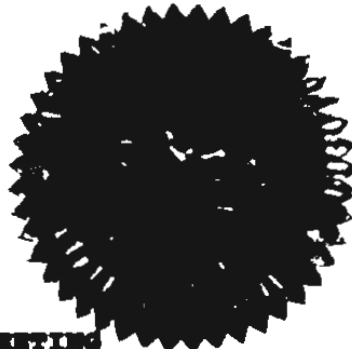


BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

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In the Matter of :
Application for limited :
proceeding increase :
in wastewater rates by :
Forest Hills Utilities in :
Pasco County. :

DOCKET NO. 961475-SU



PROCEEDINGS: **INFORMAL CUSTOMER MEETING**

DATE: **Wednesday, March 12, 1997**

TIME: **Commenced at 6:30 p.m.**
Concluded at 8:50 p.m.

PLACE: **Forest Hills Civic Association, Inc.**
1749 Harpoon Drive
Holiday, Florida

REPORTED BY: **JOY KELLY, CSR, RPR**
Chief, Bureau of Reporting

1 **IN ATTENDANCE:**

2 **TIM VACARRO, FPSC Division of Legal**
3 **Services.**

4 **BOB CROUCH, FPSC Division of Water &**
5 **Wastewater.**

6 **TROY RENDELL, FPSC Division of Water &**
7 **Wastewater.**

8 **ERIC GROOM, Division of Water & Wastewater.**

9 **LEE MURROE, FPSC Division of Water &**
10 **Wastewater.**

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1 **P R O C E E D I N G S**

2 (Meeting convened at 6:30 p.m.)

3 **MR. RENDELL:** Ladies and gentlemen, it's now
4 6:30 and we need to begin this hearing because it has
5 been noticed for 6:30.

6 **THE AUDIENCE:** Can't hear you.

7 **MR. RENDELL:** My name is Troy Rendell. I'm
8 with the Florida Public Service Commission. I'm a
9 public utility supervisor with the Division of Water
10 and Wastewater.

11 I want to introduce a few people. Mr. Bob
12 Crouch and he's an engineering supervisor also with
13 the Division of Water and Wastewater. To my left is
14 Tim Vaccaro. He is an Attorney with the Public
15 Service Commission who works on water and wastewater
16 cases. Also we have Mr. Lee Munroe, one of our
17 engineers who has been on site today doing an on-site
18 inspection. He'll be here available to answer
19 questions on the engineering aspects. And in the back
20 when you came in was Mr. Eric Groom. He is one of my
21 rate analyst who is working on this limited
22 proceeding. He's also available to answer questions.

23 The Public Service Commission is a
24 government agency who has regulation over the economic
25 aspects of investor-owned water and wastewater

1 utilities in the state of Florida.

2 For the record this case has been docketed
3 before the Commission as Docket No. 961475-WS. On
4 December 12th, 1996, Forest Hills Utilities filed for
5 a limited proceeding to increase its wastewater rates.
6 Forest Hills Utilities has requested an increase of
7 \$226,514 additional revenues. This amounts to a
8 proposed increase of 103.47%.

9 In its application Forest Hills has filed a
10 limited proceeding and has indicated it is caused by a
11 requirement by the Department of Environmental
12 Protection for Forest Hills to interconnect its
13 wastewater system with Pasco County and also dismantle
14 its current wastewater treatment facilities.

15 This requirement was a result of a consent
16 order that was entered into between Forest Hills
17 Utilities and the Department of Environmental
18 Protection.

19 Currently the Company has imposed what is
20 called emergency temporary rates and they requested
21 these rates from the Commission.

22 These rates are temporary in nature, as the
23 name indicates, and they are allowed during the
24 pendency of this limited proceeding. On February 4th
25 the Public Service Commission granted these temporary

1 emergency rates. These rates were to go into effect
2 on February 26th.

3 Now, if I could just take a minute to
4 explain that these rates are temporary. They are
5 being placed into an escrow account. The only way
6 they can draw any money from this account is to pay
7 Pasco County for any wastewater treatment that it
8 currently is being billed for.

9 At the conclusion of this case the Public
10 Service Commission will make a determination on the
11 final rates. And if these final rates are less or the
12 final increase is less than what the emergency
13 temporary rates were, you will get a refund of these
14 rates.

15 THE AUDIENCE: (Laughter)

16 MR. RENDALL: The limited proceeding
17 application is being processed under what is called a
18 proposed agency action, and in a minute I'm going to
19 get Mr. Vaccaro to explain this legal process. Right
20 now it is an informal process and I will let him
21 explain it in more detail.

22 But briefly, a utility files an application
23 and supporting information. They filed several --
24 information on the interconnection itself; they filed
25 the stipulated agreement they reached with the

1 Department of Environmental Protection. They filed
2 financial support to show any kind of change in
3 operating expenses, any kind of cost that they are
4 going to incur.

5 Currently the Public Service Commission is
6 reviewing that documentation. We have sent out one
7 set of data requests. We just received the answers
8 yesterday and we are going to be looking at that. And
9 they are going to cause another set of data requests
10 to go out. We've looked over it temporarily but I do
11 believe that there will be another data request. They
12 have to support any costs that they are proposing in
13 this interconnection.

14 **UNIDENTIFIED SPEAKER:** Can we see their
15 paperwork?

16 **MR. RENDELL:** Right now I'm going to turn
17 this over to Mr. Vaccaro and let him explain the
18 proposed agency action process. I know there's some
19 confusion. We have spoke with an attorney that has
20 been retained. However, at this point that is not
21 necessary because it is informal. So I will turn it
22 over to him now.

23 **MR. VACCARO:** Before I explain how the
24 proposed agency action process works in this case, I
25 noticed -- I heard a couple of people over here asking

1 about obtaining copies of documentation that's going
2 into the file. That can be arranged. And if you
3 would like to talk to us after the meeting about that.
4 We'll be happy to discuss that with you.

5 Essentially, as Mr. Rendell has said, at
6 this point this process is still relatively informal.
7 At this point we're still gathering information upon
8 which to base a recommendation to bring to the
9 Commission on the final rates to be granted to the
10 utility, if any, in this docket.

11 On April 24th the recommendation will be
12 presented to the Commission. At that point the
13 Commission will vote upon Staff's recommendation. The
14 Commission can either vote to approve or deny or
15 modify the recommendation.

16 Twenty days following that agenda conference
17 a proposed agency action order will be issued. What
18 that means is once the order is issued, any
19 substantially affected individual will have 21 days
20 from the date of that order in which to file a
21 protest. When the protest is filed, the protesting
22 party has to state forth with specificity how they are
23 affected by the order.

24 At that point what happens is a hearing is
25 set. The hearing would take place down in this area

1 and this would essentially be like a trial. The
2 protesting party would have to put on its case and its
3 evidence to show why any increased rates were not
4 substantiated by the record, and the Utility would
5 have to do the same thing. Testimony would be
6 presented, exhibits filed and so forth.

7 At the end of the hearing, another
8 recommendation will be put together by the Staff.
9 This recommendation will also be presented at another
10 agenda conference.

11 One thing I didn't mention, which I will
12 back up for just a second, when the Staff puts
13 together the initial recommendation which goes to the
14 April 24th agenda, any of you who would like are
15 welcome to come to Tallahassee and comment upon that
16 recommendation.

17 THE AUDIENCE: (Laughter)

18 MR. VACCARO: So, anyway, getting back to
19 what happens after a hearing takes place, if one takes
20 place, another recommendation is put together which is
21 also voted upon by the Commission. At that point the
22 Commission does not take any more testimony or any
23 more comments from anyone on the case.

24 A final order is issued and at that point if
25 any parties are displeased with the outcome, their

1 next course of action will be to file an appeal with
2 the First District Court of Appeals.

3 I have a phone number for you. This is for
4 the Office of Public Counsel, which is a separate
5 state agency.

6 **THE AUDIENCE:** Free.

7 **MR. VACCARO:** Yes. Headed up by a gentlemen
8 by the name of Jack Shreve, who is the Public Counsel,
9 and he's an attorney, and this is another agency with
10 which you might wish to speak regarding your rights in
11 this matter.

12 I have a 800 number. It's 1-800-342-0222.

13 **UNIDENTIFIED SPEAKER:** Post it on the
14 blackboard later.

15 **MR. VACCARO:** Okay. Yes, we can have copies
16 of that available back there for you.

17 The other number is 904-488-9330. And at
18 this point I would go ahead and give the microphone
19 back to Mr. Rendell.

20 **MR. RENDELL:** Thank you.

21 As Mr. Vaccaro indicated, this is a legal
22 proceeding and you will be asked to -- you will be
23 sworn in and you'll be asked to approach the podium
24 when I call your name, and we do have a court reporter
25 here that will be swearing you in and transcribing

1 this for an official part of the record.

2 If I can just briefly go over the process of
3 -- I mentioned on it briefly on us reviewing the
4 application. But also this customer meeting is a very
5 important part, to get any kind of input or
6 information from the customers, so that this is our
7 way of coming out into the field, getting information
8 firsthand from you so that we know -- we can
9 investigate and know what is going on in this area.

10 As you entered tonight, before you ran out,
11 some of you were given a special report. This
12 basically, the front page, goes over what the
13 application entails. There's some information about
14 the Commissioners. And then on Page 4 was the current
15 rates before this application, and the temporary and
16 the proposed final rates. These emergency rates are
17 what they are asking for in the final.

18 Also, on the back page is a comment sheet.
19 If you do not wish to speak tonight or if you have
20 neighbors that cannot attend, take this to them. They
21 can fill this out, forward it, put a stamp on it, mail
22 it to us and it becomes an official part of the
23 correspondence side of the record.

24 Also I have another phone number for you on
25 the front page. There's a 1-800 number. It's a phone

1 number to our Division of Consumer Affairs. We do
2 take all calls from utility customers throughout the
3 state of Florida on either their electric, their
4 telephone bills, and water and wastewater bills. For
5 those of you that did not receive it, one of these
6 copies, it's 1-800-342-3552, and it also can be found
7 on the inside cover of your telephone book.

8 I will be calling you by the speaker forms
9 that you filled out as you entered, and I'll be
10 calling you in the order you came in because there are
11 several of you that were here very early. I'll be
12 calling you in the order that you signed up. Also,
13 there are quite a number of you here, so I would ask
14 you to be considerate of your neighbors and allow all
15 of us to speak. We are scheduled until 9:30, but we
16 will stay there as long as there is someone who wants
17 to speak. If we have to go past 9:30 we will.

18 When I call your name, please approach the
19 podium, give your name and address and please spell
20 your last name if it's a difficult one, or you may
21 just want to spell it anyway.

22 I think Mr. Vaccaro wants -- has something
23 else to say. (Pause)

24 Also, as the attorney for the Public Service
25 Commission indicated, I believe there is an

1 association that has retained an attorney. If you
2 would like for him to speak before you and you are
3 part of that association, you can indicate that, or if
4 you would like him to speak for you.

5 Also, if someone said something before you
6 that you were going to say, you can approach the
7 podium and adopt his testimony or you can decide not
8 to speak at all. And if you do not sign up, you
9 change your mind during the course of this meeting, at
10 the very end I'll ask if anyone else wants to speak,
11 you can raise your hand, be sworn in and speak at that
12 time.

13 Also before we get started, Mr. Crouch wants
14 to go over some of the engineering aspects briefly on
15 this case. But I do want to get to your comments and
16 he wants to basically tell you what this application
17 is about.

18 **MR. CROUCE:** Thank you, Troy.

19 Ladies and gentlemen, I'd like to set your
20 mind at ease on one thing that some of you have been
21 kind of grumbling about earlier.

22 This is not a cut-and-dried situation. If
23 it were, we would not be here tonight and you, roughly
24 200 people, would not be spending your time out here.
25 I'm sure we all have better things to do.

1 We are down here to investigate what the
2 Utility has asked for. We are not pro utility; we are
3 a neutral government body appointed to regulate these
4 utilities. It is not a cut-and-dried situation that
5 they are going to get a rate increase or the size rate
6 increase that they have asked for. This does not mean
7 that after all the facts are in they may, in fact, be
8 justified a rate increase of some dimension. But we
9 do ask your patience with us on this as we continue
10 this investigation.

11 What has happened, since about 1984 this
12 utility -- the population has outgrown the capability
13 of that utility to process the sewage. Many of you
14 have moved in here, the sewage flows have increased,
15 the sewer treatment plant for Forest Hills could not
16 handle the sewage.

