

JAMES E. "JIM" KING, JR.
President



Harold McLean
Public Counsel

ORIGINAL

STATE OF FLORIDA
OFFICE OF PUBLIC COUNSEL

c/o THE FLORIDA LEGISLATURE
111 WEST MADISON ST.
ROOM 812
TALLAHASSEE, FLORIDA 32399-1400
850-488-9330
EMAIL: OPC_WEBSITE@LEG.STATE.FL.US
WWW.FLORIDAOPC.GOV

JOHNNIE BYRD
Speaker



Stephen C. Reilly
Associate Public Counsel

September 13, 2004

Ms. Blanca S. Bayó, Director
Division of the Commission Clerk
and Administrative Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0870

RE: Docket No. 030444-WS

Dear Ms. Bayó:

Enclosed are an original and fifteen copies of a Petition on Proposed Agency Action for filing in the above-referenced docket.

Also enclosed is a 3.5 inch diskette containing the Petition on Proposed Agency Action in Microsoft Word format. Please indicate receipt of filing by date-stamping the attached copy of this letter and returning it to this office. Thank you for your assistance in this matter.

RECEIVED-FPSC
04 SEP 13 PM 3:19
COMMISSION
CLERK

Sincerely,

Stephen C. Reilly
Associate Public Counsel

CMP _____
COM 5
CTR _____
ECR _____
GCL SCR/dsb
OPC _____
MMS _____
RCA _____
SCR _____
SEC 1
OTH Kim P

RECEIVED & FILED

FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

09958 SEP 13 04

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for rate increase)
in Bay County by Bayside Utility)
Services, Inc.)

Docket No. 030444-WS
Filed: September 13, 2004

PETITION ON PROPOSED AGENCY ACTION

The Citizens of the State of Florida (“Citizens” or “Petitioners”) by and through their undersigned attorney, pursuant to Section 120.57, Florida Statutes, and Rules 25-22.029 and 28-106.201, Florida Administrative Code, file this objection to the Florida Public Service Commission’s (“Commission”) Order No. PSC-04-0820-PAA-WS, issued August 23, 2004 (“Order”) and state:

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

Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850
Docket No. 030444-WS

2. The Citizens include customers of Bayside Utility Services, Inc. (“Bayside,” “Utility” or “Company”) whose substantial interests will be affected by the Order, because if the Order is allowed to stand it will cause the recurring rates paid by the Petitioners to be materially and unjustifiably increased.

3. Pursuant to Section 350.0611, Florida Statutes, the Citizens’ who file this petition are represented by the Office of Public Counsel (“OPC”) whose address is: Office of Public Counsel, c/o The Florida Legislature, 111 West Madison Street, Room 812, Tallahassee, Florida 32399-1400.

DOCUMENT NUMBER-DATE
09958 SEP 13 04
FPSC-COMMISSION CLERK

4. The Citizens received a copy of the Order by inter-office courier on August 27, 2004.

5. **The Citizens' disputed** issues of material fact, and the respective ultimate facts alleged are set forth below.

Quality of Service

- a. **The quality** of the water and wastewater service is unsatisfactory because:
1. Numerous back-ups of wastewater that spill and saturate the ground under and around mobile homes in the park;
 2. Numerous water outages with the whole park being shut down for repairs;
 3. Delayed reaction time to accomplish repairs due to the operator's base of operation being 40 miles away, and the time it takes to get him to the site and make the repair;
 4. Difficulty in contacting anyone in the Altamonte Springs office for any reason; and
 5. Maintenance being virtually non-existent and the emergency light on the middle lift station being on for days at a time without being responded to by Bayside.

Rate Base

- b. Excessive and unjustified pro forma adjustments to rate base that should have been addressed with proper maintenance and repairs accomplished by Bayside since Utilities, Inc. purchased the Utility in 1999.
- c. Allocations of common plant from Water Services Corporation and Utilities, Inc. of Florida to Bayside are overstated.
- d. Utility plant in service is overstated;
- e. The amount of contributions in aid of construction is understated;
- f. Working capital is overstated;
- g. Accumulated depreciation balance is understated;
- h. It is unfair to the ratepayers to allow Bayside to earn a return on an investment it never made to approximately one-third of the dollar value of the Utility's rate base.

