a
12 concern that I have.

13 COMMISSIONER JABER: Mr. Menton, to the degree that's
14 correct, I will allow you the opportunity for cross examination
15 and give you some latitude there, but let's get through him
16 correcting his testimony.

17 MR. MENTON: Okay.

18 COMMISSIONER JABER: Mr. Mittauer.

19 THE WITNESS: All right. On Page 5, Lines 8 through
20 10, we had discussed a timetable for the construction and the
21 design and construction of that project. Of course, obviously,
22 the footage is much shorter now. We've already built part of
23 that project, and now we're looking at about an additional four
24 months to finish that project. So we're looking at a
25 completion date of around sometime of November, early part of

1 November. And --

2 MR. MENTON: I'm sorry to interrupt, but I'm not sure
3 I'm following what he's correcting here. Are you saying four
4 months to continue the rest of the distance or four months what
5 you are constructing now?

6 THE WITNESS: Four months to continue the rest of the
7 distance.

8 MR. MENTON: Starting from when? At what point?

9 THE WITNESS: Actually, we were authorized about two
10 weeks ago or so.

11 MR. MENTON: Do you have the permits for that?

12 THE WITNESS: Yeah, we've --

13 COMMISSIONER JABER: Mr. Menton, stop it.

14 Mr. Mittauer, tell me exactly the line that you are changing or
15 correcting and what exactly that correction is.

16 Let me tell you all, when we say, are there
17 modifications to your testimony, corrections to your testimony,
18 that's what we truly mean. If you change the substance of your
19 testimony, you change the substance of the case, and that is
20 inappropriate.

21 So Mr. Mittauer, let's start over. Let's start with
22 Page 5. You go through the Lines 1 through 10 on Page 5, and
23 cross out words and tell us what you are changing.

24 Mr. Mittauer, Commissioner Palecki just made an
25 excellent suggestion. Do you have a printed -- something

1 written up that indicates what your changes are?

2 THE WITNESS: Only handwritten, it's nothing printed.

3 COMMISSIONER JABER: Okay. Go ahead.

4 THE WITNESS: Okay. Line 5 on that Page 5, we would
5 say change the "13,000 feet" to "3,000 feet." Line 7, change
6 the "five to six months" to "four months." And Line 8 change
7 the "275,000" to "145,000."

8 COMMISSIONER JABER: Do you have any other
9 corrections to your testimony?

10 THE WITNESS: Yes, I do. Page 9, Lines 24 and 26, we
11 were discussing that the Summit project had not submitted a
12 plat of the project for construction to Lake County for review
13 and approval. And it is my understanding now that they have
14 done that, and as of June 13th, they are in the review process,
15 but that's not been completed yet. It's still under review.

16 COMMISSIONER JABER: On Page 9, tell me what lines to
17 cross out and what words to substitute in.

18 THE WITNESS: I would say on Lines 21, halfway
19 through that where it says, "however," and then says, "the
20 Summit has taken no further action," and then from there on to
21 the bottom of that page, I would say that the Summit has
22 prepared construction drawings and submitted to the Lake County
23 Public Works Department and Planning Department and has a
24 project that's currently under review. And as of June 13th,
25 that project is still under the review process.

1 COMMISSIONER JABER: So you would delete from the
2 words "however" --

3 THE WITNESS: Right, from there on down to the very
4 end of the page.

5 COMMISSIONER JABER: And substitute what you just
6 read?

7 THE WITNESS: What I just read.

8 COMMISSIONER JABER: Any other changes to your
9 testimony?

10 THE WITNESS: My Exhibit 3, which was the small eight
11 and a half by eleven color drawing that showed the extension of
12 the water line.

13 COMMISSIONER JABER: That's on your exhibit?

14 THE WITNESS: Right.

15 COMMISSIONER JABER: Hold off on that. But on your
16 written testimony --

17 THE WITNESS: That would be it.

18 COMMISSIONER JABER: -- do you have any other
19 corrections?

20 THE WITNESS: No, ma'am, that's all.

21 COMMISSIONER JABER: Ms. Brownless.

22 MS. BROWNLESS: Thank you.

23 BY MS. BROWNLESS:

24 Q With regard to the rest of your testimony as amended,
25 is your testimony today the same as written in the prefiled

1 testimony? Okay. Let me strike that. I'm tired. With the
2 changes which you have just made, okay -- you know, I can't
3 even think of how to phrase this.

4 COMMISSIONER JABER: With the corrections you've made
5 today, Mr. Mittauer -- you know, I'm the Commissioner. You're
6 the parties.

7 BY MS. BROWNLESS:

8 Q Except for the corrections that you have made in your
9 testimony today, is the testimony that you prefiled the same as
10 it was?

11 A Yes.

12 Q Okay. Thank you.

13 COMMISSIONER JABER: Mr. Mittauer, we're going to
14 insert your prefiled testimony as you've corrected it today
15 into the record as though read. Go ahead, Ms. Brownless.

16 MS. BROWNLESS: Thank you.

17 BY MS. BROWNLESS:

18 Q Mr. Mittauer, with regard to your exhibits, have you
19 prepared exhibits in connection with your testimony?

20 A Yes.

21 Q And are they Exhibit JAM-1, which is your resume? Do
22 you have --

23 A Yes.

24 Q -- a copy of your testimony there?

25 A Yes. Mine aren't labeled, but --

1 Q Okay. Exhibit JAM-2, which is a map?

2 A Actually, I don't have a copy of that in my copy, but
3 we prepared that.

4 Q Yes, sir. And Exhibit JAM-3, which is a color map?

5 A Yes.

6 Q Okay. Exhibit JAM-4, which is a letter from the
7 Department of Environmental Protection?

8 A Actually, I don't have a copy of that.

9 Q Did you prepare Exhibit JAM-4, Exhibit JAM-5, and
10 Exhibit JAM-6?

11 A Well, we didn't actually prepare those, but that's --

12 Q Were they attached --

13 A They were attached, yes. They're part of our record.

14 Q Did you have any revisions to any of these exhibits?

15 A Yes. The Exhibit 3, which is the color map, the
16 eight and a half by eleven.

17 Q Now, I have just distributed revised Exhibit JAM-3.
18 Is this the revision you wish to make to your exhibit?

19 A What was the question? I'm sorry. The acoustics in
20 here are very bad.

21 Q I've just distributed what's been labeled "Revised
22 Exhibit JAM-3."

23 A Yes.

24 Q Is this the revision you wish to make to
25 Exhibit Number 3?

1 A Yes, it is.

2 Q Do you have any other changes to any of your
3 exhibits?

4 A No.

5 Q Are these exhibits true and accurate, to the best of
6 your knowledge and belief?

7 A Yes, they are.

8 Q Now, I'd like to talk to you a little bit about your
9 qualification. Do you have a Bachelor of Science --

10 COMMISSIONER JABER: Ms. Brownless, let's identify
11 the exhibits first.

12 MS. BROWNLESS: Do you want to identify these
13 exhibits as a composite, Commissioner?

14 COMMISSIONER JABER: Yes. JAM-1 through JAM-6,
15 including the revision to JAM-3, shall be identified as
16 Composite Exhibit 16.

17 (Exhibit 16 marked for identification.)

18 MS. BROWNLESS: Thank you, ma'am.

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1 Q. WHAT IS YOUR NAME AND BUSINESS ADDRESS?

2 A. My name is Joseph A. Mittauer and my business address
3 is 4611-4 U.S. Highway 17, Orange Park, Florida 32003.

4 Q. WHAT IS YOUR POSITION WITH THE CITY OF GROVELAND?

5 A. Mittauer & Associates, Inc. is the City Engineer for
6 the City of Groveland, Florida (City), a municipal
7 corporation organized under the laws of the State of
8 Florida.

9 Q. WHAT IS YOUR EDUCATIONAL BACKGROUND AND WORK
10 EXPERIENCE?

11 A. I am a graduate of the University of Florida earning
12 a Bachelor of Science in Civil Engineering in 1976.
13 I am a licensed professional engineer in the States of
14 Florida, Georgia, South Carolina, Kentucky and
15 Alabama. From 1976 until 1981, I was project manager
16 with Florida Rock Industries designing plants,
17 including pumping systems, structural components and
18 preparing permit applications. From 1981 until 1985,
19 I was with Smith & Gillespie Engineers as a project
20 manager designing large scale wastewater treatment
21 facilities and water/wastewater systems for small
22 communities. Between 1985 and 1989, I was an
23 Assistant Regional Manager with Gee & Jenson Engineers
24 designing all facets of water and wastewater systems
25 for small to mid-size municipalities and industries.
26 In 1989, I formed my own consulting engineering firm,

1 Mittauer & Associates, Inc. and am the president and
2 principal-in-charge of the firm personally overseeing
3 all of the firm's projects. My resume is attached as
4 Exhibit (_____) JAM-1 to this testimony.

5 Q. ARE YOU A MEMBER OF ANY TRADE OR PROFESSIONAL
6 ORGANIZATIONS?

7 A. Yes, I am a member of the Florida League of Cities.

8 Q. HAVE YOU EVER TESTIFIED BEFORE A COURT OR REGULATORY
9 AGENCY?

10 A. Yes. I testified in Duval County circuit court as an
11 expert structural engineer on behalf of a marine
12 contractor regarding the construction of a bulkhead.

13 Q. WHAT ARE YOUR PRESENT DUTIES AS CITY ENGINEER FOR THE
14 CITY OF GROVELAND?

15 A. Our firm performs all necessary engineering services
16 including updating the water and sewer system maps,
17 designing new construction projects, performing
18 feasibility studies, reviewing subdivision development
19 designs and other related engineering services.

20 Q. WHAT IS THE PURPOSE OF YOUR TESTIMONY IN THIS
21 PROCEEDING?

22 A. To provide testimony that the City of Groveland has
23 the technical ability to provide water and wastewater
24 services to the water territory service area requested
25 by Florida Water Services Corporation (Florida Water)
26 in this docket, an area included within the City's

1 current Utility Service District, within a reasonable
2 period of time.

3 Q. PLEASE DESCRIBE THE SERVICE TERRITORY FOR THE CITY OF
4 GROVELAND.

5 A. Pursuant to §180.02(3), Florida Statutes, the City
6 adopted Ordinance 99-05-07, effective May 17, 1999,
7 creating the City of Groveland Utility Service
8 District (District). The service area requested by
9 Florida Water in this proceeding falls completely
10 within the District. Exhibit (_____) JAM-2, prepared
11 under my supervision and control, is a map showing the
12 relationship of the District, Florida Water's
13 additional requested service area and the Summit
14 Planned Unit Development.

15 Q. HOW WILL THE CITY PROVIDE WATER SERVICES TO THE SUMMIT
16 DEVELOPMENT?

17 A. The City is currently constructing a 12 inch water
18 line along Cherry Lake Road/CR 478 pursuant to a grant
19 from the Department of Environmental Protection. The
20 location of the Summit Planned Unit Development (PUD)
21 in relation to the Cherry Lake Road/CR 478 extension,
22 and planned connection by the City to the Summit PUD
23 is diagramed in Exhibit (_____) JAM-3. Final plans
24 for the Cherry Lake Road extension construction have
25 been completed and the project is now in the
26 permitting stage. The project will be released for

1 construction bids as soon as the permitting is secure
2 with construction to follow immediately thereafter.
3 Construction of the 12 inch line to the Garden City
4 subdivision is expected to be complete in February,
5 2001. Extension of this line approximately ^{3,000}~~13,000~~
6 feet to the Summit Development will take approximately
7 ^{four}~~5 to 6~~ months from the date service is requested and
8 will cost approximately ^{145,000}~~\$275,000~~. Both of these
9 projects can be constructed simultaneously as soon as
10 authorization for the Summit PUD project is issued.

