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STATE OF FLORIDA
PUBLIC SERVICE COMMISSION

ORIGINAL
FILE COPY

IN RE:

Petition of SANLANDO UTILITIES)
CORPORATION For a Limited)
Proceeding to Implement Water)
Conservation Plan in)
Seminole County)

DOCKET NO.: 930256-WS

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the original and fifteen (15) copies of each of the Testimonies of Bernard J. Yokel, Ph.D., Nancy Prine, and Henry H. Fishkind, Ph.D. were filed with the Division of Records and Reporting, Florida Public Service Commission, and one (1) true and correct copy of each Testimony was forwarded by United States Mail this 22nd day of July, 1994 to the following parties of record:

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- ACK _____
- AFA _____
- APP _____
- CAF _____
- CMU _____
- CTR _____
- EAG _____
- LEG O'Sullivan
- LIN H. Torres
- OPC _____
- RCH _____
- SEC 1
- WAS Willis
- OTH _____

YOKEL DOCUMENT NUMBER-DATE PRINE DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING
DOCUMENT NUMBER-DATE
07445 JUL 22 1994

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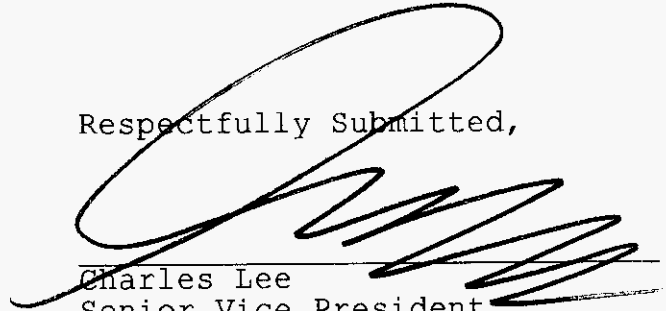
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Respectfully Submitted,



Charles Lee
Senior Vice President
Florida Audubon Society
460 Highway 436, Suite 200
Casselberry, Fl. 32707
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Representative of Florida
Audubon Society and Friends
of the Wekiva River, Inc.



FLORIDA AUDUBON SOCIETY

July 22, 1994

Florida Public Service Commission
Division of Records & Reporting
101 E. Gaines Street
Tallahassee, FL 32399

RE: Petition of Sanlando Utilities Corp.
Docket No. 930256-WS

Dear Madam:

In response to your telephone call, I am enclosing the original and 15 copies of the Testimonies of Bernard J. Yokel, Ph.D., Nancy Prine and Henry H. Fishkind, Ph.D. incorporating the format changes that you requested on Friday, July 22, 1994.

If you have any questions, please do not hesitate to call me.

Respectfully yours,


Charles Lee
Sr. Vice President

Encls.

cc: Parties of Record

The Voice of Conservation Since Nineteen Hundred

460 HWY. 436 • SUITE 200 • CASSELBERRY, FL 32707-4939 • (407) 260-8300 • FAX (407) 260-9652

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12

**ORIGINAL
FILE COPY**

1 BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION
2 PREPARED DIRECT TESTIMONY OF BERNARD J. YOKEL PH. D.
3 ON BEHALF OF THE FLORIDA AUDUBON SOCIETY
4 AND FRIENDS OF THE WEKIVA RIVER, INC.

5 DOCKET NO. ~~930256~~-WS

6 JULY 21, 1994

7
8 Q1: Please state your name, business address, and
9 occupation.

10
11 A1: I am Bernard J. Yokel. My Business address is 460,
12 Highway 436, Suite 200 Casselberry, Fl. 32707. I am the
13 President of the Florida Audubon Society.

14
15 Q2: Please describe your current position with The Florida
16 Audubon Society and your duties and responsibilities in
17 that position.

