

**TAMIAMI VILLAGE WATER COMPANY, INC.  
9280-5 COLLEGE PARKWAY  
FORT MYERS, FLORIDA 33919  
(239) 482-0717  
Fax (239) 489-2017**

May 17, 2008

Ms. Ann Cole, Director  
Commission Clerk and Administrative Services  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Betty Easley Conference Center  
Room 110  
Tallahassee, FL 32399-0850

RECEIVED-FPSC  
08 MAY 19 PM 2:22  
COMMISSION  
CLERK

Re: Docket No. 080183-WU  
Joint Application of Tamiami Village Water Company, Inc. and Ni Florida, LLC  
for Approval of Transfer of Tamiami Village Water Company, Inc.'s Wastewater  
System

Dear Ms. Cole:

I am writing on behalf of Tamiami Village Water Company ("Company") in response to a letter dated April 21, 2008, from the Tamiami Master Association, Inc. d/b/a Tamiami Village & RV Park ("TMA"). As you may know, TMA is one of our customers. It is not a homeowners' association, but rather owns a rental community and RV park.

First, TMA objected to a March 20, 2008, invoice from the Company to a resident on Pluto Circle in the amount of \$1,376.00 for repairs to a broken water line. Unfortunately, the resident failed to comply with Florida's "call before you dig" law, and he or his landscape contractor damaged the line while removing some large trees and planting new trees on his property. We met with the owner at the time of the break and advised him that he was responsible for the costs to repair the damage he caused, and thereafter properly charged him the cost of repairing the line, lost water, testing water after the repair to determine whether we were required to issue a precautionary boil water notice, and the associated cost of issuing and delivering the initial and rescission notices. Attached please find a copy of the letter invoice we issued to the customer, which includes a copy of bills and correspondence with the plumbing contractor and a copy of the excavator non-compliance report sent to Sunshine State One-Call of Florida.

Next, TMA mentioned the Company's repair of a water line near 3159 Mercury Lane, arguing that the dirt under the driveway was not properly replaced, thus resulting in a cracked and unsafe driveway that needed repair. We respectfully disagree with this

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assertion; in fact, the pre-existing severely cracked condition of the driveway actually caused the damage that we repaired two years ago, in April 2006. After completing the repair, our plumbing contractor restored the driveway to the condition in which he found it, using both a hand shovel and tractor to assure that the dirt was properly replaced and compacted. We advised the customer that if the driveway was not fixed and caused any additional leaks, we would bill for necessary repairs to our system.

TMA also mentioned two other leaks: the first is referenced as "another leak on Venus Lane." To clarify, the Company originally repaired a leak on Venus Lane in February 2008. Last month we learned that the line was leaking and again dispatched our plumbing contractor, who repaired it. He advised that his original repair leaked and therefore he did not charge to correct the repair. The second leak referenced by TMA occurred on Mercury Lane last month. This leak was repaired with no interruption of service.

Finally, TMA raised the issue of precautionary boil water notices, indicating that they were not promptly received by some residents after the Pluto Circle repair, and that the company did not issue such notices connection with two other leaks. I want to assure you that the company complies with Florida Department of Environmental Protection and Florida Department of Health rules requiring precautionary boil water notices. However, such precautions are neither necessary nor desirable in connection with many repairs. For example, the two leaks mentioned by TMA were done under pressure and therefore there was no threat to water safety and no need to boil water.

When precautionary notices are issued, we strive to deliver them to all affected customers as quickly as possible, by hand delivery. In addition, the Company has a 24-hour answering service, and I have been in contact with the only two customers who notified us that they did not receive a precautionary notice after the Pluto Circle repair. It has always been, and continues to be, Company policy to provide prompt, hand-delivered precautionary notices to all affected customers whenever such notices are required.

Sincerely,



John J. Ustica

President

Tamiami Village Water Company, Inc.

Enclosure

cc:

Mr. Kenneth Krysztof

Ms. Barbara J. Oliveira

Tamiami Master Association, Inc.

