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September 17, 1993

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**ORIGINAL  
FILE COPY**

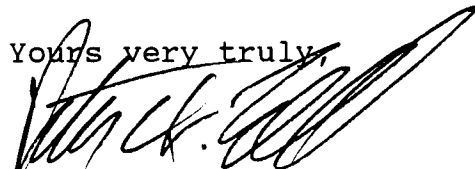
Steve Tribble, Clerk  
Florida Public Service Commission  
101 East Gaines Street  
Tallahassee, Florida 32399-0850

**RE: Application for Certificates to Provide Water and  
Wastewater Service in Alachua County Under Grandfather  
Rights by Turkey Creek, Inc. & Family Diner, Inc. d/b/a  
Turkey Creek Utilities,  
Docket No. [REDACTED]**

Dear Mr. Tribble:

Enclosed please find the original and fifteen copies of the  
Prefiled Direct Testimony of Jim Cherry to be filed on behalf of  
Turkey Creek Master Owners Association in connection with the above  
referenced matter.

Yours very truly,

  
PETER C.K. ENWALL

PCKE:daj  
Enclosures

ACK \_\_\_\_\_  
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FLORIDA PUBLIC SERVICE COMMISSION  
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DOCUMENT NUMBER-DATE  
10085 SEP 20 88  
FYOC-RECORDS/REPORTING

**ORIGINAL  
FILE COPY**

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Application for Certificates to  
Provide Water and Wastewater Service in  
Alachua County Under Grandfather Rights  
by TURKEY CREEK, INC. & FAMILY DINER,  
INC. d/b/a TURKEY CREEK UTILITIES

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DOCKET NO. 921098-WS

**PREFILED DIRECT TESTIMONY OF  
JIM CHERRY**

DOCUMENT NUMBER-DATE

10085 SEP 20 03

FPSC-RECORDS/REPORTING

1 Q. Will you please state your name and address?  
2 A. My name is Jim Cherry. I reside in the Turkey  
3 Creek Subdivision, Alachua, Florida, 32615.  
4 Q. In what capacity are you appearing in this cause?  
5 A. I am the former president of the Turkey Creek  
6 Master Owners Association, Inc., (Owners  
7 Association) which is a homeowners association  
8 consisting of residents of the Turkey Creek  
9 Subdivision. Currently I am Chairman of the  
10 Utilities Committee. We are also customers of  
11 Turkey Creek Utilities (TCU), individually, and as  
12 an association. I was the President from June 30,  
13 1992, until August, 1993. The Board of Directors  
14 has authorized me to act and testify on behalf of  
15 the Owners Association.  
16 Q. What is the purpose of your testimony?  
17 A. The purpose of my testimony is to provide the  
18 Commission with background regarding the  
19 relationship of the owners in Turkey Creek with the  
20 Utility. I will also testify regarding the fire  
21 protection charge which the Utility attempted to  
22 charge to the Owners Association; further, I will  
23 testify regarding the miscellaneous charges which  
24 were in effect as of July, 1990, and the extent of  
25 an increase in these charges; I will testify

1            regarding the practice of the Utility as to  
2            customer deposits and interest; I will testify as  
3            to the Utility's practice regarding a late payment  
4            fee; I will testify regarding the service  
5            availability charges of the Utility; I will testify  
6            regarding the un-metered irrigation facilities and  
7            the relationship between the owners and the Utility  
8            regarding these common areas; I will testify  
9            regarding the Utility's implementation of its meter  
10           replacement policy; I will testify regarding the  
11           form used by the Utility as an application for  
12           service; and I will testify about our position on  
13           the issue of deposits, refunds, and interest.

14                    In a nutshell, the owners submit that the  
15                    rates and fees presently charged by the Utility are  
16                    not fair, just, or reasonable to the owners, nor  
17                    were the rates and fees which were being charged  
18                    when the Commission took jurisdiction. The owners  
19                    submit that the question of reasonable rates and  
20                    charges should be addressed by the commission in a  
21                    later proceeding.

22                    Finally, the purpose of my testimony is to  
23                    urge the Commission to continue in effect its  
24                    proposed rate rollback to the June 30, 1992, level  
25                    and to continue to compel the preservation of the

1           difference between the two charges, together with  
2           interest, until such time that the Utility refunds  
3           these improper charges to our homeowners with  
4           appropriate interest.

5       Q.   Do you or the Association have substantial  
6           interests which are affected by the Commission's  
7           proposed action?

8       A.   Yes, our substantial interests are affected.  
9           First, I am an individual homeowner within the  
10          Turkey Creek subdivision and have received my water  
11          and wastewater service from TCU since 1985.  
12          Second, I am representing our Owners Association  
13          which is a customer.       Finally, our Owners  
14          Association includes all of the homeowner residents  
15          of the Turkey Creek subdivision, each of whom  
16          receive their water and wastewater service from  
17          TCU.   The members have authorized the Association  
18          Board to act in their behalf, and the Board has  
19          voted to file for intervention in this action, and  
20          have further authorized me to testify in their  
21          behalf, as former President and Utilities Committee  
22          Chairman.   In short, we all have to pay TCU's rates  
23          and charges.

24       Q.   Mr. Cherry, would you briefly summarize the history  
25          of the relationship between the Owners Association

1 and the Utility?

2 A. Norwood Hope, through his various companies,  
3 developed Turkey Creek as a subdivision located  
4 North of Gainesville, Florida, and within the  
5 corporate limits of the City of Alachua. Until  
6 1992, Mr. Hope exerted total control over the  
7 Owners Association and also the Utility. Pursuant  
8 to the settlement of a lawsuit, Mr. Hope was  
9 required to turn control over to an elected Board  
10 of Directors for the Owners Association, and this  
11 elected Board of Directors took office in June of  
12 1992. As a Director, and as a homeowner, I was  
13 elected President of the Association. Over the  
14 years, the owners' relations with Mr. Hope have  
15 been strained to say the least. Since the new  
16 Board assumed the management and control of the  
17 Owners Association, this strained relationship has  
18 continued to exist between Mr. Hope, as owner of  
19 the Utility, and the Owners Association.

