

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Request for approval of amendment to connection/transfer sheets, increase in returned check charge, amendment to miscellaneous service charges, increase in meter installation charges, and imposition of new tap-in fee, in Marion County, by East Marion Sanitary Systems, Inc.

Docket No. 080562-WU

Filed: April 19, 2010

**PETITION TO INTERVENE**

Petitioners David Greco and Carol Greco, husband and wife, pursuant to Florida Public Service Commission, ("Commission") Rule 25-22.039, Florida Administrative Code ("F.A.C."), hereby file their petition to intervene in this docket and state:

**A. AGENCY AFFECTED**

- 1. Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

**B. IDENTIFICATION OF THE PETITIONERS AND EXPLANATION OF HOW PETITIONERS' SUBSTANTIAL INTERESTS WILL BE AFFECTED**

- 2. David Greco  
1221 NE 130<sup>th</sup> Terrace  
Silver Springs, FL 34488-3556  
Tel. No. (352) 625-6451
- 3. Carol Greco  
1221 NE 130<sup>th</sup> Terrace  
Silver Springs, FL 34488-3556  
Tel. No. (352) 625-6451

COM \_\_\_\_\_  
 APA \_\_\_\_\_  
 ECR 14  
 GCL 1  
 RAD \_\_\_\_\_  
 SSC \_\_\_\_\_  
 ADM \_\_\_\_\_  
 OPC \_\_\_\_\_  
 CLK \_\_\_\_\_

4. David Greco will be representing Carol and himself and is authorized to receive all notices, pleadings and other communications in this docket.

*Done  
4/20/10  
-DM*

DOCUMENT NUMBER-DATE

03027 APR 19 2010

FPSC-COMMISSION CLERK

5. Both David and Carol are customers of East Marion Sanitary Systems, Inc. (“East Marion”, “Utility” or “Company”). East Marion applied for and was approved for increases in the charges and fees the Utility can charge its customers. Part of the order approving the increased charges and fees required East Marion to provide irrigation meters at the old rate (\$70.00) to customers who had requested these irrigation meters prior to the April 7, 2009 date of the Agenda Conference approving the new charges and fees. East Marion protested the portion of the order directing it to provide irrigation meters at the old rate to the customers who had requested the meters prior to April 7, 2009.
  
6. Petitioners’ protracted efforts to receive a properly installed irrigation meter for the \$70.00 charge was never successful. While East Marion eventually accepted Petitioners’ payment of the \$70.00 charge, it never provided a properly installed irrigation meter at their residence. The less expensive improperly installed irrigation meter is providing Petitioners absolutely no benefit, while subjecting them to monthly minimum irrigation service charges. This docket is the appropriate proceeding to permit Petitioners to present evidence of East Marion’s failure to abide by its previously established tariff charge for the proper installation of irrigation meters, and to seek relief from the Company’s failure to properly install their irrigation meter. Petitioners rights and interests as intervenors cannot be adequately represented by any other party in this proceeding.

**C. RECEIPT OF NOTICE OF AGENCY’S PROPOSED ACTION**

7. Petitioners received notice of East Marion’s protest of Commission PAA Order No. PSC-09-0263-TRF-WU, issued in this docket, by reviewing the docket file on the Commission’s website.

**D. DISPUTED ISSUES OF MATERIAL FACT**

8. Does East Marion’s previously established tariff require the Utility to provide its customers with a properly installed irrigation meter, upon a customer paying the Utility the Commission approved charge of \$70.00?

9. Did the Petitioners pay East Marion the approved \$70.00 meter installation charge?
10. Did the Petitioners receive a properly installed irrigation meter?
11. Should East Marion be required to provide the Petitioners with a properly installed irrigation meter?
12. Should East Marion be required to refund to the Petitioners the monthly minimum irrigation meter charges paid by the Petitioners to the Utility to date?
13. If the Petitioners attempt to connect an irrigation system to the improperly installed irrigation meter, would they be exposed to potential added costs to maintain the water line on the inlet side of the irrigation meter, and the added inconvenience and potential inaccuracy of calculating net gallons used for irrigation purposes?

**E. CONCISE STATEMENT OF ULTIMATE FACTS ALLEGED**

14. East Marion failed to abide by its previous tariff requirement to provide a properly installed irrigation meter upon a customer paying the \$70.00 meter installation charge to the Utility. The specific issues of material fact that need to be resolved are presented above in Section D.

**F. STATUTES AND RULES THAT REQUIRE RELIEF REQUESTED**

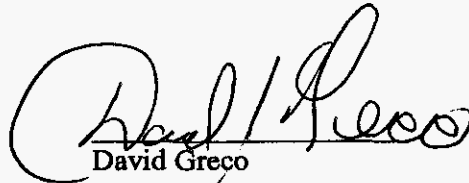
15. The specific statutes and rules that require the relief sought by the Petitioners include, but are not limited to, Section 367.081, 367.111, 367.121, Florida Statutes ("F.S."), Rules 25-30.520, 25-22.039 and 28-106.201(2), F.A.C. Section 367.081, F.S., provides that a utility *may only charge rates and charges that have been approved by the Commission.* Section 367.111, F.S., requires each utility to provide service to customers in its service territory within a reasonable time. Further, Section 367.111, F.S., requires that each utility shall provide to each person reasonably entitled thereto such safe, efficient and sufficient service as is prescribed by Part VI of Chapter 403 and Parts I and II of Chapter 373, or rules adopted pursuant thereto, but such service shall not be less safe, less efficient, or less sufficient than is consistent with the approved engineering design of the system and the *reasonable and proper operation of the utility in the public interest.* Section 367.121, F.S.,

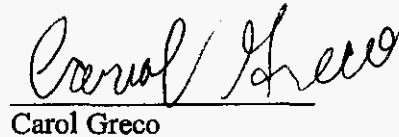
provides that the Commission shall prescribe service rules to be observed by each utility. Rule 25-30.520, F.A.C., provides that it is the responsibility of the utility to provide service within its certified territory in accordance with the terms and conditions on file with the Commission. Rule 25-22.039, F.A.C., provides the requirements for filing a petition to intervene, and Rule 25-106.201(2), F.A.C., provides the information that should be included in a petition to intervene, to demonstrate that the intervenor is entitled to participate in the proceeding or that the substantial interests of the intervenor are subject to determination or will be affected through the proceeding.

**G. RELIEF SOUGHT BY PETITIONER**

16. Petitioners request the Commission to grant their request to intervene in this docket, and to be afforded the opportunity to provide testimony to support their positions taken in this docket.

Respectfully submitted this 19<sup>th</sup> day of April 2010.

  
David Greco

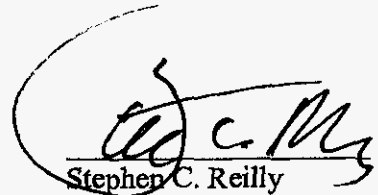
  
Carol Greco

**CERTIFICATE OF SERVICE**  
**DOCKET NO. 080562-WU**

I HEREBY CERTIFY that a true and correct copy of the foregoing Petition to Intervene has been furnished by Electronic and U.S. Mail to the following parties this 19<sup>th</sup> day of April, 2010.

Lisa Bennett, Esquire  
Florida Public Service Commission  
Division of Legal Services  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

East Marion Sanitary Systems, Inc.  
G-4225 Miller Road, #190  
Flint, MI 48507-1227

  
Stephen C. Reilly  
Associate Public Counsel