**TAMIAMI VILLAGE WATER COMPANY, INC.**  
**9280-5 COLLEGE PARKWAY**  
**FT. MYERS, FL. 33919**  
**(239) -482-0717**  
**Fax (239)-489-2017**

March 20, 2008

Mr. Richard Guilbeault  
399 Edinborough St.  
Windsor, Ontario N8X 3C3  
Canada

Re: 3125 Pluto Circle  
North Fort Myers, Fl. 33903

Dear Mr. Guilbeault:

Under Florida Statutes a person is required to notify Sunshine State One-Call of Florida prior to any excavating. Florida Statutes 556.102 D(9) says "person means any individual, firm, joint venture, partnership, corporation, association, municipality, or political subdivision, governmental unit, department, or agency, and includes any trustee, receiver, assignee, or personal representative of a person".

(6) "Excavate" or "excavation" means any manmade cut, cavity, trench, or depression in the earth's surface, formed by removal of earth, intended to change the grade or level of land, or intended to penetrate or disturb the surface of the earth, including land beneath the waters of the state, as defined in s. 373.019 (20), and the term includes pipe bursting, and directional drilling or boring from one point to another point beneath the surface of the earth, or other trenches technologies".

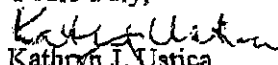
Because notification was not given and the utilities were not located prior to excavation, these are the costs.

Plumber	\$675.00
Cost of notices	125.52
Cost of labor to hand out notices	322.68
Loss of water	12.80
Cost of laboratory testing	<u>240.00</u>
Total	\$1376.00

Enclosed you will find copies of the bills and letter from the plumbing company, as well as a copy of the excavator non-compliance report that was sent to Sunshine State One-Call of Florida.

Payment for reimbursement of these costs is to be mailed to the above address.

Yours truly,

  
Kathryn J. Ustica  
Office Manager

Enc.

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**FRANZESE PLUMBING**  
907 COUNTRY CLUB BLVD  
CAPE CORAL, FL 33990-3399  
Phone: (239) 574-8300 Fax: (239) 574-4854

**Date:** 2/29/2008  
**Invoice #:** 43261

**SOLD TO:**

**PO #:** No Customer PO Number

9583 \*\*\* TAMAMI VILLAGE WATER CO  
9280-5 COLLEGE PKWY  
FT MYERS, FL 33919

(239) 489-3933

3125 PLUTO LANE - DUG 3X3 FOOT HOLE TO ACCESS 3/4" PVC. INSTALLED 3/4" PVC BALL VALVE TO STOP WATER FLOW THEN REPLACED BROKEN PIPE.

**PRICE** **TOTAL**

**SUBTOTAL:** 675.00

**TOTAL DUE:** \$675.00

PO # 5376  
3/14/08

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Celebrating 47 Years of Business in SW Florida

We thank you for your business.

Net 30

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**"OUR SHOP TO YOUR DOOR 24 HRS A DAY"**  
 907 Country Club Blvd.  
 Cape Coral, FL 33990

Phone: (239) 574-8300

[www.franzeseplumbing.com](http://www.franzeseplumbing.com)

Fax: (239) 574-4854

3-5-08

TAMIAMI VILLAGE WATER CO.

ON 2-29-08 FRANZESE PLUMBING WAS CALLED OUT REGARDING WATER LEAKING FROM GROUND. UPON ARRIVAL WE DUG HOLE, SHUT MAIN WATER LINE TO PARK OFF AND REPAIRED BROKEN 1/2" SCHEDULE 40 PVC WATER PIPE. WE THINK THAT THE PIPE WAS BROKEN BY ROOTS FROM A LARGE TREE THAT SURROUNDED THE PIPE, AND WHEN HEAVY TRUCKS DROVE OVER PIPE AND PULLED TREES OUT THIS PUT PRESSURE ON PIPE BY PULLING AT ROOTS CAUSING A SPLIT. I FIGURE WATER LOST WAS AT APPROX. 500 GALLONS PER HOUR.

SINCERELY

  
 BOB SPEAKMAN  
 SERVICE MANAGER

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Electronic Journal Report

**Office DEPOT**

Friday, March 14, 2008 1:59:06 P.M.