11 **Q. DOES THE CITY HAVE EXISTING CAPACITY TO PROVIDE WATER**
12 **SERVICE TO THE SUMMIT?**

13 **A.** Yes, the City currently has two water plants served by
14 three wells with the following rated capacities: Well
15 # 1, 550 gallons per minute and 792,000 gallons per
16 day; Well # 3a, 503 gallons per minute and 724,320
17 gallons per day; and Well # 5, 462 gallons per minute
18 and 665,280 gallons per day. The average daily flow
19 for each water treatment plant is approximately
20 110,000 and 320,000 gallons per day, respectively. Of
21 this permitted capacity, the City has approximately
22 1.6 million gallons per day of remaining capacity
23 available to serve the Summit as of June, 2000. This
24 amount will easily meet the 38,400 gallons per day of
25 water capacity which the Summit has requested be
26 reserved for its use in its application with Florida

1 Water.

2 Q. HAVE YOU SEPARATELY CALCULATED THE AMOUNT OF WATER
3 CAPACITY NEEDED TO MEET THE SUMMIT'S POTABLE WATER
4 NEEDS?

5 A. Yes. Using the flow design standards set forth in
6 Chapter VI-D, Policy 6D-1.3, Potable Water Sub-
7 Element, Public Facilities Element 9J-5.011(2) of Lake
8 County's Comprehensive Plan, and Florida Water's
9 calculation of 148.23 ERCs for the Summit PUD found in
10 Exhibit "B" of the Florida Water/Summit Water Service
11 Agreement, the Average Day Water Demand for the Summit
12 PUD is 51,880 gallons per day or 36 gallons per
13 minute. This amount of water capacity is
14 significantly greater than that requested by the
15 Summit but is also easily met by the City.

16 Q. CAN THE CITY PROVIDE THE SUMMIT'S FIRE FLOW DEMAND?

17 A. Yes. Again using 148.23 ERCs for the demand for the
18 Summit PUD, and Lake County's minimum criteria for
19 fire demand of 750 gallons per minute found in Lake
20 County Ordinance No. 96-42, the total peak hour demand
21 will be 894 gallons per minute for the Summit PUD.
22 Thus, the City will have sufficient capacity to meet
23 the fire flow demands of the Summit.

24 Q. HAVE YOU CALCULATED THE WASTEWATER CAPACITY DEMAND
25 ASSOCIATED WITH THE SUMMIT PUD?

26 A. Yes. Using 148.23 ERCs and the criteria for

1 wastewater design found in Chapter VI-A, Policy 6A-
2 1.6, Sanitary Sewer Sub-Element, Public Facilities
3 Element 9J-5.011(2) of Lake County's Comprehensive
4 Plan, I have calculated an average day wastewater
5 demand for the Summit PUD of 44,469 gallons per day or
6 31 gallons per minute.

7 **Q. DOES THE CITY HAVE EXISTING CAPACITY TO PROVIDE**
8 **WASTEWATER SERVICES TO THE SUMMIT?**

9 **A.** Yes. The Groveland Wastewater Treatment Plant has
10 capacity of 250,000 gallons per day with average day
11 wastewater demand of approximately 110,000 gallons per
12 day. Although the Summit development as currently
13 proposed would utilize septic tanks, not a centralized
14 wastewater treatment system, the City could provide
15 wastewater treatment to the development from its
16 existing Groveland wastewater treatment plant within
17 12 months of the request for service at a cost of
18 approximately \$500,000.

19 **Q. DOES THE CITY HAVE THE MANAGERIAL ABILITY TO SERVE THE**
20 **SUMMIT?**

21 **A.** Yes, the City currently meets all of the personnel
22 requirements for both water and wastewater systems of
23 its size and is currently in compliance with all
24 Department of Environmental Protection (DEP), St.
25 John's Water Management District and EPA permit
26 requirements.

1 Q. HAS THE CITY HAD A VIOLATION CONCERNING ITS WATER
2 SYSTEM IN THE LAST FIVE YEARS?

3 A. Yes. On or about November 4, 1996, McDonald's
4 completed construction of a restaurant in Groveland.
5 The McDonald's was connected to the City's water
6 systems via a 1 1/2" inch line and meters were set.
7 The Department of Environmental Protection's (DEP)
8 Central District Office has an internal, unwritten
9 policy that lines 1 1/2 inches or greater constitute
10 main extensions. Since the 1 1/2 inch service line
11 was considered a main extension by DEP, DEP issued
12 Warning Letter OWL-PW-96-0083 on December 10, 1996,
13 indicating that bacterial sampling should have been
14 conducted prior to connection of the line consistent
15 with written DEP rules and regulations. This Warning
16 Letter is attached to my testimony as Exhibit ____
17 (JAM-4). On January 16, 1997, DEP offered a proposed
18 settlement, attached as Exhibit _____ (JAM-5), in
19 which the City was fined a total of \$2,050.00 and
20 corrective actions were required (bacterial sampling
21 of the line) to be completed. DEP also fined
22 McDonald's for this violation. Subsequent to payment
23 of the fine and completion of all corrective actions
24 this case was closed by DEP on February 5, 1997.
25 [Exhibit ____ (JAM-6)]

26 Q. DO YOU CONSIDER THIS VIOLATION AN INDICATION THAT THE

1 CITY DOES NOT HAVE THE MANAGERIAL OR TECHNICAL ABILITY
 2 TO PROVIDE SAFE, RELIABLE WATER AND WASTEWATER
 3 SERVICES?

4 A. No. I consider this to be a highly technical
 5 violation of somewhat dubious legality due to the fact
 6 that the classification of 1 1/2 inch water lines as
 7 main extensions was not included in DEP's written
 8 rules and regulations and is, apparently, unique to
 9 DEP's Central District Office. I would note that the
 10 engineering firm involved in this project, Conklin,
 11 Porter and Holmes Engineers, Inc. of Sanford, Florida,
 12 was also not aware of this classification or the need
 13 for bacterial sampling prior to connection with the
 14 City's water system.

15 Q. WILL THE CITY BE ABLE TO FURNISH WATER TO THE SUMMIT
 16 IN A TIMELY FASHION?

17 A. Yes. As the Florida Water application indicates, the
 18 Summit originally requested service by July 1, 2000.
 19 Obviously, this date has passed. The Summit secured
 20 its Planned Unit Development zoning from Lake County
 21 in December of 1999, ~~however, the Summit has taken no~~
 22 ~~drawings and submitted to the Lake County Public Works Department~~
 23 ~~further action to implement the development of its~~
 24 ~~and Planning Department and has a project that's currently under~~
 25 ~~project as of the date of this filing, i.e., it has~~
 26 ~~not submitted a plat of the project or a construction~~
 process.
~~plan to Lake County for review and approval, the next~~
~~steps in the construction of the project.~~

1 Further, the current schedule in this docket will
2 not result in a written order from the Commission
3 until March, 2001. By that time, the Cherry Lake
4 project is expected to be completed and connection of
5 the Summit PUD to the City's system could also be
6 complete if authorization to start the project was
7 given this month.

8 **Q. DOES THIS CONCLUDE YOUR DIRECT TESTIMONY?**

9 **A. Yes.**

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25 c: 3209

1 BY MS. BROWNLESS:

2 Q With regard to your qualifications, Mr. Mittauer, do
3 you have a Bachelor of Science degree in civil engineering?

4 A Yes, I do.

5 MR. MENTON: Excuse me, Commissioner. I'm not sure
6 where we're going here. Are we going on more direct testimony?

7 COMMISSIONER JABER: Yeah, Ms. Brownless, I was
8 trying to understand that for myself. We have inserted his
9 testimony into the record as though read already. We have
10 identified his exhibits. All I'm waiting for now is the
11 summary of his testimony.

12 MS. BROWNLESS: We would like to qualify Mr. Mittauer
13 as an expert in engineering.

14 COMMISSIONER JABER: I wish you would have told me
15 that before I inserted his testimony in. Is there any
16 disagreement with respect to his being an expert --

17 MS. BROWNLESS: If Mr. --

18 COMMISSIONER JABER: Go ahead.

19 MS. BROWNLESS: If Mr. Menton would stipulate that
20 Mr. Mittauer is an expert in engineering and an expert
21 specifically with regard to utility design, construction, and
22 permitting, that's the stipulation we would like, and
23 Ms. Christensen as well.

24 MR. MENTON: Commissioner, I guess at this point I'm
25 not sure why we're doing that. His direct testimony is in.

1 I'm not going to ask him any engineering -- well, I guess I
2 probably will ask him a few engineering questions on cross, but
3 I'm comfortable with his qualifications as laid out in there.
4 I'm not sure why we --

5 COMMISSIONER JABER: If you're comfortable with his
6 direct testimony and comfortable with his qualifications, do
7 you have any problems with a stipulation that he's an expert
8 witness in the area of utility planning and design and
9 maintenance?

10 MS. BROWNLESS: Utility plan, design, construction of
11 water and wastewater utilities.

12 COMMISSIONER JABER: We can take a few minutes and
13 allow you all to think about it.

14 MR. MENTON: And I want to speed this up, so I don't
15 want to -- and I'm trying to find way we can reach a point. I
16 can stipulate that he is an engineer and that he has expertise
17 in engineering and that he has expertise in water and
18 wastewater engineering, but in terms of -- you know, I'm not
19 sure where we're going beyond that in some of the --

20 COMMISSIONER JABER: It will be just as easy to let
21 Ms. Brownless continue. Go ahead.

22 COMMISSIONER PALECKI: Could I ask a question?

23 COMMISSIONER JABER: Sure, absolutely.

24 COMMISSIONER PALECKI: Ms. Brownless, did you have
25 the opportunity or did your witness have the opportunity to put

1 all of the same information you are now going into, into his
2 prefiled testimony?

3 MS. BROWNLESS: It's included in the resume.

4 COMMISSIONER PALECKI: Which is attached to the
5 prefiled testimony.

6 MS. BROWNLESS: Which is attached, and all we want to
7 do here --

8 COMMISSIONER PALECKI: So aren't you just reploting
9 ground that's already in testimony that we have?

10 MS. BROWNLESS: The purpose of this is not to replot
11 ground but to get a ruling that Mr. Mittauer is, in fact, an
12 expert for purposes of establishing that on the record.

13 COMMISSIONER PALECKI: Could we accomplish the same
14 thing by reviewing the exhibit that is attached to his
15 testimony?

16 MS. BROWNLESS: Well, to the -- I need a ruling on
17 that to be established in the record. If you would like to
18 reserve ruling on that -- I'm trying to build a record here,
19 and I need Mr. Mittauer to be either accepted as an expert in
20 this field or not accepted as an expert in this field.

21 COMMISSIONER PALECKI: I would prefer that you
22 request a ruling rather than going through something that we
23 already have in our prefiled testimony. This is not cross
24 examination. You have an opportunity to prefile testimony, and
25 then ask the witness to summarize the testimony. I don't think

1 this extra step is necessary.

2 MS. BROWNLESS: Well, with the Commission's
3 permission then, I would request that Mr. Mittauer be accepted
4 as an expert in engineering, specifically with regard to
5 utility water and sewer construction, design, permitting.

6 COMMISSIONER JABER: Okay. Mr. Menton, it sounds
7 like you don't have an objection to that.

8 MR. MENTON: If we eliminate permitting, I can live
9 with it. I'm not sure about the permitting because I don't
10 know from looking at his exhibit and from what I've asked him
11 what he's done in terms of permitting.

12 COMMISSIONER JABER: After you are done with your
13 cross examination, will you be able to agree to that?

14 MR. MENTON: Well, I'm not going to ask him any
15 questions regarding the permitting.

16 COMMISSIONER JABER: Staff, what is your feeling on
17 this?

18 MS. CHRISTENSEN: We can agree that he is an expert
19 as an engineer and to the water and wastewater design. I know
20 we haven't thought of doing any voir diring (sic) as far as the
21 permitting, and it really had not occurred to us as an issue.
22 I'm not exactly sure why Ms. Brownless needs to establish that
23 he is an expert for those kinds of questions. I really didn't
24 think we were challenging his expertise in those areas, and I
25 guess to the extent that maybe he will be asked questions

1 regarding that, that it would need to be established. But at
2 this point he's got testimony; we're not challenging that he
3 has the ability -- the expertise to testify as he has. So I'm
4 not really sure what -- and Mr. Menton isn't challenging him as
5 an expert and requesting to have him voir dired for his
6 expertise.

7 Generally, it's the person that's crossing that
8 challenges the expertise status. We weren't questioning his
9 expertise status. We may not have gone as far as the
10 permitting, but for engineering, water treatment, I think his
11 testimony establishes it.

12 COMMISSIONER JABER: Thank you, Ms. Christensen.
13 Commissioners, do you have any preference one way or the other?
14 We do have his resume. It sounds from the parties that will be
15 doing cross examination that they don't have any concerns with
16 respect to his expertise related to engineering. And the area
17 related to permitting is questionable, but they weren't going
18 to ask questions about that anyway.