17 The Department of Environmental Protection,
18 which is the organization that enforces --
19 environmental protection agency -- the federal laws,
20 the Department of Environmental Protection started
21 talking to the president of the Utility saying "You
22 have to do something. You have to do something."
23 Unfortunately, the Utility is landlocked and there is
24 no stream that you can put the effluent in for it to
25 flow away. It has got to percolate into the ground.

1 **UNIDENTIFIED SPEAKER:** There's the Anclote
2 River right alongside the treatment plant.

3 **MR. CROUCH:** They are not allowed to put it
4 into that river.

5 **UNIDENTIFIED SPEAKER:** They have been doing
6 it for a long time.

7 **MR. CROUCH:** Getting permission to put it in
8 there legally is something that the Environmental
9 Protection Agency under the Clean Water Act is
10 virtually never giving anymore. So they said,
11 "Utility, if you're going into that, you're illegal.
12 You've got to quit."

13 **UNIDENTIFIED SPEAKER:** Go down and check it.

14 **MR. CROUCH:** The Utility had two choices:
15 They could either try to build a larger plant capable
16 of disposing of this or they could interconnect with
17 Tarpon Springs, the Pasco County utility there. They
18 did engineering studies, quite comprehensive
19 engineering studies to see which would be better.

20 Now, needless to say, the Utility would
21 rather stay in business themselves. They would rather
22 have a bigger plant and handle that and be the primary
23 utility. It turned out from the engineering studies
24 that the less expensive method would be to
25 interconnect with Tarpon Springs. That means that

1 this utility has to phase out their sewer treatment
2 plant.

3 For those of you that are in business or
4 have been in business, that's like the federal
5 government coming in and saying, "You've got to close
6 down your store. You can't be in business anymore."
7 So this utility had to close out its sewer treatment
8 plant. He had to put in lift stations, he had to
9 connect with force mains, special mains, going from
10 these lift stations to the Tarpon Springs facility to
11 their sewer treatment lines.

12 **UNIDENTIFIED SPEAKER:** Why should we pay for
13 it?

14 **MR. CROUCH:** You're a victim of
15 circumstances in that number one, the sewage exists
16 and has to be treated. This utility has the lines in
17 to collect the sewage from each and every one of you.
18 They used to take it to their sewer treatment plant.
19 Now they have to take that raw sewage and give it to
20 Tarpon Springs to process. We'll give each of you the
21 opportunity, one at a time, to come up and talk, if
22 you will, please.

23 **UNIDENTIFIED SPEAKER:** It doesn't go to
24 Tarpon, it goes north.

25 **MR. CROUCH:** Right now the county, Tarpon

1 Springs, charges this Utility \$3.23 per thousand
2 gallons of sewage. \$3.25 per thousand gallons. Now,
3 the Utility has to pay that fee to Tarpon Springs to
4 handle their sewage. That fee has to be passed on to
5 you.

6 The Utility has started the interconnect
7 already. It is functioning at this time. They have
8 started dismantling their sewer treatment plant. They
9 are going out of the sewer treatment business.

10 Now, again, I repeat, we are not pro
11 utility. We're trying to be neutral, we're trying to
12 explain the facts, look into the facts and see, number
13 one, is a rate increase justified, and if it is
14 justified, how much of a rate increase. We have not
15 reached any conclusions yet.

16 The interim or emergency rates that have
17 been put into effect, we have numerous cases where our
18 final investigation showed that the temporary rates
19 were too high. The rates were decreased and customers
20 did -- contrary to what many of you believe -- the
21 customers did get a refund.

22 I'm not trying to get your hopes up. I'm
23 just saying that that is a possibility that the
24 interim emergency rates may not be justified in the
25 final picture.

1 But we ask you folks tonight -- and over 200
2 of you have come out. We appreciate it. We ask you
3 to be factual. When you come up and tell us, "I think
4 this rate increase stinks." If I asked for a show of
5 hands tonight, I don't think very many of you would
6 say, "I'm in favor of the rate increase." Give us
7 factual reasons why you are opposed to that rate
8 increase.

9 When you each come up and get your turn to
10 speak, if you will, give us your name and address,
11 spell your last name and we'll be happy to hear you.
12 If you'd like to talk to one of us after the meeting
13 or if we take a break or something like that, each of
14 the Staff members will be willing to talk to you We
15 appreciate you coming out.

16 **MR. RENDELL:** Two more points and one
17 correction, and then I'll turn it over to you.

18 First of all, there are representatives from
19 the Utility here with their attorney. However, they
20 are not allowed to speak at our meeting. They are
21 here basically to answer questions and they can stay
22 around afterwards to answer any questions.

23 I know a lot of you do have things to say,
24 but when you yell things out we cannot hear you, the
25 court reporter has a difficult time trying to

1 transcribe this, so I would ask you to wait your turn
2 and approach the podium.

3 One other correction I'd like to make,
4 Mr. Crouch indicated that it was with Tarpon Springs.
5 The interconnect is with Pasco County. The Tarpon
6 Springs interconnection did not take place.

7 (Applause)

8 That originally was one of the options and
9 that interconnection did not take place. They have
10 been interconnected with Pasco County as of November
11 of last year.

12 Now, at this time, if you have signed up, or
13 if you haven't signed up and you do plan to speak,
14 would you please rise and have the court reporter
15 swear you in.

16 I have about ten or 12 sign-ups and about
17 three people are standing. If you have signed up,
18 please stand up now and be sworn in and then I will
19 call you to the podium to speak. It's easier to swear
20 you all in at one time than one at a time. It's a lot
21 faster.

22 (Witnesses collectively sworn.)

23 MR. CROUCH: Thank you, ladies and
24 gentlemen. Please bear with us. We have a large
25 crowd tonight and we realize some of you will have

1 difficulty hearing.

2 MR. RENDELL: If you don't mind, it is very
3 hot up here so we're taking our jackets off.

4 Kay Seward. S-E-W-A-R-D.

5 - - - - -

6 K. SEWARD

7 appeared as a witness and, swearing to tell the truth,
8 testified as follows:

9 DIRECT STATEMENT

10 WITNESS SEWARD: My name is Mr. Seward.

11 THE AUDIENCE: We can't hear you.

12 WITNESS SEWARD: Gentlemen, my name is
13 Mr. Seward. S-E-W-A-R-D. 5703 Ivy Lane, Holiday
14 34690.

15 Now, the first thing I've got in my mind
16 that you gentlemen came here this evening and
17 represent the Public Service Commission. You
18 represent the taxpayers, correct? Right? You're here
19 to protect us and watch that these utilities don't
20 just promiscuously raise our rates, right?

21 Now, we pay taxes to pay your salaries. Can
22 you answer me why we need legal representation to
23 express our thoughts about this situation?

24 I was told that you people will just fork
25 over us if we haven't got the legalese to go about

1 presenting our case. Go ahead, sir.

2 MR. RENDELL: As I indicated earlier, at
3 this point you do not need legal representation. Each
4 one of you have a voice. This is, as Mr. Vaccaro
5 indicated, a proposed agency action. We're here to
6 get your input. That's why it's very informal. It
7 has not been protested yet so we are not in a hearing
8 mode. So at this point each one of you do not need
9 legal representation.

10 UNIDENTIFIED SPEAKER: If this is informal,
11 why were we sworn in?

12 MR. RENDELL: We have to have that in the
13 record.

14 UNIDENTIFIED SPEAKER: If it's formal I can
15 understand it, otherwise I can't.

16 MR. RENDELL: Well, it's the only way that
17 we can have the transcript into the record, is if we
18 have a court reporter actually go in and put this in
19 the transcript.

20 MR. CROUCH: Let me answer one other
21 question that you had, sir.

22 Jack Shreve, the Office of Public Counsel,
23 is appointed by the legislature to represent the
24 customers in the hearing process.

25 If you see fit to go the formal hearing

1 route, you can contact Jack Shreve who will represent
2 you free of charge. He is paid by the legislative
3 body to represent the customers.

4 The Utility in the formal procedure has to
5 get their own consultants and legal representation,
6 and in that case we turn into arbitrators, if you
7 will. We sit here and listen to both sides. But
8 tonight it is informal enough that we listen to the
9 customer only. We don't listen to the Utility. We'll
10 do our own inspection of the Utility, but we listen to
11 the customers tonight.

12 We do have this entered as sworn testimony
13 so that it's into the record so that we can use that
14 as transcript later on. But you do not, at this stage
15 of the game, have to have your own attorney by any
16 stretch of the imagination.

17 **WITNESS SEWARD:** Can I ask another question?
18 You just made a statement before, 1984 that it
19 started, the Utilities; from then on, there was so
20 many customers that a plant got overloaded. I don't
21 know how much of a percentage of increase from '84 to
22 when I moved here. I'm here ten years, and I haven't
23 seen that much construction in this area, individual
24 houses on lots.

25 But in that interim, of all of these houses,

1 that plant, wasn't it maintained, wasn't it kept up?

2 UNIDENTIFIED SPEAKER: No.

3 UNIDENTIFIED SPEAKER: No.

4 WITNESS SEWARD: Now what is happening is
5 it's falling back on our shoulders. And we can't go
6 down to the next corner store and buy water. We're
7 locked in here to Forest Hills Utilities. We have no
8 place to go. And this double digit and twice the
9 amount of raising this thing is ridiculous. And I
10 hope that you people, when you get all of these
11 affidavits together and you get the operation of the
12 plant and how it was run, I hope you take into
13 consideration that maybe this plant wasn't run
14 properly. (Applause)

15 Thank you very much.

16 MR. RENDELL: Thank you, sir.

17 Mr. William Sweller, Sr.

18 UNIDENTIFIED SPEAKER: He's answered all my
19 questions.

20 MR. RENDELL: Okay. Thank you.

21 Elmer Varbocy.

22

23

24

25

1 **ELMER VERBOCY**

2 and

3 **A. J. CAPOSSOLA**

4 appeared as witnesses and, swearing to tell the truth,
5 testified as follows:

6 **DIRECT STATEMENT**

7 **WITNESS VERBOCY:** My name is Elmer Verbocy.

8 Can you hear me back there?

9 **THE AUDIENCE:** Yes.

10 **WITNESS VERBOCY:** Okay. And now you shut
11 up, all right, while I'm talking. (Laughter)

12 My name is Elmer Verbocy. V-E-R-B-O-C-Y.

13 And I live at 1538 Plum Tree Road right here in Forest
14 Hills, Holiday, Florida 34690-6148. Got my phone
15 number up there.

16 I wonder why, when you have my name address
17 and phone number, I have to repeat it. Oh, maybe for
18 the record -- oh, the court -- okay. Thank you for
19 clearing that up.

20 I just want to mention I'm president of the
21 Greater Forest Hills Security Patrol, and that
22 encompasses Forest Hills East, Forest Hills proper,
23 Siesta Terrace, Dodge City and Country Estates. We're
24 about 2300 homes altogether.

25 And we had a meeting this Monday night and

1 this subject came up. And I just wanted to mention
2 that the entire greater Forest Hills Security
3 Patrol -- like somebody mentioned before, it stinks.
4 We think so anyhow.

5 I moved here 22 years ago and most of the
6 community was pretty well built up then and the canals
7 and the Anclote River, the waters were pristine. Oh,
8 you know, the fishes and the marine life were great.
9 We could fish there, everywhere, and it was real nice.
10 Through the years it had degenerated. You can't even
11 see the bottom in half the places.

12 We play golf on the golf course there and if
13 you ever get up to the second, third holes, why the
14 smell will knock you out because the plant has been
15 overloaded since many of us can remember.

16 Of course, through the rapid development
17 that ensued, the Utility, I think, was trying to keep
18 up with it, but I think it was kind of hopeless. They
19 also service the travel trailer park, I believe.
20 There's a lift station right at the end of Plum Tree
21 Road. And when these big motor homes and travel
22 trailers come in, they all unload their tanks. When
23 the snowbirds get here, we notice the odor at the
24 sewage plant even more and -- the northern stuff, not
25 the southern stuff -- not on the record -- (Laughter)

1 Anyhow, we are dead against -- from the
2 looks of it this 100.4 increase or whatever it is,
3 seems to indicate that the developer is asking about
4 three times as much as he wants in the hope that maybe
5 he'll get a quarter of it. (Applause)

6 And in the course of your -- you are the
7 arbitrators and you're going to listen to both sides,
8 of course. We want you to seriously consider the
9 impact on the people here, that this is a rate
10 increase that is going to go on forever and do nothing
11 but get larger. And why -- I'm not quite clear that
12 this emergency cutover to the county, is it? It's not
13 going to last forever. There's one big cost, initial
14 cost perhaps, and since they're not going to treat the
15 sewage, their only cost is an initial one. And our
16 rates are based on that rather high cost, and we don't
17 want it to continue forever and we want you to give
18 the guy nothing but the barest essentials. That's all
19 I have to say. Thank you.

