

BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

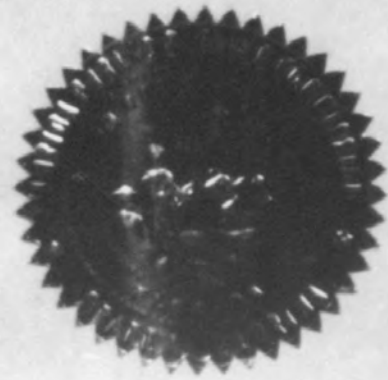
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In the Matter of : DOCKET NO. 960235-WS
Application for Transfer of :
Certificates Nos. 404-W and :
341-S in Orange County from :
Econ Utilities Corporation to :
Wedgefield Utilities, Inc. :

Application for Amendment : DOCKET NO. 960283-WS
of Certificates Nos. 404-W and:
341-S in Orange County by :
Wedgefield Utilities, Inc. :

VOLUME 1

Pages 1 through 102



PROCEEDINGS: HEARING

BEFORE: COMMISSIONER J. TERRY DEASON
COMMISSIONER SUSAN F. CLARK
COMMISSIONER JOE GARCIA

DATE: Thursday, March 19, 1998

TIME: Commenced at 10:00 a.m.

PLACE: Wedgefield Ranger Drainage District
19950 Nugent Street
Orlando, Florida 32833

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

DOCUMENT NUMBER - DATE

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FPSC-RECORDS/REPORTING

1 **APPEARANCES:**

2 **BEN E. GIRTMAN**, 1020 East Lafayette Street,
3 Suite 207, Tallahassee, Florida 32301-4552, appearing
4 on behalf of **Wedgfield Utilities, Inc.**

5 **JACK SHREVE**, Public Counsel, and
6 **CHARLIE BECK**, Office of Public Counsel, 111 West
7 Madison Street, Room 812, Tallahassee, Florida
8 32399-1400, appearing on behalf of the **Citizens of the**
9 **State of Florida.**

10 **JENNIFER BRUBAKER** and **BOBBIE REYES**, Florida
11 Public Service Commission, Division of Legal Services,
12 2540 Shumard Oak Boulevard, Tallahassee, Florida
13 32399-0870, appearing on behalf of the **Commission**
14 **Staff.**

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P R O C E E D I N G S

(Hearing convened at 10:00 a.m.)

1
2
3 COMMISSIONER DEASON: Ladies and gentlemen,
4 excuse me -- is this microphone on? Can people hear
5 me? It's not on. Okay. Give us a moment then. We
6 will begin by having the notice read.

7 MS. BRUBAKER: Pursuant to notice, this time
8 and place has been set for hearing in --

9 UNIDENTIFIED SPEAKER: I can't hear back
10 here.

11 COMMISSIONER DEASON: Talk louder.

12 MS. BRUBAKER: Pursuant to notice, this time
13 and place has been set for hearing in Docket 960325-WS
14 application for transfer of Certificates 404-W and
15 341-S in Orange County from Econ Utilities Corporation
16 to Wedgefield Utilities, Inc, and Docket No. 960283-WS
17 application for amendment of certificate numbers 404-W
18 and 341-S in Orange County by Wedgefield Utilities,
19 Inc.

20 CHAIRMAN DEASON: Thank you.

21 COMMISSIONER DEASON: Take appearances.

22 MR. GIRTMAN: My name is Ben Girtman --

23 COMMISSIONER GARCIA: Mr. Girtman, you're
24 going to need to get closer to the mike or scream.

25 COMMISSIONER DEASON: When you make your

1 appearance, please stand up for the purpose -- so that
2 people can see who is talking, just for the
3 appearances.

4 **MR. GIRTMAN:** There we go. Is that better?

5 **THE AUDIENCE:** Yes.

6 **MR. GIRTMAN:** My name is Ben Girtman. My
7 address is 1020 East Lafayette Street, Suite 207,
8 Tallahassee, Florida 32301. I'm appearing on behalf
9 of the applicant, Utilities, Inc. and its subsidiary
10 Wedgefield Utilities, Inc. We have witnesses here
11 today and company representatives that, hopefully,
12 during the hearing will help explain some of what our
13 application is all about. Thank you.

14 **COMMISSIONER DEASON:** Thank you.

15 **MR. SHREVE:** Jack Shreve and Charlie Beck,
16 representing the Citizens of the State of Florida,
17 you, the customers, Office of the Public Counsel,
18 Claude Pepper Building, Tallahassee, Florida.

19 **MS. BRUBAKER:** Jennifer Brubaker and Bobbie
20 Reyes for the Florida Public Service Commission Staff.

21 **COMMISSIONER DEASON:** My name is Terry
22 Deason. I'm a member of the Public Service
23 Commission. I'll be chairing the panel of
24 commissioners that will be hearing this matter today.

25 Seated to my left is Commissioner Susan

1 Clark and seated to my right is Commissioner Joe
2 Garcia. And we will do our best to speak loudly into
3 these microphones so everyone can hear.

4 Let me take this opportunity to welcome
5 everyone to the hearing today. I want to just briefly
6 describe the purpose of the hearing and the procedure
7 that we will follow throughout the day today.

8 The purpose of this hearing is twofold:
9 First, we want to give members of the public an
10 opportunity to address the Commission concerning the
11 matters pending before the Commission. At this point
12 the matters at issue with the Commission concern an
13 acquisition adjustment which is critical in the
14 determination of the rate base of the entity to which
15 the assets have been transferred. That will be the --
16 we will give you that opportunity. And we will then,
17 after we receive all of the customer testimony, as
18 Mr. Girtman alluded to, there are witnesses here, both
19 on behalf of the utility, on behalf of the Office of
20 Public Counsel, to address the policy and the
21 mechanics of the acquisition adjustment issue.

22 You are welcome and, in fact, are invited to
23 stay for both the customer testimony portion as well
24 as what we refer to as the technical phase of the
25 hearing where we hear from the expert witnesses.

1 Those witnesses will be put under oath just as you, if
2 you wish to testify, will be put under oath. Your
3 testimony and that of the expert witnesses will become
4 part of the official records in this proceeding.

5 This is an official hearing of the Public
6 Service Commission. It's being recorded by our court
7 reporter. The testimony given today will become part
8 of the record and will constitute evidence upon which
9 the Commission will rely in making its decision in
10 this case.

11 As I indicated, for your testimony and that
12 of the expert witnesses to be part of the record, it
13 will be necessary for everyone testifying to be put
14 under oath so that your testimony can be part of the
15 record.

16 At some point I understand we have some
17 preliminary matters, but unless it is critical to
18 address those preliminary matters, it would be my
19 desire to hear from the customers first, so those that
20 have other business to attend to, and will not be able
21 to stay with us, they can go ahead and depart. And we
22 will go into the preliminary issues that may be in
23 front of us and then we will hear the technical
24 testimony.

25 And with that, if there is nothing else, I

1 will ask all members of the public, as well as the
2 expert witnesses here today to please stand and raise
3 your right hand.

4 Let me indicate that there is -- out front
5 there should be an information sheet which allows
6 people to give us written testimony in lieu of oral
7 testimony if you wish to do that. If you want to give
8 oral testimony today, please raise your right hand.

9 (Witnesses collectively sworn.)

10 Thank you. Please be seated.

11 Mr. Shreve, do you have the list of the
12 members of the public?

13 **MR. SHREVE:** And a brief opening statement.