19 COMMISSIONER PALECKI: I would prefer that we not
20 create a new precedent to allow parties introducing direct
21 testimony to supplement that with voir dire regarding
22 expertise. It is already in here. It's in his testimony, and
23 I think we can let his testimony as it's been prefiled speak
24 for itself.

25 COMMISSIONER JABER: Thank you, Commissioner. All

1 right. Ms. Brownless, go on and ask your witness to summarize
2 his testimony. We are not going to allow your questioning.
3 And if you and Mr. Menton want to agree on a stipulation later,
4 let us know.

5 MS. BROWNLESS: Well, can I request a ruling based
6 upon his exhibit? I'll agree to strike the questions with
7 regard to -- that are regarding his education and expertise.
8 And could I request a ruling based upon the exhibit that's been
9 submitted, his resume, regarding whether he's an expert in the
10 area of --

11 COMMISSIONER JABER: So your request is based on the
12 resume. You want us to issue a ruling that he is an expert in
13 the area of engineering --

14 MS. BROWNLESS: In the field of engineering, in the
15 field of wastewater and water utility design, construction, and
16 permitting.

17 COMMISSIONER JABER: We will take it under
18 advisement. And Staff, include an issue on this when the
19 recommendation is being prepared.

20 MS. BROWNLESS: Thank you, ma'am.

21 BY MS. BROWNLESS:

22 Q Mr. Mittauer, can you briefly summarize your
23 testimony?

24 A Yes, ma'am. The Summit development is within the
25 City of Groveland's Statute 180 service area. Currently, the

1 city has an existing water main that's within approximately
2 3,000 feet of the nearest tie-in point to the Summit
3 development. That line could be extended, we feel, by sometime
4 in the early part of November, which would provide water
5 services from the City of Groveland to that development. And
6 at this point in time, based on the information I have from the
7 Lake County Public Works Department, the development is not
8 ready to go forward in construction because they still have
9 some review items from their end regarding -- with Lake County
10 itself. So they are still in a review process.

11 The city -- we have done an analysis of the city's
12 water system and the water supply treatment plants, and we're
13 confident that the city has adequate capability to serve this
14 development. That's it.

15 COMMISSIONER JABER: Does that conclude your summary,
16 Mr. Mittauer?

17 THE WITNESS: Yes.

18 MS. BROWNLESS: Thank you. We tender Mr. Mittauer
19 for cross.

20 COMMISSIONER JABER: Mr. Menton.

21 MR. MENTON: Thank you, Commissioner.

22 CROSS EXAMINATION

23 BY MR. MENTON:

24 Q Good evening, Mr. Mittauer. It's getting late, so if
25 my questions start garbling, please bear with me a little bit.

1 You have never previously given expert testimony in connection
2 with a water or wastewater project in any court or
3 administrative proceeding, have you?

4 A No, I have not.

5 Q And you first began working for the city in 1999;
6 correct?

7 A Yes.

8 Q And at the time you began working for the city, the
9 city was not providing water or wastewater service to the
10 Garden City subdivision; correct?

11 A That's correct.

12 Q In fact, at the time that you submitted your prefiled
13 testimony, the city water lines ended right where the bright
14 red line begins on your Exhibit 3; correct?

15 A At which point in time?

16 Q The time you filed your prefiled testimony.

17 A Which was back in -- the end of last summer?

18 Q I think it was September --

19 A September.

20 Q -- of 2000.

21 A No. Construction had not started on that project at
22 that time.

23 Q So at the time of your prefiled testimony, the city
24 lines ended right at that point on State Road 19 where the
25 bright red line begins now on Exhibit 3?

1 A That would be correct.

2 MS. BROWNLESS: This is on the original Exhibit 3;
3 correct, Mr. Menton?

4 MR. MENTON: Well, it's the same on both exhibits
5 where it starts.

6 MS. BROWNLESS: Yes, sir. Thank you.

7 BY MR. MENTON:

8 Q At that point in time the terminus was at Jim Payne
9 Road; is that right?

10 A That's correct.

11 Q Now, I'm going to come back to the city system in a
12 minute, but before we do that, you have talked about the city's
13 180 District. Isn't it correct, sir, that you were not
14 involved in the establishment of the city's 180 District?

15 A That's correct.

16 Q And you had no input into the delineation of the
17 areas for that service district?

18 A That's correct.

19 Q And do you know whether the city employed the
20 services of any engineer in determining or assessing the
21 boundaries of its 180 District?

22 A I believe they worked with their planner in preparing
23 that.

24 Q Okay. So in terms of whether they employed the
25 services of any engineer, you don't --

1 A I don't know that.

2 Q And isn't it true, sir, that other than reading the
3 ordinance, you've really had no involvement with the city's 180
4 District?

5 A That's correct.

6 Q Do you know whether the establishment of a district
7 under 180.02(3) applies to alternate water sources?

8 MS. BROWNLESS: Objection. This calls for a legal
9 opinion from the witness who has not been qualified in that
10 regard. He's been qualified as an engineer.

11 COMMISSIONER JABER: Mr. Menton.

12 MR. MENTON: He's offered testimony that it's within
13 the city's 180 District, and I think by doing that, I'm
14 entitled to explore whether he knows the -- whether a
15 180 District includes all sorts of water service or just
16 alternative water service.

17 COMMISSIONER JABER: I'll allow it.

18 A My knowledge of the city within the 180 District is
19 based on the defined limits of the 180. I mean, I haven't done
20 any research into the law.

21 Q Okay. So you don't know whether or not a district
22 established by a municipality under 180.02(3) applies to
23 anything other than wastewater and alternate water services?

24 A I do not, actually, no.

25 Q Now, in your capacity as the city engineer, you have

1 not tried to assess whether there is any service currently
2 being provided by utilities in any territory that adjoins or is
3 adjacent to the city's 180 District, have you?

4 A Not until recently.

5 Q At the time of your deposition you hadn't; correct?

6 A No, I had not at that time.

7 Q Okay. And your deposition was taken about two weeks
8 ago?

9 A Right.

10 Q And at the time of your deposition, you did not know
11 whether anyone on behalf of the city had made any attempt to
12 determine whether other utilities were providing service within
13 the designated area that the city has in its 180 District or
14 any other adjoining areas; correct?

15 A Well, I think at the time of my deposition a couple
16 of weeks ago I think everybody knew that Florida Water Services
17 was intending to provide service within that area.

18 Q And other than that, though, neither you nor anyone
19 that you know of on behalf of the city had made any attempt to
20 determine whether other utilities might be providing service
21 either within the designated area or immediately adjoining?

22 A Not to my knowledge anyway, but I wasn't involved in
23 the 180 setup.

24 Q Are you familiar with the requirements of Section
25 180.06, Florida Statutes?

1 A Not really.

2 Q Do you know that 180.06 requires a municipality --

3 MS. BROWNLESS: Objection, asked and answered. The
4 witness is not familiar, and he doesn't know what Chapter
5 108.06 does or does not do.

6 COMMISSIONER JABER: Mr. Menton.

7 MR. MENTON: He said, "not really," so I'm exploring
8 the depth of what he does really know.

9 COMMISSIONER JABER: I'll allow it.

10 BY MR. MENTON:

11 Q Do you remember the question?

12 A Yes.

13 COMMISSIONER JABER: I don't think you got the
14 question out, at least I didn't hear it, so repeat the
15 question.

16 Q Do you know whether under Section 180.06 before a
17 municipality extends lines to an area adjacent to the territory
18 currently being served by another utility that it has to obtain
19 the consent of that utility?

20 A I don't know that.

21 Q But you made no effort on behalf of the city as a
22 city engineer to make such an effort to obtain such consent,
23 did you?

24 A I wasn't involved in the 180.

25 Q Now, in your prefiled testimony that you submitted in

1 this case in September of 2000, you made no reference or
2 indication that the city intended -- or had plans that had been
3 approved to extend the line beyond the Garden City subdivision;
4 correct?

5 A I don't recall that being in there.

6 Q Okay. And just so the record is clear, the
7 first Exhibit JAM-3, which was filed with your prefiled
8 testimony, showed a terminus right at the Garden City
9 subdivision; correct?

10 A Correct.

11 Q And in your prefiled testimony, you had indicated
12 that the city could extend out beyond that, but at that point
13 in time, in September of 2000, there were no plans that had
14 been approved, no permits that had been issued, and no
15 construction that had been authorized to go beyond the Garden
16 City subdivision?

17 A That's correct.

18 Q Okay. Now, were you the person responsible for
19 designing the extensions beyond Garden City?

20 A Yes.

21 Q And on Page 4 of your testimony, your prefiled
22 testimony, you indicate that extension of the line from the
23 Garden City subdivision to the Summit would be 13,000 feet;
24 correct?

25 MS. BROWNLESS: Is that on Page 4 of his testimony or

1 on Page 5 of his testimony?

2 MR. MENTON: Page 5, I'm sorry. Page 5.

3 A What line are you on?

4 Q Well, the one that you corrected today, I guess,
5 which was Line 5.

6 A Oh, yes, there it is.

7 Q So from the Garden City subdivision to the Summit it
8 is 13,000 feet, according to your prefiled testimony; correct?

9 A Correct.

10 Q And as of your deposition, the city had no written
11 agreements or authorizations for service from anyone beyond the
12 Garden City subdivision?

13 A Not to my knowledge.

14 MS. BROWNLESS: Objection. There's been no predicate
15 for that.

16 COMMISSIONER JABER: Mr. Menton.

17 BY MR. MENTON:

18 Q Do you know whether the city had any written
19 agreements --

20 A I don't know. I didn't know of any.

21 Q So the extensions that were done to go out beyond the
22 Garden City subdivision were not done in response to any
23 specific request for service that you know of?

24 A That's correct.

25 Q Now, other than the conceptual diagram, the dotted

1 line on your revised Exhibit JAM-3, you have not done any
2 design work in connection with further extensions to bring the
3 city lines to the Summit, have you?

4 A In the last two weeks, we have started.

5 Q As of your deposition two weeks ago, you have not
6 done any construction drawings or plans, and you advised me as
7 such in your deposition two weeks ago?

8 A Right, as of two weeks ago we had not.

9 Q And as of two weeks ago, on June 20th, which was the
10 date of your deposition, you had not been directed to begin
11 preparation of any designs for extension of the city lines
12 beyond where its shown on the revised Exhibit JAM-3; correct?

13 A Right. Like I said, it would be three weeks ago.

14 Q Three weeks ago. Bear with me, I'm eliminating
15 questions as we go along.

16 Now, the extension beyond the Garden City
17 subdivision, when did you actually begin the design of that
18 extension?

19 MS. BROWNLESS: Can you be more specific, please.

20 MR. MENTON: The extension beyond the Garden City
21 subdivision.

22 MS. BROWNLESS: To Cherry slough, or from Cherry
23 slough to the Summit?

24 MR. MENTON: Yes, I'm sorry, to Cherry slough.

25 A I don't have that file with me. It was a few months

1 ago, anyway. It was several months back.

2 Q Okay. Currently, the city anticipates putting a fire
3 hydrant at the end of the line that is under construction; is
4 that correct?

5 A It's actually completed.

6 Q So there is a fire hydrant out at the Cherry Lake
7 slough?

8 A Correct.

9 Q And that's because essentially those are dead-end
10 lines out there?

11 A That's correct.

12 Q And you would agree that the further that you extend
13 lines out from your water plant, the more water it will take in
14 order for the city to flush those lines and keep them in good
15 standing?

16 A Yes.

17 Q Have you done any analysis to determine whether or
18 not there would be any rechlorination needed based upon the
19 extensions that you've designed?

20 A I do know feel that it's required. I have not done
21 calculations because I don't feel it's required.

22 Q And as a city engineer, you have not had any
23 discussions with the developers of the Summit, have you?

24 A I have not.

25 Q Now, in terms of the extension that was shown on your

1 original Exhibit JAM-3 that goes out from Jim Payne Road out to
2 the Garden City subdivision, those lines were extended out
3 based -- or were financed in a large part from a DEP grant;
4 correct?

5 A That's right.

6 Q And you were involved in the submission of that grant
7 proposal?

8 A We assisted at the tail end of it.

9 Q Okay. I'd like to show you some documents that were
10 presented to us during the course of discovery that's not part
11 of your prefiled testimony, and ask if you recognize these.