20 Q. How has the relationship manifested itself with  
21 respect to fire protection in the Turkey Creek  
22 subdivision.

23 A. On October 12, 1992, the Utility delivered to the  
24 Owners Association a bill for \$1,838.16, for a  
25 "fire hydrant service fee". TCU later provided a

1 Notice that payment was delinquent and that a late  
2 fee of ten percent (10%) of the unpaid balance  
3 would be added to the bill. On October 19, 1992, I  
4 wrote Mr. Hope a letter pertaining to the  
5 irrigation charges and also pertaining to the fire  
6 hydrant service fee. I asked him to provide me  
7 with any Agreement which would obligate the Owner's  
8 Association to pay the fee.

9 He never provided any documentation, and on  
10 November 11, 1992, we received a notice that if the  
11 total amount was not paid by November 18, 1992,  
12 fire hydrant service would immediately be  
13 discontinued.

14 Q. Mr. Cherry, let me show you Intervenor's Composite  
15 Exhibit "JC-1", consisting of three (3) page, and  
16 ask you if you can identify these documents.

17 A. Yes, the first page is a copy of the bill. The  
18 second page is my letter dated October 19, 1992,  
19 requesting written documentation regarding the  
20 Owners Associations obligation. The third page is  
21 the notice to the Owners Association that service  
22 would be discontinued.

23 Q. Should the Owners Association be required to pay  
24 for fire hydrant service within the subdivision?

25 A. No. We believe that this is a normal part of a

1 utility doing business and the cost should not be  
2 billed to an individual customer. Furthermore, it  
3 was a conflict of interest for Mr. Hope to have the  
4 Owners Association pay this fee when he controlled  
5 both the Owners Association and TCU.

6 Q. Are you familiar with the connection and  
7 disconnection charges imposed by the Utility in  
8 June of 1992, and since that date?

9 A. Yes, I am. According to its Tariff Filing, the  
10 Utility presently charges \$40.00 for the initial  
11 connection of water and wastewater service; and  
12 \$40.00 for pre-paid dis-connection of water and  
13 wastewater service; \$40.00 for normal reconnection  
14 of water.

15 The \$40.00 charge appears excessive to us.  
16 TCU is confined to a small geographic area and the  
17 utility can travel to any customer in five minutes  
18 or less.

19 Q. What has been the effect of these charges?

20 A. Many of the members of our Owners Association have  
21 had plumbing problems from time to time, including  
22 myself. In order for the plumber to work on our  
23 particular problem, the water must be disconnected.  
24 According to TCU, this incurs a \$40.00 charge.  
25 Once the plumber has completed his work, the water



1 must be reconnected. According to TCU, this calls  
2 for another \$40.00 charge. I have had to pay these  
3 charges myself in order to obtain plumbing  
4 services. The Owners Association submits that  
5 these charges are not reasonably related to the  
6 actual cost of providing these services.

7 Q. Are you familiar with TCU's policy regarding  
8 customer deposits and interest?

9 A. Yes. Many of our owners have been on the system  
10 long enough to warrant a refund of their initial  
11 customer deposit. However, when refunds have been  
12 made, TCU has refunded the initial deposit, minus  
13 \$40.00.

14 Further, the Utility makes no pretense about  
15 paying any interest on any of the deposits, and has  
16 indicated that it will not pay interest on the  
17 \$40.00 deposit which it continues to retain.

18 Q. What do you request with respect to these deposits?

19 A. On behalf of the owners, I request that a  
20 reasonable rate of interest be assessed against TCU  
21 and that provision be made for the payment of any  
22 interest arrears to the customers in an equitable  
23 manner. I also request that any remaining customer  
24 deposits which are being unreasonably withheld by  
25 the Utility be promptly returned to the homeowner.

1 Q. Are you familiar with TCU's late payment fee?  
2 A. Yes. It's \$20.00 or ten percent (10%) whichever is  
3 greater. This is very excessive. A \$20.00 late  
4 fee for being one day late on a \$30.00 to \$50.00  
5 utility bill is unreasonable. We concur with  
6 staff's recommendation to lower this to \$2.00 or  
7 \$3.00. In addition, the Utility often disregarded  
8 the post mark on a paid bill and claimed that  
9 payment had not been timely received which  
10 according to the Utility, justified imposition of  
11 the late charge. We would ask the Commission to  
12 see that this practice is stopped.

13 Q. Are you familiar with the service availability  
14 charges which are currently being charged by TCU?  
15 A. Yes, I am. In my estimation, they are clearly  
16 excessive. For example, this past Spring, the  
17 homeowner's Board of Directors voted to construct a  
18 small structure near the entrance of our  
19 subdivision to serve as a security gate house. We  
20 authorized Howard Johnston, a homeowner and Board  
21 member, to inquire of the Utility as to how much  
22 this would cost. Mr. Hope responded to our inquiry  
23 with a letter dated April 7, 1993.

24 Q. Let me show you Intervenor's Composite Exhibit "JC-  
25 3". Is this the letter?

1 A. Yes, it is.

2 Q. Why do you say the charges pertaining to the  
3 guardhouse are excessive?

4 A. As I understand it, the normal installation cost of  
5 installing a 5/8" x 3/4" meter is around \$100.00.  
6 TCU's charge for our guardhouse greatly exceeds a  
7 normal charge. Further, TCU's charge does not  
8 include the cost of hooking into the system,  
9 because there is a separate water line charge of  
10 \$150.00, and there are other charges related to  
11 repavement costs. I have previously referred to  
12 the unreasonableness of the \$80.00 connect and  
13 disconnect charge. The City of Alachua would  
14 probably charge somewhere around \$250.00, instead  
15 of the \$1,465.00 which the Utility was trying to  
16 charge us.