20 MR. RENDELL: Do I have one question. Did
21 you mention how many homes were in your area.

22 UNIDENTIFIED SPEAKER: We have 1200 in
23 Forest Hills itself, and I don't know how many went
24 into Forest Hills East.

25 MR. RENDELL: Okay.

1 **WITNESS VERBOCY:** They don't all have
2 sewage.

3 **MR. RENDELL:** I do want to make one point.
4 The interconnection -- the interconnection is on a
5 permanent basis. The rates are temporary. The county
6 is treating the sewage. The Forest Hills sewage
7 treatment plant is being dismantled so they will not
8 be using it anymore.

9 **WITNESS VERBOCY:** Good.

10 Can I call on Tony just a minute? He's my
11 backup man.

12 **MR. RENDELL:** You'll have to approach the
13 podium and state your name.

14 **WITNESS VERBOCY:** He's the former president.

15 **WITNESS CAPOSELLA:** Anthony Capossela. I
16 was formerly president of the association here back in
17 '75.

18 **MR. RENDELL:** Can you spell your last name,
19 please, sir?

20 **WITNESS CAPOSELLA:** C-A-P-O-S-S-E-L-A.

21 I live at 5901 Apple Tree Road, Holiday
22 34690. Phone number you have up there, 813-934-5329.

23 Now, back in 1975 Forest Hills had a
24 treatment plant of 100,000 gallons. I investigated.
25 I read all the books and I asked that he not be given

1 a rate increase at that time.

2 He built a new plant, 200,000 gallons, and
3 that's what he put on line and that's the reason he
4 asked for the increase, but the increase was because
5 he tied in Pappas Plaza, and a trailer park and also
6 Forest Hills East.

7 But half of this section -- half of this
8 section is not on sewers. Only half of that 1200
9 people. The ones that are on the east side of Grand
10 Boulevard is on sewers. The rest are all on septic
11 tanks.

12 Now, he did not connect this new line until
13 recently. So I don't understand why he asked for his
14 increase so early. Was he anticipating this increase
15 from the county? I'd like to know how many thousands
16 of gallons of sewage that is being treated now.
17 Because with the two plants, that's 300,000 gallons.
18 The first plant was only pushing 40,000 gallons. And
19 he built a new one for 200,000. So he had
20 approximately 600 homes.

21 MR. CROUCH: The problem was not
22 specifically in what the plant could treat.

23 WITNESS CAPOSSOLA: He had never been
24 cited.

25 MR. CROUCH: But the percolation ponds and

1 what they did with the effluent after they treated --

2 WITNESS CAPOSELLA: The circulation pond was
3 dug deeper and enlarged and he ran the pipe into the
4 Anclote River.

5 MR. CROUCH: But DEP is telling him he has
6 to quit doing that.

7 WITNESS CAPOSELLA: The third hole --

8 MR. CROUCH: Golf course also.

9 WITNESS CAPOSELLA: On the golf course, if
10 you go to the treatment plant and go west, you'll see
11 a pipe in the other pond.

12 MR. CROUCH: That is true.

13 WITNESS CAPOSELLA: But he was never cited
14 before on the treatment plant. If he was cited, I
15 could understand it. But we never saw anything in the
16 paper where he was cited.

17 MR. CROUCH: Since 1984 there's been a
18 continuing struggle with DEP on this. He has been
19 cited since 1984.

20 WITNESS CAPOSELLA: How many gallons is he
21 pushing through now?

22 MR. CROUCH: I don't know right offhand, but
23 they are measuring it at the lift station.

24 WITNESS CAPOSELLA: And why should the
25 people pay that are watering their lawns --

1 MR. CROUCH: Roughly 3.23,000 gallons, sir.

2 WITNESS CAPOSSILA: How much?

3 MR. CROUCH: Excuse me, that's 3.23 thousand
4 gallons. (Laughter)

5 Oh, excuse me. That's \$3.23. Excuse me.
6 I'm sorry. I read the wrong thing here. Total
7 treated was 79,795,000 gallons.

8 WITNESS CAPOSSILA: What, a year?

9 MR. CROUCH: For the month -- for the year.
10 For the year.

11 WITNESS CAPOSSILA: It's got to be for the
12 year, because he was treating only 40,000 on the small
13 plant, and then he entered the other two, so he can't
14 be treating a hell of a lot of sewage.

15 Another thing, the people that are watering
16 their lawns should not be paying their sewage based on
17 the consumption of water. And that's the way they are
18 basing it. This is wrong.

19 MR. RENDELL: When we set rates at the
20 Public Service Commission, we set rates assuming that
21 only 80% of your water is being returned to the
22 treatment plant, to the wastewater treatment plant.

23 WITNESS CAPOSSILA: Yeah, but we're paying
24 on the consumption of water here on my bill.

25 MR. RENDELL: The way the rates are designed

1 is that it assumes only 80% of that water returned and
2 also you have a cap on that usage, on the wastewater
3 side, you're only charged up to a certain cap. 10,000
4 gallons.

5 For the benefit of the rest, I would like to
6 point out that Mr. Capossela had signed up. He was
7 two down, so I wasn't taking him out of order.

8 WITNESS CAPOSSELA: Thank you. (Applause)

9 MR. RENDELL: C.P. Sadowski.

10 - - - - -

11 CASEY SADOWSKI

12 appeared as a witness and, swearing to tell the truth,
13 testified as follows:

14 DIRECT STATEMENT

15 WITNESS SADOWSKI: Hello. My name is Casey
16 Sadowski. I'm at 1833 Rising Sun Drive in holiday
17 34690.

18 UNIDENTIFIED SPEAKER: A little louder.

19 WITNESS SADOWSKI: I'm at the Sunrise Square
20 Villas.

21 The other day I was approached --

22 MR. RENDELL: Sir, will you please spell
23 your name for the court reporter?

24 WITNESS SADOWSKI: S-A-D-O-W-S-K-I, Casey.

25 I was approached by some people in New Port

1 Richey the other day and they were asking me --

2 THE AUDIENCE: Get up to the mike.

3 WITNESS SADOWSKI: They asked me just what
4 our rates were for water and sewer. So I said, "Oh,
5 my God, \$25, \$30 a month." He says, "Oh, my God, you
6 people are really paying a lot of money." He says,
7 "We pay \$4 or \$5 a month for water and sewer." Now
8 how -- that was pretty close. This is over at -- what
9 is it -- Brer Rabbit. Briar Patch. Briar Patch.

10 Now, this is just a new -- I think they are
11 about five or six years old. Now, they go into the
12 Pasco sewer system with their wastewater. And they've
13 got a large community of people, I assure you of that.
14 But how can they get a lower rate than what -- you're
15 even -- our lowest rate that we anticipate here,
16 besides the 110% that he's asking for a raise, how can
17 you judge this?

18 Now, we have a condo association. With our
19 usage it goes up twice as much as what the residential
20 units will be charged. So I don't see where this
21 judgment of you people thinking that they should be
22 able to get a rate when they are using most of their
23 wastewater to water their golf course. Some people
24 have told me they use some of that water to use that
25 on the golf course. So how can they justify this rate

1 increase when they are using some of that water for
2 their own use?

3 MR. RENDELL: The way the application -- in
4 the application they stated that they were providing
5 reuse to the golf course. With this interconnection
6 they will no longer be providing this reuse service,
7 they were providing that, I believe, free of charge.
8 But they will discontinue that --

9 WITNESS SADOWSKI: Where are they going to
10 buy the water to go ahead and do the golf course? If
11 they don't have no water, they are going to get brown.
12 They're going to have to have water from some place.
13 And if they are going to use it from their own wells,
14 they are going to charge us three times as much for
15 the water, because they are going to have to do
16 something about their own golf course. Am I right or
17 wrong?

18 MR. RENDELL: We don't have the water before
19 us. This is wastewater only, so I really -- we can
20 look into that but not --

21 WITNESS SADOWSKI: Well, we are getting
22 charged for wastewater and regular water on the rates.

23 MR. RENDELL: Yes, sir.

24 WITNESS SADOWSKI: So it's a combination
25 that we're paying for. And they are going to be

1 getting the benefit of the doubt for their own golf
2 course.

3 MR. RENDELL: Well, if the golf course is a
4 customer, the golf course pays the Utility for the
5 water. They do not get it free.

6 THE AUDIENCE: (Simultaneous conversation)

7 MR. RENDELL: We can investigate that. But
8 if the golf course is a customer, they have to be
9 charged.

10 WITNESS SADOWSKI: Dreher. Dreher is paying
11 Dreher. How can he get away with that, you know?

12 That's all I have. Thank you. (Applause)

13 UNIDENTIFIED SPEAKER: No comments.

14 MR. RENDELL: Cyndi Buchanan.

15 - - - - -

16 CYNDI BUCHANAN

17 appeared as a witness and, swearing to tell the truth,
18 testified as follows:

19 DIRECT STATEMENT

20 WITNESS BUCHANAN: My name is Cyndi
21 Buchanan, and I live at 5509 Jasperwood Drive,
22 Holiday, Florida 34690.

23 I'm real familiar with the golf course, I
24 live by it. For eight years I've lived with that
25 smell. I called the EPA. My neighbors called the

1 According to Jack Shreve we don't pay for
2 their -- (Applause) This is a civil lawsuit that we
3 battle. We should not be charged for this. I can't
4 see why -- if we're going to be connected to Pasco
5 County, why do we even pay Forest Hills? Why do we
6 pay them? You're allowing them in this situation to
7 take our money and make a profit for paying Pasco
8 County.

9 Now, I've lived here -- I can't even go
10 outside. The golf course treatment plant is closed.
11 I don't think so. Come visit me. You can smell it,
12 you know, anytime. I've lived here eight years. I
13 can't go outside. I can't enjoy the yard. I have a
14 daughter. I've talked to Dave McCullom at EPA, who
15 can tell me what is going to happen to her from those
16 fumes? And who is going to fix our water? You know,
17 right now I go to brush my teeth, I smell chlorine.
18 You can't drink the water out of the taps, you know.

19 We have -- February 4th I called EPA and
20 recorded this. February 4th, down at Jasperwood Drive
21 sewer lines broke, ruptured up into the street. All
22 over. Where does it go? Into the river. People want
23 to know why the river looks like that. Take a look at
24 what has been dumped into it for the last 20 years.

25 They are making a profit. They knew this

1 was coming. They knew it was coming, and now they are
2 going to charge us. Why should we pay for them?
3 They've known for two or three years they had to
4 interconnect.

5 A gentleman died on the corner, are they
6 getting sued for that? Are we going to pay for that,
7 too? Is that why their costs are so high because they
8 have lawsuits? I don't think it's fair, and I hope
9 that you guys rule.

10 I've talked to Mike Fasano. I've talked to
11 Jack Shreve. I will be driving to Tallahassee. I'm
12 not going to pay this. They are not going to get it
13 from me. Thank you. (Applause)

14 MR. CROUCH: I think now that the existing
15 sewer treatment plant is in the process of being
16 dismantled that you should not have that aroma in the
17 near future. It is being dismantled at this time.
18 There is no sewage being processed by that plant at
19 this time. There was a problem from one of the lift
20 stations going to Pasco County just recently. But
21 there should be no effluent going to the golf course
22 and no treatment whatsoever being processed at this
23 time at the sewer treatment plant. There are holes in
24 the wall. It is dismantled.

25 UNIDENTIFIED SPEAKER: Then why can I smell

1 it when I take a boat ride down the river?

2 MR. CROUCH: That I can't answer, because it
3 may be residual, it may be just other things. For one
4 thing, the septic tanks in the area are contributing
5 to that river's problem, also. But right now the
6 sewer treatment plant has holes in it. It is
7 dismantled. It is not processing sewage. There is no
8 effluent going to the golf course.

9 UNIDENTIFIED SPEAKER: That's because it
10 hasn't been maintained in 15 years.

11 UNIDENTIFIED SPEAKER: Is that tank empty or
12 full yet?

13 MR. RENDELL: Sir, we can't hear you up
14 here. If you'd like to speak, you could either -- I
15 need to call the people that signed up first, and then
16 afterwards I'll ask for any other people that have not
17 signed up. But we cannot get any of this on the
18 record.