14 **COMMISSIONER DEASON:** Okay. Mr. Girtman, do
15 you have a brief opening statement as well?

16 **MR. GIRTMAN:** No.

17 **COMMISSIONER DEASON:** You do not.

18 Mr. Shreve, if you will please make that
19 brief, because we sure want to hear from the
20 customers.

21 **MR. SHREVE:** I will be brief.

22 I'm Jack Shreve. This is Charlie Beck. We
23 protested the order of the Public Service Commission
24 on your behalf.

25 What we're here about today is where the

1 order and the request of the Company who paid \$540,000
2 for the system was granted a \$2.8 million rate base.
3 This would mean that the Company would be entitled to
4 a return on the \$2.8 million and depreciation on
5 \$2.8 million, which, if taken over 20 years, at 10%,
6 and normal depreciation, that would mean they would
7 receive back \$5.6 million on a \$540,000 investment.

8 There is no way that that can possibly be
9 considered a fair return to the Company, and in any
10 way justice to the people of this community.

11 (Applause)

12 If justification for the lower purchase
13 price of the system was it was run down and needs
14 improvement, so be it. But if that is the case, then
15 the customers in the future will also be expected to
16 support that investment, and it is not fair for the
17 Company to receive the benefit of a low purchase
18 price, and then the customers have to support future
19 investment to bring that system up to standard.

20 We see no justification in it at all. And
21 appreciate very much you being here. And I'll keep it
22 brief. And that's it. Thank you very much.

23 (Applause)

24 **COMMISSIONER DEASON:** Mr. Beck, if you will
25 call the witnesses.

1 **MR. BECK:** First witness is John Townsend.

2 - - - - -

3 **JOHN TOWNSEND**

4 was called as a witness on behalf of the Citizens of
5 the State of Florida and, having been duly sworn,
6 testified as follows:

7 **DIRECT STATEMENT**

8 **WITNESS TOWNSEND:** My name is John Townsend,
9 2636 Albion Avenue.

10 I'd like to welcome the Commission to
11 Wedgefield. It's good you held the meeting here. As
12 you can see, we have a lot of people. We'd never be
13 able to get them down to Tallahassee, so really
14 appreciate it.

15 I just want to give you an overview of what
16 we're going to do. We have a petition signed by many
17 members here to be presented by Carolyn Crosby and
18 Sylvia Cox. We have Delma Deacon that did a water
19 rate comparison with several communities in the area
20 and she will present you that. We have a water rate
21 growth percentage by Jackie Finley, which is going to
22 cover the water rate growth through the community.
23 The Reserve will be presented by Dennis Dorotiak.

24 The Reserve is the area down here that
25 wasn't even in the Commission's plans when they built

1 it up, and now they are building 400 homes over there.
2 And the political support of Ostalkiewicz, Jack
3 Creeny, and Bill Edwards. Dan dela Fuente will
4 present that. An Orange County study and a Question
5 and Answer summary that will be presented by Lou
6 Nathan. And Collen Wollam was going to be here but
7 she had a death in the family.

8 So that, in general, will cover what we are
9 going to present this morning, and, hopefully, when we
10 get done you'll see it our way. Thank you very much.

11 **COMMISSIONER DEASON:** Thank you. Any
12 questions? Thank you, sir. We appreciate you giving
13 us that overview.

14 **MR. BECK:** Carolyn Crosby and Sylvia Cox.

15 **CAROLYN CROSBY**
16 **SYLVIA COX**

17 were called as a panel of witnesses on behalf of the
18 Citizens of the state of Florida and, having been duly
19 sworn, testified as follows:

20 **DIRECT STATEMENT**

21 **WITNESS CROSBY:** Good morning. My name is
22 Carolyn Crosby, 2651 Abbey Avenue, Orlando, 32833.
23 I'm here with my friend, Sylvia Cox.

24 I have a petition that was -- carefully and
25 very gratefully --

COMMISSIONER GARCIA: Ms. Crosby, if you

1 can, could you bring the mike a little closer? I can
2 hear you but I want to make sure your friends in the
3 back can.

4 **WITNESS CROSBY:** I'd like to read the
5 petition. "We, the undersigned residents of
6 Wedgefield Estates, respectfully request that the
7 Florida Public Service Commission deny the rate base
8 requested by Wedgefield Utilities, Inc. for the
9 following reasons:

10 "The rate base is far in excess of the
11 amount paid for the Utility. \$540,000 paid versus
12 \$2.8 million base.

13 "We are paying rates to the utility on
14 investments never made by the company. The value of
15 the assets, based on its current condition, due to its
16 lack of preventative maintenance and prior owner's
17 request for a property tax reduction supports the
18 lower purchase price.

19 "During the 1995 fiscal audit of the Utility
20 PSC never physically inspected the Utility to
21 determine its true value.

22 "A study performed by Orange County supports
23 the lower value.

24 "A comparison done to other area utilities
25 show that we have higher monthly bills.

1 "We support the transfer of the utility to
2 Wedgefield Utilities with the following conditions:

3 "The rate base is established based on the
4 purchase price.

5 "The addition of the Commons, (400 single
6 family homes) will not result in any request for a
7 rate increase due to expansion requirements that may
8 be necessary. Expenditures that may be required
9 should be funded by the developer or Utility Company."

10 Now, we have 184 signatures here, and this
11 was people that we, you know, randomly selected or
12 randomly contacted us if they wanted to sign the
13 petition. I'm sure if we had contacted all of the
14 residents, we certainly would have had more petitions
15 signed.

16 I'd like to present this, the original, and
17 I have copies here for the Commissioners I'd like to
18 give to you.

19 COMMISSIONER GARCIA: Hand them to Mr. Beck
20 and he'll give them to us. Leave the original with
21 the reporter there.

22 COMMISSIONER CLARK: Ms. Crosby, can I ask
23 you to, once again, set out the conditions under which
24 you would support the transfer of the certificate?
25 The first one was --

1 **WITNESS CROSBY:** I'll be glad to. "We
2 support the transfer of the utility to Wedgefield
3 Utilities with the following conditions:

4 "The rate base is established based on the
5 purchase price.

6 "The addition of the Commons, (400 single
7 family homes) will not result in any request for a
8 rate increase due to expansion requirements that may
9 be necessary. Expenditures that may be required
10 should be funded by the developer or Utility Company."

11 **COMMISSIONER CLARK:** Any expansion? Not
12 just the Commons?

13 **WITNESS CROSBY:** Yes, it says --

14 **COMMISSIONER GARCIA:** It's the bottom two
15 points here.

16 **COMMISSIONER CLARK:** Okay. Great.

17 **COMMISSIONER DEASON:** Ms. Cox, did you have
18 comments as well?

19 **DIRECT STATEMENT**

20 **WITNESS COX:** My name is Sylvia Cox. I live
21 at 20251 Majestic Street. I have been in Wedgefield
22 for 17 years.

23 It is very time consuming to knock on
24 everybody's door out here because there's over a
25 thousand people and people are very busy; they work.

1 Those we were able to contact, they think that their
2 water bills are too exorbitant already. They have
3 four, five children. They can't even afford to water
4 their lawns. And they are disturbed about these homes
5 that may be tapped into our water supply, which we
6 understand that they -- the water is -- the capacity
7 is already exceeded or about to.

8 We appreciate you all being here and we want
9 your support. Thank you very much.

10 **COMMISSIONER DEASON:** Questions? Is it
11 Public Counsel's desire to have this petition entered
12 as an exhibit, or is it going to be correspondence?