18
19 A2: As President, I am the chief executive officer of the
20 organization. I am responsible for the day to day
21 management of the organization, and the implementation
22 of the policies, goals, and projects authorized by its
23 board of directors. I manage and direct the activities
24 of all of the other employees of the organization, and
25 make decisions relative to public policy advocacy that

1 the organization may be engaged in concerning various
2 issues.

3

4 Q3: Please describe, in general, the objects and purposes
5 of the Florida Audubon Society.

6

7 A3: To promote protection of: native flora & fauna; air and
8 water quality; to encourage conservation of natural
9 resources, and preservation of beneficial environmental
10 conditions; promote the preservation of ecosystems and
11 tracts of natural lands.

12

13 Q4: Please summarize your education and work background.

14

15 A4: See attached resume.

16

17 Q5: What is the purpose of your testimony?

18

19 A5: The purpose of my testimony is to explain How this
20 proceeding affects the substantial interests of the
21 Florida Audubon Society and to offer my opinions
22 concerning 1) Whether the projected costs are prudent
23 from an environmental standpoint and 2) whether the
24 proposed rates are a) reasonable and b) in the public
25 interest, from an environmental standpoint.

1 Q6: What information have you studied and evaluated in the
2 preparation of your testimony?

3

4 A6: I have reviewed the Final Order of the Department of
5 Environmental Regulation concerning the Operating
6 Permit Case that Florida Audubon was a party in several
7 years ago, the stipulation we entered into with the
8 Department of Environmental Regulation (now called
9 Department of Environmental Protection) and Sanlando
10 Utilities in that proceeding, the testimony of Yaping
11 Wang, George H. Billings Jr, Hampton P. Conley, and
12 William R. Holmes, the Decision of the Public Service
13 Commission in this case dated December 10, 1993, and
14 the petitions filed in this matter by the petitioners,
15 and office of Public Counsel. Finally, I have reviewed
16 the recently passed legislation, House Bill 1305,
17 Chapter 94-243, laws of Florida, which was approved by
18 the Legislature to encourage and facilitate the
19 construction of water reuse systems.

20

21 Q7: Do you agree or disagree with the testimony, as it
22 relates to environmental matters, offered by Yaping
23 Wang on behalf of Sanlando Utilities? Please explain
24 the reasons for your response.

25

1 A7: I generally agree with Mr. Wang's testimony. I believe
2 that it presents a good analysis of the likely impacts
3 of the rate structure on water conservation. While the
4 precise results of the "inverted" rate structure will
5 not be known for certain until after it is implemented,
6 our organization has advocated "inverted" rate
7 structures for a considerable length of time as a means
8 of using market forces to encourage conservation of
9 water and other natural resources to which rate
10 structures may be applied. Mr. Wang's testimony
11 supports this approach, and I am in agreement with it.

12

13 Q8: Do you agree or disagree with the testimony, as it
14 relates to environmental matters, offered by George H.
15 Billings Jr. on behalf of Sanlando Utilities? Please
16 explain the reasons for your response.

17

18 A8: I generally agree with Mr. Billings' testimony. It
19 provides a good explanation of their conservation rate
20 structure, and how these rates will impact the
21 consumers. Of particular interest to me is the fact
22 that while the proposal Sanlando is making to the PSC
23 for a rate change to implement this program will result
24 in an increase in rates for some customers, it will
25 have no effect on customers who are conserving water,

1 and are using 10,000 gallons per month or less.
2 Further, when one compares the rates that Sanlando
3 utilities customers will be paying with the rates
4 charged by other utilities in surrounding communities,
5 such as Altamonte Springs, Longwood, Seminole County,
6 Winter Springs, Casselberry, and Apopka, it is apparent
7 that Sanlando will be able to build its reclaimed water
8 system, and implement an "inverted rate structure"
9 while maintaining rates that are considerably lower
10 that those that prevail generally in Central Florida.
11 This is clearly shown in Exhibit VI, which is presented
12 in Mr. Billings' testimony. It is important to be able
13 to make progress in protecting the environment in a way
14 that keeps the monthly utility bills of customers in
15 Sanlando's service area lower than rates in surrounding
16 communities.