19 John Paige.

20 UNIDENTIFIED SPEAKER: No comment.

21 MR. RENDELL: George Parmenter.

22

23

24

25

1 **GEORGE PARMENTER**

2 appeared as a witness and, swearing to tell the truth,
3 testified as follows:

4 **DIRECT STATEMENT**

5 **WITNESS PARMENTER:** Good evening, gentlemen.

6 My name is George Parmenter, capital
7 P-A-R-M-E-N-T-E-R, P. O. Box 3792, Holiday, Florida,
8 934-7373, telephone.

9 First, I'd like to explain that I'm a
10 retired Staff member with the New Hampshire Public
11 Utilities Commission. My title was tariff analyst
12 which is in -- for lay terms for the people here, it's
13 a rate analyst.

14 The utilities will submit their rate
15 increase to the utilities, and I'm speaking to the
16 audience now, not you gentlemen, because this is old
17 hat to you -- the utilities will come in with their
18 rate increases. They have to submit financial
19 statements, and the rate analysts at that time do an
20 extensive study, submit a multipage report to the
21 Commissioners, or to their designated staff, which is
22 usually the secretary to the Commission, and they will
23 analyze it.

24 They will ask for -- perhaps they will call
25 you into conference and ask for a verbal

1 recommendation or a written one. But then when it
2 goes to hearing, all of that information is just in
3 the background. They listen to both sides of the
4 hearing, and they make their decisions after the
5 hearing is over. Now, this is old hat to you, but I
6 wanted to explain to the people here how that works.

7 Very often, and I can't speak for Florida,
8 but I know that the utilities meet on a national
9 basis. Sometimes they'll meet in Honolulu, very
10 expensively, but that has been done in the past. But
11 all of the utilities from all of the states will meet
12 and they discuss different things. And as a rule of
13 thumb, the big utilities, regardless whether it is
14 power, water, gas or sewage or even public
15 transaction, these big utilities come in and they'll
16 ask for a rate increase of perhaps -- we'll say 7.5%.
17 If they get 3-1/4 percent, they're happy as heck. And
18 I put that in quotes, simply because it looks good for
19 the Governor, it looks good for the Commissioners, it
20 looks good in the press and it looks good for even the
21 utilities. They are willing to accept less than what
22 they ask for. It's a game of dominoes. But,
23 regardless, it is done and it's time that the general
24 public knows these things.

25 I'm not criticizing the utilities, the

1 Governor or anybody else or the commissions because
2 they've got a hard job to do. And I did it for -- I
3 was with them for -- in the state for 37 years.

4 But the point I'm getting at right now is
5 103-point-plus increase is pretty exorbitant. I have
6 never in all of my time, and I've studied commission
7 reports from Oregon, from Nevada, from all over
8 everywhere, and you've got to admit that
9 103-point-plus is pretty exorbitant. If the Utility
10 gets half of that, they could live -- because you
11 mentioned that this is going into an escrow. And as
12 an escrow, it's just sitting there dormant. It isn't
13 needed. Simply because they can function without it.
14 They'll still survive even if you don't give them a
15 red cent.

16 I want to give you an example of what New
17 Hampshire was involved in, the infamous Cyborg Nuclear
18 Plant. And we have what -- in the regulatory agency
19 they have what they call CWIP, or construction work in
20 progress.

21 New Hampshire voted that down simply because
22 there you are giving money to a utility that is using
23 that money beforehand to build something that they
24 should be able to finance themselves. They should
25 have done their homework ahead of time. (Applause)

1 However, the New Hampshire Power Company did
2 not do their homework and consequently they went
3 bankrupt because the legislature voted CWIP down, so
4 they went "belly up," quote/unquote.

5 I'm setting these examples now for the
6 general public, not for you men, because I'm sure you
7 read reports on Cyborg several times over.

8 It's really not ethical to come in and ask
9 for exorbitant increases. I can go along with a -- if
10 they asked for a 16% increase and you grant them an
11 8%, that's logical and that's also within the
12 inflationary period of this time. I would strongly
13 suggest that you give it very, very deep consideration
14 to give them just a bare minimum to go along with that
15 escrow account that you're referring to on a temporary
16 basis.

17 My last question before I sit down is, is
18 there a time limit on this temporary basis? And if
19 so, is there a footnote or amendment so that they can
20 extend it upon consideration of the Commission?

21 MR. VACCARO: First of all, I want to
22 correct one thing you did say about the escrow. You
23 said that the money is just lying dormant in the
24 escrow account.

25 That is not the case with this particular

1 escrow account. Money can be released from the escrow
2 account, but only to the extent necessary to pay Pasco
3 County for treatment of the effluent. The escrow
4 agreement, the temporary rates are in effect until
5 such time as the Commission makes its vote on the
6 recommendation regarding the final rates. At that
7 point one of the issues in the recommendation will be
8 whether or not a refund is owed. If there are no
9 protests, then the rates would go into effect based
10 upon what was voted on, and we wouldn't be looking at
11 temporary rates anymore, we would be looking at final
12 rates. But those temporary rates can extend until
13 whenever this is resolved, including whether or not
14 this goes to hearing.

15 **WITNESS FARMENTER:** Thank you.

16 **MR. RENDELL:** If it is protested, I don't
17 know if there's still -- (Applause)

18 In case there's still any type of confusion,
19 the interconnection is on a permanent basis. It
20 occurred in mid-November of 1996. With the temporary
21 rates they have, they've indicated to us they've
22 turned this valve off and so, therefore, Pasco County
23 is currently treating it. That was the agreement with
24 DEP under the consent order, so the treatment plant
25 will be no more. Pasco County will now be treating

1 your wastewater just in case there's any type of
2 confusion.

3 UNIDENTIFIED SPEAKER: They didn't have the
4 pipes in the ground then.

5 MR. VACCARO: Yes, sir, they pipes are in
6 the ground now.

7 UNIDENTIFIED SPEAKER: No they weren't.

8 MR. RENDELL: Sir, if you'd like to speak,
9 please come up to the podium.

10 MR. VACCARO: Yes, sir. We can't -- we need
11 to get it on --

12 MR. RENDELL: State your name again, please.

13 - - - - -

14 A. J. CAPOSSELA

15 appeared as a witness and, swearing to tell the truth,
16 testified as follows:

17 DIRECT STATEMENT

18 WITNESS CAPOSSELA: My name is Capposela. I
19 watched them installing the pipes, and the pipes were
20 not finished when they stated in your brochure.

21 MR. RENDELL: Okay. We did have an
22 engineer, Mr. Monroe was here all day, and he
23 inspected the interconnect. When we get back
24 tomorrow`--

25 WITNESS CAPOSSELA: I dealt with engineers

1 whar I worked for the county of Westchester. I was in
2 charge of the sewage plants, water plants, the
3 electrical service and so forth, so I understand all
4 of these about engineers and clerk of the works. And
5 I don't trust any of them. I saw them trying on -- I
6 saw them trying on Panama hats. Thank you.

7 (Applause)

8 **MR. RENDELL:** Austin Llewellyn.

9 - - - - -

10 **AUSTIN LLEWELLYN**

11 appeared as a witness and, swearing to tell the truth,
12 testified as follows:

13 **DIRECT STATEMENT**

14 **WITNESS LLEWELLYN:** My name is Austin
15 Llewellyn, general manager of Sun Groves, a commercial
16 user. We're located at 1542 U. S. Highway 19 North in
17 Holiday.

18 **MR. RENDELL:** Would you spell your name,
19 please?

20 **WITNESS LLEWELLYN:** L-L-E-W-E-L-L-Y-N.

21 I have two quick questions. One involves
22 rate substantiation. If the current rate is \$9.24,
23 and we add \$3.23, the fee the county has passed on for
24 handling the processing, we're at \$12.47, and I'm
25 hard-pressed to understand how we get to \$18 for a

1 residential user. Are the numbers provided by the
2 Utility to be made public so that we can understand
3 the justification for the rate in the eyes of the
4 Utility.

5 MR. RENDELL: They should have at their
6 office -- at the utility office they should have an
7 application for inspection for any customer that wants
8 to come in.

9 UNIDENTIFIED SPEAKER: They're never open.

10 UNIDENTIFIED SPEAKER: They have a drop box.

11 MR. RENDELL: We will look into that, but
12 also the Commission -- I believe I'll check with the
13 attorney when we get back, but I believe that we may
14 be able to allow them to put this application into a
15 county library or library nearby also for inspection
16 in case the Utility is not open during the daytime.
17 We'll verify that when we get back tomorrow.

18 WITNESS LLEWELLYN: You're simply saying
19 that their records are made available?

20 MR. RENDELL: Yes, sir, they are available.
21 And anything that we get is available. I
22 understand --

23 WITNESS LLEWELLYN: How is it made
24 available?

25 MR. RENDELL: They should have it on site

1 for your inspection.

2 **WITNESS LLEWELLYN:** By the Commission?

3 **MR. RENDELL:** By the Commission. We could
4 send it to a representative a copy or two, that maybe
5 the president --

6 **UNIDENTIFIED SPEAKER:** Forest Hills.

7 **MR. RENDELL:** You can also -- I do want to
8 point out one thing at this point I failed to mention
9 earlier. If you would like a copy of the
10 recommendation that we will be filing in April, please
11 see Mr. Groom at the back and give him your name and
12 address. I do ask that you keep it down to say 20 per
13 association, because they can be lengthy, and if you
14 could share it or give it to the president and make
15 copies, but you can get copies of the recommendation.
16 To get the copies of the file within the Commission,
17 I believe, Mr. Vaccaro can explain.

18 **MR. VACCARO:** What you would need to do is
19 if you wanted to get copies from the Commission you
20 would have to go and file a public records request,
21 and you could call the Division of Records and
22 Reporting. I don't have that number with me.
23 However, we can try and get that number for you.
24 Actually, if you call the 1-800 number for Consumer
25 Affairs, you can go ahead and get that number and they

1 can patch you through. And that's on the front of
2 your special report at the bottom corner.

3 **WITNESS LLEWELLYN:** Second question; if the
4 rate increase is not granted, and the Utility is
5 forced out of business, what is the alternative?

6 **MR. RENDALL:** What would happen, if that
7 utility was forced to abandon, we have a statute that
8 they have to notice us within, I believe, it's 60
9 days. The county will appoint a receiver, and then we
10 will have to approve the new owner. The county can
11 take it over and a utility company can take it over, a
12 homeowner association can take it over, but at that
13 point they have procedures to follow. And if it's not
14 followed, it could be a criminal offense, if they
15 abandon and walk off and don't notify us. That's the
16 worst case scenario if they decide to abandon.

17 **WITNESS LLEWELLYN:** Thank you very much.

18 **MR. VACCARO:** Also, I have a telephone
19 number here for you, for Records and Reporting it's
20 area code 904-413-6770.

21 **UNIDENTIFIED SPEAKER:** What's that?

22 **MR. VACCARO:** 904-413-6770. That's for the
23 Division of Records and Reporting. If there are any
24 files that you would like to obtain from the
25 Commission on this case. Thank you.

1 And the water, it's just too much. I like a
2 green lawn. My neighbors, they'll verify I have a
3 nice lawn. And I pride myself. I work hard.

4 And it's just that this -- you know, as far
5 as some sort of metering system. This utility is
6 making a killing because they say that, you know, that
7 all of the gallons that I'm using, that all of us are
8 using -- and I think it's an inflated figure. Because
9 a lot of this water is going to keep our lawns looking
10 nice. And it's inflated.

11 You say that you calculated 80%. I don't
12 know about that, okay? And I'd be willing to bet a
13 lot of us would like a second meter just for the
14 sewage to kind of dampen the blow to our water bills.
15 It's exorbitant.

16 I knew it was going to be high living in
17 Holiday as far as the water, but this is ridiculous.
18 I used to live in Pinellas County, and the water bill
19 there is less than what I have right now. There's no
20 need for it. That's all I've got to say. It's too
21 much. (Applause)

22 MR. VACCARO: Thank you, sir.

23 MR. RENDELL: Arnold Estey.

24

25

1 in Pasco County, "Leave us alone. We're working on
2 it." It was not, and I'll repeat, it was not the
3 Public Service Commission.

