

*DOCKET NO.* 040384-WS - Application for Amendment to  
Certificates 247-W and 189-S in Seminole County by Sanlando  
Utilities Corporation.

*WITNESS:* Direct Testimony Of Direct Kyle M. Kubanek,  
Appearing On Behalf Of Staff

*DATE FILED:* January 12, 2005

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FPSC-COMMISSION OF ETHICS

1 DIRECT TESTIMONY OF KYLE M. KUBANEK

2 Q. Please state your name and business address.

3 A. Kyle M. Kubanek, Florida Department of Environmental Protection, 3319 Maguire  
4 Blvd., Suite 232, Orlando, Florida 32803.

5 Q. Please state a brief description of your educational background and experience.

6 A. I received a B.S. in Environmental Engineering from the University of Florida in 1997. I  
7 then worked in the private sector performing site designs, environmental site assessments  
8 and wetlands analyses, as well as plan reviews under subcontract for the city of Deltona.  
9 On June 24, 1999, I was awarded my Engineering Intern license from the Florida Board  
10 of Professional Engineers. From 2001 to present, I have been working for the Florida  
11 Department of Environmental Protection.

12 Q. By whom are you presently employed?

13 A. Florida Department of Environmental Protection (FDEP or Department)

14 Q. How long have you been employed with the FDEP and in what capacity?

15 A. I have been employed with the FDEP since March of 2001. I serve in the permitting  
16 section and from June 2004 through October 2005 I served in the compliance and  
17 enforcement section.

18 Q. What are your general responsibilities at the Florida Department of Environmental  
19 Protection?

20 A. In the permitting section I review engineering plans related to specific permit and general  
21 permit submittals to ensure that they are in compliance with the requirements of the  
22 Florida Administrative Code (F.A.C.). In the compliance and enforcement section I  
23 inspected public water systems' physical installations and maintenance to determine their  
24 compliance with the F.A.C. In both sections I am/was involved in handling enforcement  
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1 cases against entities which are determined to be out of compliance with the F.A.C..

2 Q. Are you familiar with Sanlando Utilities Corporation's (Sanlando or utility) water  
3 systems in Seminole County, particularly the Wekiva, Des Pinar and Knollwood water  
4 treatment systems?

5 A. Yes. While in the compliance and enforcement section, I inspected Sanlando's water  
6 treatment plants on December 22, 2004. At that time, only minor maintenance  
7 deficiencies were found at the plants and these deficiencies were all corrected within two  
8 months of my inspection. I had noted at the time of the inspection that during the  
9 previous 12 months, the Des Pinar and Knollwood water treatment plants had both been  
10 operated above their capacities as permitted by FDEP. Since that inspection, none of the  
11 three plants have been operated above their capacities and the capacity of the Des Pinar  
12 plant was upgraded by FDEP on June 30, 2005.

13 Q. What is the permitted capacity and current usage rate for the Des Pinar plant?

14 A. The Des Pinar plant has a capacity of 6,261,000 gallons per day (gpd). Its maximum  
15 usage for one day during the twelve-month period of December 2004 through November  
16 2005 was 5,994,000 gpd (95.74% of capacity). The average of the maximum usages for  
17 that time period is 4,389,417 gpd (70.10%).

18 Q. What is the permitted capacity and current usage rate for the Knollwood plant?

19 A. The Knollwood plant has a capacity of 576,000 gallons per day (gpd). Its maximum  
20 usage for one day during the twelve-month period of December 2004 through November  
21 2005 was 558,000 gpd (96.87% of capacity). The average of the maximum usages for  
22 that time period is 256,583 gpd (44.54%).

23 Q. What is the permitted capacity and current usage rate for the Wekiva plant?

24 A. The Wekiva plant has a capacity of 11,088,000 gallons per day (gpd). Its maximum  
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1 usage for one day during the twelve-month period of December 2004 through November  
2 2005 was 8,357,000 gpd (75.37% of capacity). The average of the maximum usages for  
3 that time period is 6,670,750 gpd (60.16%).