17 As to the wastewater system, we have never  
18 received any justification for the \$1,250.00  
19 manhole charge, or the 4 inch lateral installation  
20 charge. The capital facilities charge of \$535.00  
21 is very high, and TCU is also attempting to charge  
22 us a pro-rata share of the construction cost of the  
23 lift station, which is a new charge. You must  
24 remember that all of this pertains to providing  
25 service to a small guardhouse. Even a regular

1 house in Turkey Creek would not cost as much.

2 Q. Are you familiar with the rate for service  
3 presently charged by TCU?

4 A. Yes, I am, and they are too high. I am familiar  
5 with them because the Owners Association pays them,  
6 and also because I pay them individually, as a  
7 customer. An example of the manner in which the  
8 rates are charged is shown in my letter December  
9 29, 1992, with my bill attached.

10 Q. Let me show you Intervenor's Composite Exhibit "JC-  
11 4", consisting of two (2) pages, and ask you if you  
12 can identify these?

13 A. Yes. This is my letter to Joann Chase, together  
14 with a copy of the bills. The rates apparently  
15 went up, but without any notice. Using the  
16 December, 1990, rate schedule, my September water  
17 bill should have been \$32.02, not \$33.80. The  
18 wastewater charge of \$37.25 cannot be verified, and  
19 also there is a \$ .25 "Gov't" charge. It is clear  
20 that TCU raised its rates after June 30, 1992,  
21 without the consent of the Commission and that  
22 illegal rate increases should be refunded to the  
23 customers with interest.

24 Q. Are the owners satisfied with rolling back the  
25 rates as proposed by the Commission.

1       A.    Yes, in this proceeding.  However, the question  
2            whether the June 30, 1992, rates are fair, just,  
3            and reasonable should be the subject of a later  
4            docket proceeding.

5       Q.    Are you familiar with the water systems which had  
6            no meters?

7       A.    Yes, I am.  Presently, there are connections which  
8            provide water to five median strips which are  
9            common areas of the subdivision, and which are the  
10           responsibility of the Owner's Association.  When  
11           the new Board took over, we began receiving water  
12           bills for these five areas.  We became aware that  
13           no water had even been used since the previous  
14           March.  We authorized Beverly Smith to inquire of  
15           the Utility about the reason for the \$393.55  
16           charge, which seemed excessive.  TCU responded by  
17           saying that when Mr. Hope ran the Owners  
18           Association, he had entered into a verbal agreement  
19           with himself, as owner of the Utility, to charge  
20           the amounts charged.

21      Q.    Have you ever seen any written document which sets  
22            forth the charge for providing water to the common  
23            areas?

24      A.    No, I have not.  As a matter of fact, these five  
25            areas did not even have meters, so there was no way

1 to tell how much water had been used. We noticed  
2 that the bills seemed to reflect a meter use. Upon  
3 further inquiry, we learned that Mr. Hope had  
4 simply inserted an arbitrary meter reading so that  
5 his computer software could generate a bill. We  
6 would hope that the Commission would attempt to  
7 regulate this area in the future.

8 Q. Let me show you Intervenor's Composite Exhibit "JC-  
9 5", consisting of two (2) pages, and ask you if you  
10 can identify these.

11 A. Yes. This is Mrs. Smith's letter to Mr. Hope,  
12 which we authorized, and this is Mr. Hope's  
13 response to her dated September 24, 1992.

14 Q. What is the position of the owners regarding the  
15 watering sites?

16 A. We agree that we should have to pay a fair charge  
17 to provide meters to these sites, and we further  
18 agree that we should have to pay a reasonable rate  
19 for the water we use.

20 Q. Are you familiar with the meter placement activity  
21 of the Utility?

22 A. I am aware that the Utility has on occasion decided  
23 to install 1" meters for some of our properties,  
24 rather than the standard 5/8" x 3/4" meters. The  
25 Utility then charges the higher rate associated

1 with the larger meter.

2 Q. What are the owners requesting regarding these  
3 meters?

4 A. We are requesting that the Utility either charge a  
5 monthly customer charge based upon the smaller  
6 meter size, or replace the meters at no cost to the  
7 owner.

8 Q. Are you familiar with the service application form  
9 used by the Utility?

10 A. Yes, I am. We applied for service on August 3,  
11 1993, for the irrigation systems I mentioned. A  
12 copy of the our Application is included as  
13 Intervenor's Composite Exhibit "JC-6". As you can  
14 see, the connection fees and disconnection fees  
15 have now risen by \$10.00 over the December 26, 1990  
16 Application form and are now \$40.00. In paragraph  
17 2, we are now being charged \$60.00 per connection  
18 or disconnection if these occur during other than  
19 normal business hours.

20 The Utility continues to charge its ten percent  
21 (10%) or \$20.00 late charge.

22 Q. Are you familiar with the PSC staff criticisms of  
23 the Application form?

24 A. Yes, I am.

25 Q. What are your comments?

1       A.    The owners agree with staff, and would request that  
2            the Application be completely revised.  We would  
3            further request that a copy of the rates in effect  
4            be delivered to each customer when service is  
5            applied for.  This is a practice which has not  
6            occurred in the past.

7        Q.    As a representative of the Owners Association and  
8            also as an individual homeowner, what is your  
9            position regarding the refund of excessive  
10           deposits?

11       A.    We would request the Commission to require the  
12            Utility to escrow deposits and make refunds of  
13            deposits and other monies when appropriate.  Also,  
14            the Utility should be required to pay interest on  
15            each deposit according to normal industry  
16            standards.  We also request that the Utility be  
17            required to refund the difference between the  
18            improper rates charged by the Utility and the rates  
19            in effect on June 30, 1992.  We would also request  
20            the Commission to consider and adopt in a future  
21            proceeding those rates and charges which are fair,  
22            just, and reasonable.