4 MR. RENDELL: Lynn, I believe it's Marquis,
5 M-A-R-Q-U-I-S.

6 - - - - -

7 LYNN MARQUIS

8 appeared as a witness and, swearing to tell the truth,
9 testified as follows:

10 DIRECT STATEMENT

11 WITNESS MARQUIS: Lynn M-A-R-Q-U-I-S. I've
12 lived in Forest Hills for ten years. Me and my
13 husband briefly moved out for about a year and a half.
14 Forest Hills Utilities, we told them on our final bill
15 that I'm going to deduct my deposit. They said, "No,
16 we'd like to keep the record separate. You pay your
17 bill, we'll send you your deposit." Guess what.
18 Never got it. Came back; had to pay another deposit.

19 I live on a hill. If anyone lives on Plum
20 Tree, they will see the hill. I went to see about
21 having my backyard leveled. Can't do it. I have a
22 four inch main running through my backyard. I can't
23 put a pool in in-ground. Can't do anything to the
24 backyard. It's at a level like this because the
25 construction, Dreher construction, put the main in. I

1 put in an above-ground pool. I asked them to come
2 read the meter, so I didn't have to pay the sewage for
3 the pool. We don't do that. You'll have pay. You
4 try to make a payment. If you're not there between 9
5 and 12, those are the office hours, five days a week;
6 and they close two months for the summer. Drop your
7 money and leave.

8 **THE AUDIENCE:** That's right.

9 **WITNESS MARQUIS:** There's the drop box, put
10 your money in and go. (Applause)

11 I have a husband and three children. I pay
12 \$70 a month for water. I do not water my lawn. I
13 can't afford to. I'm supposed to pay \$140 a month for
14 water and sewer? I don't think so. (Applause)

15 **MR. CROUCH:** Ma'am, I'd like to talk to you
16 just as soon as the meeting is over, and show me on
17 the map where you are located. We will definitely
18 want to follow up on what you're talking about,
19 because of easement violations or whatever you talked
20 about the main in the back. I'd like to talk to you
21 after the meeting.

22 **WITNESS MARQUIS:** No problem.

23 **MR. RENDELL:** I also have a question, ma'am.
24 Concerning your deposit, you said you were a customer
25 for ten years and they did not refund your --

1 **WITNESS MARQUIS:** My husband has lived in
2 this house for 21 years.

3 **MR. RENDELL:** Okay. I would like to point
4 out that is one of the issues we're looking at. We
5 had a letter go out, I believe, a year and a half ago
6 to two years ago concerning the deposits, and they
7 indicated to us they were refunding these to
8 customers.

9 **WITNESS MARQUIS:** No. Never. Plus I had to
10 pay a redeposit when I moved -- when we moved out we
11 rented our house and I wasn't having a tenant run up a
12 water bill or an electric bill.

13 **MR. RENDELL:** If you could get a hold of one
14 of these, if not, you can have this one?

15 **WITNESS MARQUIS:** I have one.

16 **MR. RENDELL:** Also, you indicated you
17 requested a meter for water for the pool, and they
18 refused.

19 **WITNESS MARQUIS:** No, I asked them to come
20 out and read -- in Pinellas Park you can request for a
21 pool fill. They will come out, they will read the
22 meter, you fill the pool, they reread it. Then you
23 are not charged on any sewage for the water. If it's
24 in your pool I hope it's not in your sewage.

25 **MR. RENDELL:** I would urge you to call the

1 1-800 number. We deal with this on a daily basis with
2 the utilities throughout Florida and normally they do
3 that type of work -- look what you're filling your
4 pool, and they will not charge for --

5 WITNESS MARQUIS: The girl, Sharon in the
6 office, told me that is not a part of their plan.

7 MR. RENDELL: If you would call us, they
8 have to answer to us, and we would have -- if you call
9 the 1-800 number, they will look into it and they will
10 get back with you.

11 Sir, I have one more, and then you can
12 speak.

13 WITNESS CAPOSSELA: I just want to say one
14 thing.

15 MR. RENDELL: Okay.

16 WITNESS CAPOSSELA: I have been here 25
17 years, and I never received a rebate. I did receive a
18 rebate from Florida Power. According to your rules
19 they did.

20 MR. RENDELL: Yes, sir. And the same rule
21 applies to water and wastewater.

22 WITNESS CAPOSSELA: They never gave me a
23 rebate, 25 bucks, and I'd like to get the interest on
24 it. (Applause)

25 MR. RENDELL: You're there for 23 months and

1 you haven't had a late payment or you -- let me
2 explain the rules. You're there for 23 months and you
3 have not skipped a payment, you haven't been late,
4 they are required to refund that back to you. If they
5 keep it --

6 **UNIDENTIFIED SPEAKER:** We haven't.

7 **MR. RENDELL:** Sir, let me finish. They pay
8 you your interest. Now, as part of that letter we
9 sent out, I believe it was a year ago or year and a
10 half ago, they were required to do interest on that
11 and they are supposed to refund you. I urge you,
12 please contact us because this is an issue we need to
13 follow up.

14 **Because it could be a violation of the rule.**
15 **But we have to investigate that.**

16 **Okay. We've got Mr. Ekonomides, and I**
17 **believe he is representing a civic association.**

18 - - - - -

19 **ANTHONY C. EKONOMIDES**

20 **appeared as a witness and, swearing to tell the truth,**
21 **testified as follows:**

22 **DIRECT STATEMENT**

23 **WITNESS EKONOMIDES:** Good evening,
24 gentlemen -- ladies and gentlemen. My name is Anthony
25 Ekonomides. I've been retained by Forest Hills East

1 Civic Association to look into this problem. However,
2 I don't want the residents here tonight to think that
3 that means here's another attorney spinning his wheels
4 and making fees.

5 I live in Forest Hills East, so this is
6 putting a bite on me, too.

7 Let me say for the record that in comparison
8 to many of my neighbors, I am in, I guess, what is
9 known as the revenue generating years. More than half
10 of my neighbors, if not a full three-quarters, are on
11 fixed incomes. This is going to hurt them badly.

12 (Applause) For the record also let me state that,
13 ladies and gentlemen, fellow residents and neighbors,
14 these folks really are here to protect you, okay?

15 I have 112 pages worth of Forest Hills East
16 Utilities applications that I have only received
17 yesterday and I've reviewed it, and I find some things
18 in it that are somewhat questionable but I wish to
19 compliment Mr. Vaccaro, the attorney to the Public
20 Service Commission, on his letter and the 25 questions
21 that he has asked Forest Hills Utilities to answer.

22 Further to that, I would like to get some
23 sort of an idea, because I've only lived here a little
24 over a year with my wife, as to -- how many homes
25 exactly is Forest Hills Utilities servicing? I heard

1 1,200 plus the 250-some-odd in the community which I
2 live. Are there any more than that?

3 MR. RENDELL: What our records indicate is
4 they serve approximately 2,200 water customers and
5 1,100 wastewater customers.

6 WITNESS EKONOMIDES: So 1,100 wastewater
7 customers. All right. Their figures may not be that
8 questionable when it comes to certain things that I
9 have problems with in terms of what they were claiming
10 as revenue from wastewater. However, they also claim
11 in their charts that they sell that treated
12 wastewater. Who has been their client and how much is
13 he receiving from that particular sale? That's
14 something that perhaps the Commission ought to look
15 into.

16 MR. RENDELL: Could you repeat that
17 question?

18 WITNESS EKONOMIDES: Here, do you have this
19 application up there?

20 MR. RENDELL: Sure.

21 WITNESS EKONOMIDES: Let me draw your
22 attention to -- bear with me, this is a smaller podium
23 than I'm used to working with. I'm on Exhibit C. I'm
24 just trying to get the right page. I believe that I'm
25 on Page 12 of 19 of Exhibit C. Entitled, "Pro forma

1 Purchased Sewage Treatment Costs and Gallons Treated
2 and Sold, 12 Months Ended July 31st, 1996." Who does
3 he sell that to?

4 MR. RENDELL: That is the amount of gallons
5 that was billed to the customers of Forest Hills
6 Utilities.

7 WITNESS EKONOMIDES: That would be the
8 79,795 gallons treated.

9 MR. RENDELL: Yes, sir. We have a question.
10 Part of that letter we sent out we asked them about
11 this.

12 WITNESS EKONOMIDES: So this is what you're
13 referring to as one of those questions?

14 MR. RENDELL: Yes. We have asked a question
15 about the schedule.

16 WITNESS EKONOMIDES: All right. Now, if
17 we're all to understand correctly, he is going to not
18 have that as a source of revenue, because he's
19 obviously putting our wastewater now directly to Pasco
20 County.

21 MR. RENDELL: Not only is he paying \$3.23
22 per thousand gallons to Pasco County, but there's
23 other expenses he's asking to recover, so that's also
24 included as part their proposed rates that we are
25 looking at.

1 **WITNESS EKONOMIDES:** All right. And for the
2 record, what are those other expenses that he seeks to
3 recoup?

4 **MR. RENDELL:** There are several that are
5 also in that exhibit. There are the cost of the lines
6 themselves to interconnect, there's the cost of
7 dismantling the plant. They're reducing some of the
8 cost. (Response)

9 **WITNESS EKONOMIDES:** Let him answer the
10 question, because, again, we can show our distaste
11 maybe after he's finished.

12 **MR. RENDELL:** There are some expenses.
13 They're also reducing some of their expenses. But
14 what you've got to realize, you have been paying for
15 that plant in your rates so they are retiring it and
16 there is a cost to retire it. So there's an
17 offsetting of retiring, but that's a part of what
18 we're looking at. We haven't made any final
19 determination on those costs yet. We've asked for
20 justification; we just received it yesterday or the
21 day before, and we have not had a chance to look at it
22 yet.

23 **WITNESS EKONOMIDES:** Okay. I think one of
24 the things that is upsetting me and the residents, is
25 that -- and, again, I have only been here a little

1 over a year. There have been people that have been
2 here for decades. But not only have they been paying
3 for a plant that wasn't doing its job, now they have
4 to pay for the new equipment. They also have to pay
5 to dismantle the old. At some point is Forest Hills
6 East actually going to give us what we paid for?

7 I moved in January of '96, approximately.
8 My wife used to clean that toilet every second week,
9 you know, with the old Snow Bowl, ladies? I don't
10 know what I'm talking about, you know what I'm talking
11 about. All right. If she doesn't clean it every day
12 now, we can't keep it clean. (Applause)

13 There was a meeting of the Forest Hills East
14 Civic Association last week. Commissioner Hildebrand
15 was there. She indicated to us, and I checked it the
16 following day, that the cost of wastewater treatment
17 has been reduced by 96 cents per 1,000 gallons by
18 Pasco County. Why are we not seeing that figure
19 reflected?

20 Now, many of you might think, well, the 3.23
21 reflects that reduction. In my books it doesn't,
22 because the 3.23 is part of the agreement with Pasco
23 County that I've reviewed here. In fact, there was a
24 question because one document stated it to be \$3.13,
25 and two documents stated it to be \$3.23, that might

1 have been a scribner's error, I don't know.

2 I'm sorry, it looked like you were going to
3 answer that question, so I'm want to shut up for a
4 minute.

5 MR. CROUCH: I'm agreeing with you that
6 Pasco County claims that they have reduced -- I heard
7 Commissioner Hildebrand make this statement here a
8 while back that the charges have gone down. However,
9 the negotiated settlement between DEP and Pasco County
10 was for 3.23. Possibility -- I cannot promise this,
11 but there is a possibility that that savings will be
12 passed on and that the fes charged the Utility here
13 will not be 3.23, but could be less. But right now
14 the negotiated settlement with DEP is for \$3.23.
15 Hopefully, there is a possibility of a lower rate
16 sometime in the future, at which time the rates will
17 be renegotiated and possibly lowered.

18 WITNESS EKONOMIDES: I understand what
19 you're saying. If I understand what you're saying
20 correctly, Pasco County is going to hold Forest Hills
21 Utilities to a \$3.23 amount simply because it's a
22 contract.

23 MR. CROUCH: That's correct.

24 WITNESS EKONOMIDES: And that answers,
25 perhaps, one of the earlier questions because people

1 seemed to not understand that Pasco County cannot
2 charge us directly. Forest Hills Utilities has become
3 a middleman wherein they have contracted our
4 wastewater treatment to be done by Pasco County for a
5 particular rate. The county has got nothing to do
6 with us.

7 MR. CROUCH: That's exactly correct?

8 WITNESS EKONOMIDES: But we're still
9 Mr. Dreher's prisoners.

10 MR. CROUCH: I'd like to answer one other
11 question, something you brought up a minute ago before
12 I forget it. On this Exhibit C, Page 12, that you
13 were referring to, gallons treated, 79; gallons sold,
14 69.