13 **MR. BECK:** We'd like to have it as an
14 exhibit.

15 **COMMISSIONER DEASON:** We will mark it as
16 Exhibit 1. There have been no exhibits previously
17 identified; is that correct, in this proceeding?
18 Okay.

19 **UNIDENTIFIED SPEAKER:** Excuse me, sir. You
20 need to speak louder. You have a lot of people in the
21 hallway. You have more in the hallway than inside.

22 **COMMISSIONER DEASON:** Very well. I will
23 make a point to speak extremely loud. Okay.

24 This petition, which has just been given to
25 the Commission and parties here at the front table,

1 we're going to identify that as Exhibit No. 1.

2 MS. BRUBAKER: Excuse me, Commissioner, is
3 there another copy available for Staff?

4 WITNESS CROSBY: Yes, I have another copy
5 here. (Hands document to Staff.)

6 COMMISSIONER DEASON: We're going to title
7 that exhibit simply as "Customer Petition."

8 (Exhibit 1 marked for identification.)

9 COMMISSIONER DEASON: Okay. Are there any
10 questions? No questions for these witnesses. Thank
11 you, ma'am. Thank you, ma'am.

12 WITNESS CROSBY: Thank you.

13 WITNESS COX: Thank you.

14 MR. BECK: Next witness is Delma Deacon.

15 COMMISSIONER DEASON: Please, when you begin
16 your remarks, speak directly into the microphone.

17 DELMA DEACON

18 was called as a witness on behalf of the Citizens of
19 the State of Florida and, having been duly sworn,
20 testified as follows:

21 DIRECT STATEMENT

22 WITNESS DEACON: My name is Delma Deacon. I
23 live at 2263 Archer.

24 UNIDENTIFIED SPEAKER: Louder please.

25 UNIDENTIFIED SPEAKER: Turn up the volume.

1 **WITNESS DEACON:** You need to tell me I'm not
2 loud enough. How is this? Delma Deacon. I live at
3 2263 Archer --

4 **COMMISSIONER GARCIA:** Hang on one second,
5 I'm not going to be talking for a while. I get a
6 feeling these are louder mikes; these mikes are going
7 louder.

8 **WITNESS DEACON:** Okay.

9 **COMMISSIONER DEASON:** We're going to go off
10 the record for just an extremely short recess to get
11 these microphones changed out.

12 (Brief recess taken.)

13 **COMMISSIONER DEASON:** We're going to go back
14 on the record. To make sure everyone knows who is
15 speaking, if you don't mind, please repeat your name
16 and give us your address.

17 **WITNESS DEACON:** My name is Delma Deacon.
18 That's D-E-A-C-O-N, not S-O-N as Terry's name. And I
19 live at 2263 Archer Boulevard, Orlando, Florida 32833.
20 Do I have to give my phone number?

21 **COMMISSIONER DEASON:** No, ma'am, you do not.
22 (Laughter)

23 **UNIDENTIFIED SPEAKER:** Please.

24 **WITNESS DEACON:** Anybody?

25 In August of '97, when we were supposed to

1 have this meeting, I had contacted different utility
2 companies and they -- private ones, and I figured out
3 the rates and this is what I have here.

4 On a 6800-gallon usage --

5 COMMISSIONER GARCIA: Delma, does Staff have
6 a copy of this? I think we can share up here.

7 WITNESS DEACON: I could have made more
8 copies.

9 COMMISSIONER GARCIA: That's all right.

10 WITNESS DEACON: Altamonte Springs, we
11 compared our rates on a 68-gallon usage per month, and
12 we have their bill -- well, the invoice here, we are
13 higher by 53% from Altamonte. Apopka, we're 40%
14 higher than their rates. Maitland, we are 109%
15 higher.

16 MR. GIRTMAN: Excuse me. Could we please
17 also have a copy?

18 COMMISSIONER DEASON: Apparently some more
19 are being distributed.

20 MR. BECK: Thanks.

21 (Documents being handed out.)

22 WITNESS DEACON: We'll go back to Maitland
23 because I like that one there. 109% higher than our
24 rates. Ocoee, we are 68% higher. Oviedo -- oh, yes,
25 Oviedo, we are 105%. Park Manor is 28%. Winter

1 Garden, we're 26%. Now, that's on the 68, you know,
2 gallons usage. On the 10,000-gallon usage
3 Altamonte -- we are 28%; Apopka, 59%; Maitland, 97%;
4 Ocoee, 79%; Oviedo, 97%; Park Manor, 25%, and Winter
5 Garden 18%.

6 Now, anyone that knows, if they make
7 investments, that's an absolute wonderful, wonderful
8 return. I would love to be able to make that kind of
9 money on my money.

10 So we, as a community, rely upon you, the
11 Public Service Commission, to perform its duties, to
12 control and protect the consumer from unjust price
13 increases.

14 And that's all I have to say. (Applause)
15 **COMMISSIONER DEASON:** Are there any
16 questions for Ms. Deacon?

17 **MR. GIRTMAN:** Ms. Deacon, let me introduce
18 myself again. My name is Ben Girtman.

19 **COMMISSIONER GARCIA:** Ben, you need to get
20 to the mike.

21 **MR. GIRTMAN:** Is this better?

22 **THE AUDIENCE:** Yes.

23 **MR. GIRTMAN:** Good.

24 **EXAMINATION**

25 **BY MR. GIRTMAN:**

1 Q Ms. Deason. Could you tell us, please,
2 which ones of these are private municipal systems and
3 which ones are owned by governmental systems?

4 A Well, Oviedo is a private, I believe, and
5 Park Manor -- now, I could be wrong on this. I'm
6 under the impression that they are, all of them, I
7 thought, personally.

8 Q All of them were?

9 A When talked to the people there. I had
10 talked to them and they were.

11 THE AUDIENCE: Private.

12 Q Are you saying they are all privately owned
13 utilities?

14 A Yes.

15 Q What was the reason that you chose
16 6800-gallon usage?

17 A Because that's a -- well, it's in between,
18 let's put it -- in fact, the reason I did that,
19 because that's my own water bill. And let me say to
20 you that even when I'm not here I still have to pay
21 this. And it's aggravating. And I'm gone maybe six
22 months out of the year. And it comes to a pretty
23 high, you know -- it's higher than my taxes for the
24 whole year.

25 Q And what was the reason for choosing

1 10,000-gallon usage?

2 A I figured the rest of the family, with
3 families, you know, children takes baths and what not,
4 and watering their lawns and all of that type of thing
5 they are going to use 10,000.

6 Q Okay. Did you take into consideration any
7 difference in the basic minimum charge that each one
8 of these has, and then how much the gallonage charge
9 is for usage?

10 A Yes. I did in a sense. Because I think the
11 basic cost is terrible. That's what I'm telling you.
12 I don't even use the water and the basic cost is
13 there. I'm going to spend \$40 a month for not even
14 using a drop of water.

15 Q Okay. But my question is when you consider
16 these other utilities, did you take a look at what --
17 and set down what their base charge is?

18 A Let's say I looked at the bottom line, basic
19 or otherwise.

20 Q Okay. Thank you.

21 A I mean it's what it is costing me.

22 Q Sure.

23 MR. GIRTMAN: Appreciate it.

24 COMMISSIONER DEASON: Thank you. Any other
25 questions?

1 **MR. BECK:** No. But, Commissioner, I
2 wondered if we could have her rate comparison marked
3 as an exhibit?