Electronic Journal Report

Date: 03/05/2008 00:00:00 to 03/05/2008 23:59:59

Report Criteria: Register Num: 12, Transactions: 5250 - 5250

SALE	STR0400	REG012	TRN5250
03/05/08 09:35	EMP 1395	POS 5.05	
Prompt 32	Pers/Bus/Home Bus-32		
2			
Prompt 31	Zip Code - 31		
33919			
BW 55 LETTER			
167060		66.60	
740 @ 90.090			
BULK DISC		-7.40	
167060		7.40	
	SUBTOTAL	59.20	
	FL 6% SALES TAX	3.56	
	TOTAL	62.76	
OD CHG (CCS)		62.76	
ACCT# 601165*****0323			
APPROVAL CODE 005319			

CONFIRM THAT THE CUSTOMER SIGNED THE  
PINPAD AND PRESSED OK ON THE PINPAD  
Begin EndTransaction  
Checking End Prompts...  
Prompt 51 Text Survey - 51  
VYKL9 JXFF KMMVI  
Logging Transaction...  
Updating post voids and oper totals...  
Finished Transaction  
Printing Receipt...  
L2VT9U0UARDQYSYBEP  
Clearing transaction data...

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

Electronic Journal Report

**Office DEPOT**

Friday, March 14, 2008 1:52:20 P.M.

Electronic Journal Report

Date: 02/29/2008 00:00:00 to 02/29/2008 23:59:59

Report Criteria: Register Num: 3, Transactions: 7651 - 7651

SALE	STR0400	REG003	TRN7651
02/29/08 15:02	EMP 529647	POB 5.05	
WATER, AQUAPINA, 200			
01218908		1.39	B
SSCOPY 8.5X11 WHIT			
163061		11.20	
140 @ \$0.080			
	SUBTOTAL	12.59	
	FL 6% SALES TAX	0.68	
	TOTAL	13.27	
OD CHG (CCS)			
		13.27	
ACCT# 601165*****0323			
		-1.39	
APPROVAL CODE 029751			

11.88

CONFIRM THAT THE CUSTOMER SIGNED THE  
PINPAD AND PRESSED OK ON THE PINPAD  
Begin EndTransaction  
Checking End Prompts...  
Prompt 51 Text Survey - 51  
N33X9 ZZF29 ZX9M1  
Logging Transaction...  
Updating post voids and oper totals...  
Finished Transaction  
Printing Receipt...  
L2VTQUAPYU5XYWCF  
clearing transaction data...

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# Sunshine State One-Call of Florida, Inc.

11 Plantation Road DeBary, FL 32713  
Phone (386) 575-2000 Fax (386) 575-2030  
Web Site: [www.callsunshine.com](http://www.callsunshine.com)



3/20/2008

**Richard Guilbeault**

Attn: Richard Guilbeault  
3125 Pluto Cir.  
North Fort Myers, FL, 33903

Case Type: Excavator  
Site Address: 3125 Pluto Cir.  
Site City/County: North Ft. Myers, Lee  
Possible Violations: No Ticket.

Ticket Number:  
Date Reported: 03/20/2008  
Damages: Yes

Dear Richard Guilbeault:

Our office has received a report alleging that your company performed excavation work in Florida at the above indicated location without first satisfying requirements of the "Underground Facility Damage Prevention and Safety Act", Chapter 556, Florida Statute. The law requires that you do the following:

1. Call Sunshine State One-Call at 1-800-432-4770 a minimum of two full business days but not more than five full business days before you intend to excavate. You can call 1-800-432-4770 between 7:00 a.m. and 5:00 p.m. M-F excluding holidays. There is no charge for the call.
2. Wait two full business days (excluding weekends and holidays) after calling SSOCOF to allow underground facilities to be located before you begin excavation.
3. Update tickets as necessary. Ticket information is valid for only 30 calendar days. If your job lasts longer, it is recommended that you call SSOCOF to update the ticket on the 27th day. You must have a valid ticket at all times during excavation, as stated in the Underground Facility Damage Prevention and Safety Act, Chapter 556, Florida Statutes.

This letter is to inform you of the law and your responsibilities under the law. SSOCOF has not made and will not make any determination that you have violated Chapter 556, F.S. If you feel that you are not in violation of Chapter 556, F.S., you may contact the person or company that made the report to SSOCOF (listed in the Cc field below).