15 WITNESS EKONOMIDES: Right.

16 MR. CROUCH: Okay. There are other things
17 that we look into. It's called infiltration and
18 inflow. In other words, there are other sources of
19 water that gets into the sewer pipes that has to be
20 treated by the sewer treatment plant. When it rains,
21 it runs into the manhole covers. When it rains it may
22 get into some of the lift stations. There's
23 groundwater that gets into the pipes that increases
24 the amount of sewage actually treated by the Utility.
25 That's why the difference in figures between gallons

1 treated and the actual gallons sold, as they say, to
2 the customers.

3 If that figure is inflated, if that is too
4 high, we start looking at the utility to go in and
5 correct the problem. Slip line some of their mains,
6 do something to cut down on the amount of inflow and
7 infiltration.

8 WITNESS EKONOMIDES: Okay. Now, how -- you
9 indicated a figure earlier on. How much of the water
10 that I use in my home ends up turning into wastewater?

11 MR. RENDELL: The maximum that you're
12 charged for is 10,000. There is a cap. After the
13 10,000 gallon cap is treated, you are no longer
14 charged.

15 WITNESS EKONOMIDES: I understand that.
16 However, every household in here, I would imagine, has
17 an average figure of gallons that they are charged for
18 of around 4,500 gallons. Those with children would
19 probably have much more than that. All right. Now,
20 what I'm looking for is an answer as to how much of
21 that 4,500 gallons that I use in my home, all right,
22 is actually wastewater that goes back to FHU that
23 needs to be treated which now, of course, is going to
24 going to Pasco County.

25 MR. RENDELL: The rates are set at 80¢.

1 That's the way we set rates. We assume that 80% of
2 residential wastewater goes back to the plant. Now
3 they do have records of how much water is received by
4 their plant, how much is treated, and you could
5 average that out on a per customer basis but the rates
6 are set at 80% of water.

7 **WITNESS EKONOMIDES:** In other words, what
8 you're telling us is 80% of the water that I use goes
9 back as waste. I need to pay it in a sewer figure.
10 And yet Forest Hills Utilities can get away with
11 claiming that, for example, in the month of July '96
12 they treated a mere 5,840 gallons of wastewater and
13 yet charged maybe just three houses on my street the
14 total amount for that? There's 1,400 homes here.
15 This man's been making a killing for 20 years this
16 way. (Applause) I'm sorry, gentlemen, but that just
17 doesn't jive with me. I mean, if I was making those
18 kinds of rates, I'd be knocking on Mr. Dreher's door
19 for a job instead of practicing law.

20 **MR. RENDELL:** I guess I'm not sure what
21 you're saying, but let me explain.

22 We have asked a question on the schedule and
23 their response was that the second column was the
24 gallons sold. That's the water that went to your
25 meter. The gallons treated was what was received by

1 the wastewater plant. And I believe you said in July
2 they treated 5,840,000 gallons.

3 **WITNESS EKONOMIDES:** All right. I'm sorry,
4 I see what has happened here. I got a fax copy and
5 that fax copy didn't look very good. If that figure
6 represents five million, then I'll strike that
7 complaint. That's fine.

8 **MR. RENDELL:** If you look at the top to of
9 the column, it says --

10 **WITNESS EKONOMIDES:** Well, there's where I
11 have a line on my copy, and it's very difficult to
12 read.

13 **MR. RENDELL:** Now, I would like to point out
14 one other fact before we move on. We have a letter
15 from Pasco County, and it's from Douglas Bramlett, the
16 Assistant County Administrator. And this letter went
17 out December 1995, and it indicates what the bulk
18 charges for water and wastewater that's charged to
19 utilities of Pasco County. And as of October 1st,
20 1996, the bulk wastewater rate is \$3.23 per 1,000
21 gallons to all bulk customers of Pasco County
22 utilities and you're welcomed to --

23 **WITNESS EKONOMIDES:** I appreciate that. I
24 believe the 96-cent reduction may come after the date
25 of that letter. I'm not positive. It's something I'd

1 have to check. I called on March 7th and was told
2 that, indeed, there had been a 96-cent reduction in
3 the price of wastewater treatment.

4 I wanted to get on the record a couple of
5 more questions here. The Department of Environmental
6 Protection has been after this utility for a long,
7 long time based on the history that I've read in the
8 few short days and hours that I have been able to do
9 any research on this matter.

10 In 1985 they issued a warning to Forest
11 Hills Utilities with respect to the percolation pond.
12 They indicated to the Utility that the French drain,
13 referred to as many other types of things, was
14 inappropriate and it was not an appropriate way to
15 treat or to keep the effluent.

16 Now, of course -- I'm sorry. Are one of you
17 from the Department of Environmental Protection? No,
18 I didn't think so. Perhaps they should be here, but
19 they didn't issue a complaint and a petition for
20 enforcement of that notice of warning for five years.
21 So this guy has been running a utility, not giving us
22 what he ought to be giving us, polluting perhaps other
23 bodies of water and throwing a bunch of wastewater,
24 irrigating a golf course, so that Cyndi over here -- I
25 believe it's Buchanan -- can't go out and enjoy her

1 yard, all right. What was the DEP doing?

2 MR. CROUCH: Not trying to defend DEP on
3 this, but there was controversy during this time frame
4 as to whether or not this French drain that you
5 referred to, which is a sand filter, it let's the
6 effluent run through that, as to whether or not that
7 was legal. DEP --

8 WITNESS EKONOMIDES: So he challenged that.

9 MR. CROUCH: Pardon me?

10 WITNESS EKONOMIDES: He challenged the
11 notice -- five year to litigate it.

12 MR. CROUCH: And he claimed, and I don't
13 know the full background on this, but that there were
14 people DEP representatives here in this area who said
15 it was okay. DEP in Tallahassee said, "No, it wasn't
16 okay." But there was no formal charge that the French
17 drain was illegal.

18 WITNESS EKONOMIDES: Okay.

19 All right. Subsequent to that, his permit
20 to operate was denied in 1981. Because he had you all
21 up there in Tallahassee over the coals, all right. He
22 figured, "Fine, I'll shut down, and you deal with the
23 residents." All right. They allowed him, pending
24 some sort of agreed-to settlement of this problem,
25 they agreed to allow him to function under his 1986

1 permit with those standards.

2 Was he forced to bring up any of the
3 standards that he could between 1986 and now, prior to
4 this settlement agreement?

5 MR. CROUCH: He was ordered sometime during
6 this time frame to come up with two -- or come up with
7 alternative proposals. One of those proposals was to
8 go in and build a new plant and figure out what to do
9 with the effluent?

10 WITNESS EKONOMIDES: I understand that.

11 MR. CROUCH: And he was given, I believe, 48
12 months, if I'm not mistaken. I forget the exact time
13 frame, but he was given --

14 WITNESS EKONOMIDES: 3.6 years.

15 MR. CROUCH: Right. Now, they came up with
16 two proposals. One was to put in a new plant. And
17 the second was to interconnect with Pasco County.
18 Pasco County's alternative turned out to be less
19 expensive in the long run. Therefore, DEP and the
20 Utility reached a stipulated settlement that they
21 would go with that plant.

22 WITNESS EKONOMIDES: I understand that.
23 I've read the stipulated settlement.

24 MR. CROUCH: This utility has been fined --
25 to my knowledge, they have been fined \$10,000 already

1 because of not meeting regulations.

2 WITNESS EKONOMIDES: And additional 25.

3 MR. CROUCH: Additional 25,000 pending that
4 is being litigated right now.

5 WITNESS EKONOMIDES: Right.

6 MR. CROUCH: That fine is not to be passed
7 on to the customers. (Laughter)

8 WITNESS EKONOMIDES: With great respect, we
9 believe that one way or the other we'll end up paying
10 not only his fine but the cost of his lawyers.

11 I direct your attention to Page 5 of 18 of
12 Exhibit B: "Forest Hills shall not be liable for the
13 installation of any meters or similar equipment or
14 devices used to measure the amount of wastewater
15 treated."

16 Now, though I can't draw your attention
17 exactly to the next exhibit, I'd like you to have a
18 look at it. I know this afternoon I saw a figure in
19 there somewhere where he's put in the cost that he
20 wants to recoup for a flow meter. If he's not
21 supposed to be paying any cost for a meter, how come
22 he's putting it in?

23 MR. CROUCH: One of the reasons for that is
24 because this is a protection to make sure that he is
25 not dependent upon Pasco County's meter. Otherwise,

1 he is solely subject to what Pasco County said flowed
2 through the meter.

3 **WITNESS EKONOMIDES:** That is fine, but why
4 should we pay for it? I mean, the agreement says that
5 he's not going to pay for any of it.

6 **MR. CROUCH:** To Protect the customers from
7 having to pay more. If Pasco County told you it was
8 4 million gallons, and he just blanketly approved that
9 and paid the 4 million gallons and charged you folks
10 for it or he can say, "Hey, Pasco, based on my past
11 experience I don't trust Pasco County. I'm going to
12 put in my own meter to see how much flows through
13 there.

14 **THE AUDIENCE:** (Simultaneous conversation.)

15 **MR. CROUCH:** There have been cases where
16 there has been differential, a sizable differential,
17 between -- not between this particular utility but
18 there are a number of others that are interconnected
19 with Pasco County who have done this same thing. Now,
20 whether or not we allow the cost of that meter is
21 something that is still up for debate. He's asking
22 for it, but that doesn't mean he'll get it.

23 **WITNESS EKONOMIDES:** I bring it up today
24 simply because, as an attorney, I'd like to think that
25 an order signed by a judge is not going to apply where

1 it is convenient for Mr. Draher and not apply where
2 it's not convenient for Mr. Draher. And if that's the
3 case, gentlemen, I draw your attention to the fact
4 that he chose Option B. He chose to tie into another
5 region or county. Based on the engineer's timetable,
6 that would take 3.5 years.

7 Now, in this document -- in fact, I'll give
8 you another page, because what the heck, my civic
9 association is paying me, I might as well make your
10 work a little easier. I've got to find it folks,
11 sorry.

12 MR. CROUCH: While he's looking for that,
13 I'll give you a little anecdote.

14 If we were to go through the formal hearing,
15 we would have attorneys for Jack Shreve and his
16 consultant; we would have attorneys for the Utility
17 and their consultants, and all of these witnesses
18 testifying and referring to documents back and forth,
19 and we would spend several days doing exactly what
20 this gentleman is doing right here. It is definitely
21 less expensive if we can do this through the PAA than
22 it is to go to a formal hearing.

23 WITNESS EKONOMIDES: Page 16 of 45, Exhibit
24 A. Connection of the plant. Indicates 3.5 years,
25 "After execution of this stipulated agreement, Forest

1 Hills shall connect to" -- sorry, "Forest Hills shall
2 connect the Forest Hills Utilities service area into
3 the regional county or municipal system with
4 sufficient capacity to handle the wastewater burden of
5 Forest Hills Utilities." My interest is in the next
6 sentence. "During this period of time Forest Hills
7 shall negotiate and enter all contracts, apply for and
8 receive all of the permits, rate increases or other
9 authorizations necessary to complete the connection
10 within the scheduled deadline." He filed an
11 application on December 12, 1996. Gents, by my math
12 he's four months late.

13 Take the date that this order was signed, go
14 three and a half years, you come up with August 12th,
15 1996? He's four months late. It might not be a big
16 deal, but I intend to make it a big deal, because this
17 is a judge's order.

18 There is in this order a way for him to
19 extend that time. To my knowledge, unless you can
20 tell us different today, there have been no
21 uninterested party interventions filed by petition for
22 administrative proceeding under Florida Statute
23 120.57. How much of this order do we, as citizens,
24 looking to you, expect to see you tell Mr. Dreher he
25 has to be bound by it? That's the first question.