12 Mr. Mittauer, I have showed you an exhibit which is a
13 memorandum dated, I believe it's March --

14 MS. BROWNLESS: Is that what you handed me?

15 MR. MENTON: Yes. There's a memorandum with a map
16 attached to it -- or a fax transmittal, I'm sorry.

17 BY MR. MENTON:

18 Q -- a fax transmittal dated March 22nd, 1999, and
19 there's a received stamp on here indicating Mittauer &
20 Associates, October 28th, 1999. Do you recall this document?

21 A Yes, I do.

22 Q And then attached to it is a map; is that correct?

23 A Yes.

24 Q And Mr. Knight is an engineer who had originally done
25 some investigation for the city in terms of obtaining a DEP

1 grant to extend the line out from Jim Payne Road out to Garden
2 City subdivision?

3 A That's what I understand.

4 Q And he speaks specifically on here about obtaining
5 funding to install a line 15,500 feet out Cherry Lake Road to
6 the Garden City subdivision; correct?

7 A That's what it said.

8 Q And subsequent -- you are not involved in obtaining
9 the funding or the DEP grant at this point in time, in March of
10 '99, were you?

11 A No, I was not.

12 Q Okay.

13 A Actually, in this letter he is referencing a force
14 main. So I'm not sure if this is a water -- in the top he
15 references a water line, but down in the body of the text, the
16 fourth line up, he says a force main. So I'm not sure what
17 he's talking about.

18 Q Under the re: it says, "water main extension"?

19 A Right.

20 MS. BROWNLESS: Are you referring to the body of the
21 letter?

22 THE WITNESS: Right. Down in the bottom he's talking
23 about running 15,500 feet of 12-inch force main.

24 BY MR. MENTON:

25 Q Okay. Do you know whether DEP issues grants for

1 force main extensions?

2 A I wouldn't think so under that program. I don't
3 know, though.

4 Q The next exhibit which has just been handed to you is
5 a copy of a fax transmittal from Knight Engineering to Jason,
6 and it has a received from Mittauer & Associates of
7 October 28th, 1999; correct?

8 A Correct.

9 Q Do you recall why you received these documents in
10 October, why they were sent to you?

11 A Because at that point, we were getting on board with
12 the grant application or finishing up some questions, looking
13 at cost and so forth. So we were getting on board.

14 Q So prior to that time, your involvement in the DEP
15 grant application was limited?

16 A Yes. I'm not sure what date we got on board. It
17 might have been October 28th.

18 Q So Mr. Knight had originally begun the process on
19 behalf of the city?

20 A Correct.

21 Q And then you took it over for him?

22 A Right.

23 Q Mr. Mittauer, next is an exhibit or a letter that has
24 some markings on it. Do you recognize this letter?

25 A Yes.

1 Q And this is a letter where somebody had made some
2 modifications to a letter on a letterhead of Knight Engineering
3 regarding the DEP grant proposal; correct?

4 A Yes.

5 Q Did you make these modifications?

6 A Where they have crossed out "Knight Engineering" and
7 written "City of Groveland," that's not my writing.

8 Q In this letter, Mr. Knight had indicated that the
9 estimated cost for extending the proposed water main out from
10 the existing terminus of the city's system to Cherry Lake Road
11 to the site of the Garden City subdivision for the DEP grant
12 would be \$295,000. You can see that?

13 MS. BROWNLESS: We'll object to this question.
14 Mr. Menton hasn't laid the proper predicate. Mr. Mittauer
15 indicated that that was not his writing.

16 COMMISSIONER JABER: Mr. Menton.

17 MR. MENTON: Well, at this point I just asked him if
18 he saw in the letter where it is said \$295,000. I'm not asking
19 him whether that's correct or not.

20 COMMISSIONER JABER: As I recall, Ms. Brownless, the
21 first question Mr. Menton asked was if he recognized letter,
22 and the witness said yes, so I'll allow the question.

23 A What was the question again?

24 Q The question was, in this -- the letter indicates
25 that the estimated -- that Mr. Knight prepared, the estimated

1 construction costs to install the proposed water main from the
2 terminus of the city's system out to the Garden City
3 subdivision would be \$295,000; correct?

4 A That's what it looks like it says.

5 Q And then somebody crossed out the "295" and wrote
6 "335,000;" correct?

7 A Right.

8 Q And then engineering fees, it looks like, were added
9 one for a total purchase order in the amount of 372,000. Do
10 you recall that? Do you see that?

11 A I see that, yeah.

12 Q Were you involved --

13 A I was not.

14 Q -- in the discussions that went from 295 to 335 with
15 a total of 372?

16 A No, not to my memory. No. This was done back in
17 June. See, I wasn't on board at that point.

18 Q Okay. Mr. Mittauer, next is a letter dated June 14th
19 from Jason Yarborough, the city manager for the City of
20 Groveland, to Mr. Charles Coultas at DEP, and that looks like
21 it is a letter that has made the corrections on the earlier
22 letter from Mr. Knight. Do you recall this letter?

23 A I have seen this letter.

24 Q Okay. Were you involved in the issuance of -- this
25 again is June 14th, so it predated --

1 A No, I was not.

2 Q So you were not involved at that point in time;
3 correct?

4 A Right.

5 Q Now, you did become involved in October of 1999, and
6 submitted a cost estimate to DEP in terms of what it would be
7 necessary in order to extend the line out from the terminus in
8 Jim Payne Road to the Garden City subdivision; correct?

9 A I don't remember the date, but that sounds about
10 right.

11 Q Do you remember what your cost estimate to extend
12 that line out from --

13 A I remember doing one that, I think, was \$500,000
14 even.

15 Q Okay. And based upon the cost estimate that you
16 prepared and submitted to DEP, DEP agreed to fund a certain
17 portion of the estimated cost to run the line out to Garden
18 City; correct?

19 A Right.

20 Q And DEP, in fact, agreed to pay in the vicinity of
21 \$381,000 to run that line out from the city terminus out to the
22 Garden City subdivision; correct?

23 A That sounds about right.

24 Q And, in fact, the actual cost to construct that line
25 came in at significantly less than \$500,000; correct?

1 A It did.

2 Q And that money, the difference between what -- let me
3 back up for a second.

4 COMMISSIONER JABER: Mr. Mittauer, while Mr. Menton
5 is looking over his notes, are you completely unavailable
6 tomorrow?

7 THE WITNESS: Yes, ma'am. I've got a mandatory class
8 for my license tomorrow that's in Jacksonville. It starts at
9 eight o'clock.

10 MR. MENTON: Commissioner, I don't have that much
11 more, probably only about 15 minutes, I think.

12 COMMISSIONER JABER: Staff, how much -- give me a
13 guess on what you expect.

14 MS. CHRISTENSEN: Probably no longer than 15 minutes.

15 COMMISSIONER JABER: Go ahead, Mr. Menton.

16 MR. MENTON: I'll try to speed it up.

17 COMMISSIONER JABER: Mr. Menton, I'm not speeding you
18 up. What I was evaluating is whether we want to take
19 Mr. Mittauer -- or finish his testimony in Tallahassee. My
20 questions are not to speed anyone up. I'm just evaluating
21 where we are. So go ahead.

22 MR. MENTON: Thank you.

23 BY MR. MENTON:

24 Q And, Mr. Mittauer, it's your understanding that DEP
25 did contribute the full \$391,000; is that correct?

1 A Whatever the number was. It was upper 300,000.

2 Q And when the actual cost to extend the lines to the
3 Garden City subdivision were less than \$500,000, the city then
4 took the remaining difference between the 391 and the 500 and
5 extended the lines even further beyond Garden City?

6 A That's right.

7 Q Did you go back to DEP and determine whether or not
8 it was permissible to use those grant funds to extend lines
9 beyond the indicated terminus of where you were extending them?

10 A Actually, the grant funds between the engineering
11 fees and the construction costs were used up on the
12 first phase, so it was the loan money that the city had that
13 was used to build the remainder of the line.

14 Q And my question was, though, did you go back and
15 advise DEP that the actual cost to run those lines out there
16 had been less than what had projected in your estimate?

17 A I sent DEP a copy, I think, of a bid tab and a notice
18 of award with the dollars in it.

19 Q Now, in your testimony today, you have provided a
20 revised cost estimate to run the extensions the remaining
21 distance from where the city is constructing it now to go out
22 to the Summit subdivision; correct?

23 A Yes.

24 Q And in your original testimony, you had projected to
25 extend the lines 13,000 feet from the Garden City subdivision

1 to the Summit, and you had estimated the cost at \$275,000;
2 correct?

3 A Yes.

4 Q And now, using your 7,000-foot estimate, you are
5 estimating that the cost to take it the additional 7,000 feet
6 would be \$228,000; is that correct?

7 A Yes.

8 Q So you've essentially taken off 6,000 feet of the
9 estimated extension from your original projection?

10 A Right.

11 Q And you have only reduced your cost by -- excuse me,
12 it's getting late.

13 COMMISSIONER JABER: Pass the calculator.

14 Q -- by \$49,000?

15 A I can explain that if you've got a copy of the cost
16 estimate I prepared, which I think maybe that was made
17 available to you.

18 Q Let me --

19 MS. BROWNLESS: If he needs the exhibit, let me
20 provide it to him, Mr. Menton, before you proceed forward.

21 MR. MENTON: And that's fine. I'm trying to shortcut
22 this a little bit.

23 COMMISSIONER JABER: The court reporter is having
24 trouble hearing both of you.

25 MR. MENTON: Okay. I'm sorry.

1 BY MR. MENTON:

2 Q You would agree that most of the costs for extending
3 the lines is going to be involved in the pipe cost; correct?

4 A What was that?

5 Q Pipe cost, isn't that going to be the main cost in
6 extending these lines?

7 A Well, in installing it; right. The revised number
8 includes a 15 percent contingency. It also includes
9 engineering services. The actual construction costs that we're
10 projecting at this point in time is about 167 out of that 228.

11 Q So then the original cost estimate that you provided
12 in your prefiled testimony did not include all the costs that
13 actually would have been involved if you had to extend it
14 13,000 feet?

15 A I think that was just a construction cost and not a
16 projection cost, as well as it's got a 15 percent contingency.

17 Q You are not aware of any additional grant proposals
18 that the city is seeking in order to extend lines from beyond a
19 current point to the Summit, are you?

20 A I'm not aware of any.

21 Q And in your deposition, isn't it true that you told
22 me that you would estimate that the time frame to extend -- for
23 the city to design, permit, and construct the additional
24 extensions to reach the Summit would be six months from
25 authorization?

1 A At that point in time I did.

2 Q So two weeks ago you thought it was six months, but
3 now it's shorter?

4 A Three weeks ago, yeah, I said it was six months.
5 What's happened since then is, we've actually started on the
6 project. We have also had conversations with the contractor
7 that's under contract right now, and that contractor has agreed
8 to honor his unit price construction which would eliminate the
9 bidding process which is another 30, 45 days. So, in essence,
10 we'd issue the contractor a change order, and he'd just keep on
11 going.

12 Q You haven't filed for permits yet, have you?

13 A No, we have not.

14 Q Now, your prefiled testimony makes some reference to
15 the city providing wastewater service to the Summit. Do you
16 recall that?

17 A Vaguely.

18 Q Now, the city has not extended any wastewater lines
19 out State Road 19 at this point in time; correct?

20 A That's correct --

21 Q And so the terminus --

22 A -- not in the area of the project, because we are
23 doing another project back on 19 in town.

24 Q Okay. But do the wastewater lines currently extend
25 any distance beyond the Jim Payne Road?

1 A No.

2 Q And what is a realistic cost per foot for extending
3 wastewater lines? Do you know?

4 A It depends on the size of the pipe. To put in a
5 force main, you are looking at a number that's comparable to
6 the water main. It would be constructed out of the same
7 materials. I doubt the city would run a 12-inch force main out
8 there. Generally, a force main is a little bit smaller than
9 the water main because you don't have to deal with fire
10 protection and things like that, so it probably would be a
11 little bit less.

12 Q So they would actually have to run 26,000 feet from
13 the current terminus of the wastewater lines to reach the
14 Summit?

15 A That would be one scenario. We've looked at about
16 three or four different scenarios.

17 Q Would any lift stations be necessary in order to
18 provide service out to the Summit?

19 A What would happen is, the Summit would have an
20 on-site pump station. If we decided to pump it back to the
21 city system, that pump station would then pump it all the way
22 back.