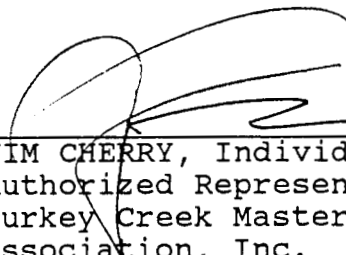
23        Q.    Does this complete your testimony?

24        A.    Yes, it does.



DATED this 17th day of September, 1993.

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\_\_\_\_\_  
JIM CHERRY, Individually and as  
Authorized Representative of the  
Turkey Creek Master Owner's  
Association, Inc.

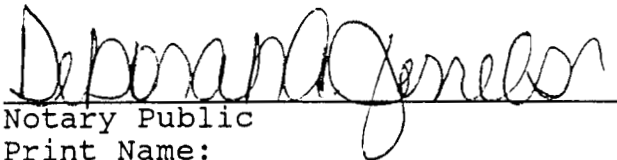
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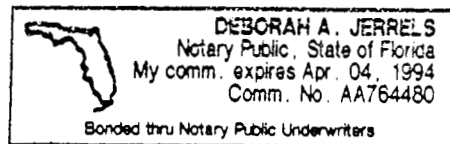
STATE OF FLORIDA  
COUNTY OF ALACHUA

8  
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BEFORE ME, the undersigned authority personally appeared  
JIM CHERRY, Individually and as Authorized Representative of  
the Turkey Creek Master Owner's Association, Inc., who after  
being placed under oath, and being personally known to me,  
deposes and states that the foregoing is true and correct.

13  
14  
15  
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\_\_\_\_\_  
Notary Public  
Print Name:  
Commission Expiration Date:  
Commission Number:



**CERTIFICATE OF SERVICE**

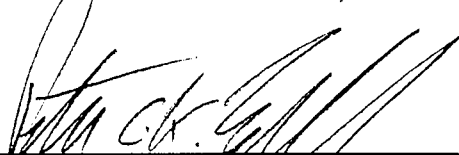
I HEREBY CERTIFY that a true copy of the foregoing has been provided by U.S. Mail,  
on this 17th day of September, 1993, to the following persons:

JOHN L. WHARTON, ESQUIRE  
Rose, Sundstrom & Bentley  
2548 Blairstone Pines Drive  
Tallahassee, Florida 32301  
Attorney for TURKEY CREEK, INC.  
and FAMILY DINER, INC., d/b/a  
TURKEY CREEK UTILITIES

STEPHEN C. REILLY, ESQUIRE  
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Tallahassee, Florida 32399-1400

CATHY BEDELL, ESQUIRE  
Division of Legal Services  
Florida Public Service Commission  
101 East Gaines Street  
Tallahassee, Florida 32399-0863

**PETER C.K. ENWALL, P.A.**



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PETER C.K. ENWALL  
211 NE First Street  
Post Office Box 23879  
Gainesville, Florida 32602  
(904) 376-5226  
Florida Bar Number: 161601  
Attorney for Prospective Intervenor

TURKEY CREEK UTILITIES  
KEEP THIS HALF FOR YOUR RECORDS

	AMOUNT	CODE
10/12/92		
Fire Hydrant Service Fee for year 1992		
92 hydrants at \$19.98 each	\$1,838.16	
Please see reverse side A 10% late fee will be added if not paid when due		

TURKEY CREEK UTILITIES  
158 Turkey Creek  
Alachua, FL 32615-9313



Turkey Creek Master Owners  
Association, Inc.  
Suite 30  
P. O. Box 147050  
Gainesville, FL 32614-7050

RETURN THIS HALF WITH PAYMENT

\$	\$	\$ 1,838.16
AMOUNT PAID	CURRENT BILLING	TOTAL

\$	\$	\$ 1,838.16
AMOUNT PAID	CURRENT BILLING	TOTAL

PLEASE PAY BY 10/12/92 AFTER THE 10TH OF THE MONTH

DATE	10/12/92	AMOUNT	
------	----------	--------	--

DATE	10/12/92	AMOUNT	
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Intervenor's Composite  
Exhibit "JC-1" (3 pages)

**Turkey Creek Master Owners Association, Inc.**

**Suite 30, P.O. Box 147050  
Gainesville, FL 32614-7050**

October 19, 1992

Norwood Hope, President  
Turkey Creek Utilities, Inc.  
158 Turkey Creek  
Alachua, FL 32615-9513

Dear Mr. Hope:

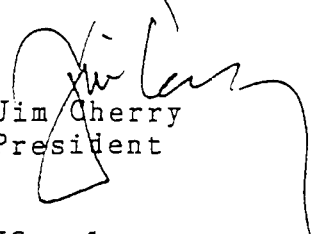
This will acknowledge your notice of October 13th advising of a late fee and a threat to disconnect our service.

The Board of Directors wrote to you on September 18, 1992 asking why our bill for August was \$393.55 when no water was used. We have not had the courtesy of receiving your reply. The board believes this bill to be excessive and deserves an explanation before more payments are made.

When you were President of TCMOA, you had a fiduciary duty to the membership to obtain the best utility rates possible. This was especially so since the utility company was owned by you and your family and there was no "arms length" transaction. Please forward to me any contracts or agreements you entered into as President of TCMOA whereby you obligated the TCMOA to pay a minimum of \$393.55 for no water usage. Is this in line with the minimum rate charged other users?

You also sent TCMOA an invoice on October 12, 1992 for \$1,838.16 for a fire hydrant service fee. I would likewise ask that you forward to me any contracts or agreements you entered into as President of TCMOA to obligate the TCMOA to pay a fire hydrant service fee.