4 **COMMISSIONER DEASON:** We will identify that
5 as Exhibit 2 and it will be entitled "Rate
6 Comparison."

7 (Exhibit 2 marked for identification.)

8 **MR. BECK:** Jacki Finley.

9 **WITNESS FINLEY:** Can I put this chart over
10 there so it's accessible to everybody?

11 **COMMISSIONER DEASON:** Surely. I think
12 Mr. Larkin will give you some assistance there.

13 - - - - -

14 **JACKI FINLEY**
15 was called as a witness on behalf of the Citizens of
16 the State of Florida and, having been duly sworn,
17 testified as follows:

18 **DIRECT STATEMENT**

19 **WITNESS FINLEY:** Wonderful. You're great.
20 Here, you want a paperclip to hold it up? I come
21 prepared. Good Boy Scout.

22 **THE AUDIENCE:** (Applause)

23 **MR. SHREVE:** That's your witness.

24 (Laughter)

25 **WITNESS FINLEY:** Okay. My name is Jacki

1 Finley. I live at 2365 Archer Boulevard. I moved in
2 Wedgefield August of '79, and what you see before you
3 is my personal water bills.

4 '79 is not on this chart because it was a
5 partial year, nor is '98 because it is a partial year.

6 The lows go in 1983 to a yearly rate of
7 \$103.45 to a high in 1993 of \$729.97. Now, in 1994
8 you see the first decrease, and that is for two
9 reasons: My son joined my Marines that year so we
10 were down to three people in my family. We also put a
11 well in for watering the yards, so there was no water
12 consumption for that.

13 In 1995 my husband left the state to work
14 out of town for a year, so we were down to two people.
15 There is a decrease there. '96 and '97 we come back
16 to three people again. In March of 1988 we completely
17 stopped using all water for cooking and drinking
18 because we started purchasing our water through
19 Zephyrhills. So that is just washing, laundry,
20 flushing toilets and taking showers, and that's all it
21 is.

22 I would like you to know when you're in
23 Tallahassee that when you do things for water
24 companies -- I know you personally worked with the
25 water companies daily -- you see the people that run

1 the water companies, but when they say "customers" you
2 need to realize there are people behind the word
3 "customers". We are living individuals. We have
4 families. We have faces, and we have names. We're
5 not just customers.

6 The Public Service Commission granted Econ
7 Utilities at the time a rate increase in 1985. You
8 can see the big jump starts in 1985 and it escalates
9 from there.

10 In the meeting that was held as this one is,
11 I personally asked the Public Service Commission Staff
12 if we, as paying customers to Wedgefield -- or I'm
13 sorry, Econ Utilities -- would be responsible to
14 financially bear the burden of expanding the plant for
15 sewer and water so our developer out here could have
16 more capacity to build homes and to sell homes. I was
17 emphatically assured that no, the customers didn't
18 have to bear the burden. We simply bear the burden of
19 the capacity at that time and what we used. As you
20 can see that's not happened.

21 I would like to know with such a sharp
22 increase every year where did the money go? If this
23 plant is in such need of repairs, who took off with
24 the money? Where was it spent? Where was it put?
25 That chart shows a lot of money from just one family

1 has gone into the water company. It has steadily
2 increased. And now you're looking at a thousand homes
3 out here. Where is all of that money going?

4 I know that the Public Service Commission
5 grants water companies and utilities something called
6 pass-throughs and indexing. That certainly is not all
7 pass-throughs and indexing. That's certainly not all
8 cost of living.

9 My water bills have increased as much as
10 600% pushing 18 years, 19 years that I have been here.
11 That's far too much of an increase for any company to
12 have -- get.

13 Speaking of pass-through and indexing, I
14 have a loaf of bread. (Witness puts loaf of bread on
15 table.) We all buy bread. I gave my loaf of bread
16 pass-through and indexing just as you people give
17 water utilities or other utilities pass-through and
18 indexing. If this loaf of bread -- this one is \$1.21
19 but I did it on \$1.29 because I usually pay \$1.29. If
20 today I buy this loaf of bread for \$1.29, and give my
21 loaf of bread pass-through and indexing for ten years,
22 my loaf of bread is going to cost me \$3.36 now.
23 That's far too much.

24 We have not taken into consideration how
25 much it will cost people to produce this loaf of

1 bread. We have not taken into consideration how much
2 the ingredients are going to go up. It is nothing
3 more than pass-through and indexing. So conceivably
4 this loaf of bread could cost, instead after \$3.36,
5 adding on all the things that time gives it, it could
6 cost \$10. Who knows what.

7 Now, I'm sure you would be upset if you had
8 to pay that kind of money, and that's what is
9 happening with our water bills.

10 Why is it that the Public Service Commission
11 grants pass-through and indexing continuously year
12 after year after year without after so many years,
13 saying "Whoa, guys. Let's stop. Let's see how much
14 this is costing. Let's analyze this company's
15 records. Let's see what is going on." Because this
16 loaf of bread, pass-through and indexing, by the tenth
17 year, you are pass-through and indexing on your
18 pass-through and indexing from Day One, and that
19 certainly is a problem as far as I'm concerned.

20 You are being asked to increase the rates
21 from a plant that cost -- bought for about \$545,000 to
22 \$2.5 million.

23 Let's say, for instance, I go to Sears and I
24 buy a sweater. My sweater was on sale for \$20. I
25 consider it a good deal. Now, I go to Burdines. I

1 find that very same sweater by the very same company,
2 identical in every way, and I find it over there for
3 \$40. Can I go to Sears and say I want to return my
4 sweater now for \$40 because that's what I feel it is
5 worth because I saw it somewhere else at that price?
6 People would laugh you out of the stores. They'd have
7 you arrested if you proceeded on that kind of thing.
8 And this is what this water company is asking us to
9 do. They're asking us to pay for something that they
10 got for nothing. (Pause)

11 Hang on. I'm checking my notes. (Laughter)
12 The developer hooked up buildings that are
13 now going to be three to four hundred homes. That's
14 in the new area. They were told at the time -- or we
15 were told at the time when the water plant was built
16 and the sewer plant was built for expanded capacity
17 that emphatically nobody outside the city area would
18 be hooked up to that plant. It was exclusively for
19 the city area's use because they could not begin to
20 service people as they moved out in the estate area.
21 This building that you're in, as soon as it was built
22 was hooked up to that sewer plant. Still is today.
23 You are outside the city area. The new Reserve they
24 are planning to build it outside the city area and now
25 they are wanting to put three to four hundred homes on

1 it.

2 It is going to stress the capacity, or it's
3 going to make it too much. And then, again, we are
4 going to be building or we're going to be financing
5 his operation out there. It is not fair to us.

6 This plant, I don't believe -- it's having
7 trouble keeping up with what it is doing. My water
8 goes from extremely soft to extremely hard a lot of
9 times. You take a shower and you feel like you just
10 are not getting the soap off when it is soft, or you
11 get hard water scales and just tremendous build ups of
12 chemicals on your shower walls or whatnot. I don't
13 see why we need to pay for additional capacity.

14 Our -- if you grant what they want, are you
15 helping set a precedent that now all the people out in
16 the estate area who are not hooked up to this water
17 plant, are they going to be able to come in and say
18 "You said it was city area only. You have hooked in
19 your state people. Now I also want to be hooked in."
20 It is setting a very danger precedence. If they want
21 to finance a new plant, no problem, but we shouldn't
22 have to pay for it.