4 Q. Please discuss the capacity of the Sanlando system as projected in the future.

5 A. The utility submitted to the Department a Capacity Analysis Report for the Sanlando  
6 system on August 31, 2004, and my response quotes information from that report, which  
7 has not been verified by the Department. Please note that this report was written before  
8 the Department upgraded the capacity of the Des Pinar plant from 5,040,000 gpd to  
9 6,261,000 gpd. In that report it was shown that the population of the service area  
10 increased from 33,515 to 35,409 people from 1997 to 2004. This 2004 population  
11 resulted in a maximum daily flow of 15,807,000 gpd, which is 88.18% of the current total  
12 system capacity of 17,925,000 gpd. In the report, it was projected that the population in  
13 the service area would increase to 36,754 people by 2015, with an estimated maximum  
14 daily flow of 16,470,000 gpd, or 91.88% of the total system capacity. To quote the report  
15 in their analysis of projected demands, "...the Utility should not exceed the system  
16 capacity within the next ten-years".

17 Q. Does the utility have any current construction permits from the FDEP for the Seminole  
18 County systems?

19 A. Yes. Sanlando Utilities Corporation has an active construction permit for the  
20 replacement of a twelve-inch piped emergency interconnection between the Sanlando  
21 Utilities System and the Seminole County Southwest system. The connection will supply  
22 water to Seminole County when the system pressure drops as described in permit number  
23 WD59-0080881-019. There are no other permits currently issued to Sanlando Utilities  
24 Corporation as the permittee for either distribution mains or water treatment plants.

1 Permits issued to other entities to do work within the Sanlando Utilities service area may  
2 exist.

3 Q. Have the utility's systems been the subject of any FDEP enforcement action within the  
4 past two years?

5 A. No.

6 Q. Are the utility's treatment facilities and distribution systems sufficient to serve its present  
7 customers?

8 A. Yes.

9 Q. Does the utility maintain the required 20 psi minimum pressure throughout the  
10 distribution system?

11 A. Yes. A review of FDEP files does not reveal any consumer complaints regarding low  
12 pressure. Lack of consumer complaints was used as a gauge since the Department does  
13 not have data regarding continuous monitoring of pressure in the distribution system.

14 Q. Does the utility comply with Section 62-550.515, F.A.C. for an auxiliary power source in  
15 the event of a power outage?

16 A. Yes, the combined generator capacities of the Des Pinar and Wekiva plants satisfy the  
17 water demand and the system is in compliance with the rule.

18 Q. Are the utility's water wells located in compliance with applicable FDEP regulations?

19 A. Yes.

20 Q. Does the utility have certified operators as required by Chapter 62-602, F.A.C.?

21 A. Yes, the Sanlando system is in compliance with the rule.

22 Q. Has the utility established a cross-connection control program in accordance with Section  
23 62-555.360, F.A.C.?

24 A. Yes, the Sanlando system is in compliance with the rule.

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1 Q. Is the overall maintenance of the treatment plant and distribution facilities satisfactory?

2 A. Yes, the Sanlando system is in compliance with the rule.

3 Q. Can you comment on the type and number of corrections above?

4 A. Yes, it is not uncommon to find a number of small deficiencies at facilities. In general  
5 the utility is doing a good job of maintaining these facilities and has scheduled the  
6 required inspections of their storage facilities within the required time frame.

7 Q. Does the utility maintain the required chlorine residual or its equivalent throughout the  
8 distribution system?

9 A. Yes, all the Sanlando system maintains the required chlorine residual.

10 Q. Are the plant and distribution systems in compliance with all the other provisions of  
11 Chapter 62, F.A.C., not previously mentioned?

12 A. Yes, the Sanlando system is in compliance with the rule.

13 Q. Do you have anything further to add?

14 A. No, I do not.

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BEFORE THE PUBLIC SERVICE COMMISSION

In re: Application for amendment to DOCKET NO. 040384-WS  
Certificates 247-W and 189-S in Seminole  
County by Sanlando Utilities Corporation. DATED: JANUARY 12, 2006

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the DIRECT TESTIMONY OF  
KYLE M. KUBANEK, on behalf of the Florida Public Service Commission, has been furnished  
by U.S. Mail, this 12th day of January, 2006, to the following::

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