23 Q You haven't done any analysis as to what lift
24 stations would be required in order to provide service out
25 there, have you?

1 A No, I have not.

2 Q Do you anticipate there would be any septic problems
3 in running wastewater lines 26,000 feet from the current
4 terminus?

5 A It could be a problem. I've witnessed lines that
6 were much longer than that, though.

7 Q How far is it from the Jim Payne Road terminus to the
8 city's wastewater plant?

9 A I would say approximately 6,500 feet.

10 Q So the total distance then that the wastewater flow
11 would be going would be in excess of 32,000 feet?

12 A If you went the long way around.

13 Q Okay. Now, Mr. Mittauer, isn't it true that
14 environmental regulations require a utility to maintain at
15 least 20 PSI in their water lines?

16 A That's correct.

17 Q A minimum pressure?

18 A Right.

19 Q And you would agree that you need more pressure in
20 order to move water uphill?

21 A Well, yeah. I mean, that's the basic laws of
22 physics. As you go up the hill, water pressure decreases.

23 Q Correct. And, in fact, isn't it true that for every
24 2.3 feet of elevation, you basically need 1 PSI of pressure in
25 order to go uphill?

1 A Right.

2 Q You would agree with that?

3 A Yes.

4 Q And you have modeled the ability of the city's system
5 to reach the entrance to the Palisades?

6 A I have.

7 Q And this was discussed in your testimony on Page 6;
8 correct?

9 A In my deposition?

10 Q No, in your prefiled testimony.

11 MS. BROWNLESS: No. Can you refer to your prefiled
12 testimony?

13 Q Well, we don't even need you to refer it. But you
14 said in your deposition that you had modeled the ability of the
15 city's system to reach the Summit; correct?

16 A That was the Garden -- okay.

17 Q And I believe I asked you in your deposition whether
18 you had also modeled to reach the Summit.

19 A Right.

20 Q And you indicated that you had; correct?

21 A Yes.

22 Q Okay. And after your deposition, you provided me
23 with a copy of the model that you had performed to provide that
24 service; correct?

25 A Yes.

1 Q And that model is the document that Ms. Reyes is
2 currently passing out; is that correct?

3 A Yes.

4 Q Now, if I understand this model correctly, what you
5 did is, you basically ran what the pressures would be from the
6 city's existing system to reach the entrance of the Summit?

7 A Correct.

8 Q And just so I understand it, the city has an
9 eight-inch line that goes down Jim Payne Road and then loops in
10 and connects with the six-inch line going down south on State
11 Road 19; is that right?

12 A There's one line that runs up Jim Payne Road east and
13 west, and then there is another line that runs from the south
14 to the north on 19. One is a six and one is an eight, and they
15 meet there.

16 Q Okay. So one eight-inch line and one six-inch line
17 meet basically at the beginning of the red line on your
18 Exhibit 3?

19 A That's right.

20 Q And then what the city proposes to do -- and how far
21 away is the city water plant from there?

22 A Well, actually, the city has two different water
23 plants. Plant Number 2 is on Sampey Road, and Plant 1 is on
24 Pomelo Street, which is down in the heart of the city.

25 Q How far away are those --

1 A Well, the main plant, I think, is around that
2 6,500 feet, Number 2. And roughly, just sitting here, I'd have
3 to say the other one is probably comparable to that.

4 Q So the six-inch line and the eight-inch line meet at
5 the beginning point on State Road 19, and from there the city
6 is running a 12-inch line up State Road 19 out to the Garden
7 City subdivision and then proposes to continue it on; correct?

8 A Right.

9 Q And what your model purports to show is what the
10 pressures would be based upon the service provided along that
11 line; right?

12 A That's right.

13 Q And if you would, take a look at the second page of
14 your model in the subsection that talks about line section.

15 A Yep.

16 Q If I understand this correctly, on the second line
17 there under 150, you show that -- you're assuming that there's
18 no flow at all on Line Section 3, and Line Section 3 would be
19 the proposed dotted line extension from the slough to the
20 Summit entrance; correct?

21 A Yes.

22 Q So you are proposing no flow at all for the Summit
23 under this scenario; correct?

24 A Well, no. Actually, what that is, it's a pressure
25 calculation if there was no flow. That's a static pressure.

1 Q And then the last column over there that indicates
2 that the ending pressure, the PSI, would be 55; correct?

3 A Right.

4 Q So at that point in time, if the water running out
5 this extension -- there are three segments. One would be the
6 existing city system to Jim Payne Road; right?

7 A Right.

8 Q Section 2 here is the extension out to -- is it to
9 Garden City?

10 A Garden City, right.

11 Q And then the Section 3 would be the extension to the
12 entrance of the Summit; correct?

13 A That's right.

14 Q So the ending pressure at the entrance to the Summit,
15 assuming no flow there, is 55; correct?

16 A That's correct.

17 Q Mr. Mittauer, do you know what the elevation is at
18 the entrance to the Summit?

19 A I used an elevation of 115.

20 COMMISSIONER JABER: Mr. Menton, hold on to that
21 thought. I've got to take a five-minute break at least for the
22 court reporter.

23 MR. MENTON: Okay.

24 COMMISSIONER JABER: We'll recess for just a few
25 minutes. Please don't go far.

1 (Brief recess.)

2 COMMISSIONER JABER: Let's go back on the record.

3 Mr. Menton.

4 MR. MENTON: Thank you, Commissioner, and I'm just
5 about finished.

6 BY MR. MENTON:

7 Q Mr. Mittauer, we were talking a little bit about your
8 model before the break. And as I understand it, your model
9 includes service to Garden City and to the entrance to the
10 Summit but not to any other developments along the five-mile
11 route that runs from Jim Payne Road out to the entrance of the
12 Summit; correct?

13 A That doesn't include -- what was that?

14 Q Any other developments.

15 A Oh, other than Garden City.

16 Q Other than Garden City --

17 A Correct.

18 Q So there is no other tap-ins along the way?

19 A Right.

20 Q And the scenario that we were talking about was the
21 zero scenario, which is the second line on your model, which
22 has an ending pressure at the entrance to the Summit of 55;
23 correct?

24 A That's right.

25 Q And I would ask you to take a look at Sheet 3 of what

1 has already been marked as Exhibit 15.

2 MS. BROWNLESS: It's -- actually, Sheet 3 is not in
3 Exhibit 15. Do you want to put it in?

4 MR. MENTON: Well, that was one of the reasons why I
5 wanted to keep the numbers open, but I would like to add Sheet
6 3 from the construction plans that were --

7 COMMISSIONER JABER: Okay. Mr. Menton, it sounds
8 like we have a stipulation to add cover sheet --

9 MS. BROWNLESS: I didn't -- I asked him if he wished
10 to add it in. I didn't necessarily agree that it would be
11 added.

12 COMMISSIONER JABER: Ms. Brownless, do you have any
13 disagreement to adding Sheet Number 3 to the exhibit we
14 previously identified as Exhibit 15?

15 MS. BROWNLESS: Let me hear the questions first.

16 COMMISSIONER JABER: Mr. Menton, go ahead.

17 MR. MENTON: The questions I don't think really go to
18 the authenticity of the exhibit. She has a copy of the plans
19 that she got from the county. She can confirm their
20 authenticity. If there's a question that she -- I mean, I'm
21 just trying to get a stipulation that these are authentic
22 documents that were submitted.

23 COMMISSIONER JABER: Let me do this. Ms. Brownless,
24 you took us on a train of thought. You took us away from his
25 questioning. I will ask that you not interrupt him and don't

1 interrupt me. The reason I thought you were stipulating is
2 because you inserted that comment.

3 So, Mr. Menton, ask your questions.

4 Ms. Brownless, if you have something to say on the
5 record, say it by a microphone. Let's try not to interrupt.

6 BY MR. MENTON:

7 Q Okay. And, Mr. Mittauer, I'm referring you to Sheet
8 3 of the construction plans that were provided to Florida
9 Water. And this would appear to be a topographical survey of
10 the Summit site; correct?

11 A Yes.

12 Q And the entrance to the Summit down here on Cherry
13 Lake Road on this map would indicate an elevation of around
14 110 feet; correct?

15 A Actually, about 112 to where I just looked at.

16 Q 112. Okay. And you used 115 in your model?

17 A Yes, I did.

18 Q And Mr. Mittauer, isn't it correct that there are, in
19 fact, areas within this Summit development according to this
20 topographic survey that reached elevations of 200 feet?

21 A That's right.

22 Q Okay. And isn't it true, sir, that using your own
23 model that with the PSI pressure that you have at the entrance,
24 the city would not be able to maintain adequate pressure in its
25 lines to provide service up to those elevations?

1 A Actually, what this model was, was to provide service
2 to the entrance. And it was always our intention that a
3 booster system would be provided within the water distribution
4 system within the Summit.

5 Q So the question is, as the city system currently is,
6 you do not have the ability to provide service to the high
7 elevation areas in the Summit without some additional costs;
8 correct?

9 A Not to the city.

10 Q Not --

11 A If you look at, like, that permit application that
12 was filed by the developer for the Summit, you will notice in
13 that application that pressure booster systems are actually
14 part of the water distribution system and not part of the plant
15 facilities. And that's where I would expect the responsibility
16 for the booster system to fall.

17 MS. BROWNLESS: Mr. Mittauer, do you need a copy of
18 the permit application?

19 THE WITNESS: I've got one.

20 MR. MENTON: No further questions.

21 COMMISSIONER JABER: Okay. Staff, questions for
22 Mr. Mittauer?

23 MS. CHRISTENSEN: Yes.

24 CROSS EXAMINATION

25 BY MS. CHRISTENSEN:

1 Q Mr. Mittauer, can I refer to Page 5 of your direct
2 prefiled testimony? And specifically looking at Line 15 --

3 A You said my direct rebuttal?

4 Q No, this is your direct --

5 A I don't think there was direct rebuttal.

6 Q The direct testimony that you prefiled, Page 5.

7 A Page 5?

8 Q Correct. Looking at Line 5 -- or I'm sorry, 15.

9 A Yes.

10 Q And you see that you have a statement there that Well
11 1 is rated for 550 gallons per minute and 792,000 gallons per
12 day; correct?

13 A Yes.

14 Q Okay. Is the 792,000 gallons per day a maximum day
15 or daily average -- average day capacity?

16 A I don't have my little calculator here, but --

17 MS. BROWNLESS: Do you need a calculator?

18 A Let me get my real calculator. That would be a peak
19 hour capacity is what that would be.

20 Q I'm sorry? Can you --

21 A That would be a peak hour. Something that a lot of
22 people have failed to discuss today is the difference between
23 average day, max day, and peak hour. And that's actually a
24 peak hour capacity.

25 Q Okay. Now, in obtaining that 792,000 gallons per

1 day, we just want to confirm the methodology you used to get to
2 that number. It appears that you multiplied the 550 gallons
3 per minute times 60 minutes per hour times 24 hours a day. Is
4 that the correct methodology?

5 A Right, and that's where the number 1,440 comes from.
6 If you take the 60 minutes in an hour times 24 hours, that's
7 how you get 1,440, and that number has been discussed today,
8 but anyway, that's correct. That's how you get that.

9 Q And that's how you obtained the 792,000 for that
10 well?

11 A Right.

12 Q And in your opinion, is that methodology a reasonable
13 way to calculate well capacity?

14 A For an individual well, right. And actually, let me
15 correct something because I just said that that was actually
16 peak hour. Actually, on Well Number 1 because it goes into an
17 elevated tank, it's more like peak day, not peak hour in that
18 particular case. But I've run through an analysis of the
19 city's water system, their treatment plants, as far as their
20 capability with the wells, with their tanks, and the high
21 service pumps to confirm what I feel is their maximum day
22 capacity.

23 Q Okay. And since you brought up the issue of elevated
24 storage tanks, does the city have a ground storage tank or an
25 elevated storage tank?

1 A They have both. They actually have three tanks.

2 Q How many of those are ground storage, and how many of
3 those are elevated?

4 A We have one 200,000 gallon ground storage tank and
5 one 100,000 gallon elevated and one 75,000 elevated tank.

6 Q Okay. Now, let me get back to the issue of the
7 calculations. On -- you also indicate there's a Well 3 and a
8 Well 5; is that correct?