17

18 Q9: Do you agree or disagree with the testimony offered by
19 Hampton P. Conley, as it relates to environmental
20 matters on behalf of Sanlando Utilities Corporation?
21 Please explain the reasons for your response.

22

23 A9: I generally agree with his testimony. He in part
24 describes Sanlando's corporate position with regard to
25 the method of funding the water reuse project. We

1 believe that state regulators should grant a maximum
2 amount of flexibility to utilities such as Sanlando, to
3 allow them to implement water reuse projects. Some
4 utilities may prefer a different financing method. So
5 long as the financing method achieves the water reuse
6 goals necessary to protect the environment, and does so
7 without charging unreasonably high rates to the
8 customers, we encourage state regulators to be open to
9 a wide variety of methods to pursue water reuse that
10 may be proposed by utilities.

11

12 Q10: Do you agree or disagree with the testimony, as it
13 relates to environmental matters, offered by William R.
14 Holmes on behalf of Sanlando Utilities Corporation?
15 Please explain the reasons for your response.

16

17 A10: I agree with his testimony. He describes the design of
18 the water reuse system, and it demonstrates that the
19 system Sanlando proposes to build will meet the terms
20 of our stipulation with the Department of Environmental
21 Regulation and Sanlando Utilities in the operating
22 permit case. In fact, the system that Mr. Holmes
23 describes is actually somewhat better than required by
24 the stipulation in the DER operating permit case,
25 because it will make reuse water available to some

1 additional users beyond the three golf courses
2 originally contemplated to be the recipients of the
3 water.

4
5 Q11: Based on your evaluation of the Sanlando Utilities
6 Corporation water reuse plan and rate proposal to
7 Florida Public Service Commission, do you have an
8 opinion whether or not the costs and proposed rates are
9 in the public interest from an environmental
10 standpoint? Please state and explain your opinion.

11
12 All: Yes. My opinion is that Sanlando Utilities will be
13 building its water reuse system and will produce
14 meaningful water conservation results, while at the
15 same time keeping rates much lower than utilities in
16 surrounding communities. During the 1994 legislative
17 session, the Legislature passed an important bill that
18 has a direct bearing upon this issue. House Bill 1350,
19 Chapter 94-243, Laws of Florida makes a legislative
20 declaration that the reuse of reclaimed water is
21 considered to be in the public interest, and that reuse
22 benefits water, wastewater, and reuse customers. This
23 new statute also makes clear that it is appropriate to
24 approve rates based on the projected cost of reuse
25 projects, and to escrow funds for the construction of

1 such projects precisely as Sanlando Utilities is
2 proposing. I believe that what Sanlando Utilities is
3 proposing is clearly in the public interest from an
4 environmental standpoint. This has been confirmed by
5 the recent passage of Chapter 94-243, Laws of Florida.

6

7 Q12: Do members of the Florida Audubon Society reside within
8 the service area of Sanlando Utilities?

9

10 A12: Yes. Approximately 75 members live in this area.

11

12 Q13: Does the Florida Audubon Society own any property
13 within or adjacent to the Sanlando Utilities service
14 area?

15

16 A13: Yes. We own over 350 acres that is known as the "Sabal
17 Point Wildlife Sanctuary", which is adjacent to the
18 Sabal Point community, that is served by Sanlando
19 Utilities. We manage this land for preservation of the
20 natural resources there. Part of our property is
21 bordered by one of the golf courses that will receive
22 reclaimed water under Sanlando's plan.