Sincerely,

  
Jim Cherry  
President

JC:rs1

cc: Florida Public Service Commission  
Ernest A. Sellers

NOTICE

TO: Board of Directors  
Turkey Creek Master Owners Association, Inc.

FROM: Turkey Creek Utilities

DATE: November 11, 1992

Be advised that the 1992 fire hydrant service fee which was billed on October 12, 1992, is now delinquent. A late fee of 10% has been added to said bill, and if the total amount is not paid on or before the working day of November 18, 1992, we will immediately discontinue fire hydrant service to the Turkey Creek area, including Dry Creek "A" and "B", and advise the fire department that we have done so. In the event you elect or cause to have this service discontinued, please advise all property owners of same so they will be made aware of this and be able to notify their insurance company of this change. By copy of this letter, we are notifying all residents of this matter at this time.

cc: All TCMOA Board Members  
Turkey Creek Residents  
Public Service Commission

TURKEY CREEK, INC.  
SINGLE FAMILY RESIDENTIAL WATER SERVICE

Prior to the connection to Turkey Creek Utilities Water System the following must be completed:

(1) An initial one time water capital facilities charge must be paid as follows:

<u>Water Meter Size (Inches)</u>	<u>Water Capital Facilities Charges</u>
5/8 x 3/4	\$380.00
1	\$545.00
1-1/2	\$675.00
2	\$900.00

(2) A building permit must be in force and all plans approved by approval authority for compliance with restrictive covenants and any other rules and regulations.

(3) A water meter charge must be paid as follows:

<u>Water Meter Size (Inches)</u>	<u>Installation Charge*</u>
5/8 x 3/4	\$375.00
1	\$460.00
1-1/2	\$675.00
2	\$900.00

\*Includes PVC ball shutoff valve and PVC check valve with valve box

All water meters to remain the property of Turkey Creek, Inc. and Turkey Creek, Inc., will make the sole determination in each instance as to the size of water meter required.

(4) In addition to the above charges, the user must agree to and abide by all rules and regulations contained in user's application for water and wastewater service and as same rules and regulations may subsequently change and pay any other charges and rates as set forth in said application and as same charges and rates may subsequently change.

SINGLE FAMILY RESIDENTIAL WATER RATES

All bills for water service are subject to the following:

(1) Ten percent (10%) City of Alachua utility tax will be added to the total water service bill and will be collected monthly. This utility tax is not subject to any discount.

(2) The rates and charges to be charged and collected from consumers of water furnished by Turkey Creek, Inc., will be as follows:

Customer service charge	\$5.95 per month per bill rendered
Rate per 1,000 gallons for first 4,000 gallons	\$1.10 per 1,000 gallons
Rate per 1,000 gallons over 4,000 gallons	\$ .85 per 1,000 gallons

Minimum Monthly Charges

<u>Water Meter Size (Inches)</u>	<u>Minimum Charge</u>	<u>Gallons Included in Minimum Charge</u>
5/8 x 3/4	\$10.35	4,000
1	12.05	6,000
1-1/2	23.95	20,000
2	40.95	40,000

Turkey Creek, Inc., presently only has single family residential water services and rates as listed above. Rates for any other type water service which may be furnished in the future will be set at that time.

The above single family residential water service charges and single family residential water rates of Turkey Creek, Inc., are subject to change without notice.

TURKEY CREEK, INC.

SINGLE FAMILY RESIDENTIAL WASTEWATER SERVICE

Prior to the connection to Turkey Creek Utility Wastewater System, the following must be completed:

(1) An initial one time water capital facilities charge must be paid as follows:

<u>Water Meter Size (Inches)</u>	<u>Wastewater Capital Facilities Charges</u>
5/8 x 3/4	\$440.00
1	\$590.00
1-1/2	\$725.00
2	\$950.00

(2) A building permit must be in force and all plans approved by approval authority for compliance with restrictive covenants and any other rules and regulations.

(3) Domestic effluent - The charges for residential wastewater service apply to wastewater flows made up entirely of domestic effluent not exceeding the characteristics listed below under the heading of Domestic Maxima:

Domestic Maxima

<u>Constituent</u>	<u>Concentration mg/l</u>
Total Solids	500
Volatile	350
Fixed	150
Suspended Solids	300
Volatile	250
Fixed	50
Dissolved Solids	200
Volatile	100
Fixed	100
BOD (5-day, 20° C)	200
COD	300
TOC	150
Total Nitrogen	50
Organic Nitrogen	20
Free Ammonia Nitrogen	30
Nitrate (NO <sub>2</sub> ) Nitrogen	0.05
Nitrate (NO <sub>3</sub> ) Nitrogen	0.20
Chlorides	100
Alkalinity (as CaCO <sub>3</sub> )	100
Fats, Oils, and Grease	20



(4) An inspection must be made of the entire wastewater line from the residence to its connection with Turkey Creek, Inc., wastewater system, and said wastewater line and all connections must be approved by Turkey Creek, Inc.

(5) In addition to the above charges the user must agree to and abide by all rules and regulations contained in user's application for water and wastewater service and as same rules and regulations may subsequently change and pay any other charges and rates as set forth in said application and as same charges and rates may subsequently change.

#### SINGLE FAMILY RESIDENTIAL WASTEWATER RATES

All bills for water service are subject to the following:

(1) The rates and charges to be charged and collected from consumers of wastewater furnished by Turkey Creek, Inc., will be as follows:

Minimum monthly charge	\$23.75 (includes wastewater charge associated with 4,000 gallons of water consumption).
Rate per 1,000 gallons of water used over 4,000 gallons thru 7,000 gallons	\$3.90 per 1,000 gallons
Maximum monthly charge	\$35.45

(2) Turkey Creek, Inc., in its wastewater rates takes into consideration its furnishing of water at the same time and Turkey Creek, Inc., will not furnish wastewater service without serving water at same time.