Please visit the SSOCOF website at [www.callsunshine.com](http://www.callsunshine.com), where you can download the text of Chapter 556, F.S., information to help you better understand the responsibilities of excavators and member operators. We developed the video, "Building Florida's Future Together," to walk you through Florida's one call system. It is an excellent educational tool and is available to you free by calling (800) 638-4097. SSOCOF has specialists available to give presentations and handle questions and answer sessions at your location. If you are interested in having a presentation, please call (386) 575-2000.

Please call before you dig. Marking the marks and dig safely.

Sincerely,

Nike Marenco,  
Member Services Representative

Cc: Tamiami Village Water Co., Inc.  
Attn: Kathy Ustica  
Collede Pkwy.

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FPSC - COMMISSION CLERK

800-432-4770



# Excavator Non-Compliance Report

Use this form to notify Sunshine State One-Call of Florida, Inc. of any incidents that may not be in compliance with the Underground Facility Damage Prevention and Safety Act, Chapter 556, Florida Statutes. This form should not be altered and must be submitted within 30 days of incident. Send your completed form by fax to (386) 575-2031 or mail to Sunshine State One-Call of Florida, Inc., Attn: Compliance Department, 11 Plantation Road, DeBary, FL 32713.

## Excavator Information

Date excavation was witnessed/discovered 2/29/08 Time 7:30 AM  PM   
Name of excavator performing work RICHARD GUILBEAULT  
Address 3125 PLUTO CIRCLE  
City NORTH FORT MYERS State FL Zip Code 33903  
Contact phone number 239-656-1179

## Excavator Site Information

Description of equipment involved at site (i.e. include equipment id number on line to the right of the option)  
 Backhoe  Hand Shovel  Other \_\_\_\_\_ Ticket # \_\_\_\_\_  
 Auger  Ditchwitch  Serial# \_\_\_\_\_  
Excavation address 3125 PLUTO CIRCLE  
City NORTH FORT MYERS, FL 33903

Two adjoining intersections  
Intersection 1 \_\_\_\_\_ Intersection 2' \_\_\_\_\_  
Type of work being performed TREE REMOVAL AND TREE PLANTING

## Compliance Information

Was there any damage to underground facilities?  Yes  No  
Please explain BREAK IN PVC POTABLE WATER PIPE

Was the owner of the facilities notified?  Yes  No Type of facility  Electric  Communications  Reclaimed Water  
Were there improper activities observed?  Yes  No Involved  Gas  Potable Water  Sewer  
Please explain PIPE BROKEN BY LARGE TREE ROOTS / SEE ATTACHED LETTER FROM FRANZESE PLUMBING. MR. GUILBEAULT INFORMED US THAT HE HAD TO REPLACE SEWER LINE AT HIS EXPENSE DUE TO TREE

Nature of this complaint ROOTS.  
 No ticket  Expired ticket - ticket number \_\_\_\_\_  
 Excavator did not wait the two full business days to dig-ticket number  Other UTILITIES NOT CONTACTED PRIOR TO EXCAVATION  
Was the area located?  Yes  No  
Locate Company \_\_\_\_\_

To inform you of what action was taken, please provide the following information about yourself or the originator of this complaint

Name KATHY USTICA Date 3/20/08  
Company TAMIAMI VILLAGE WATER Co., INC.  
Address 9280-S COLLEGE PARKWAY  
City FORT MYERS State FL Zip Code 33919  
Phone 239-482-0717 Fax 239-489-2017  
 Officer?  Warning  Citation

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# Sunshine State One-Call of Florida, Inc.

11 Plantation Road DeBary, FL 32713  
Phone (386) 575-2000 Fax (386) 575-2030  
Web Site: [www.callsunshine.com](http://www.callsunshine.com)



3/20/2008

**Richard Guilbeault**  
Attn: Richard Guilbeault  
3125 Pluto Cir.  
North Fort Myers, FL, 33903

Case Type: Excavator  
Site Address: 3125 Pluto Cir.  
Site City/County: North Ft. Myers, Lee  
Possible Violations: No Ticket.

Ticket Number:  
Date Reported: 03/20/2008  
Damages: Yes

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Please call before you dig, respect the marks and dig safely.

Sincerely,

Mike Noreen,  
Member Services Representative

Cc: Tamiami Village Water Co., Inc.  
Attn: Kathy Ustica  
9280-5 College Pkwy.  
Ft. Myers, FL, 33919

**COPY**

REC'D  
R-DATE

04 20 MAY 19 08

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