

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

DATED: APRIL 28, 2010

MOTION FOR EXTENSION OF TIME TO FILE TESTIMONY

The Staff of the FLORIDA PUBLIC SERVICE COMMISSION (Staff), by and through its undersigned counsel, moves the Prehearing Officer, Commissioner Lisa Polak Edgar, for an extension of time to file Staff testimony, from April 26, 2010, until and including April 29, 2010 within which to submit the testimony in the above docket, and in support states:

1. Upon review of the testimony of the utility and the intervening witnesses, Commission staff determined that it has in its possession official Commissions records that would complete the record in this case.
2. The evidence includes a telephone message received from the utility owner regarding applications for irrigation meters.
3. Staff wishes to submit the evidence through testimony and also be available for questions regarding its testimony. A copy of the proposed testimony is attached to this Motion.
4. According to the Order Establishing Procedure, staff's testimony was due on April 26, 2010. The undersigned mistakenly read the due date as April 29, 2010. Accordingly, Commission staff requests that the Order Establishing Procedure be amended to permit staff testimony to be filed on April 29, 2010.

DOCUMENT NUMBER-DATE

03459 APR 28 2010

FPSC-COMMISSION OFFICE

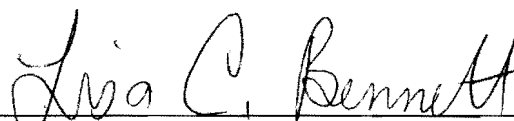
MOTION FOR PERMISSION TO FILE STAFF TESTIMONY

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5. If staff's request is granted, the filing deadline for rebuttal testimony and exhibits should also be extended to May 6, 2010, to afford equal time to East Marion Sanitary Sewer Systems, Inc.
6. The undersigned has attempted to contact all parties to this docket to determine if there are objections to granting staff's request to extend its filing deadline to April 29, 2010. Intervenor Greco, Singel, Turner and Smith did not object. Although intervenor Will does not object, he expressed concern with agreeing without knowing the specific testimony. Accordingly, the testimony is attached to this Motion. Staff left messages with intervenors Politte and Mallon. As of the filing of this motion, staff has not heard from these parties. The undersigned spoke with utility owner Hein, who wished to review the attached testimony before stating his position.

Wherefore, Staff for the Public Service Commission respectfully requests that the deadline for filing Staff testimony be extended to April 29, 2010. To afford equal time to East Marion Sanitary Sewer Systems, Inc, the time for filing rebuttal testimony and exhibits should also be extended to May 6, 2010.



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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.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of STAFF'S MOTION FOR EXTENSION OF TIME TO FILE TESTIMONY has been served by electronic and U. S. mail to the following by U. S. mail this 28th day of April, 2010:

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

Terry Will
1385 NE 130th Terrace
Silver Springs, FL 34488

Joseph M. Singel
1215 NE 130th Terrace
Silver Springs, FL 34488

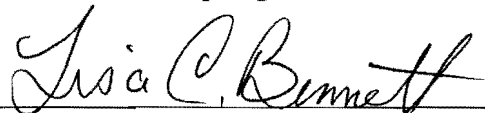
David and Carol Greco
1221 NE 130th Terrace
Silver Springs, FL 34488

Dennis Smith
1384 NE 130th Terrace
Silver Springs, FL 34488

Earl and Turner
787 NE 130th Terrace
Silver Springs, FL 34488

Kevin and Candy Politte
13075 NE 7th Loop
Silver Springs, FL 34488

Millicent Mallon
1075 NE 130th Terrace
Silver Springs, FL 34488



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DOCKET NO.: 080562-WU – 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.

WITNESS: **Direct Testimony of Shannon J. Hudson**, Appearing on Behalf of Staff

DATE FILED: April 29, 2010

DIRECT TESTIMONY OF SHANNON J. HUDSON

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2 Q. Please state your name and professional address.

3 A. My name is Shannon J. Hudson and my business address is 2540 Shumard Oak Boulevard,
4 Tallahassee, FL 32399-0850.

5 Q. By whom are you employed and in what capacity?

6 A. I am employed by the Florida Public Service Commission as a Regulatory Analyst IV in the
7 Division of Economic Regulation.

8 Q. How long have you been employed by the Commission?

9 A. I started working at the Commission in November 1995.

10 Q. Would you state your educational background and experience?

11 A. I received a Bachelor of Science degree with a major in Economics and a minor in Business
12 Administration from Florida Agricultural and Mechanical University in December 1994. From May 1995
13 to November 1995, I was a Fiscal Assistant with the Florida Fish and Wildlife Conservation Commission
14 formerly known as the Florida Game and Freshwater Fish Commission. My duties under this capacity
15 included processing utility invoices for payment and auditing telephone bills and logs for proper standard
16 equipment charges and rates. In November 1995, I was employed by the Commission as a Regulatory
17 Analyst I in the Division of Water and Wastewater's Rate Section of the Bureau of Economic Regulation.
18 In June 1997, I became a Regulatory Analyst II in the Rate Section of the Bureau of Economic
19 Regulation. In June 1999, I became a Regulatory Analyst III in the Bureau of Special Assistance. In
20 May 2003, I became a Regulatory Analyst IV in the Bureau of Certification, Economics & Tariffs. I have
21 attended various regulatory seminars and Commission in-house training and professional development
22 meetings concerning regulatory matters.

23 Q. Would you explain what your general responsibilities are as a Regulatory Analyst IV in the Rate
24 Filings Section?

25 A. This section is responsible for the financial, accounting and rate review and evaluation of

1 complex formal rate proceedings before the Commission. Specifically, I am assigned to review and
2 analyze the accounting issues for water and wastewater utilities under the jurisdiction of the Florida
3 Public Service Commission. For the cases that I am assigned, I coordinate, prepare and present staff
4 recommendations to the Commission. I am also responsible for preparing and writing cross-examination
5 questions for hearings involving complex accounting and financial issues.

6 Q. What is the nature and purpose of your testimony?

7 A. Several customers of East Marion Sanitary Systems (East Marion or Utility) have indicated that
8 the Utility refused to provide an application for an irrigation meter until a pending application for new
9 charges was approved by the Commission. Pursuant to Rule 25-30.520, Florida Administrative Code, it
10 is the responsibility of the utility to provide service within its certificated territory in accordance with terms
11 and conditions on file with the Commission. The purpose of my testimony is to present evidence that Mr.
12 Herbert Hein, the owner of East Marion, is in violation of this rule. On September 26, 2008, Mr. Hein left
13 a voicemail in which he indicated irrigation meters would not be installed until the Commission
14 addressed his request for an irrigation meter tariff. The voice message has been included as a
15 transcription in Exhibit SJH-1 and as a WMA audio file in Exhibit SJH-2 of my testimony.

16 Q. Does this conclude your testimony?

17 A. Yes, it does.

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Transcription of Phone Message from Herbert Hein

“Yes, Herbert Hein returning your call regarding David Greco. I’ve spoken to Mr. Greco, I guess I’m wondering, just recently, I’m just wondering when he called in again. If you would call and let me know that information I would appreciate it. And as my written reply indicated, I’m in the middle of asking for an irrigation meter tariff and until that is approved I am not installing irrigation meters. Thank you. Bye.”

Voice Recording of Message left by Herbert Hein on September 26, 2008



DOCUMENT NUMBER-DATE
03459 APR 28 0
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Exhibit SJH-2

DOCUMENT NUMBER-DATE
03459 APR 28 0
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