Turkey Creek, Inc., presently only has single family residential wastewater service and rates as listed above. Rates for any other type wastewater service which may be furnished in the future will be set at that time.

The above single family residential wastewater service charges and single family residential wastewater rates of Turkey Creek, Inc. are subject to change without notice.

APPLICATION FOR RESIDENTIAL WATER AND WASTEWATER SERVICE

For a total of \$135.00 deposit and \$30.00 cut-on fee, I do hereby apply for the services of Turkey Creek, Inc., to serve water and sewer to:

Name: \_\_\_\_\_ Location: Lot \_\_\_\_\_  
Street Address: \_\_\_\_\_ Mailing Address: \_\_\_\_\_  
Phone No. \_\_\_\_\_ to begin on \_\_\_\_\_

I understand and agree that I will receive no interest on my deposit money and I agree to pay for said water and sewer services within 10 days after billing date on the invoice at the rates in effect from time to time and applicable taxes thereon, and if not paid within 10 days, the amount billed will become delinquent. I further understand and agree as follows:

1. If I do not pay for these water and sewer services within 10 days after billing date, I will pay a late charge of \$20.00 per month.
  2. My water services will be discontinued at any time my account is more than 10 days delinquent, and that before water services may be reinstated, my account with Turkey Creek, Inc. must be paid current, including a \$30.00 cut-off fee, plus a \$30.00 re-cut-on fee must be paid in advance. A \$30.00 cut-off fee will be charged where any service is discontinued for any reason.
  3. The above mentioned deposit may be used to pay any delinquency on my account, and said deposit is refundable to me, provided my account with Turkey Creek, Inc., is paid-in-full.
  4. I am not to re-meter, resell, allow to be used on another property or residence, any meter obtained from Turkey Creek, Inc., and that I will not allow other water to be connected with a water system of Turkey Creek, Inc.
  5. The customer agrees not to tamper with, damage or destroy any seals, material or equipment of Turkey Creek, Inc. The customer further agrees to be responsible for any damage done to any seals, material or equipment of Turkey Creek, Inc.
  6. All payments for said water services shall be made in person or by mail at the office of Turkey Creek, Inc., in Alachua County, Florida.
  7. I am not to use any water, except as approved in writing by Turkey Creek, Inc., on or in connection with the above premises which is not furnished or supplied by Turkey Creek, Inc., or its successors, designees, nominees or assignees.
  8. I will not allow any water or waste, except human waste generated in my residence, to enter the wastewater system of Turkey Creek, Inc., unless said water or wastewater has been metered and/or sold by Turkey Creek, Inc.
  9. Water from a well, stream, lake or basin may be used only for the purpose of watering grass, shrubs, gardens, and as approved in writing by Turkey Creek, Inc.
  10. A designated official from Turkey Creek, Inc., may inspect my water or wastewater system on my property at any reasonable hour to determine compliance with this application. I further understand that if I am not complying with all conditions on this application, that my water and wastewater service will immediately be cut off and discontinued without notice.
  11. Water service can be discontinued and the application voided during normal business hours of Turkey Creek, Inc., upon notification by the applicant to the utility and payment of current billing.
  12. Water service connections, disconnections or reconnections at the customer's request will only be done upon 24 hours notice and during normal business hours of Turkey Creek, Inc.
  13. I agree to be responsible for all attorneys' fees and costs incurred on behalf of Turkey Creek, Inc., as a result of action taken to collect any charges incurred by me.
- I hereby agree to pay the rates and obey/follow rules as may be set or amended from time to time by Turkey Creek, Inc.

\_\_\_\_\_  
Social Security No. \_\_\_\_\_

TURKEY CREEK, INC. is hereby acknowledged of \$165.00 which represents a deposit of \$135.00 for residential water and wastewater service of TURKEY CREEK, INC., and a \$30.00 cut-on fee.

TURKEY CREEK, INC.

By \_\_\_\_\_

TURKEY CREEK MASTER OWNERS ASSOCIATION, INC.  
REVIEW FEES

	<u>Per Dwelling Unit</u>
A. All single family detached plans	\$120.00
B. All attached units*	\$140.00
C. Additions and/or alterations to completed single family and attached units not requiring a plan to be submitted	\$ 40.00
D. Additions and/or alterations to completed single family and attached units requiring a plan to be submitted	\$ 50.00

\*Recognizing that builders of townhouses or multifamily structures may repeat or mirror floor plans and elevations, the Association will put a maximum review fee on buildings which contain such repeat or mirror units, provided such units are simultaneously submitted for Association approval and will be built simultaneously by the same builder. This maximum will be \$1,100 per building. In addition, in those cases where buildings are duplicates of other buildings to be simultaneously approved and simultaneously constructed by the same builder, then such additional duplicate buildings shall be at half the maximum per building. These maximum charges only apply to 20 units or less per building. Any building with more than 20 units must have its own owners association unless special approval by the Turkey Creek Club Villa Owners Association is granted. The charges for buildings of more than 20 units shall be determined by the Association at the time the plans and specifications are filed for review.

OWNERS ASSOCIATION CAPITAL RESERVE FUND FEES

In accordance with the restrictive covenants, upon the issuance of a building permit for the construction of a dwelling unit, an initial working capital contribution must be made by the owner thereof to Turkey Creek Master Owners Association, Inc., in the amount of \$80.00 per dwelling unit. In addition, should this construction be of townhouse or club villa units, there will be an additional payment of \$50.00 per unit required made payable to Turkey Creek Club Villa Owners Association, Inc.