23 If you look at my chart on my personal
24 rates, in the next 17, 18 years are we going to see
25 another 600% on top of what is there like we have in

1 the past years? Think about your water rates and what
2 you pay. You probably think in terms of monthly. I
3 know I did. Can you afford a 600% increase in your
4 water bill? We've had to finance that.

5 Wedgefield is a community of basically new
6 families or retired families. Both those ends are on
7 extremely fixed incomes. People in this community
8 can't afford a 600% increase in their water bills in
9 that time.

10 We are being robbed by this water Company,
11 robbed monthly. As a matter of fact, when I pay my
12 water bill I usually write on it "paid under protest"
13 because it makes me feel better. But anyway I do.

14 If you grant further robbery, this is what
15 you guys are going to need. You're going to need one
16 of these (Witness places play gun on table.) Because
17 the water company legally robs us every month; you
18 will be a party to it, so you might as well have your
19 little gun and you might as well point it at our
20 wallets, and you might as well take part in raping our
21 wallets of our money just for water bills, just so
22 this developer can put money in his pocket.

23 It is not fair what is happening to us. And
24 it's sad to think that families out here are run out
25 of their homes simply because their water bills keep

1 escalating so, so much every month. You cannot let
2 this continue. If anything, a roll back is in order;
3 not an increase in rates. This is totally unfair.

4 (Applause)

5 If you would like to check my figures, these
6 are my water bills for the past 17, 18 years. There
7 were about four bills that I did not have. I took the
8 yearly average of those particular ones I was missing,
9 but these are my water bills. You are welcome to look
10 at them. And I'm ready for questions. (Laughter)

11 **COMMISSIONER DEASON:** Questions, Mr. Beck?
12 Staff have any questions?

13 **EXAMINATION**

14 **BY MR. GIRTMAN:**

15 **Q** Good morning. Would you like to join my law
16 firm? (Laughter)

17 **A** I'm a teacher. I have to be convincing.

18 **Q** You've done a lot of work here, Ms. Finley,
19 and we appreciate the chart. It helps a great deal.
20 And I appreciate the fact that you've brought those
21 bills. It will help to take a look at those.

22 In addition to doing a chart of your total
23 annual bill for water and sewer service, did you go
24 back and chart the amount of consumption during that
25 period of time?

1 A When Sylvia came up I was looking. Last
2 month it was 58 -- let's see. Oh, hold on, hold on,
3 hold on. I don't like my glasses.

4 Somewhere on here it says consumption. I'm
5 not finding it right off the bat. But you're welcome
6 to go through these.

7 Q Okay.

8 A You're welcome to look at these. Like I
9 said, in '93 as families do, they grow up and things
10 happen, and my son left.

11 Q If we could arrange to have a copy provided
12 we'd appreciate it.

13 A No problem. That's fine.

14 Q Thank you very much.

15 **COMMISSIONER GARCIA:** Did you want a copy of
16 her bill? What do you want? A copy of her bill?

17 **MR. GIRTMAN:** Yes, sir. We just want to
18 take a look at the consumption, see if we can identify
19 what's caused this.

20 Q **(By Mr. Girtman)** Are you aware that
21 anybody coming, any new customer that comes onto this
22 system, has to pay a fee so as to minimize the impact
23 to current customers? Are you aware that that fee is
24 there?

25 A Yes. Yes. I understand that a lot of the

1 hook-up rates -- when the water plant changed
2 ownership a lot of the hook-up rates that were paid
3 for before were held by the developer and they never
4 got transferred into the Wedgefield Utilities.

5 Q Where did you come to --

6 A That's hearsay.

7 Q That is hearsay?

8 A That's hearsay. But I understand now it's
9 happened and it wouldn't surprise me. (Laughter)

10 Q If you'll stay around for some testimony
11 today I think we can provide some information --

12 A I plan to.

13 MR. GIRTMAN: Thank you very much.

14 COMMISSIONER CLARK: Ms. Finley, when did
15 you say you put in a well?

16 WITNESS FINLEY: The well went in in early
17 '94. March '94, I believe.

18 COMMISSIONER GARCIA: That's what you've got
19 here.

20 WITNESS FINLEY: Right. And all my
21 irrigation came from that.

22 COMMISSIONER CLARK: '94. I was looking at
23 '84. Okay.

24 COMMISSIONER DEASON: Staff.

25 EXAMINATION

1 BY MS. REYES:

2 Q Earlier you mentioned you were told that the
3 plant was built to serve the city area.

4 A Yes.

5 Q Can you clarify what the city area is?

6 A The city area is just the houses in the
7 framework up front. I think it's one square mile;
8 three square miles. I'm not sure what it is. It
9 doesn't include the acreage part out back where you
10 are.

11 UNIDENTIFIED SPEAKER: We can show you on
12 the map.

13 COMMISSIONER DEASON: Excuse me. Excuse me.
14 I appreciate that, but only the witness can testify.

15 WITNESS FINLEY: Okay. That is a map of our
16 community that's behind there.

17 THE AUDIENCE: Now it isn't. Coming down.
18 Going to pieces.

19 WITNESS FINLEY: And that is the city area
20 that he's showing you.

21 MS. REYES: So would the area known as the
22 Commons be included in that city area?

23 WITNESS FINLEY: No. No, ma'am. That's in
24 the estate area. That is not in the city area. The
25 city area is that very small square off to my right on

1 top. The estate area is what is to be developed, and
2 as you can see, there is a lot of area out there. And
3 they've already started their estate area hooking into
4 it.

5 MS. REYES: Thank you. Staff has no further
6 questions.

7 COMMISSIONER CLARK: Can I look at your
8 bills from '94? Was there a big consumption drop in
9 your water bill?

10 WITNESS FINLEY: In '94 that's when my son
11 left to go in the service, in the Marines, so we lost
12 one whole person.

13 COMMISSIONER CLARK: Plus you put in a well
14 for irrigation.

15 WITNESS FINLEY: Right, and the well was in
16 for irrigation. The only water we consume out of our
17 faucets are showers, toilets and washing machines.

18 COMMISSIONER CLARK: Could I look at your
19 bills?

20 WITNESS FINLEY: No problem. Most people
21 don't save their bills.

22 COMMISSIONER DEASON: Any further questions?

23 MR. BECK: Could Ms. Finley's chart be
24 marked as an exhibit?

25 COMMISSIONER DEASON: Yes, we can mark it. I

1 assume you will take it upon yourself to reduce that
2 some way and get copies to all the parties.

3 MR. BECK: Sure will.

4 COMMISSIONER DEASON: We will identify that
5 as Exhibit No. 3, and we will entitle that "Billing
6 History Chart."

7 (Exhibit 3 marked for identification.)

8 COMMISSIONER DEASON: Call your next
9 witness.

10 MR. BECK: Dennis Dorotiak.

11 COMMISSIONER DEASON: Sir, when you give us
12 your name and address, if you could spell your last
13 name we'd appreciate that.

14 - - - - -

15 DENNIS DOROTIAK

16 was called as a witness on behalf of the Citizens of
17 the State of Florida and, having been duly sworn,
18 testified as follows:

19 DIRECT STATEMENT

20 WITNESS DOROTIAK: Good morning, ladies and
21 gentlemen. Can everybody hear me in the back?

22 THE AUDIENCE: Yes.

23 WITNESS DOROTIAK: My name is Dennis
24 Dorotiak, spelled D-O-R-O-T-I-A-K.

25 Jackie made her presentation so well and so

1 did the others that that's going to be a hard act to
2 follow. I briefly wanted to mention that my area of
3 interest that I want to present to you is concerning
4 the Commons, or the Reserve.