- i. Rate base is overstated;

Capital Structure

- j. **The overall** cost of capital is overstated;
- k. **The utility** did not utilize a proper and representative capital structure;

Operating Statement

- l. Existing revenues are understated;
- m. Operating expenses are overstated; including but not limited to:
 - 1. Excessive employee salaries;
 - 2. Excessive employee pension and benefit costs;
 - 3. Excessive insurance costs;
 - 4. Excessive unaccounted for water;
 - 5. Excessive expenses for materials and supplies;
 - 6. Excessive bad debt expense allowance; and
 - 7. Excessive allocation of expenses from Water Services Corporation and Utilities, Inc. of Florida to Bayside.
- n. Rate case expenses are excessive.

6. Each of the foregoing matters involve disputed issues of material fact.

7. Chapter 367.081, Florida Statutes, is a specific statute the Petitioner contends requires reversal of the agency's proposed action.

8. **The Petitioner seeks the Commission to take the following actions with respect to the agency's proposed action:**

- a. The Commission should not approve a rate increase of any kind for Bayside until such time as Bayside's quality of service is determined to be satisfactory.

- b. At such time in the future that Bayside's quality of service becomes satisfactory, Bayside should be permitted to seek such rate relief it deems

appropriate and to support such request for rate relief with updated information and minimum filing requirements.

9. Order No. PSC-04-0820-PAA-WS established September 13, 2004, as the date by which protests must be filed.

10. Attached hereto as "Exhibit A" is a copy of a petition signed by customers of Bayside requesting OPC to file this Petition Protesting Order No. PSC-04-0820-PAA-WS.

WHEREFORE, Petitioner protests Order No. PSC-04-0820-PAA-WS and petitions the Florida Public Service Commission for a formal evidentiary hearing under the provisions of Section 120.57(1), Florida Statutes, and further petitions that such hearing be scheduled at a convenient time within or as close as practical to the Utility's certificated service area.

Respectfully submitted,

HAROLD MCLEAN
Public Counsel

A handwritten signature in black ink, appearing to read "Stephen C. Reilly", is written over a circular stamp or mark.

Stephen C. Reilly
Associate Public Counsel

Office of Public Counsel
c/o The Florida Legislature
111 West Madison Street, Room 812
Tallahassee, Florida 32399-1400

Attorney for the Citizens
of the State of Florida

CERTIFICATE OF SERVICE
DOCKET NO. 030444-WS

I HEREBY CERTIFY that a true and correct copy of the foregoing Petition on Proposed Agency Action has been furnished by U.S. Mail or *hand-delivery to the following parties this 13th day of September, 2004.

Ralph Jaeger, Esquire*
Division of Legal Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

Martin S. Friedman, Esquire
Rose, Sundstrom & Bentley, LLP
600 S. North Lake Boulevard,
Suite 160
Altamonte Springs, Florida 32701



Stephen C. Reilly
Associate Public Counsel

September 9, 2004

To: Steve Reilly, attorney
Florida Public Council

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Re: Bayside Utility Services, Inc. - Docket # 030444-WS
Florida Public Services PAA Order No. PSC-04-0820-PAA-WS

We, the undersigned residents of Bayside Park protest the Florida Public Service Commission's PAA Order PSC-04-0820-PAA-WS, and instruct the Office of Public Counsel to file on our behalf the necessary documents with the Florida Public Service Commission to confirm this protest.