1 Let me give you a supplemental.

2 This guy has had at minimum, if you even
3 forget about 1984 and '85, he's had since this order
4 was signed in February of 1993 a total of four years
5 to tell us, as residents, something so that we know.
6 And yet since 1992, he's achieved rate increases of
7 between two and a half to 6.5%. He'd always give us
8 that in brackets. However, when this last notice came
9 out, he didn't have that little bracket in there. We
10 had to do the math ourselves. So he has a rate
11 increase that's four months late, according to the
12 stipulated agreement, which becomes an order signed by
13 a judge, he neglects his responsibility, okay, to tell
14 residents regardless of the fact the Florida Statutes
15 allow him a reasonable rate of return on his
16 investment, if you want to be loved by your residents,
17 you've got four years to -- "You know, guys, I kind of
18 messed up. We're having to do a few different things,
19 and I'm going to be asking for rate increases that
20 will take care of the cost of shipping our water to
21 Pasco." And I'm not going to buy the argument, "Well,
22 I didn't know what it would cost." There are already
23 facts and figures in this order. He knew darn well
24 what it was going to cost and now he comes at the
25 eleventh hour, and he says, "Hey, all you all, I want

1 100% more out of you." You guys let him get away with
2 that, okay. It's robbery. It is complete robbery.
3 Someone wanted to know who brought the rope?

4 (Applause)

5 Somebody here asked the question, "Who
6 brought the rope?" It's not going to help us, folks,
7 because Mr. Dreher brought a gun. Are we going to be
8 able to do anything about this four-month delay?
9 There is no valid extension of time, to my knowledge.

10 That's what the fine was for? You're going
11 to fine him 10,000.

12 MR. VACCARO: That is not us doing the
13 fining. You have to keep in mind that is the DEP
14 consent order.

15 MR. REMPELL: That's \$25,000 that's being
16 negotiated between DEP and the Utility. That's not
17 final yet and we're not involved in that.

18 WITNESS EKONOMIDES: I understand that.

19 MR. REMPELL: That's not our agency, but
20 there is a fine in place that they are currently
21 negotiating with DEP.

22 WITNESS EKONOMIDES: All right. Gents, I'm
23 going to get just a few more questions on the record,
24 and then I'll sit down because maybe there are a few
25 of these other folks that want to say something.

1 I think I'd made it clear, but I'll read it
2 into the record, anyway. Forest Hills Utilities --
3 I'll refer to them as FHU from here on in -- has
4 received rate increases almost each and every year
5 between two and half to over 6%. What was done with
6 these funds and were they appropriately reinvested in
7 the facility since FHU apparently had knowledge that
8 it was not in compliance with the Department of
9 Environmental Protection minimum standards?

10 Was a portion of that money spent fighting
11 DEP instead of providing service to the residents?
12 Basically, are we paying his legal bills?

13 What is the justification for residents
14 having to pay more than 100% increase if it is a fact
15 that FHU had prior knowledge of its noncompliances?
16 And I think we can all stipulate here that it is a
17 fact that he knew of his noncompliances.

18 Why are the residents paying the premium for
19 what might be shown to be poor management and planning
20 on the part of FHU and Mr. Dreher? If the county has
21 lowered its sewer and wastewater treatment charges,
22 why are those savings not being renegotiated to be
23 passed on to residents by FHU? Are the residents now
24 going to be solely responsible for the entire capital
25 cost of the Pasco pipeline; and if so, why not give us

1 some graduated increase that is fair to him, fair to
2 these people that are on fixed incomes and not
3 amortize it over eight and nine years, but amortize it
4 over a period of time that everybody can afford?
5 Because anything less than that would be a complete
6 bogus decision that favors Mr. Dreher and not the
7 people that pay your salaries. (Applause) Thank you.

8 MR. RENDELL: Ladies and gentlemen, I have
9 one more speaker form, but if there's going to be any
10 other people speak, we only have one court reporter
11 and we have been going at this for an hour and a half,
12 so if we could take a ten-minute break to let her
13 relax her fingers and get a drink of water.

14 (Brief recess)

15 - - - - -

16 MR. RENDELL: Ladies and gentlemen, if we
17 can get started so we can get finished.

18 Our next speaker that signed up is Robert
19 Hoffmann, H-O-F-M-A-N-N.

20 Mr. Hoffmann, were you present when we swore
21 the customers in?

22 MR. HOFFMAN: No.

23 MR. RENDELL: If you will raise your hand.

24 (Witness sworn.)

25 MR. RENDELL: And if you could state your

1 name, address and spell your last name for the court
2 reporter, please.

3

- - - - -

4

ROBERT HOFFMANN

5 appeared as a witness and, swearing to tell the truth,
6 testified as follows:

7

DIRECT STATEMENT

8

WITNESS HOFFMANN: My name is Robert

9 Hoffman, H-O-F-M-A-N-N. My name is H-O-F-M-A-N-N.
10 Address is 5616 Silver Spur Drive, Holiday, right over
11 here at Dodge City, part of the Forest Hills area. I
12 have been a customer for nine years. Just a couple of
13 questions, basically.

14 Is this where the sewage is going? Now, you
15 told me that this is within specs. Would you want
16 your granddaughter to drink this? Would any of you
17 want your granddaughter to be drinking this, which is
18 five years old? Do we want to pay for this?

19 Second question is Forest Hills Utility is a
20 business. Now, you know, I'm only in my 50s, but it's
21 always been my understanding that before you put any
22 money in your pocket from your business you cover your
23 costs. So if you're operation is deteriorating,
24 you're not covering your costs. I mean, you always
25 have to put something aside for when things go wrong.

1 That's business. That's the capitalistic system,
2 isn't it? Or have things changed now? So why all of
3 a sudden is everything turned to, excuse the
4 expression, shit? And now he's -- I'm getting really
5 irritated.

6 I've got my granddaughter outside with a
7 friend. I've got to take her home and put her to bed,
8 and I really don't want to give her a bath in this
9 stuff. Do you understand? And we're supposed to pay
10 more when he didn't take -- whoever owns this thing
11 didn't take the time over the past few years to put
12 the money aside to correct the problems as they came
13 up and just kept using whatever influence, lawyers,
14 what have you, to avoid it until it comes to the point
15 where we have to take over and, you know, pay his
16 expenses. And he walks away with a bucket full of
17 money.

18 MR. RENDALL: One thing I do want to point
19 out, this application is for the wastewater rates
20 only, not the water rates, so we are under a time
21 frame to look at this application --

22 WITNESS HOFFMANN: The notice I got just
23 about five days ago, instead of, you know, having a
24 lot of them to prepare for this, five days ago, said
25 that the water rates are going up, too. Don't you

1 folks have something to say about that?

2 MR. RENDELL: I'm not familiar with the
3 water rates going up. I know this application is for
4 wastewater rates only. (Laughter)

5 WITNESS HOFFMANN: I wish I had brought it
6 now. I thought you'd have one.

7 MR. RENDELL: I will look at one of the
8 notices. It may be an index that they received, and
9 an index is something that utility companies are
10 allowed each year. It's by a statute to increase
11 their water and wastewater --

12 WITNESS EKONOMIDES: Anthony Ekonomides, for
13 the record, again. Yeah, this is wastewater, but I
14 think what the complaint is here is generally on the
15 meter sizes.

16 UNIDENTIFIED SPEAKER: General service.

17 WITNESS EKONOMIDES: Yes, and general
18 service.

19 UNIDENTIFIED SPEAKER: And water, not
20 wastewater.

21 WITNESS EKONOMIDES: And water.

22 MR. RENDELL: This application for the
23 wastewater rates only. That is the wastewater rates.
24 These are all wastewater rates.

25 THE AUDIENCE: No.

1 **MR. RENDELL:** Sir, if you'll allow me to
2 speak, I could clear this up. This is for wastewater
3 only. That general service is for nonresidential
4 customers. That's what that general service means.
5 Now, this rate application is only for wastewater
6 rates. And what I was going to say earlier is we can
7 have a engineer check into the water quality with DEP,
8 but this particular hearing is dealing with an
9 application that we have a time frame to look at and
10 it's wastewater only. It doesn't preclude us from
11 looking into the water, but we can check into that.

12 **WITNESS EKONOMIDES:** Again, there is still
13 the concern here that they are doubling our meter.
14 All, meter sizes are going from 924 to 1880.

15 **MR. RENDELL:** That's correct. That's
16 wastewater only.

17 **THE AUDIENCE:** No, no, no.

18 **MR. RENDELL:** The meter sizes, if you look
19 at the notice, the first part is the residential meter
20 sizes.

21 **WITNESS EKONOMIDES:** Right.

22 **MR. RENDELL:** That's your wastewater rates.
23 The bottom half are general service, which are
24 commercial customers; nonresidential customers and
25 that's their increase, also. Everyone is getting a

1 proposed increase, that's what they are proposing to
2 us. But the notice in this application is wastewater
3 only.

4 WITNESS EKONOMIDES: Well, are we to assume,
5 then, that whatever price or whatever increase you
6 give FDU is going to be something we pay and that the
7 meter still will remain at \$9.24?

8 MR. CROUCH: Let me explain one thing that
9 people are under a misconception of there.

10 You have one meter at your residence.
11 Normally, a five-eighths by three-quarter meter; some
12 people may have a one-inch meter. But a five-eighths
13 by three-quarter meter, that you pay a meter charge
14 for the water and you pay a usage charge, how many
15 gallons you use each month. You also, in your sewage,
16 you pay a fee based on the size of that water meter.
17 That's the meter charge for sewage. And a particular
18 charge up to the 10,000 cap for the sewage flows.

19 Now a gentlemen asked me a few minutes ago
20 to work out something. You have approximately 1,100
21 sewer customers, residential customers. It works out
22 that the average flow is slightly over 6,000 gallons
23 per month per customer. And that's what you pay.
24 Some of you will pay more than that because you use a
25 lot more water and you're capped at 10,000 gallons of

1 sewage. But most of you -- and the average is around
2 6,500 hundred gallons of sewage a month to the sewage
3 treatment plant from the 1,100 residential customers.
4 That is a very rough average by my hand calculations
5 here.

6 WITNESS EKONOMIDES: So that's just the
7 sewage is all we're getting an increase on.

8 MR. CROUCH: Yes, sir.

9 WITNESS EKONOMIDES: I see. Why do we have
10 to pay -- I mean this whole thing is -- what irritates
11 me is why do we have to pay for him shutting down his
12 sewage plant and everything else when it's going right
13 to the county and they are taking over the sewage
14 treatment? Why does he have to skim some off the top
15 of the sewage going to the county?

16 MR. RENDELL: That's the purpose of this
17 application that we're looking into. We're looking at
18 all of the costs that he's put into the application.
19 We have not finished our investigation yet. But his
20 application goes through and lists all of the
21 financial costs that he wants to recover through his
22 rates and that's what we're looking at at this point.

23 WITNESS EKONOMIDES: Are you looking at it
24 only for the weight -- how much money he's earning
25 now? Or are you going to look back in the past ten,

1 20 years when these problems should have been taken
2 care of then and where the money went, rather than
3 take it all from where it is right now? What I'm
4 saying, business-wise. It should have been invested
5 ten, 20 years ago.

6 **MR. KENDALL:** On an annual basis we review
7 their earnings to make sure they are not overearning.
8 But that's on an annual basis.

9 This application deals with the cost of
10 interconnection to Pasco County. It's called a
11 limited proceeding. And this limited proceeding, the
12 scope of it is only for this interconnection. They
13 did not file what is called a full-blown rate case
14 where they are asking for increases across the board
15 for all of their expenses. They're not asking for
16 additional plant to serve besides the interconnection.
17 This is a limited proceeding for only this purpose and
18 that's what the scope of this application is for.

19 **WITNESS EKONOMIDES:** But we have to pay to
20 shut the plant down that he has now and clean it up?

21 **MR. CROUCH:** Unfortunately, this is one of
22 the things that the rules do allow. The government is
23 forcing him to shut that plant down, to lose his
24 business.

25 **UNIDENTIFIED SPEAKER:** Let the government

1 pay for it, not me.

2 MR. CROUCH: Well, indirectly, whether the
3 government pays for it or not, it all comes out of you
4 and me, the taxpayers.

5 WITNESS IKONOMIDES: Well, this one isn't
6 coming out of you, sir.

7 MR. CROUCH: You made a comment earlier
8 about should they have saved money, put it up in a
9 little fund for future contingencies.

10 Ladies and gentlemen, if you were a customer
11 ten years ago, would you have wanted to have paid
12 rates that would have gone into a slush fund to take
13 care of something for future customers?

14 A utility is not allowed to save money off
15 to the side for future use. When it comes time to do
16 an expansion, to do an improvement, to put in a
17 filter, whatever, they have to go to the bank and say,
18 "Mr. Banker, I need to borrow a half million dollars
19 to do something." They do not -- by law they are not
20 allowed to have money set aside that customers ten
21 years ago paid in. They just cannot do that. That's
22 the way the rate structure is set up. So the customer
23 today has to pay for what is required today.