7/30/90

2900 Turkey Creek Boulevard  
158 Turkey Creek  
Alachua, Florida 32615-9513  
Phone (904)462-5653

April 7, 1993

Mr. Howard Johnston  
Turkey Creek Master Owners Association, Inc.  
Suite 30  
P. O. Box 147050  
Gainesville, FL 32614-7050

Re: Water and Wastewater Service to Guard House

Dear Howard:

Pursuant to your request, please be advised that we will install a 1" water line from water main to north end of second island at entrance to Turkey Creek and install a 5/8" water meter with cutoff and check valve for hookup by others at the following cost:

Water Line	\$ 150.00
Cut & Patch Pavement	400.00
Meter Installation and Capital Facilities Charge	835.00
Turn-on & Turn-off Fees	<u>80.00</u>
Water Total	\$1,465.00

We will also install a 12' manhole on east side of Turkey Creek Boulevard, cut into sewer line and bring up 4" sewer lateral for hookup by others at the following cost:


Manhole	\$1,250.00
Cut into & install 4" lateral	300.00
Capital Facilities Charge	535.00
Prorata Charge for Lift Station	<u>500.00</u>
Wastewater Total	\$2,585.00

GRAND TOTAL - \$4,050.00

Also please be advised that you cannot build any permanent structure any further than 13' south of the paved crossover.

Yours very truly,

TURKEY CREEK UTILITIES

  
Norwood W. Hope

Intervenor's Composite  
— Exhibit "JC-3" —



A Planned Residential and Recreational Community  
4 Miles North of Gainesville on US 441 North

**Turkey Creek Master Owners Association, Inc.**

**Suite 30, P.O. Box 147050  
Gainesville, FL 32614-7050**

September 29, 1992

Ms. Joann Chase  
Regulatory Analyst Supervisor  
Florida Public Service Commission  
Fax #: 904-487-0509

Dear Ms. Chase:

This will follow-up on our telephone conversation of yesterday. As we discussed, and as is set forth in your letter of Sept. 23rd, the PSC now is responsible for regulating Turkey Creek Utilities, Inc. (TCU).

TCU has just raised rates without the consent of the PSC or the City of Alachua. As an example, I'm including my August and September bills. A review will show that 29,500 gallons cost \$33.80 in September, while 31,100 gallons cost less in August. The wastewater fee is raised from \$35.45 to \$37.25. Also, a pass through of government charges is added.

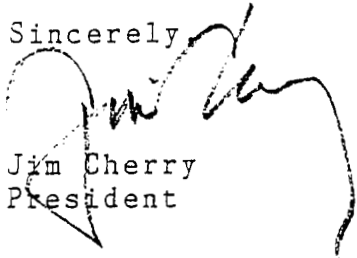
I called TCU today and spoke to Tom, the bookkeeper. He verified that the rates are higher this month.

On behalf of the homeowners of Turkey Creek, I would ask that the PSC immediately enjoin TCU from implementing this increase and that TCU promptly mail out revised bills.

I appreciate your assistance in this matter. I can be reached at telephone: (904)-372-4026 and Fax: (904)-372-9400.

I will be writing you with a more detailed explanation of our concerns. This unauthorized rate increase is typical of the conduct of TCU.

Sincerely,



Jim Cherry  
President

JC:rs1

Intervenor's Composite  
— Exhibit "JC-4" —  
(2 pages)

TURKEY CREEK UTILITIES  
**KEEP THIS HALF FOR YOUR RECORDS**

	AMOUNT	CODE
9/24/92 514,300		
GAL USED 29,500		
WASTEWATER	35.25	10
10% CITY TAX	3.38	04
PASS THRU		
GOVT. CHARGES	.05	00
PREVIOUS BALANCE	72.17	
PAYMT-THANK YOU	72.17	

LATE FEE APPLIED IF NOT PAID BY 10TH. SERVICE DISCONNECTED IF NOT PAID BY 20TH.

\$	\$	\$
AMOUNT PAST DUE	CURRENT BILLING	TOTAL

BILLS ARE DELINQUENT AFTER THE 10TH OF THE MONTH.

BILLING DATE	ACCOUNT NO.
--------------	-------------

TURKEY CREEK UTILITIES  
**KEEP THIS HALF FOR YOUR RECORDS**

	AMOUNT	CODE
PRIOR 453,700		
8/27/92 484,800		
GAL USED 31,100	33.35	10
WASTEWATER	39.48	10
10% CITY TAX	3.34	04
PREVIOUS BALANCE	61.88	
PAYMT-THANK YOU	61.88	

*pt 9/5/92*

LATE FEE APPLIED IF NOT PAID BY 10TH. SERVICE DISCONNECTED IF NOT PAID BY 20TH.

\$	\$	\$
AMOUNT PAST DUE	CURRENT BILLING	TOTAL

BILLS ARE DELINQUENT AFTER THE 10TH OF THE MONTH.

BILLING DATE	ACCOUNT NO.
--------------	-------------

Turkey Creek Master Owners Association, Inc.

Suite 30, P.O. Box 147050  
Gainesville, FL 32614-7050

September 18, 1992

Mr. Norwood Hope  
158 Turkey Creek  
Alachua, FL 32615

RE: Turkey Creek Utilities - Water

Dear Norwood:

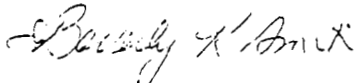
The Board of Directors have asked me to inquire about the water bills paid by the association each month. The concern which exists is that in August, as well as many other months, the irrigation has not been turned on. In the past eight months, the only irrigation used was for the front island when the annuals were planted. (*March*)

The August bills showed meter readings using 30,000 gallons, 90,000 gallons, 80,000 gallons, 90,000 gallons, 80,000 gallons, for a grand total of 370,000 gallons.

You advised us in your letter of July 8, 1992 that there are no meters. The Board has serious concerns about this issue, but we paid the August bill so as not to incur penalties or late charges while we resolve the matter.

Please advise in writing why the association receives bills totalling \$393.55 when no water is used.

