

FLORIDA PUBLIC SERVICE COMMISSION
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M E M O R A N D U M

NOVEMBER 14, 1996

TO: DIRECTOR, DIVISION OF RECORDS AND REPORTING (BAYO) *JA*

FROM: DIVISION OF LEGAL SERVICES (CAPELESS) *MSC*
DIVISION OF WATER & WASTEWATER (CHASE VON FOSSEN, GROOM) *ENB RUF*

RE: DOCKET NO. 960834-WU - COMPLAINT OF LORI BOOKER AGAINST
UTILITIES, INC. OF FLORIDA REGARDING RECLAIMED WATER
COUNTY: SEMINOLE

AGENDA: NOVEMBER 26, 1996 - REGULAR AGENDA - INTERESTED PERSONS
MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: S:\PSC\LEG\WP\960834WU.RCM

CASE BACKGROUND

On May 31, 1996, the Division of Water and Wastewater received a telephone inquiry and facsimile from Ms. Lori Booker, a water customer of Utilities, Inc. of Florida (UIF or utility). UIF is a Class A utility which provides water and wastewater service to plants in Marion, Orange, Pasco, Pinellas, and Seminole Counties. Ms. Booker receives service from the utility's Seminole County water plant.

Ms. Booker advised staff that the City of Altamonte Springs (City) owns a reclaimed water line on what is now her property. She contacted the City to request connection of her irrigation system to the reclaimed water line, but was told that the City would not serve her unless she first obtained UIF's permission. Although UIF does not provide reuse service in the area, it refused to give its permission for the requested connection, claiming that it would impact the company's profit potential and require the utility to apply to the Commission for a rate increase. Ms. Booker expressed concern that she must incur unnecessary installation costs to connect to a system which depletes the fresh water supply. She stated that if UIF were to service her property with reclaimed water in the future, she would immediately transfer her connection to the utility.

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By letter dated June 7, 1996, UIF responded to Ms. Booker's concerns, confirming that it denied her request to connect to the City's reclaimed water line. According to the utility, it denied this request due to the potential impact it would have on the rates of all of its customers, the majority of whom are not in proximity to the City's reuse line.

On July 12, 1996, Ms. Booker filed a written complaint with the Division of Consumer Affairs, requesting that a docket be opened. On July 16, 1996, the Division of Water and Wastewater opened this docket in order to address Ms. Booker's concerns. However, upon several contacts with the City, staff has learned that regardless of whether UIF were to allow it to do so, the City would not provide reclaimed water service to Ms. Booker's property because the property lies outside of the City limits. Therefore, there is no existing dispute between UIF and the City as to whether the City may provide Ms. Booker with reuse service. In light of this information, by telephone on October 28, 1996, Ms. Booker agreed to withdraw her complaint against UIF.

Although staff recognizes that this docket could possibly have been closed administratively, we opted to bring this recommendation before the Commission because Ms. Booker has not filed a request to withdraw her complaint in writing. This recommendation addresses whether her verbal withdrawal of the complaint should be acknowledged.

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DISCUSSION OF ISSUES

ISSUE 1: Should the verbal withdrawal of the customer's complaint against UIF be acknowledged, and should this docket be closed?

RECOMMENDATION: Yes, the withdrawal of the complaint should be acknowledged and the docket should be closed. (CAPELESS)

STAFF ANALYSIS: As stated in the case background, on July 12, 1996, a customer of UIF, Ms. Lori Booker, filed a written complaint with the Division of Consumer Affairs regarding her difficulty in obtaining reclaimed water service. Ms. Booker's property lies within UIF's water service area in Seminole County, in which area UIF does not provide reclaimed water service. Ms. Booker requested that the Commission address whether UIF could lawfully preclude the City from providing her with reclaimed water service.

On July 16, 1996, the Division of Water and Wastewater opened this docket in order to address Ms. Booker's concerns. However, upon several contacts with the City, staff has learned that regardless of whether UIF were to allow it to do so, the City would not provide reclaimed water service to Ms. Booker's property because the property lies outside of the City limits. Because no action or inaction by UIF would impact upon Ms. Booker's ability to receive reuse service from the City, and because the Commission does not have the legal authority to resolve her dispute with the City, no action is required in this docket.

By letter dated September 23, 1996, staff informed Ms. Booker that because the City has indicated to us that it does not intend to provide reclaimed water service to her property, we would seek to close her complaint against UIF unless she were to contact us by October 16, 1996. Although she did not contact us by that date, she returned a staff telephone call on October 28, 1996. During that conversation, Ms. Booker indicated that she understands that there is no existing dispute between UIF and the City which prevents the City from providing her with reuse service. She also indicated that she understands that she may file a new complaint in the future if she is successful in convincing the City to provide her with reuse service and if UIF continues to refuse to permit the City to do so, and she therefore agreed to withdraw her complaint against UIF.

Staff requested that Ms. Booker file a written request to withdraw her complaint. However, she has not done so. Therefore, although we recognize that this docket could possibly have been closed administratively based on her verbal withdrawal of the

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complaint, we opted to bring this recommendation before the Commission for a ruling on the matter.

Based on the foregoing analysis, staff recommends that the Commission acknowledge Ms. Booker's verbal withdrawal of her complaint against UIF. Moreover, because the Commission does not have the authority to resolve her dispute with the City, no further action is necessary in this docket, and the docket should be closed.