24 I'd like to answer one other question real
25 shortly. This gentlemen was looking at the calcium

1 carbonate in that water. I agree with you. It looks
2 bad. It meets standards, but it's unfortunate that it
3 looks that way, and I wouldn't want to drink it
4 either.

5 Now here's a question, the Utility could put
6 a filter on their water and filter every gallon of
7 water that comes out to you and get it rocky mountain
8 spring clear water. You would have to pay for that
9 filter. If they did that, if they put that filter on
10 there, which is going to cost several hundred thousand
11 dollars, that would filter every gallon of water you
12 use, whether it goes into your pool, wash your car, in
13 your garden, down your shower, washing your clothes,
14 it doesn't matter. It is more financially beneficial
15 for the individual customer to put a point of use
16 filter -- it can be a little Sears, or something like
17 that -- cartridge filter in your kitchen on your
18 faucet and also on the line that goes over to your ice
19 maker. If you have that, you could put that on there,
20 filter the water that you drink and cook with, and the
21 ice cubes, and end up far better off financially than
22 if the Utility put in a filter that filtered all of
23 your water.

24 Now, this is not what you may want to hear.
25 I'm trying to level with you, give you the honest

1 engineering answer. And I'll be around after the
2 meeting if some of you want to ask questions on that.

3 The Utility could, they could come to you
4 and say, "We'll put a filter in and we want to raise
5 our water rates to pay for this \$500,000 filter. You
6 don't want to pay those rates, because you could put
7 that little cartridge filter on far cheaper and filter
8 your water where you use it to drink and to cook with.
9 You don't want to filter the water that goes into your
10 washing machine, dishwasher, things like that.

11 **UNIDENTIFIED SPEAKER:** Why aren't they
12 forced to make our water pure? Why do we have to buy
13 a filter?

14 **MR. CROUCH:** Because the water that comes
15 out of the ground here in Florida has calcium
16 carbonate in it. It is an unfortunate fact of life in
17 Florida. You have many other things, you have
18 hydrogen sulfide in many cases in your water.

19 **UNIDENTIFIED SPEAKER:** What is the black
20 stuff?

21 **MR. CROUCH:** The black stuff is calcium
22 carbonate and iron.

23 **UNIDENTIFIED SPEAKER:** All of this started
24 in the last couple of months.

25 **MR. CROUCH:** It's something the Utility

1 could fix, but it would cost you far more than you
2 filtering it yourself.

3 **UNIDENTIFIED SPEAKER:** They're not required
4 to give us pure water then?

5 **UNIDENTIFIED SPEAKER:** This has only been
6 within the last couple of months.

7 **MR. RENDELL:** If you would like to get it on
8 the record, we've come to the end of the forms, and if
9 anyone else would like to speak, you can raise your
10 hand and come forward, one at a time. You'll need to
11 state your name and spell it for the court reporter.
12 I believe one gentleman is raising his hand. But
13 yelling from the audience, we can't get that in the
14 record, so if you would like to put something on the
15 record, please feel free to approach.

16 - - - - -

17 **COURTNEY DENNEWITZ**
18 appeared as a witness and, swearing to tell the truth,
19 testified as follows:

20 **DIRECT STATEMENT**

21 **WITNESS DENNEWITZ:** My name is Courtney
22 Dennewitz, D-E-N-N-E-W-I-T-Z. And I live on Malibuca
23 Drive in Forest Hills. I've read the water meters for
24 the City of New Port Richey for the last 17 years.
25 And the City of the New Port Richey and Pasco County

1 went in together and built a sewage treatment plant
2 and -- one of the best that I've ever seen. It took
3 me four hours to go through it. And to my knowledge,
4 and being in the office up there and going through
5 their records, they are a third less, what they charge
6 the customers for, that sewage and water up there,
7 than Mr. Dreher does here, okay?

8 Now, another thing that I'd like to go into,
9 a lot of the customers up in New Port Richey cannot
10 drill any more wells, okay. So New Port Richey has
11 offered their customers a reduced rate to put in what
12 they call an irrigation meter alongside their regular
13 meter that sells water to them for their lawns and
14 washing cars and stuff like that. That way they don't
15 have to pay for the sewage for that particular water
16 and they get to water their lawns and everything. Why
17 can't Forest Hills Utilities do that? Even if they
18 gave their customers a reduced rate on the meter and
19 the installation, it would save on the sewage rate and
20 they wouldn't have to come to you people and ask you
21 for an 18.80 increase.

22 MR. RENDALL: They could install. That's
23 something they could apply for with us and we could
24 approve it. To my knowledge, I don't believe they
25 have that, but it is a possibility they could install

1 these irrigation meters.

2 WITNESS DENNEWITS: Thank you.

3 (Applause)

4 MR. RENDELL: Is there anyone else that
5 would like to speak? Yes, sir.

6 - - - - -

7 JACK SANTOSUSSO

8 appeared as a witness and, swearing to tell the truth,
9 testified as follows:

10 DIRECT STATEMENT

11 WITNESS SANTOSUSSO: My name is Jack
12 Santosuosso. I live at 5610 Florida Avenue in
13 Holiday.

14 MR. RENDELL: Could you spell your name,
15 please?

16 WITNESS SANTOSUSSO: S-A-N-T-O-S-U-O-S-S-O.

17 Recently I have been noticing strange odors
18 in my garage. It smelled like rotten onions. So I
19 looked around, couldn't find any rotten onions,
20 nothing rotten. And it was mostly probably in the
21 morning when I would get this odor. So I started
22 looking around the corner where I live. And there's a
23 sewer line that runs up the sidewalk on Florida Avenue
24 on the corner of Rushmore. And this sewer is covered
25 with a metal plate. Now all of the gases are coming

1 out of that cover and they are contaminating the
2 people that are living in this neighborhood.

3 There are God knows how many different types
4 of bacteria that are floating around in there that are
5 getting in the air.

6 I also noticed on the street corner, which
7 we filled the past few years with hot tar because
8 we're responsible for maintaining the street
9 ourselves, the residents. So we filled that corner up
10 about six to eight inches, and it's dropped down and
11 it keeps dropping. The sidewalks in the area have
12 dropped throughout all along this line. I've called
13 the Forest Hills Utilities to come down and take a
14 look at this. I haven't gotten any response from
15 them.

16 The latest call I have made is to the
17 Commissioner, Ms. Hildebrand. And as of yesterday she
18 returned my call and told me that somebody from the
19 Department of Quality Engineering, I guess, was going
20 to come down and take a look at this here.

21 Now, they have been down before when I
22 complained about this last year, and I didn't get --
23 didn't get anything responsive that this was taken
24 care of. I've noticed that -- I've gone out there and
25 it wasn't a day for no one in my area to be watering,

1 and there was water in the street. I'm trying to
2 figure out where the heck is this water coming from.
3 Nobody is watering. I didn't water and it's got a
4 funny look to this water. It looked like a rusty
5 radiator had leaked there or something. It's so far
6 over the whole area. You know darn well it wasn't --
7 and it's like a few times it's happened, it can't be
8 somebody with a radiator going bad. The only thing I
9 can figure, that this sewage is coming up, perking
10 through the hot tar into this area. And I want to get
11 something done about it before somebody gets real
12 sick. There's kids walking to school every day. They
13 are walking over this deadly group of bacteria coming
14 out of this sidewalk.

15 **MR. CROUCH:** Mr. Santosuosso, if I could get
16 you to go back and check with Mr. Monroe after you
17 finish here and show him on the map where you are
18 talking about, and we will follow up on that and see.
19 There is a possibility that the sewer lines are
20 malfunctioning. It could be a requirement that they
21 go in and check those lines, TV those lines.

22 **WITNESS SANTOSUOSSO:** It is so obvious that
23 there's either a broken line there, a broken line in
24 that ground where that sewage is leaking throughout
25 everybody's area. Half of it is going up through the

1 streets and half of it is going into that plant. But
2 we're breathing it.

3 MR. CROUCH: We'll sure look into it. So if
4 you will, check with Mr. Monroe. (Applause)

5 MR. RENDELL: Is there anyone else who would
6 like to speak? Yes, sir.

7 - - - - -

8 WENDELL HEOTZLER

9 appeared as a witness and, swearing to tell the truth,
10 testified as follows:

11 DIRECT STATEMENT

12 WITNESS HEOTZLER: I want to speak. My name
13 is Heotzler -- that's Wendell. Last name is spelled
14 H-E-O-T-Z-L-E-R. I'm speaking as president of the
15 Forest Hills Civic Association, which provided this
16 hall for this hearing, and I'm glad we were able to do
17 it.

18 Now, I want to thank everyone for coming. I
19 want to say, as I said -- and it wasn't on the record
20 before, but I'll put it on the record now, that we
21 will be looking at this as a Civic Association, and it
22 has all of the appearances of an excess rate and that
23 should be definitely looked at, and I suspect we may
24 be taking a strong position about this. I will be
25 bringing it up to our board of directors very soon,

1 and to the members. And thank you for coming tonight,
2 gentlemen.

3 MR. CROUCH: Thank you.

4 UNIDENTIFIED SPEAKER: You sure didn't want
5 to do it last week, Quimby.

6 MR. RENDELL: Okay. Is there anyone else
7 who like --

8 UNIDENTIFIED SPEAKER: Before the hearing?

9 MR. RENDELL: Who was that?

10 UNIDENTIFIED SPEAKER: Someone said we
11 didn't want to do it last week. We hadn't had the
12 hearing yet. It would have been a little bit
13 presumptuous.

14 WITNESS EKONOMIDES: You've seen a 100%
15 increase before the hearing, na'am.

16 MR. RENDELL: Okay. We've got one more
17 witness.

18 - - - - -

19 A. J. CAPOSSOLA

20 reappeared as a witness and, previously swearing to
21 tell the truth, testified as follows:

22 DIRECT STATEMENT

23 WITNESS CAPOSSOLA: My name is Capossela,
24 you have it on the records, C-A-P-O-S-S-E-L-A.

25 Years ago, if I remember correctly, you

1 based all of the increases on the cost of the plant
2 and allowed them a certain percent profit. Has that
3 changed?

4 MR. RENDELL: No, sir. We still have rate
5 base regulation. We do look at the cost of plant.

6 WITNESS CAPPOSKLA: You don't have the
7 hearings like you used to and investigate them like
8 you used to.

9 MR. RENDELL: We investigate PAA the same as
10 we do hearings. But a hearing process is more
11 expensive in that you have the sworn testimony and
12 attorneys. The PAA process is another way of us
13 coming out and talking and gathering the information.
14 Mr. Vaccaro --

15 WITNESS CAPPOSKLA: Since 1975 you had two
16 hearings. This is the second and he's received an
17 increase every year, because of the cost of living,
18 without a hearing.

19 MR. RENDELL: Okay. I understand. If he
20 comes in for a formal application, we do this process,
21 a PAA or a rate case. An index is what he's getting
22 and that's allowed without a hearing through a
23 statute. And he's allowed to pass that on each and
24 every year. And all of the utilities throughout the
25 state of Florida are allowed to do that.

1 Ladies and gentlemen, I believe that's the
2 last speaker. I appreciate you coming out. We do
3 have a lot of information we're going to be looking
4 at, and we have a lot of new information tonight that
5 we'll be looking at. We'll be sending out more data
6 requests. This process has just begun. We're still
7 in the beginning stages, we have a couple of months to
8 go. We will be making the decision, May the 6th --
9 the Commission will be making a decision. Once again,
10 thank you very much. (Applause)

11 (Thereupon, the hearing concluded at
12 8:45 p.m.)

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1 STATE OF FLORIDA)
: CERTIFICATE OF REPORTER
2 COUNTY OF LEON)

3 I, JOY KELLY, CSR, RPR, Chief, Bureau of
Reporting, Official Commission Reporter,
4

5 DO HEREBY CERTIFY that the Customer Meeting
in Docket No. 961475-SU was heard by the Staff of the
Florida Public Service Commission at the time and
6 place herein stated; it is further

7 CERTIFIED that I stenographically reported
the said proceedings; that the same has been
8 transcribed under my direct supervision; and that this
transcript, consisting of 96 pages, constitutes a true
9 transcription of my notes of said proceedings.

10

DATED this 21st day of March, 1997.

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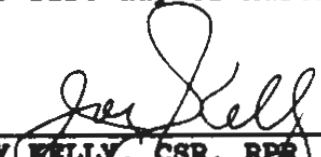
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