9 A Right.

10 Q And did you use the same methodology to calculate the
11 gallons per minute and the gallons per day for those two wells
12 as well?

13 A Yes, except at some point you have to figure that
14 your largest well would be out of service, though, when you
15 start looking at firm capacity of the plant. So those are
16 things you take into account, because at some point, you are
17 going to have maintenance on the well, or you could have an
18 electrical problem or pump failure.

19 Q For the numbers that are in your testimony, were
20 those just based on the individual well capacities?

21 A Right, yes.

22 Q Okay. Now, are you familiar with the city's monthly
23 operating reports?

24 A Yes, I am.

25 Q Okay. There were some monthly operating reports that

1 were attached to Mr. Yarborough's testimony.

2 MS. BROWNLESS: To his deposition?

3 MS. CHRISTENSEN: Yes, I'm sorry, to his deposition.
4 They were entered as Late-filed Exhibit 5 on the deposition.

5 MS. BROWNLESS: Can you give us a minute so we can
6 find those, please.

7 MS. CHRISTENSEN: Sure. You want to me indicate
8 which ones I'm specifically referring to?

9 MS. BROWNLESS: That would be good.

10 COMMISSIONER JABER: What was your request,
11 Ms. Brownless?

12 MS. BROWNLESS: Ms. Christensen has indicated that
13 some monthly operating reports were filed in response to
14 Mr. Yarborough's deposition, and we filed that as Late-filed
15 Exhibit -- Deposition Exhibit Number 5, and I've asked that she
16 give us a chance to indicate what she's talking about.

17 MS. CHRISTENSEN: I'm specifically referring to the
18 MORs for May 2001.

19 THE WITNESS: Okay.

20 COMMISSIONER JABER: Go ahead, Ms. Christensen.

21 BY MS. CHRISTENSEN:

22 Q Are you familiar with those? Have you had a chance
23 to look at them and make sure that you are familiar with those
24 documents?

25 A May 2000 or 2001?

1 Q 2001, May 2001.

2 A 2001. Okay. All right.

3 Q Are you familiar with those? And are there two of
4 those documents for May?

5 A Yes.

6 Q And can you clarify why there are two of those, there
7 would be two of those?

8 A They actually have two plants. Plant Number 1 is the
9 one that's in the downtown area, which is -- it's Pomelo
10 Street. I think that's what they call Plant 1. And Plant 2 is
11 on Sampey Road, which is their newer plant. Somewhere on
12 there --

13 Q Okay. At this time, I would -- I'm sorry.

14 A Somewhere on there, it's -- yeah, about a third of
15 the way down under treatment plant has names. Plant 1 it says,
16 "Pomelo Street," and then Plant 2 is the Sampey Road plant.

17 Q Okay. So there's two separate plants, basically, and
18 two separate reports for each of those for the month?

19 A Right.

20 Q And are you familiar with the contents of these
21 reports?

22 A Yes.

23 MS. CHRISTENSEN: At this time I would ask to go
24 ahead and mark these as an exhibit. And I believe -- I'm not
25 sure which one we're up to.

1 MS. BROWNLESS: Seventeen.

2 MS. CHRISTENSEN: Seventeen.

3 COMMISSIONER JABER: Ms. Christensen, they are the
4 monthly operating reports submitted as Late-filed
5 Exhibit Number 5 to Mr. Yarborough's deposition?

6 MS. CHRISTENSEN: That was correct. I think we can
7 probably short title it as MORs for May 2001.

8 COMMISSIONER JABER: That shall be marked as
9 Exhibit Number 17.

10 (Exhibit 17 marked for identification.)

11 BY MS. CHRISTENSEN:

12 Q Okay. Now, referring to May, according to the MORs,
13 the city's MORs, May 2001, in these MORs is the peak day for
14 both plants was May 26th, 2001 with flows of 949,000 gallons at
15 Plant 2, and is at the Sampey Road plant, and 66,000 gallons
16 per day at Plant 1, the Pomelo Street plant; is that correct?

17 A Yes. And I've actually put together a spreadsheet
18 which summarizes all of their MORs, and I came up with a
19 1,015,000 gallons for that peak period.

20 Q Okay. That answers my question. Thank you. And let
21 me turn your attention to Page 6 of your direct testimony. And
22 on Page 6 of your direct testimony, Lines 6 through 8, you
23 refer to using the flow design standards set forth in Chapter,
24 what is that, 6D, Policy 6D-1.3, potable water sub-element,
25 public facilities element 9J-5.011(2) of the Lake County

1 comprehensive plan; is that correct?

2 A Right.

3 Q Can you provide us with a copy that section to which
4 you are referring to on which you did that calculation? And if
5 you don't have a copy of it here today, could you provide it as
6 a late-filed exhibit?

7 A Okay. That's fine.

8 MS. BROWNLESS: Can you identify that again, please.

9 COMMISSIONER JABER: Hang on.

10 A Just the ordinance or the calculation itself?

11 Q I'm sorry, what?

12 A Just the ordinance or the calculation itself or --

13 Q We would ask for both, a copy of the ordinance -- the
14 portion of the ordinance specifically that you referred to in
15 your testimony, as well as the calculation that you did based
16 on that.

17 A Okay.

18 COMMISSIONER JABER: Late-filed Exhibit Number 18.

19 It's identified for Staff. It's the copy of the Policy
20 6D-1.3 referred to on Page 6 of Mr. Mittauer's testimony and
21 the calculations that he made using that rule.

22 (Late-Filed Exhibit 18 identified.)

23 MS. CHRISTENSEN: Correct.

24 COMMISSIONER JABER: Mr. Mittauer, how long will it
25 take you to provide that?

1 THE WITNESS: I have the calculation here. Somebody
2 could go photocopy it. And I don't know if I've got a copy of
3 the ordinance; probably not because it's probably in the office
4 in a binder. But I have the calculation here if you'd like it.

5 COMMISSIONER JABER: So within seven days, within
6 seven days.

7 THE WITNESS: Oh, that's fine. Sure. And file it
8 through Suzanne's office?

9 MS. BROWNLESS: Yes, please.

10 COMMISSIONER JABER: Give it to your attorney.
11 She'll take care of filing it for you. Go ahead,
12 Ms. Christensen.

13 BY MS. CHRISTENSEN:

14 Q Okay. And I needed to clarify something because it
15 was brought up at the beginning of the -- your testimony. When
16 we were talking -- when you were, I guess, modifying your
17 testimony, I'm referring to Page 5, Line 5.

18 A Okay.

19 Q And originally, your testimony said the extension of
20 this line is approximately 13,000 feet to the Summit
21 development.

22 A Correct.

23 Q Now, can you please clarify for me, extension from
24 where to where was going to take about 13,000 feet.

25 A That was going to be from the Garden City project to

1 the entrance to the Summit development.

2 Q Okay. Subsequently, you modified that number to
3 3,000 feet. Can you please clarify from where to exactly where
4 you are now talking about.

5 A And actually, what I had said was there was two
6 numbers, 3,000 and the other number was 7,000 feet. What's
7 happened is, the city has constructed almost another 7,000 feet
8 of water main beyond the Garden City project. And to go from
9 that terminus, which is what we call the slough, Cherry Lake
10 slough, which is on that revised exhibit --

11 Q Now, looking at your maps, from the terminus where it
12 is --

13 A Right, if you look at the prior generation of this
14 Exhibit 3 --

15 Q Can you show the Commissioners because they're the
16 ones that really need to know?

17 A You will find that part of this line was dotted,
18 also, indicating that it had not been constructed yet, and
19 what's happened now is, the remainder of that has been
20 constructed, so the footage has shortened. And what we are
21 proposing is either extend the line from that terminus point
22 currently to the nearest point of the development, which is
23 3,000 feet, or to continue down County Road 478 and tie-in to
24 the main entrance. So there's kind of two options, and
25 deciding where to really end would be something, you know, we

1 might sit down with the developer or something when we get to
2 that point.

3 Q Okay. So let me clarify. Is it your testimony that
4 from the terminus at the slough of Cherry Lake -- which is
5 where the solid line ends on your revised exhibit; correct?

6 A Right.

7 Q -- to the closest entrance point at the Summit HUD is
8 3,000 feet?

9 A The closest tie-in point, yeah, versus -- I think
10 there's a maintenance building or something there, something
11 like that.

12 Q Okay. And then the second option, which would
13 correspond to your original testimony, is from the terminus of
14 the slough to the entrance of the Summit PUD. How many feet
15 was that?

16 A That's another 4,000, which gives you the 7,000
17 total.

18 Q Okay. So those were the two numbers?

19 A Right, 3,000 versus 7,000. They are not cumulative;
20 there's one or the other.

21 MS. CHRISTENSEN: That clarifies my question. Thank
22 you. I have no further questions. No further questions.

23 COMMISSIONER JABER: Thank you, Ms. Christensen.
24 Commissioners, do you have questions before Ms. Brownless
25 redirects?

1 COMMISSIONER PALECKI: I have just one quick
2 question. Any of the further construction, is it going to be
3 built using the DEP grant or is this all --

4 THE WITNESS: No.

5 COMMISSIONER PALECKI: -- city funds?

6 THE WITNESS: It would be city funds.

7 COMMISSIONER PALECKI: And what has been constructed
8 thus far? How much of it was paid for? What total costs have
9 you incurred thus far, and how much was it paid for by the
10 grant?

11 THE WITNESS: Round numbers, the total project from
12 Jim Payne to where the project ends right now is the \$500,000,
13 and the grant was 391,000.

14 COMMISSIONER PALECKI: Thank you.

15 THE WITNESS: So the remainder was city funds.

16 COMMISSIONER JABER: I think that answers the
17 question, though, total project. Commissioner Palecki, you
18 also asked what has been expended so far, right, and who was
19 responsible?

20 THE WITNESS: And that's a number that includes
21 engineering fees and so forth, inspection services.

22 COMMISSIONER PALECKI: The 500,000, is that for the
23 total project, or what has been constructed thus far?

24 THE WITNESS: That's the total project from Jim Payne
25 to where it ends right now.

1 COMMISSIONER PALECKI: So that's how far you've
2 gotten?

3 THE WITNESS: Right. That's how far its gone.

4 COMMISSIONER PALECKI: Thank you.

5 COMMISSIONER JABER: Ms. Brownless.

6 MR. MENTON: Commissioner, before we do redirect, I
7 was wondering if I could go ahead. I should have marked my
8 exhibits when I was referring to them earlier, and I didn't do
9 that.

10 COMMISSIONER JABER: Which exhibit?

11 MR. MENTON: The ones that I was -- I showed to
12 Mr. Mittauer. They would be -- the first one is the
13 March 22nd, '99 memo from Mr. Knight -- or fax.

14 COMMISSIONER JABER: Hang on a second, Mr. Menton.
15 Okay. The March 22nd, '99 memo?

16 MR. MENTON: Yes, fax transmittal. And then the next
17 one was the 6/14/99 fax transmittal from Knight Engineering.

18 COMMISSIONER JABER: All right.

19 MR. MENTON: And then the next one was the draft
20 letter that had the mark-outs on it originally dated May 14th
21 and then handwritten June 14th underneath.

22 COMMISSIONER JABER: I'm not marking them yet,
23 Mr. Menton, because I'm trying to determine what they are so
24 that we can figure out if they need to be a composite exhibit
25 or identified separately.

1 MR. MENTON: Okay.

2 COMMISSIONER JABER: Was that it?

3 MR. MENTON: No, they were two more. There were the
4 letter, June 14th from Mr. Yarborough to DEP, and then the last
5 one -- I believe all of those could probably been one composite
6 exhibit, if you wanted to do it that way.

7 COMMISSIONER JABER: Composite Exhibit 19 will be the
8 memo from Knight Engineering dated 3/22/99 with the attached
9 map. The memo dated June 14th, 1999, actually, that's a
10 letter, and the marked up draft letter that is handwritten
11 dated June 14th, 1999, and the Knight Engineering memo dated
12 June 14th, 1999 are marked as Exhibit 19.

13 (Exhibit 19 marked for identification.)

14 MS. BROWNLESS: Commissioner, with regard to this
15 exhibit, this exhibit is part of a larger deposition exhibit.
16 Mr. Yarborough's Deposition Exhibit Number 5, and I believe
17 that the evidence code provides that where portions of a
18 document are used, that the opposing party has the ability to
19 insert the entire document into the record.