Bay Circle:

Address	Signature	Printed Name
1071 BAY CIRCLE	Barbara Schwab	Barbara Schwab
1063 Bay Cr	Cathy Mays	Cathy Mays
1037 Bay Circle	Lillian Golema	LILLIAN GOLEMA
1037 Bay Cr	Dan Golema	DAN GOLEMA
1051 Bay Circle	Ralph L. McDonald	Ralph L. McDonald
1051 Bay Circle	Roberta G. McDonald	Roberta G. McDonald
1045 Bay Circle	Dolores P. Kitchens	Dolores P. Kitchens
1045 Bay Circle	Tanner A. Kitchens	TANNER A. Kitchens
1025 Bay Circle	Katherine M. Barrs	Katherine M. Barrs
1025 Bay Circle	Steve Barrs	Steve Barrs
1021 Bay Circle	Katherine M. Barrs	Katherine M. Barrs
1021 Bay Circle	Steve Barrs	Steve Barrs
1033 BAY CIRCLE	Barbara H. Dicus	Barbara H. Dicus
1039 BAY CIRCLE	Bruner R. Dicus	BARBARA DICUS BRUNER DICUS

September 9, 2004

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To: Steve Reilly, attorney
Florida Public Council

Re: Bayside Utility Services, Inc. - Docket # 030444-WS
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Linda Lane:

Address	Signature	Printed Name
✓ 851 LINDA LANE		PATRICIA R. GRAVIS
* 800 Linda Lane	Judi Osborn	Judi Osborn
809 Linda Ln	HOOPER MOORE	HOOPER MOORE
809 Linda Ln	NORA B. MOORE	NORA B. MOORE
✓ 825	Kenneth P. Loomis	KENNETH P. LOOMIS
✓ 825	Sherley M Loomis	Sherley M Loomis
835 Linda Ln	Anne Ludvigsen	ANNE LUDVIGSEN
835 Linda Ln	Pete Ludvigsen	PETE LUDVIGSEN
839	Cora Bryan	CORA BRYAN
839	Alver Bryan	Alver Bryan
846 Linda Ln.	Bryan Clacker	Bryan Clacker
842 LINDA LN	Patricia Ann	Patricia Ann
842 LINDA LN	Patricia Ann	Patricia Ann
838 LINDA LN.	Michelle	Michelle

September 9, 2004

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Big Daddy Drive:

<u>Address</u>	<u>Signature</u>	<u>Printed Name</u>
7104 E-6	Milo Rose	milo Rose
7105	David Stronham	DAVID STRONHAM
7105	Lorrie Nyland	Lorrie Nyland
7104	Joe Grimes	Joe Grimes
6327	John Haggard (Mrs)	John Haggard
6219	Joy D Powell	Joy D Powell
6219	John T. Powell	JOHN T POWELL
6213	William Howard	WILLIAM HOWARD
6213	DOROTHY Howard	DOROTHY HOWARD
6213	Brian Howard	BRIAN HOWARD
6201	Kyle McMullen	Kyle McMullen
6201	Nichole Calzahan	Nichole Calzahan
6201	Ryan McMullen	Ryan McMullen
6201	Olivia McMullen	Olivia McMullen

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To: Steve Reilly, attorney
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Big Daddy Drive:

<u>Address</u>	<u>Signature</u>	<u>Printed Name</u>
7104 A3	Steve Hoffman	Steve Hoffman
7104 A1	Mary S. Hoffman	Mary Hoffman
6417 Big Daddy	Mary S. Hoffman	Mary Hoffman
A-4'	Manuel Elias	MANUEL F. ELIAS
A7 Zoe Santiago	Rafael Alberto	Rafael Alberto Zoe Santiago
B-6 Charles M. Eideus		Charles M. Eideus
B8 B15 Diddy D- C. Lebra		Christie Rutice
D-4 Big Daddy Dr Amanda Oldham		AMANDA OLDHAM
04 Stephanie Knox		STEPHANIE KNOX
D5 Virginia Cope		Virginia COPE
10 Paul A. Burnam		Paul A. Burnam
7104 # F-1 - E. Young -		Esther C. Young
7104 G2 Phil Haney		Phil HANEY
7104 H-3 Tina Pullen		Tina PULLEN

September 9, 2004

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Sunrise Drive:

<u>Address</u>	<u>Signature</u>	<u>Printed Name</u>
6618 Sunrise Dr.	Atha Adams	ATHA M. ADAMS
6622 Sunrise Dr.	Michael LaPointe	Michael P. LaPointe
6622 Sunrise Dr.	Renee Holland	Renee Holland
6622 Sunrise Dr.	Sandra LaPointe	Sandra LaPointe
6622 Sunrise	Robert LaPointe	Robert LaPointe
6626 Sunrise	Robert C. Crysel Jr.	ROBERTE. CRYSEL JR.
6630 Sunrise	Jason C Riley	Jason C Riley
6630 Sunrise	Petra Riley	Petra Riley
6630 Sunrise	Helen Riley	Helen Riley
6702	Alan Smith	Alan Smith
6724	Nona Bazzell	NONA BAZZELL
6724	Tim Bazzell	TIM BAZZELL
6816 Sunrise	Richard Hall	Richard Hall
6816	Christine Cambie	Christine Cambie

September 9, 2004

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To: Steve Reilly, attorney
Florida Public Council

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Sunrise Drive:

Address	Signature	Printed Name
6423 ^{SUNRISE} PCB 32407		Alice Christensen
6423	William C Jetty	William Jetty
6502 SUNRISE DR	Dan Williams	Dan Williams
6502 SUNRISE DR	Paul Williams	Paul Williams
6522		TRISHA ANSHAW
6522	Tracy Logan	TRACY LOGAN
6526	Andrew Runyon	Andrew Runyon
6526 Sunrise	Grace Adamaitis	Grace Adamaitis
6528 Sunrise	Leslie Schaffer	LESLIE SCHAFER
6528 Sunrise Dr PCB	Virginia Schaffer	VIRGINIA SCHAFER
6528 Sunrise Drive	Shirley Schaffer	Shirley Schaffer
6526 Sunrise Dr	Mike Moudou	MIKE MOUDOU
6523 Sunrise Dr.	Spencer Wetzel	Spencer Wetzel
6618	Mark Knight	Mark Knight

September 9, 2004

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To: Steve Reilly, attorney
Florida Public Council

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Sunrise Drive:

<u>Address</u>	<u>Signature</u>	<u>Printed Name</u>
6816	Lauren Hypes	Lauren Hypes
6826	Terri L Jones	Terri L Jones
6902	Carleen E. Harsley	Carleen E. Harsley
6911	Tanya Adcock	Tanya Adcock
6911	Jerry Adcock	Jerry Adcock Jr
6912	James K. Fabrizio	JAMES K. FABRIZO
6916	Stella Pitcher	STELLA Pitcher
6916	James Pitcher	JAMES Pitcher
6920	Chris Adams	Chris ADAMS
6920	Kerri Adams	Kerri Adams
7014	Duell Liggett	Duell Liggett
7028	Donald Redenbo	DONALD REDEBBO
7028	Susan Redenbo	SUSAN REDEBBO
7104	Andrea Lacy	Andrea Lacy

September 9, 2004

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Florida Public Council

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Sunrise Drive:

<u>Address</u>	<u>Signature</u>	<u>Printed Name</u>
6805	June D Stepka	J.D. STEPKA
6805	Frederick E. Stepka	F.E. STEPKA
6721	Mari D Whitlow	M.S. Whitlow
6721	Cheryl Whitlow	Cheryl Whitlow
6721	Abby Whitlow	Abby Whitlow
6717	Donald Stephen Sands	DONALD S. SANDS
6523	Tom Bartz	TIM BARTZ
6521	Betty Gimes	Betty Gimes
6522	J. Anshaw	TRISHA ANSHAW
6515	Wesley R. Calhoun	Wesley R. Calhoun
6515	Brenda Calhoun	BRENDA CALHOUN
6507	Brigitte Hopping	BRIGITTE HOPPING
6507	John Hopping	JOHN. P. HOPPING
6503	Deborah Jackson	Deborah JACKSON

September 9, 2004

To: Steve Reilly, attorney
Florida Public Council

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Big Daddy Drive:

<u>Address</u>	<u>Signature</u>	<u>Printed Name</u>
H5 Danell Norris	Darrell Norris	Darrell Norris
1784-IZ	JESSICA NORTON	JESSICA NORTON
1784 IZ	MICHELLE WILLIAMS	MICHELLE WILLIAMS
I4	Barry Beaver	Barry Beaver
I4	owner ↑	Tony Hill
I5	Lee Casted	Lee Casteel
I5	Martha Casted	MARTHA CASTEEL