Sincerely,



Beverly K. Smith  
Manager

cc: Board of Directors

2900 Turkey Creek Boulevard  
158 Turkey Creek  
Alachua, Florida 32615-9513  
Phone (904)462-3853

September 24, 1992

Mr. Junius Jones  
104 Turkey Creek  
Alachua, FL 32615

HAND DELIVERED

Dear Junius:

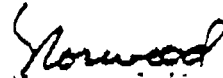
Thank you for meeting with me this morning. Returned herewith is your copy of the Landscape Maintenance Regulations dated September 1, 1992. We have not received this or any assurance that this has been passed by the Board. I have also asked members of my family as well as several other owners in Turkey Creek and none of us have received it either. The last thing we received along these lines was a copy of the Board minutes of August 12, 1992. If you will remember, the minutes of the Board meeting held on August 4th stated that you had discussed some changes in the landscape regulations and that they would be rewritten and the brought back to the Board for final approval. I should think you would want all the owners in Turkey Creek to be made aware of these so that they can be enforced against all of the owners in Turkey Creek.

Forwarded herewith is a copy of the letter dated July 8, 1992, which I wrote relative to the water bills. These have been billed in this manner for years. Now it seems that the water is trying to be muddled by reading something into it that is not there. There are no meters at any of these locations as stated in our letter, but if you want to have meters installed, we are ready to do so upon the payment of the appropriate charges. As I explained to you, the gallonage that appears on the bill is merely something to put into the computer so that the bill can be generated for the amount billed. Please review the letter as it states plainly our position. There is one location where water is being furnished for which we have not been making a charge and that is at the playground and tennis courts at the end of Turkey Creek Boulevard.

I think that you need to take an objective look at the Board and also how everything is either being done or not being done. All of this in my opinion smacks of things that cause bad reflections on the Board and of everything in Turkey Creek. I do not want any verbal understandings. Anything that I have anything to do with needs to be in writing by both parties. I would appreciate this being done in the future.

Yours very truly,

TURKEY CREEK, INC.

  
Norwood W. Hope  
President

cc: Charles Specht  
Howard Johnston



A Planned Residential and Recreational Community  
4 Miles North of Gainesville on US 441 North



TURKEY CREEK UTILITIES  
APPLICATION FOR RESIDENTIAL WATER AND WASTEWATER SERVICE

For a total of \$80.00 which represents a connection fee of \$40.00 and disconnection fee of \$40.00, I do hereby apply for the services of Turkey Creek Utilities to serve water and sewer to:

Name T. C. M. O. A. Location: Lot GATEHOUSE MEDIAN  
Street Address 2631 NW 41<sup>st</sup> ST Mailing Address: Gainesville FL 32614-701  
Phone No. 374-8090 to begin on AS requested by Contractor understand and agree as follows:

1. I will receive interest on my deposit money as set by the PSC rules.
  2. Service connections or disconnections at the customer's request will only be done upon 3 working days written notice and during normal business hours of Turkey Creek Utilities. A \$40.00 fee will be charged where any service is connected or disconnected for any reason during normal business hours. Any connections or disconnections at any other time will be charged at the rate of \$60.00 each.
  3. All payments for service shall be made in person or by mail at the office of Turkey Creek Utilities in Alachua, FL.
  4. If service is rendered for less than fifty percent of the normal billing cycle, Turkey Creek Utilities shall prorate as per PSC rules.
  5. If I do not pay for this service, plus applicable taxes thereon, on or before 4:30 P.M. on the 20th day after said bill has been mailed or presented for payment, it will be delinquent and I will pay a late charge of \$20.00 or 10% of the unpaid balance, whichever is greater, per month until paid.
  6. My service will be discontinued after 5 working days written notice of said account being delinquent and pursuant to PSC rules for non-compliance with the rules and regulations, and before service may be reinstated, my account with Turkey Creek Utilities must be paid current, including the appropriate disconnection and reconnection fees.
  7. The above mentioned deposit may be used to pay any delinquency on my account, and said deposit is refundable to me, provided my account with Turkey Creek Utilities is paid-in-full.
  8. I am not to remeter, resell, allow to be used on another property or residence, any water obtained from Turkey Creek Utilities and that I will not allow other water to be connected with the water system of Turkey Creek Utilities.
  9. I agree not to tamper with, damage or destroy any seals, material or equipment of Turkey Creek Utilities. I further agree to be responsible for any damage done to any seals, material or equipment of Turkey Creek Utilities.
  10. I am not to use any water, except as approved in writing by Turkey Creek Utilities on or in connection with the above premises which is not furnished or supplied by Turkey Creek Utilities or its successors, designees, nominees or assignees.
  11. I will not allow any water or waste, except normal human and kitchen waste generated in my residence, to enter the wastewater system of Turkey Creek Utilities. If I allow anything other than this to enter the wastewater system of Turkey Creek Utilities, I hereby agree to pay all costs involved in the repair or maintenance of the wastewater system as a result of this entry.
  12. I agree that I will be responsible for all functions or malfunctions of the water and wastewater service from the point of collection into and including my system.
  13. Water from a well, stream, lake or basin may be used only for the purpose of watering grass, shrubs, gardens, and as approved in writing by Turkey Creek Utilities.
  14. A designated official from Turkey Creek Utilities may inspect my water or wastewater system on my property at any reasonable hour to determine compliance with this application. I further understand that if I am not complying with all conditions on this application, that my water and wastewater service will be discontinued pursuant to PSC rules.
  15. I agree to be responsible for all attorneys' fees and costs incurred on behalf of Turkey Creek Utilities as a result of action taken to collect any charges incurred by me.
- I hereby agree to pay the rates and obey/follow rules as may be set or amended from time to time by Turkey Creek Utilities and/or PSC.

Signature T. C. M. O. A.  
[Signature]

Date: 8-3-93

Social Security No. N.A.