5 Now, looking at the map up there -- first of
6 all, the Commons blueprint is shown right here, the
7 Reserve or Commons. It shows a number of homes that's
8 proposed at this point. It's comprised of
9 approximately 177 acres and up to 400 homes. It's
10 immediately west of Bancroft.

11 **COMMISSIONER GARCIA:** Do me a favor, tell us
12 where that is here. Because you get a more complete,
13 I think -- and maybe Mr. Shreve will let you use his
14 mike. That way you can keep talking. (Witness
15 approaches map.)

16 **WITNESS DOROTIAK:** Bancroft --

17 **COMMISSIONER GARCIA:** You need the mike so
18 everyone can hear.

19 **WITNESS DOROTIAK:** Everyone knows where
20 Bancroft is. Just pointing on a map, it's located
21 here, and --

22 **THE AUDIENCE:** Goes down to Needleton.

23 **WITNESS DOROTIAK:** Right here, again
24 approximately 177 acres, up to 400 homes.

25 (Witness resumes seat.)

1 Since the Reserve represents the significant
2 impact on the maintenance of the water treatment
3 facility, an equally significant analysis, I suggest,
4 needs to be given by your Commission to shift the
5 burden of water rate increase away from the residents
6 living east of the Reserve or in the city. Instead
7 the burden of rate increase should be shifted more
8 heavily in the direction of both the developer and the
9 Reserve homeowners. The major issue for the Reserve
10 is that it may negatively impact the ability of the
11 water utility company to give good water service to
12 the rest of the community unless massive cost outlays
13 for water improvements occur. That anyone would make
14 the existing residents outside of the Reserve help pay
15 for water infrastructure expenses to mainly benefit
16 residents inside the reserve I consider voodoo cost
17 analysis and does not reflect fairness to all water
18 users, nor does it make our Wedgefield community a
19 better place to life.

20 Will Wedgefield residents accept a higher
21 than normal water rate increase in order to mainly
22 benefit others? Well, you know from Jacki's and the
23 other people's presentations, I doubt this highly.
24 And I ask you, the Public Service Commission, to buck
25 the trend of allowing others to take advantage of good

1 and decent citizens of this community, and
2 significantly and carefully lower any water rate
3 increases for Wedgefield.

4 In sum, I ask the Florida Public Service
5 Commission to help do whatever it takes to keep water
6 rate increases to a bare minimum and to never exceed
7 an indexed rate of inflation. Thank you. (Applause)

8 **COMMISSIONER DEASON:** Questions? No
9 questions. Thank you, sir.

10 **WITNESS DOROTIAK:** Thank you.

11 **MR. BECK:** Dan dela Fuente.

12 **COMMISSIONER CLARK:** I have a question of
13 the utility. Do you have a copy of your rate
14 structure? Do you have a copy of the rate structure?
15 (Hands a copy to customer.)

16 - - - - -

17 **DAN DELA FUENTE**

18 was called as a witness on behalf of the Citizens of
19 the State of Florida and, having been duly sworn,
20 testified as follows:

21 **DIRECT STATEMENT**

22 **WITNESS DELA FUENTE:** Good morning, ladies
23 and gentlemen. My name is Dan dela Fuente. D-E-L-A
24 F-U-E-N-T-E. And I'm a seven-year resident of 2426
25 Albion Avenue here in Wedgefield.

1 I'm here before you, the Commission, to
2 convey the fact that we, the residents of Wedgefield,
3 are not alone in our opposition to an increase that
4 are sought, or to be sought, by Wedgefield Utilities,
5 Incorporated. We're not also alone in our strong
6 contention that the original purchase price of
7 \$545,000 from the Econ Utilities by the present
8 utility company should be the basis in any rate
9 structure rather than the 2.8 million which is being
10 sought.

11 As a matter of fact, our legislative and
12 county officials representative, representatives of
13 our district, have also strongly indicated their
14 strong opposition in any such increases being sought.
15 Although they can not be here, that they are not here
16 present today in this public hearing, but their
17 opposition has been indicated and manifested through
18 the letters that I'm to read before you today.

19 This is from Senator Ostalkiewicz, State
20 Senator District 12, to "Public Service Commission,
21 Attention Commissioner Joe Garcia: Re: Wedgefield
22 Utilities.

23 "Dear Commissioner Garcia: As a state
24 senator representing Wedgefield, I respectfully
25 request to be put on record as opposing a rate

1 increase by Wedgefield Utilities. Upon reviewing
2 water and sewer rates of surrounding areas it appears
3 that Wedgefield is already paying considerably more
4 for the same services.

5 "After careful review of the issues at hand
6 it is my opinion that there are simply too many
7 unanswered questions and no valid reasons to increase
8 the current rate.

9 "Thank you for your time and consideration
10 of this matter. Warmest regards, John Ostalkiewicz,
11 State Senator, District 12."

12 Letter from Florida House of Representative
13 Tom Feeney, Representative 33rd District.

14 "Joe Garcia, Public Services Commission,
15 Docket No. 960235-WS, filed October 7, 1996,
16 Wedgefield Utilities rate case.

17 "Dear Ladies & Gentlemen: I understand that
18 my constituents in Wedgefield are paying a
19 significantly higher rate for water usage than other
20 communities in Central Florida. Apparently one of the
21 reasons for this is that the old rate base is far in
22 excess of the actual amount paid by the new utility,
23 Wedgefield Utilities, Incorporated. Instead,
24 Wedgefield Utilities apparently received a stepped up
25 basis, based on the seller's original basis, and not

1 the actual cost that was used to determine the sale
2 amount.

3 "I recognize the benefit of encouraging
4 willing sellers and willing purchasers to exchange
5 utilities. However, I do not believe that any grant
6 of a stepped up basis ought to be provided only in
7 return for the purchasing utility justifying the
8 increased rate base. If they could demonstrate fair
9 and adequate reasons why they should be given a
10 portion, or perhaps even all, of the increased basis,
11 then perhaps it would be appropriate.

12 "I would ask that in the case of Wedgefield
13 Utilities that the Utility be required to justify any
14 increase in the rate base over and above their
15 approximate \$500,000 actually paid, rather than
16 automatically granting a base rate base with
17 \$2.8 million.

18 "Very truly yours, Tom Feeney."

19 As I mentioned, even our county officials,
20 commissioners have also indicated opposition. One
21 letter from Ted B. Edwards, Public Service Commission,
22 Attention Commissioner Joe Garcia, Re: Wedgefield
23 Utilities, rate case docket," et cetera.

24 "Dear Commissioner Garcia: As Orange County
25 Commissioner for District 5, which includes the

1 Wedgefield community, I am writing to request the
2 Public Service Commission to support the efforts of
3 the Wedgefield residents in the hearing opposing a
4 rate increase by Wedgefield Utilities. The recent
5 purchase price of \$545,000 of Econ Utilities by
6 Wedgefield Utilities should be the basis of the rate
7 structure, and not the previous value of \$2.8 million.

8 It is my understanding from speaking with my
9 constituents who are Wedgefield Utilities customers,
10 current rates are extremely high. Water bills, over
11 \$100 per month for a two-adult household are not
12 unusual. Any further increases would be inappropriate
13 and unfair.

14 "Thank you for your consideration of this
15 most important matter.

16 "Very truly yours, Ted B. Edwards."