23

24 Q14: How will implementation of Sanlando's plan affect the
25 property owned by the Florida Audubon Society?

1 A14: Reduced groundwater pumping to provide irrigation to
2 the golf courses nearby will aid in maintaining
3 groundwater levels. Because springs that feed the
4 Wekiva River and Little Wekiva River are responsive to
5 groundwater levels, any reduction in pumping from the
6 groundwater in the vicinity of these springs will help
7 preserve the flow of the springs. The flow of these
8 springs is what makes up a large part of the volume of
9 flow in the Wekiva and Little Wekiva Rivers, which
10 boarder our sanctuary property. It is well known that
11 the rate of flow of springs that are the headwaters of
12 the streams in the Wekiva River system has been
13 declining in recent decades. It is highly likely that
14 this decline in the springs is a result of overuse of
15 groundwater in the vicinity.

16

17 Q15: Why does the Florida Audubon Society support the
18 proposal Sanlando Utilities has submitted to the Public
19 Service Commission?

20

21 A15: Because it achieves important water reuse and water
22 conservation objectives, and does so in a manner that
23 does not unreasonably burden the ratepayers in
24 Sanlando's service area.

25

1 Q16: Does that conclude your testimony?

2

3 A16: Yes.

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FLORIDA AUDUBON SOCIETY

BIOGRAPHICAL INFORMATION BERNARD J. YOKEL, Ph.D. President

Bernard J. Yokel was born in Cleveland, Ohio and educated through high school in Cleveland Heights, Ohio. He graduated with a B.S. degree in Education from Miami University at Oxford, Ohio. He served as a teacher on Guam in the Marianas Islands from 1952 to 1956 and as principal of the Saipan Intermediate School at Saipan, Marianas Island, from 1956 to 1958. At that time, he left the field of education and entered a preparatory phase in biological science. Subsequently, he received a Master's and a Doctorate Degree in Marine Science and Estuarine Ecology from the University of Miami at Coral Gables, Florida.

From 1962-70 he worked full time at the University of Miami researching the biology and life history of game fish, pink shrimp and ecological problems in Everglades National Park. In 1970 he opened the Rookery Bay Marine Research Station and initiated studies leading to baseline descriptions of the hydrography, water quality and animal abundance and distribution in the Rookery Bay ecosystem and in Collier County and Southwest Florida in general. Subsequently the Rookery Bay ecosystem was designated a National Estuarine Sanctuary by the federal government. This was followed in 1975 by a comprehensive study of Naples Bay with recommendations for the relief of many environmental problems. In this effort, he participated as the principal investigator for the biological studies and coordinator of the other technical studies.

His experience in mangrove wetland research led to an appointment by the National Academy of Sciences to the scientific team researching the effects of Agent Orange and the resulting extensive mangrove defoliation in Vietnam. In this connection, he spent a month in Vietnam in late 1972.

While in southwest Florida, Dr. Yokel served as Director of Research at The Conservancy, Inc. in Naples from 1975 to 1984. Within the Collier County community, he participated as a board member and as Chairman of the Water Management Advisory Board. In 1977 he was appointed by Governor Askew to serve on the Big Cypress Basin Board within the South Florida Water Management District and was reappointed to this board twice by Governor Graham. In 1978 he was elected to the Board of Directors of Florida Audubon Society; in 1980 the Directors of Defenders of Wildlife in Washington, D.C. elected him to their Board.

In the Fall of 1984, the Board of Directors of Florida Audubon Society elected him President of the Society. He currently serves in that position.

(Continued)

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Dr. Yokel
Page 2.

Since 1984, Dr. Yokel has participated in the following State and community programs:

- 1985 Governor Graham appointed him to the Governor's Growth Management Advisory Committee.
- 1987 Appointed to the Growth Management Conflict Resolution Consortium where he continues to serve.
- 1988 Appointment from Governor Martinez to the Lake Okeechobee Technical Advisory Council.
- 1989 Appointment from Governor Martinez to the Florida Advisory Council on Environmental Education where he continues to serve.
- 1993 Governor Chiles appointed him to serve on the Florida Greenways Commission.
- 1994 Appointment by Governor Chiles to the Governor's Commission for a Sustainable South Florida.

June 1994