20 COMMISSIONER JABER: Which exhibit, Ms. Brownless?

21 MS. BROWNLESS: It's Deposition Exhibit Number 5 to
22 Mr. Yarborough's testimony.

23 COMMISSIONER JABER: Yeah, but is this related to
24 what Mr. Menton is trying to --

25 MS. BROWNLESS: It is the complete document that was

1 provided in response to his request for the application for the
2 Garden City extension. And I think we are entitled to have
3 that complete document inserted into the record if he's going
4 to put pieces in.

5 COMMISSIONER JABER: Are these memorandums responses
6 to late-filed exhibits to the deposition?

7 MR. MENTON: They were -- I'm sorry.

8 COMMISSIONER JABER: Go ahead, Mr. Menton.

9 MR. MENTON: They are documents that were produced
10 following the deposition, but the rule that Ms. Brownless is
11 talking about in terms of offering other parts of a document,
12 it refers to one integral document, not to something that has
13 come in as a composite exhibit to an deposition which involved
14 various different pieces to begin with.

15 COMMISSIONER JABER: I want to note for all of you
16 that all we're doing is marking them. I haven't decided on
17 moving them. We are not done with the witness. You have made
18 the assumption that Mr. Menton is going to ask that they be
19 admitted into the record. I think he's just identifying --
20 he's asked me to identify a composite exhibit, and that's
21 Number 19. And they are the memos and the letters that I
22 referenced, so show that done. Now, you were about to ask me
23 for a separate exhibit number on --

24 MR. MENTON: Number 20, on the model. I think that's
25 a totally different subject, so I think that's a different

1 number.

2 COMMISSIONER JABER: Exhibit 20 will be the Mittauer
3 models consisting of two sheets.

4 (Exhibit 20 marked for identification.)

5 COMMISSIONER JABER: Now, Ms. Brownless, you have
6 redirect.

7 MR. MENTON: Excuse me, Commissioner, I'm sorry. The
8 other one was just that third sheet that Mr. Mittauer referred
9 to, the topography sheet from the master plans. I would
10 include that with the other sheets that we had requested
11 before.

12 COMMISSIONER JABER: Let's do it separately.
13 Exhibit 21 will be Cover Sheet 3.

14 MS. BROWNLESS: I think it's Sheet Number 3. There
15 is a separate cover sheet. I think it's Sheet Number 3.

16 COMMISSIONER JABER: Sheet Number 3. Is there a
17 short title to that map?

18 MS. CHRISTENSEN: Summit map PUD. I think it's the
19 construction plans, Summit construction plans.

20 COMMISSIONER JABER: Sheet 3 from the site
21 construction?

22 MS. CHRISTENSEN: Summit.

23 COMMISSIONER JABER: Summit construction. That's
24 Exhibit 21.

25 (Exhibit 21 marked for identification.)

1 COMMISSIONER JABER: Any other exhibits, Mr. Menton?

2 MR. MENTON: No, ma'am. Thank you.

3 COMMISSIONER JABER: Ms. Brownless.

4 MS. BROWNLESS: Thank you.

5 REDIRECT EXAMINATION

6 BY MS. BROWNLESS:

7 Q You were asked questions by Mr. Menton concerning the
8 cost of extension of the line from Cherry Lake slough to the --
9 for 3,000 feet. Do you remember those questions?

10 A Yes.

11 Q And can you just clarify for the record what the cost
12 of that extension would be?

13 A For the 3,000 feet?

14 Q Yes, sir.

15 A We've got a total budget number, project number of
16 \$145,000. That also includes engineering services, as well as
17 a 15 percent contingency fee or line item. So we're looking at
18 a construction estimate of \$103,000, and the rest of it is
19 contingency, construction contingency and engineering services.

20 Q Mr. Mittauer, did you prepare an exhibit which
21 supports that \$145,000 figure?

22 A I put together a correction cost estimate.

23 Q And was that exhibit provided to Mr. Menton as a
24 late-filed exhibit to your deposition?

25 A I believe it was.

1 MS. BROWNLESS: We'd like to mark that exhibit as --

2 MR. MENTON: Commissioner, I would object because
3 there's never been an effort to file supplemental testimony or
4 to update his testimony prior to today. So I don't think that
5 she can come in and try to add additional testimony at this
6 point in the game.

7 COMMISSIONER JABER: Ms. Brownless.

8 MS. BROWNLESS: Mr. Menton asked very detailed
9 questions about the \$145,000 estimate. He asked questions
10 about the breakdown between engineering costs and actual
11 construction costs. These are contained on Mr. Mittauer's
12 exhibit, and we're offering it for the benefit of having the
13 best and most detailed information in the record.

14 MR. MENTON: Commissioner, if I could respond to
15 that. I asked him questions about the 228,000 for the
16 7,000-foot extension. I don't think I asked him any questions
17 about the 3,000-foot extension.

18 COMMISSIONER JABER: Staff, clarify for me. I
19 thought you did.

20 MS. CHRISTENSEN: Commissioners, what we asked is how
21 long the extension would be. We didn't go into the cost of it.
22 Although, I do believe Commissioner Palecki may have been
23 asking some questions regarding that. That may be -- or at
24 least where the cost would come from. So to that extent --

25 COMMISSIONER JABER: I'm going to allow it. We'll

1 identify it as Exhibit 22. And Ms. Brownless, give me a short
2 title.

3 MS. BROWNLESS: This is a composite exhibit with both
4 the -- for both the 3,000 feet and the 7,000 feet; is that
5 correct?

6 COMMISSIONER JABER: Somebody moved a chair. Costs
7 for the 3,000 feet?

8 MS. BROWNLESS: It's two sheets. One is for the
9 3,000 feet, and one is for the 7,000 feet.

10 COMMISSIONER JABER: But what is it? Are they --

11 MS. CHRISTENSEN: Cost studies.

12 MS. BROWNLESS: Sheet cost estimates.

13 COMMISSIONER JABER: Exhibit 22 identified for sheet
14 cost estimates.

15 (Exhibit 22 marked for identification.)

16 MS. CHRISTENSEN: Construction cost estimates; right?

17 MS. BROWNLESS: Yeah, construction cost estimates,
18 that's better. Why don't we say city construction cost
19 estimates?

20 COMMISSIONER JABER: Okay. Go on.

21 MS. BROWNLESS: Thank you.

22 BY MS. BROWNLESS:

23 Q You were also asked some questions regarding the
24 Garden City subdivision grant application; is that correct?

25 A Yes.

1 Q The documents that Mr. Menton identified were part of
2 a larger exhibit, were they not? If you know, great; if you --

3 A Oh, yes, ma'am.

4 Q Thank you. Okay. You were asked by Mr. Menton some
5 questions concerning sewer capacity at the city's sewer
6 treatment plant and questions concerning the extension of sewer
7 lines from those plants.

8 A Right.

9 Q Okay. Does your testimony -- the testimony that you
10 entered into the docket here are the cost estimates there
11 premised upon -- oh, I'm so tired, I can't think. Let me think
12 here. Hold on a minute. I can do this if I look at your
13 testimony.

14 MR. MENTON: I can save us some time and interject an
15 objection here as beyond the scope of cross because I don't
16 believe I asked him about the cost estimate.

17 MS. BROWNLESS: I think you asked him about the
18 extension of lines, did you not?

19 MR. MENTON: I did, but I don't think I asked him
20 anything about the cost estimate.

21 MS. BROWNLESS: Okay. You just asked about the
22 extension of lines? Okay.

23 THE WITNESS: I think he asked for --

24 COMMISSIONER JABER: Mr. Mittauer --

25 (Simultaneous conversation.)

1 BY MS. BROWNLESS:

2 Q Okay. You were asked some questions concerning
3 the --

4 COMMISSIONER JABER: Ms. Brownless, there's been an
5 objection with respect to your question.

6 MS. BROWNLESS: We'll withdraw it, Commissioner.

7 COMMISSIONER JABER: Thank you.

8 BY MS. BROWNLESS:

9 Q You were asked some questions with regard to fire
10 flow capacity on the part of the city; is that correct?

11 MR. MENTON: Commissioner, again, it's getting late,
12 and I may have asked some questions I don't remember, but I had
13 on my little list some questions on fire flow, and I
14 deliberately excluded them.

15 COMMISSIONER JABER: Ms. Brownless.

16 MS. BROWNLESS: Okay. Let me rephrase this.

17 BY MS. BROWNLESS:

18 Q You prepared a hydraulic study that's been identified
19 as Exhibit 20; correct?

20 A Yes.

21 Q And this is hydraulic modeling, is it not?

22 A Yes.

23 Q Okay. Page 2 of this exhibit identifies the amount
24 of PSI delivered at the entrance or -- delivered to the Summit;
25 is that correct?

1 A That's correct.

2 Q Okay. I want to clarify, you indicated that in order
3 to maintain 20 PSI within the Summit that additional facilities
4 would be needed; correct?

5 A For fire protection.

6 Q Okay. To meet fire code; is that right?

7 A Right.

8 Q And I just want to clarify for the record, those
9 would be the responsibility of the developer; correct?

10 A Yes.

11 Q Thank you. You were asked in the MORs concerning the
12 MORs for May, were you not, of 2000?

13 A Yes, 2001.

14 Q 2001. And I think you may have gotten some of the
15 information confused. Can you go back and look and see what
16 the number was for Power Plant 1?

17 A You mean Water Plant 1?

18 Q Yes, Water Plant 1.

19 A It's been a long night. Now, this is the City of
20 Groveland now we're talking about?

21 Q Yes.

22 A And you are talking about max day?

23 Q Yes.

24 A And actually, what she did properly was that she
25 looked at the peak days for both plants independently. One was

1 on the 26th was the peak day, and the other one -- that was
2 Plant 2. And Plant 1, the peak day was the 20th. And what I'm
3 sure Staff had done was, they added the flows for both of the
4 days -- the same days at both plants, and they found that the
5 latter being the 26th was actually the highest combination. So
6 they added the 66,000 gallons per day at Plant 1 plus the
7 949 at Plant 2. And I don't think she actually gave us a
8 number, but I had calculated the number. It's something just
9 over a 1,015,000 gallons per day.

10 Q All I'm trying to clarify here is that the max day
11 for Plant 1 was the 949, and the max day for Plant 2 was 66.

12 A Actually, it's the other way around. Plant 2 was
13 949. Plant 1, the maximum day that corresponded to the maximum
14 day for Plant 2 was 66, but if you look at just Plant 1 by
15 itself, the max day is actually 225, but it's on a different
16 day when the flow at Plant 2 was much lower. But when you
17 combine the two together, the maximum day was on the 26th of
18 the month.

19 Q Great. Thank you. You indicated that you prepared a
20 summary schedule of the MORs of the City of Groveland; is that
21 correct?

22 A Right. I found it very annoying to have to flip
23 through all these things, so I put together a summary
24 spreadsheet which is much easier to read.

25 MS. BROWNLESS: Get ready to object.

1 Q Is this the summary spreadsheet that you prepared,
2 Mr. Mittauer?

3 MR. MENTON: Commissioner Jaber, at this point this
4 exhibit wasn't even produced at his deposition or as a
5 late-filed to his deposition. This is even beyond the
6 supplemental stuff that we've gotten already and has been
7 allowed.

8 COMMISSIONER JABER: Ms. Brownless.

9 MS. BROWNLESS: That's true. We are offering it
10 simply as a table which shows the MORs of the city.

11 COMMISSIONER JABER: I specifically remember
12 Ms. Christensen only asking about the May 2001 MOR, so I am
13 going to sustain the objection. And let us all move on.

14 MS. BROWNLESS: Thank you. Yes, ma'am. That's all
15 we have. Thank you, ma'am.

16 COMMISSIONER JABER: Thank you. Let's talk about
17 exhibits. That is the last thing we have left; right?

18 Mr. Mittauer, thank you very much for your testimony,
19 and I appreciate that you stayed in here as long as you did
20 tonight.

21 (Witness excused.)

22 COMMISSIONER JABER: All right. I have -- the
23 first exhibit for Mr. Mittauer was Exhibit Number 16, and that
24 was JAM-1 through JAM-6, Ms. Brownless.

25 MS. BROWNLESS: Let me find my list, Commissioner,

1 please. I'm sorry. I can't find my exhibit list.