H-1	Dorothy Burton	DOROTHY BURTON
H-1	Leonard Jeter	LEONARD JETER
6415 Big Daddy Drive	Stephanie Regino	Stephanie Regino
6505 Deer Pines	DAVID PERRIN	DAVID PERRIN
6505	ERMA PERRIN	ERMA PERRIN
6527	Ryan Roberts	Ryan Roberts

September 9, 2004

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Sunrise Drive:

Address	Signature	Printed Name
7025 Sunrise	Lori D. Voeltz	Lori Voeltz Jeff Huntington
7029	Candace Woodward	Candace Woodward
7029 Sunrise	Martha Spangler	Martha Spangler
7003 Sunrise Dr	David Churchwell	David Churchwell
6913 SUNRISE	Calvin Klase	CALVIN M. KLASÉ
6913	Donna Klase	DONNA M. KLASÉ
6925	Eric B. Klase	ERIC B. KLASÉ
6911	JULIE WILLIAMS	Julie Williams
6825 Sunrise	Wilma East	WILMA EAST
6825 sunrise	Jesse East	JESSE EAST
6815 Sunrise	Bill Frost	BILL FROST
6815 Sunrise	Joyce Frost	Joyce Frost
6713 Sunrise	Jimmy Mills	Jimmy Mills
6713 Sunrise	Betsy Mills	Betsy Mills

September 9, 2004

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Big Daddy Drive:

<u>Address</u>	<u>Signature</u>	<u>Printed Name</u>
6813	Curtis Morris	Curtis Morris
6901	Randy Hay	Randy Hay
6901	Sandi Hay	Sandi Hay
6919	Joyce A. Abare	Joyce A. Abare
6923	Bohon, Maria	MARIA Bohon
6923	Chris Bohon	Chris Bohon
6925	Carol Mitchell	Carol Mitchell
7001	April Vorrasso	April Vorrasso
7013	Heath Tallichet	Heath Tallichet
7013	Michelle Kennedy	Michelle Kennedy
7013	Denise Kennedy	Denise Kennedy
7013	SARAH LIM	SARAH LIM
7017	Michael Demille	Michael Demille
7101	Shirley Clark	Shirley Clark

September 9, 2004

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To: Steve Reilly, attorney
Florida Public Council

Re: Bayside Utility Services, Inc. - Docket # 030444-WS
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Big Daddy Drive:

<u>Address</u>	<u>Signature</u>	<u>Printed Name</u>
6601	[Signature]	Charles L. East
6601	D M Birtciel	Dorothy Birtciel
6605	Marilyn E. Carroll	Marilyn E. Carroll
6625	[Signature]	Lance Spence
6711	Doyle H Bruce Jr.	Doyle H Bruce Jr.
6711	Patricia Harvell	Patricia Harvell
6715	K. Yelvington	Kenneth S. Yelvington
6715	Wendy L. Holtzapfle	Wendy L. Holtzapfle
6725	Dan Bartellini	DAN BARTELLINI
6725	Jimi Nelson	Jimi Nelson
6725	Marcelina Tapang	M. Tapang
6801	N. Long	LONG
6801	A. Jacobs	JACOBS
6813	Cindy Morris	Cindy Morris

September 9, 2004

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To: Steve Reilly, attorney
Florida Public Council

Re: Bayside Utility Services, Inc. - Docket # 030444-WS
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Marina Drive:

<u>Address</u>	<u>Signature</u>	<u>Printed Name</u>
901	David Ray Parker	David Ray Parker
905	Mar Ean M. Parker	EVA M. PARKER
905	Harold R. Parker	HAROLD R. PARKER
919	^{Penny} Penny Lee	Penny Lee
919	Jim Lee	Jim Lee
927	Shannen Dodson	Shannen Dodson
915	Gordon Atkinson	Gordon Atkinson
915	Judi Atkinson	Judi Atkinson
911	Jerry Austin	Jerry Austin
911	Ann Ann Austin	Ann Austin
917	Paul E Jackson	PAUL E JACKSON

September 8, 2004

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TO: Steve Reilly, attorney
Florida Public Counsel

RE: Bayside Utility Services, Inc. - Docket # 030444-WS
Florida Public Service PAA Order No. PSC-04-0820-PAA-WS

We, the undersigned residents of Bayside Park protest the Florida Public Service Commission's PAA Order PSC-04-0820-PAA-WS, and instruct the Office of Public Counsel to file on our behalf the necessary documents with the Florida Public Service Commission to confirm this protest.

