

State of Florida



RECEIVED-FPSC

08 SEP 30 PM 9:12

COMMISSION
CLERK

Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399-0850

-M-E-M-O-R-A-N-D-U-M-

DATE: September 30, 2008
TO: Ann Cole, Commission Clerk - PSC, Office of Commission Clerk
FROM: Thomas J. Walden, Utilities System/Engineering Specialist, Division of Economic Regulation
RE: Docket No. 080606-WU

Please place the attached letter from Martin Friedman regarding O&S Water Company, Inc. in the above docket file. Thanks.

TJW:kb

DOCUMENT NUMBER-DATE

09233 SEP 30 8

FPSC-COMMISSION CLERK

LAW OFFICES
ROSE, SUNDBSTROM & BENTLEY, LLP
2548 BLAIRSTONE PINES DRIVE
TALLAHASSEE, FLORIDA 32301

FREDERICK L. ASCHAUER, JR.
CHRIS H. BENTLEY, P.A.
ROBERT C. BRANNAN
F. MARSHALL DETERDING
JOHN R. JENKINS, P.A.
KYLE L. KEMPER
STEVEN T. MINDLIN, P.A.
CHASITY H. O'STEEN
DAREN L. SHIPPY
WILLIAM E. SUNDBSTROM, P.A.
DIANE D. TREMBOR, P.A.
JOHN L. WHARTON
ROBERT M. C. ROSE (1924-2006)

(850) 877-6555
FAX (850) 656-4029
www.rsblaw.com

REPLY TO CENTRAL FLORIDA OFFICE

March 18, 2008

VIA E-MAIL

CENTRAL FLORIDA OFFICE
SANLANDO CENTER
2180 W. STATE ROAD 434, SUITE 2118
LONGWOOD, FLORIDA 32779
(407) 830-6331
FAX (407) 830-8522

MARTIN S. FRIEDMAN, P.A.
BRIAN J. STREET

CHRISTIAN W. MARCELLI, OF COUNSEL
(LICENSED IN NEW YORK ONLY)

Mr. Marshall Willis
Division of Economic Regulation
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399


RE: O & S Water Company, Inc.
Our File No.: 35012.07

Dear Mr. Willis:

Several months ago I copied you on a letter I sent to DEP regarding the dilemma which O & S Water Company faces as a result of the Department of Environmental Protection requiring annual testing of back flow preventers while O & S Water Company, Inc., has no enforcement authority. This is an issue that faces water company's statewide and should be addressed by the Commission industry wide. I do not think that a small company such as O & S Water Company should have to incur the expense of being the trailblazer in this effort.

I have enclosed a copy of DEP's Inspection of the O & S Water Company facility wherein O & S Water Company is being found to be deficient in that it fails to have customers conduct annual testing of all back flow prevention assemblies. I would appreciate it if you would advise me as to whether, under current Commission Rules and Policy's, O & S Water Company can require its customers to undertake annual testing of their back flow preventers and either discontinue water service should the customer fail to do so, or undertake the testing itself and bill the customer for that testing (and disconnect service should the customer not reimburse the Utility in a timely manner).

Very truly yours,


MARTIN S. FRIEDMAN
For the Firm

MSF/tlc
Enclosures

cc: Mr. Jack Olsen (w/enclosures) (via email)
Manuel Cardona (w/enclosures) (via email)
Danielle Owens (w/enclosures) (via email)
Ms. Mahnaz Massoudi, Division of Economic Regulation (w/encs.) (via email)

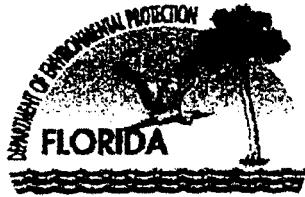
M:\1 ALTAMONTE\O&S WATER CO\07 MISC\Willis, Marshall (PSC) 01.ltr.wpd

DOCUMENT NUMBER-DATE

09233 SEP 30 8

FPSC-COMMISSION CLERK

March



Florida Department of Environmental Protection

Central District
3319 Maguire Boulevard, Suite 232
Orlando, Florida 32803-3767

Charlie Crist
Governor
Jeff Kotkamp
Lt. Governor
Michael W. Sole
Secretary

VIA E-MAIL
site 1@verizon.net

February 19, 2008

Granville Ramsey, Director of Operations
O&S Water Company
501 East Oak Street, Suite F
Kissimmee, FL 34744

OCD-PW-SS-08-0098

Osceola County - PW
O & S Water Company South Service Area
PWS ID Number 3494432

Dear Mr. Ramsey:

This confirms a visit to the subject consecutive community public water system on January 31, 2008 by Manuel F. Cardona to conduct a sanitary survey inspection. A copy of the sanitary survey inspection report is enclosed for your reference and records.

Deficiencies found during the sanitary survey and in Department records are listed in the enclosed report. These deficiencies shall be corrected in order to return to compliance with *Florida Administrative Code* (F.A.C.) Rules 62-550, 62-555, 62-560 and 62-602.

Please correct the indicated deficiencies, and notify the Department in writing that the deficiencies have been corrected, **no later than March 25, 2008**. (You may use the attached response form to indicate the corrective actions taken.)

If you have any questions, please contact Manuel F. Cardona by e-mail at manuel.cardona@dep.state.fl.us or by phone at (407) 894-7555, extension 2277.

Sincerely,

Reggie Phillips, Environmental Specialist III
Drinking Water Compliance and Enforcement

RFP/mfc
Enclosures

cc: Philip W. Story, Story Water Systems, Inc. [philthewaterman@bellsouth.net]
Manuel F. Cardona, FDEP Drinking Water Compliance and Enforcement

PWS ID # 3494432
Date 1/31/08

DEFICIENCIES:

- 1. **Failure to conduct annual testing of all backflow prevention assemblies.** A review of testing records noted that only 297 of the 423 backflow prevention assemblies were tested during 2007. Backflow prevention assemblies shall be tested at least annually, as stated in the written cross-connection control plan and in accordance with the American Waterworks Association guidelines as set forth in *Recommended Practice for Backflow Prevention and Cross-Connection Control*, AWWA Manual M14, as incorporated into Rule 62-555.330, F.A.C. [Rule 62-555.360(2), F.A.C.]

Note: The utility is currently reviewing its backflow prevention enforcement policy due to the PSC regulation that prohibits the disconnection of service for failure to perform annual testing of backflow prevention assemblies.

MONITORING:

- Lead and copper tap sampling must be conducted during the June through September 2009 monitoring period.
For other chemical monitoring requirements, you are advised to call Marie Carrasquillo at (407) 894-7555, extension 2242, or Paul Morrison at (407) 893-3988.

Results shall be submitted within the first ten days following the end of the required monitoring period, or the first ten days following the month in which the sample results were received, whichever time is shortest.

- A complete and accurate consumer confidence report (CCR) must be delivered to consumers and the Department no later than July 1, 2008, and certification of delivery of the CCR must be submitted to the Department no later than August 10, 2008.

This system received a reporting violation in July 2007 for submitting an inadequate CCR.

Inspector  Title Env. Specialist II Date 2/19/08

Approved by  Title Environmental Specialist III Date 03/05/08