2 MR. MENTON: Commissioner, I was trying to
3 determine -- I know that in his prefiled he had three exhibits,
4 and I know there was one map that was an update of JAM-3. I
5 might have been asleep at the point when we got to 4 and 5, but
6 I wasn't sure what 4 and 5 were.

7 COMMISSIONER JABER: What is your question,
8 Mr. Menton?

9 MR. MENTON: You identified JAM Exhibits 1 through 6,
10 and his prefiled testimony had three exhibits to it, and there
11 was update to one of the maps, which was JAM-3. And I wasn't
12 sure what 4 and 5 were, the other two were.

13 MS. BROWNLESS: Okay. I think what was identified as
14 Exhibit Number 16 was JAM-1 through 6 and the revised JAM-3R.

15 COMMISSIONER JABER: Mr. Menton, those were all
16 attached to his testimony.

17 MR. MENTON: Okay. I'm sorry.

18 COMMISSIONER JABER: Four and 5, they are all
19 attached to his testimony. And if you refer to the prehearing
20 order, 4 is the warning letter.

21 MR. MENTON: Okay. I'm sorry, I apologize.

22 COMMISSIONER JABER: Okay. Ms. Brownless, my
23 questions to you is, are you ready to move in Exhibit 16?

24 MS. BROWNLESS: Yes, ma'am.

25 COMMISSIONER JABER: Show Exhibit 16 moved into the

1 record without objection.

2 (Exhibit 16 admitted into the record.)

3 COMMISSIONER JABER: Staff, Exhibit 17 was yours?

4 MS. CHRISTENSEN: Yes. Staff would ask at this time
5 that Exhibit 17 be moved into the record.

6 COMMISSIONER JABER: Exhibit 17 will be moved into
7 the record without objection.

8 (Exhibit 17 admitted into the record.)

9 COMMISSIONER JABER: Mr. Menton --

10 MS. BROWNLESS: What is Late-filed Exhibit 17 again,
11 Staff?

12 MS. CHRISTENSEN: I'm sorry. That was Late-filed
13 Exhibit 18, and that's Chapter 6D of the comprehensive plan,
14 but since it's late-filed we're not intending on moving it at
15 this time.

16 COMMISSIONER JABER: Ms. Brownless, I'm reading out
17 the exhibits.

18 MS. BROWNLESS: Thank you.

19 COMMISSIONER JABER: Sixteen is the one we moved in;
20 that was yours. Seventeen was Staff's; we've moved that in.
21 That was the monthly operating reports.

22 MS. BROWNLESS: For May of 2001?

23 COMMISSIONER JABER: Right. Exhibit 18 was a
24 late-filed exhibit that Staff requested related to Page 6, I
25 believe, of Mr. Mittauer's testimony.

1 MS. BROWNLESS: Thank you. And that's the Chapter
2 5-A policy?

3 MS. CHRISTENSEN: Six.

4 COMMISSIONER JABER: That's right.

5 MS. BROWNLESS: Yes, ma'am.

6 COMMISSIONER JABER: So now we're on Exhibit 19, and
7 those are the memorandums and letters. And Mr. Menton, that's
8 your exhibit.

9 MR. MENTON: And I would move that one, Commissioner.

10 MS. BROWNLESS: And again, we would renew --

11 COMMISSIONER JABER: I'm sorry?

12 MR. MENTON: I would move that exhibit.

13 COMMISSIONER JABER: Ms. Brownless.

14 MS. BROWNLESS: Yes, ma'am. And again, we would
15 renew this objection. And we would request that the entire
16 deposition exhibit of Mr. Yarborough, which is Deposition
17 Exhibit Number 5, be inserted into the record and not just
18 these pieces.

19 COMMISSIONER JABER: Mr. Menton, do you have any --
20 and we've moved -- or we've at least identified one more
21 exhibit from the deposition of Mr. Yarborough; right? That was
22 Exhibit, was it, 22? In any case, Mr. Menton, do you have any
23 objections to identifying all of the late-filed deposition
24 exhibits?

25 MR. MENTON: Given the hour, Commissioner, no.

1 COMMISSIONER JABER: Let me be clear -- and that
2 would satisfy your concern, Ms. Brownless; correct?

3 MS. BROWNLESS: Yes, ma'am.

4 MS. CHRISTENSEN: Is that all the late-filed exhibits
5 from -- excuse me -- from Mr. Yarborough's --

6 COMMISSIONER JABER: Ms. Christensen, wait a minute.
7 Let me be clear. Those are the late-filed deposition exhibits
8 to Mr. Yarborough's deposition?

9 MS. BROWNLESS: Yes, it is Deposition Exhibit Number
10 2 to Mr. Yarborough's deposition.

11 COMMISSIONER JABER: Can we include all of that into
12 Exhibit 19 and take care of this?

13 MR. MENTON: That's fine.

14 MS. BROWNLESS: Yes, ma'am.

15 COMMISSIONER JABER: Staff, you were going to say
16 something.

17 MS. CHRISTENSEN: I'm sorry. I just wanted to
18 clarify if that's -- if we were talking about Mr. Yarborough's
19 deposition because that's where those were from. No objection
20 for what was late-filed or identified as Late-filed Exhibit 5
21 in the deposition.

22 MS. BROWNLESS: Now, Commissioner, before we move on.
23 I understand the hour is late. Part of the entire exhibit for
24 Mr. Yarborough's testimony is the Map 35263167. And if you
25 look at the DEP water services map up there, it's the blob

1 that's associated with Garden City on that map.

2 COMMISSIONER JABER: Now, you said "his testimony,"
3 do you mean his deposition?

4 MS. BROWNLESS: His deposition exhibit. This is Page
5 2. And we would request that the entire DEP map be placed in
6 the record because this is only a portion.

7 COMMISSIONER JABER: What was provided as a
8 late-filed exhibit to the deposition, the entire map or the
9 portion of the map?

10 MS. BROWNLESS: The portion that includes Hunt
11 Island, 478/Cherry Lake Road, Garden City.

12 COMMISSIONER JABER: See, you just expanded what you
13 asked for. You objected to Exhibit 19 of Mr. Menton's, and you
14 wanted to allow all of the deposition exhibits that were
15 late-filed to Mr. Yarborough's deposition, and that's what I'm
16 allowing as Exhibit Number 19. And with that, you don't have
17 an objection.

18 MS. BROWNLESS: No. I have an objection -- well,
19 this is a two-part. This is two parts. I don't think -- I
20 think Mr. Menton should be required to include the entire
21 deposition exhibit. So I think the entire deposition should be
22 in. Now --

23 COMMISSIONER JABER: His entire deposition or his
24 exhibits?

25 MS. BROWNLESS: His entire deposition exhibit. I'm

1 sorry, I'm not articulating well. Now, once that entire
2 deposition is in, because I have no objection to that, then my
3 second request is that the DEP map of which a section is
4 included in the entire Yarborough deposition be admitted
5 because this is just a portion of the larger map.

6 COMMISSIONER JABER: Ms. Brownless, did we not
7 officially recognize that DEP map based on the affidavit that
8 you all stipulated?

9 MS. BROWNLESS: We have judicially recognized it, but
10 of course, as Mr. Menton will correctly argue, judicial
11 recognition goes only to authenticity. It does not go to
12 admissibility or being admitted into the record, and I don't
13 think we've tendered the map to be admitted.

14 COMMISSIONER JABER: Mr. Menton, what is your
15 response to all of this? And I have not moved in Exhibit 19
16 yet.

17 MR. MENTON: Commissioner, I had agreed to introduce
18 the whole deposition exhibit in an effort to try to speed
19 things along. If I knew that she was going to try to piggyback
20 off of that into some other area, I wouldn't have gone along
21 with it. I think that her suggestion that because a deposition
22 exhibit, a composite exhibit at a deposition includes certain
23 documents that somehow that brings all of those documents
24 within the scope of making something complete is incorrect as a
25 matter of law. What -- that provision that she's talking about

1 is when you offer one portion of a deposition and you want to
2 offer the other portions of the deposition which are integrally
3 related to it into the record. And it doesn't --

4 COMMISSIONER JABER: What rule is that? What rule is
5 that, Mr. Menton?

6 MS. CHRISTENSEN: 90.108.

7 MS. BROWNLESS: 90.108(1).

8 COMMISSIONER JABER: Okay.

9 MR. MENTON: And I think that it doesn't apply to
10 composite exhibits of the deposition, which is what she's
11 attempting to do here. I agreed to it just to speed things
12 along, but if she's going to try to grandfather in and claim
13 that somehow I've agreed to the relevancy and other issues
14 related to this map -- I've tried to agree to the authenticity
15 to speed things along, and we can argue about, you know,
16 relevancy and all that later on, but I'm not going to let her
17 back door this on me.

18 COMMISSIONER JABER: We will revisit Exhibit 19 and
19 what should be included in that first thing in the morning.

20 MS. BROWNLESS: Thank you.

21 COMMISSIONER JABER: We are not going to discuss that
22 exhibit anymore this evening, but -- we aren't. We aren't as a
23 group; you two will. You two need to sit down and look at the
24 deposition exhibits to Mr. Yarborough's deposition and be ready
25 tomorrow morning to give me a list or an agreement with respect

1 to what should be included in the Exhibit 19, and we'll talk
2 about it then.

3 Mr. Menton, Exhibit 20.

4 MR. MENTON: Yes, Commissioner. I would move
5 Exhibit 20.

6 COMMISSIONER JABER: Without objection, Exhibit 20 is
7 moved into the record.

8 (Exhibit 20 admitted into the record.)

9 COMMISSIONER JABER: Exhibit 21, that was Sheet
10 3 from the construction plan, Mr. Menton?

11 MR. MENTON: Yes. I would move Exhibit 3 (sic).

12 COMMISSIONER JABER: Without objection, Exhibit 21 is
13 moved into the record.

14 (Exhibit 21 admitted into the record.)

15 COMMISSIONER JABER: Exhibit 22, Ms. Brownless.

16 MS. BROWNLESS: Those are the construction costs
17 associated with the 3,000 feet and 7,000 feet extension
18 prepared by Mr. Mittauer.

19 COMMISSIONER JABER: Right. And do you want them
20 moved into the record?

21 MS. BROWNLESS: Yes, ma'am, please.

22 COMMISSIONER JABER: Without --

23 MR. MENTON: I'll withdraw it.

24 MS. CHRISTENSEN: You haven't even made it yet.

25 COMMISSIONER JABER: Without objection, Exhibit 22 is

1 moved into the record.

2 (Exhibit 22 admitted into the record.)

3 COMMISSIONER JABER: Now, Staff, that's the last
4 exhibit on my list. I will note that for these exhibits you
5 didn't have copies for all of the parties. Some exhibits,
6 Ms. Brownless, the court reporter I'm not sure got a copy of
7 Exhibit 22, so I will count on you and Mr. Menton to provide
8 copies to the court reporter, to Staff, and to each other of
9 these exhibits.

10 MS. BROWNLESS: Thank you.

11 COMMISSIONER JABER: We are going to adjourn for the
12 evening. We will pick up tomorrow morning at 9 a.m. To the
13 degree you all know what you are doing tomorrow, please
14 communicate with each other. If you saw me be flexible today,
15 please don't count on that tomorrow. The hearing is adjourned.

16 (Hearing recessed at 8:55 p.m. and will resume at
17 9:00 a.m. on July 12, 2001, at the same location.)

18 (Transcript continues in sequence with Volume 4.)

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1 STATE OF FLORIDA)

2 : CERTIFICATE OF REPORTER

3 COUNTY OF LEON)

4

5 I, TRICIA DeMARTE, Official Commission Reporter, do hereby
6 certify that the foregoing proceeding was heard at the time and
7 place herein stated.

8

9 IT IS FURTHER CERTIFIED that I stenographically
10 reported the said proceedings; that the same has been
11 transcribed under my direct supervision; and that this
12 transcript constitutes a true transcription of my notes of said
13 proceedings.

14

15 I FURTHER CERTIFY that I am not a relative, employee,
16 attorney or counsel of any of the parties, nor am I a relative
17 or employee of any of the parties' attorneys or counsel
18 connected with the action, nor am I financially interested in
19 the action.

20

21 DATED THIS 26TH DAY OF JULY, 2001.

22

23

Tricia DeMarte

24

TRICIA DeMARTE
FPSC Official Commission Reporter
(850) 413-6736

25