17 Another Commissioner also indicated his
18 strong opposition on the increase. Saying "Dear
19 Commissioner Garcia," this is from Clarence Hoenstine.
20 "Recently Wedgefield residents who are concerned about
21 the possible rate increase by Wedgefield Utilities
22 have contacted me. On behalf of these residents, I
23 would like to ask you to reconsider increasing the
24 utility rate. Already, the residents in the
25 Wedgefield area are paying higher monthly bills, as

1 compared to other local utilities.

2 "The Wedgefield community is not opposed to
3 the transferring of the utility to Wedgefield
4 Utilities provided that the rate base is calculated
5 according to purchase price, and that the addition of
6 the Commons will not result in any rate increase due
7 to expensive cost.

8 "I appreciate your time and consideration of
9 this matter. If there's any way I can be of service
10 to you, please do not hesitate to contact me.
11 Sincerely, Clarence M. Hoenstine."

12 So ladies and gentlemen, we, the residents
13 of Wedgefield, would like to ask the Commission to
14 rule in our favor, because by allowing the Utility
15 Company to increase the rate would put us more in a
16 very disadvantageous position we're already in as
17 based on all these facts presented.

18 Thank you very much. (Applause)

19 COMMISSIONER DEASON: Mr. Girtman, do you
20 have questions?

21 EXAMINATION

22 BY MR. GIRTMAN:

23 Q Yes. Good morning, sir. How do you do? I
24 have a couple of questions for you.

25 Are you happier with the quality of service

1 that the new owner is providing than the old owner?

2 A Actually, to be honest, I really cannot
3 distinguish whether or not the previous utility
4 company or the present utility company is good or bad
5 service honestly.

6 Q Okay.

7 A What I'm just saying -- what we're here for
8 is actually to oppose any rate increase.

9 MR. GIRTMAN: Thank you very much, sir.

10 I would recommend, Commissioners, that since
11 this is correspondence, that it go to the
12 correspondence side of the file as opposed to the
13 other side.

14 COMMISSIONER DEASON: Mr. Beck, any
15 objection?

16 MR. BECK: Commissioner, the testimony by
17 each of the witnesses is testimony that you can use;
18 it's evidence in the case that you can rely on. These
19 are exhibits that back up the statements made by
20 Mr. dela Fuente. And I think since he's a witness,
21 he's provided sworn testimony and the statements back
22 up his testimony. That they ought to be exhibits just
23 like the other items.

24 COMMISSIONER DEASON: We will identify the
25 letters as an exhibit. When it comes time to move

1 evidence to the record, if there's still an objection,
2 we'll deal with it at that time.

3 Mr. Beck, I'm going to ask you to get copies
4 of the letters and, if necessary, make copies, make
5 sure all parties have copies, if we're going to go
6 through the process of having it identified as a
7 potential exhibit.

8 And we will mark this as Composite
9 Exhibit 4, and we will address it as "Letters from
10 Public Officials."

11 (Exhibit 4 marked for identification.)

12 **THE AUDIENCE:** Commissioner, could I ask a
13 question?

14 **COMMISSIONER DEASON:** Just one moment.
15 Let's get through all of the public witnesses, and
16 then if you need to come back forward again, then
17 we'll take you up at that point. Okay? All right.
18 And if I forget remind me, okay?

19 **UNIDENTIFIED SPEAKER:** I'll probably forget.

20 **COMMISSIONER DEASON:** Thank you, sir.

21 **MR. BECK:** Lou Nathan.
22
23
24
25

1 **LOU NATHAN**

2 was called as a witness on behalf of the Citizens of
3 the State of Florida and, having been duly sworn,
4 testified as follows:

5 **DIRECT STATEMENT**

6 **WITNESS NATHAN:** Good morning. My name is
7 Lou Nathan. I live at 2642 Babbitt Avenue. I'm a
8 six-year resident, and my wife thinks my job is
9 fighting water rates. (Laughter)

10 The first part of what I'll be talking about
11 actually was to be presented by Collen Wollam who
12 Mr. Townsend had mentioned couldn't be here because of
13 a death in the family. So I hope you bear with me
14 with what I'll be presenting.

15 Basically what we want to present is the
16 county study that was done. It was a feasibility
17 study. It was actually entitled -- if you haven't
18 seen it, "Acquisition Feasibility Analysis of Econ
19 Utilities Corporation," okay, which we have a copy if
20 you need the entire -- if you need the entire thing.

21 What I would like to have you have right
22 now --

23 **MR. GIRTMAN:** Excuse me. I'd like to
24 register an objection for the record and ask for some
25 clarification.

1 This document is an engineering study and
2 it's also just a draft document. And I'm wondering,
3 is this witness going to testify as to that document?
4 Is he going to try to offer opinions, conclusions,
5 analysis of that document? I don't know that he's
6 given a statement of qualifications to be able to do
7 so as a witness for introduction of documents into
8 this proceeding.

9 **COMMISSIONER DEASON:** Mr. Beck, perhaps you
10 can explore with the witness, or if you know what the
11 purpose of this testimony is.

12 **MR. BECK:** First of all, Mr. Girtman hasn't
13 given Mr. Nathan an opportunity to state what he's
14 going to. I understand he's going to do some
15 background on the procuring of the study; how it came
16 about, the involvement of the community in having this
17 brought about. So there's certainly quite a bit he
18 needs to set his background. Let me also say this is
19 a stipulated exhibit that's noted in the Prehearing
20 Order. I'd like at this time to have it marked as an
21 exhibit and hand out copies.

22 **COMMISSIONER DEASON:** Are there copies
23 available to distribute?

24 **MR. BECK:** Yes.

25 **MR. GIRTMAN:** Commissioner, we do not

1 object, and, in fact, we have stipulated to the
2 introduction of this document into evidence. It
3 speaks for itself.

4 **WITNESS NATHAN:** May I speak?

5 **COMMISSIONER DEASON:** Just one second.
6 You're going to have ample opportunity to speak on it.
7 Okay. Let the lawyers do their thing and we'll let
8 you do yours. Okay.

9 This will be identified as Exhibit 5. It
10 has been stipulated; therefore, Exhibit 5, by
11 stipulation will be part of the record, and we will
12 title this exhibit "Acquisition Feasibility Analysis."

13 (Exhibit 5 marked for identification and
14 received in evidence.)

15 **MR. GIRTMAN:** I'd like to object to the
16 distribution of this document. The cover's been taken
17 off that shows "draft". I just want everybody to
18 fully understand what this is.

19 **MS. REYES:** I think there's two copies. One
20 was January of '95, which was a draft, and then the
21 June '95, which is a final version.

22 **MR. GIRTMAN:** We stipulated to the
23 introduction of the draft. That's the only document
24 we had.

25 **MR. BECK:** You'll recall, Mr. Girtman, that

1 I provided you a copy of the final one; that it was
2 provided by Mr. Ispass, Orange County, and that you
3 had yourself and your witness compare the draft to the
4 final version and they are virtually identical. Your
5 witness has done it also.

6 MR. GIRTMAN: All right.

7 COMMISSIONER DEASON: So that the record is
8 clear, I want to make sure, is there, in fact, a
9 stipulation that this analysis, analysis dated June,
10 1995, is there a stipulation that this analysis can
11 become part of the record? Mr. Girtman.

12 MR. GIRTMAN: We will stipulate to the
13 final.

14 COMMISSIONER DEASON: Okay. Then to
15 clarify, this is the June 1995 version of the study;
16 is that correct, Mr. Beck?