Linda Lane:

Address	Signature	Printed Name
800	Judi Osborn	Judi Osborn
802	John Haglund	John Haglund
807	James Morrison	JAMES L. Morrison
808	James E. Morrison	James E. Morrison
809	Tim Mc Gee	TERRY Mc Ghee
812	Frank Moore	Frank Moore
813	Mora B Moore	MORA B MOORE
815	Hoover C Moore	HOOPER C. MOORE
819	Paul Brown	Paul Brown
821		
825	Patsy Carries	Patsy Carries
829	Richard Penix	RICHARD PENIX
830	Richard Penix Jr.	RICHARD PENIX
831	Leonard Paprocki 844: Linda Lane	Leonard Paprocki
835	Louis Ludvigsen	LOUIS LUDVIGSEN
838	Angela Bryan	ANGELA BRYAN
839	Angela Bryan	ANGELA BRYAN
842	Raymond Miller	Raymond Miller
843		
846	Bob Carries	Bob Carries
844		
851		
930	Curt Holliday	Curt Holliday
939	Sora Bryan	SORA BRYAN
835	Orzell Ludvigsen	Orzell Ludvigsen
	Pete Ludvigsen	Pete Ludvigsen

September 9, 2004



To: Steve Reilly, attorney
Florida Public Council

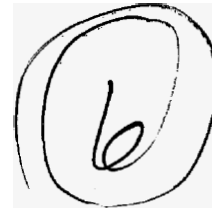
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Bay Circle:

<u>Address</u>	<u>Signature</u>	<u>Printed Name</u>
1033 BAY Circle	Joe Autry	Joe Autry
1013 BAY Cir.	Mildred Ledbetter	Mildred Ledbetter
1013 Bay Cir.	Shane Ledbetter	Shane Ledbetter
1013 BAY CIRCLE	Terry W. Ledbetter	TERRY W. LEDBETTER
1029 BAY CIRCLE	Charles Dozier	CHARLES DOZIER
1029 BAY CIRCLE	Lisa M. Latiolais	LISA M. LATIOLAIS
1035 BAY CIRCLE	F.J. Wansink	F.J. WANSINK
1035 BAY CIRCLE	Chadys Wansink	CHADYS WANSINK

September 9, 2004



To: Steve Reilly, attorney
Florida Public Council

Re: Bayside Utility Services, Inc. - Docket # 030444-WS
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Bay Circle:

Address	Signature	Printed Name
1059 Bay Circle	Jane Shepard	Jane Shepard
^{Bay Circle} 1027 Shubert	Dojia Lisa Latintas	Charles Dojia Lisa Latintas
^{Bay Circle} 1059 Wm O Shepard	Wm O Shepard	Wm O. Shepard
^{Bay Circle} 1041 SU Rucker	Lance Rucker	SU & Lance Rucker
911 Marina Drive	Ann Austin	Ann Austin
911 Marina Drive	Jerry Austin	Jerry Austin



September 8, 2004

TO: Steve Reilly, attorney
Florida Public Counsel

RE: Bayside Utility Services, Inc. - Docket # 030444-WS
Florida Public Service PAA Order No. PSC-04-0820-PAA-WS

We, the undersigned residents of Bayside Park protest the Florida Public Service Commission's PAA Order PSC-04-0820-PAA-WS, and instruct the Office of Public Counsel to file on our behalf the necessary documents with the Florida Public Service Commission to confirm this protest.

Sunrise Drive:

<u>Address</u>	<u>Signature</u>	<u>Printed Name</u>
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6532	Sharon Hill	SHARON HILL