17 MR. BECK: Yes. The one I handed out and
18 it's stipulated to is -- I think Mr. Nathan has some
19 extracts from the January draft that Mr. Girtman
20 referred to. I think we have copies of that, and he
21 wants to refer to them in his testimony.

22 COMMISSIONER DEASON: Mr. Nathan, I'm going
23 to allow you to continue with your testimony.

24 Mr. Girtman, I understand your concerns. If
25 he addresses something that you think is not proper,

1 if you will state your objection at that point and
2 then we'll deal with it.

3 **WITNESS NATHAN:** I'd like to give you a
4 little background, okay, as to why we're even
5 presenting this portion of it knowing that there is a
6 full copy available for the Commission.

7 This isn't the first time --

8 **COMMISSIONER GARCIA:** You only had two of
9 them.

10 **WITNESS NATHAN:** We have three that have
11 extracts of the drafts, okay. But since you have the
12 full version, I'd like you to have the summary.

13 **COMMISSIONER GARCIA:** Let's make sure --

14 **WITNESS NATHAN:** It's the first page, the
15 one we'll be talking about right now.

16 **COMMISSIONER DEASON:** Is this the June '95
17 version?

18 **WITNESS NATHAN:** That is an extract from the
19 draft.

20 **COMMISSIONER DEASON:** Draft version. This
21 is January.

22 **WITNESS NATHAN:** Right.

23 **COMMISSIONER DEASON:** Mr. Girtman, do you
24 have this?

25 **MR. GIRTMAN:** No, I do not.

1 **WITNESS NATHAN:** However, the items
2 identified on the summary that you see are the same.

3 **COMMISSIONER DEASON:** If you could help us,
4 since we have the complete study, if you could refer
5 us, perhaps, if you know, to the page in the complete
6 study if you want us to follow along.

7 **WITNESS NATHAN:** Actually, I just want to
8 give some background and summary information. I don't
9 really want to go through the exact study. I want to
10 use it to make the point about what the value of the
11 facility is at this point and what it was at the time
12 the study was done, okay?

13 **COMMISSIONER DEASON:** Very well.

14 **WITNESS NATHAN:** Just to give you a little
15 background, okay. As I started to say, this is not
16 the first time we have been involved as a community in
17 the question of water rates. Okay? Going back to
18 1987, we had a major issue, and there was a rate case
19 done at that time. Mr. Shreve was involved in
20 supporting us during that action, and there was some
21 agreement there.

22 But of late, in 1994, through our homeowners
23 association, we put a committee in place to look at
24 the water rates, because there was concern in the
25 community for the high rates that were there. And we

1 put a group to actually look and do some of the
2 studies on some of the information that's already been
3 presented today, that's been updated since that time.
4 And when you looked at the information and people
5 looked at their bills, it was obvious concern for the
6 high rates we have in the area, especially compared to
7 what everybody else in the area were paying to private
8 companies.

9 So our group did a number studies. We met
10 with Econ Utilities' representatives, Mr. Blake to be
11 exact, and some representatives from that company.
12 Basically there was a discussion meeting to talk about
13 the rate itself and to see if there was any relief we
14 could get there. During that discussion the question
15 of would they, in fact, be willing to sell the
16 facility came up. There was a positive indication on
17 that. After the meeting, that subsequently led us to
18 a couple of difficult approaches that we took.

19 One of the approaches was to meet with
20 Orange County Utilities, okay, and that was
21 Mr. Ispass, to see if a study could be done to have
22 the county take over the facility. All right?

23 Our thought at that time was not necessarily
24 to connect to the Orange County Utility, but to really
25 fold under the Orange County rate structure and take

1 this utility as part of their total, okay? That was
2 our thought process at that time.

3 Now, the feasibility study, unfortunately,
4 from our perspective took a different turn. The
5 feasibility looked at it from the standpoint of
6 whether, in fact, what it would take to connect this
7 facility to the Orange County, okay, facility. And
8 that was really the primary objective. To take a
9 stand-alone facility -- our understanding and
10 conversations with them was really not productive for
11 them. They were looking to tie in communities if it
12 was feasible; if it was economically feasible. So
13 their study came up with -- and you can see in the
14 rates, in the total dollars, in the study that was
15 done -- was that it took somewhere in the neighborhood
16 of \$12 million to, you know, get the lines in, to
17 upgrade it. The piping wasn't proper. Wasn't meeting
18 county standards. There were a lot of reasons why the
19 costs accelerated in order to connect to.

20 They said, "Well, look it just isn't
21 economically feasible for us to consider taking this
22 utility as a stand-alone, maybe taking over the
23 management of it, and then, over time, moving into
24 Orange County." Just because they were so far away, I
25 mean, from where they are now. There are a number of

1 communities surrounding us that aren't even connected,
2 okay, that would given come before us. So that's how
3 that all started, okay?

4 Now, you look at it from a different
5 perspective, which is a rate structure perspective,
6 and you say what was it in the study, other than the
7 fact that they looked at it from an economic
8 standpoint for themselves to take it over, what does
9 it say about the facility itself, okay? And that's
10 what the comments on the sheet -- I'd like to lead you
11 to that -- if you look at where it says "the findings
12 of water distribution --"

13 **COMMISSIONER GARCIA:** Hang on one second,
14 because we don't have what you gave out.

15 **WITNESS NATHAN:** This one. (Indicating sheet
16 of paper. In the study you will find that -- these
17 comments in there. "Water supply system appears to be
18 in good operating condition." One of the things we
19 did also, incidentally, in our study was to go to DEP
20 and see what kind of tests were done and see whether
21 they were meeting the standards. The result of that
22 was basically Econ Utilities was meeting minimum
23 standards with very, very hard water, okay. And I
24 think if you heard Jacki's testimony, Jacki Finley,
25 she kind of commented on that fact. And most of the

1 people in that community would say the same thing,
2 we've got hard water problems.

3 There were a couple of things that were
4 brought out in the DEP study. They were minimum
5 concerns and we would just want to make sure they were
6 being taken care of, but they were not necessarily a
7 concern there.

8 The key item in there was that there were no
9 preventative maintenance programs in effect.
10 Everything was being handled by the Utility on an
11 emergency basis, okay? Which is why we get to the
12 point of where the facility is now and the condition
13 of the facility, and the number of studies have been
14 done to say how much it would cost. Even by --
15 Wedgefield Utilities did a study, Econ Utilities did
16 an independent study, and so did Orange County in
17 terms of what it would cost to bring it up to
18 standard, okay, and what type of expansion was
19 required.

20 But it pointed out to us, especially, that
21 the facility itself had been let go to a point where
22 you cannot say that the value of it was what it was
23 stated on the books. So that was a major point in
24 that study.

25 The other thing I mentioned, they had pulled

1 out, and it's on the sheet here, expansions and
2 improvements necessary. They identified \$490,000
3 requiring additional water softener, a new well, new
4 chlorination facility, new storage area, recorder
5 analysis, new above-ground tank, replace corroded
6 bases on service pumps. These are all items that
7 normal maintenance, you would have thought, would have
8 taken care of these items as we went along, especially
9 since we have this rate -- \$3,000 rate for new homes
10 to build up a CIAC fund, which should, in fact, be
11 used to deal with these types of situations that were
12 not dealt with, okay? Only through a lot of debates
13 by the community, okay, did we get any attention to
14 this fact at all.

15 So there were a lot of items that were
16 identified in there. Plus the fact that they called
17 out the fact that we were not meeting county standards
18 and they would need to replace the piping that's in
19 there now. I mean, the width of the pipe itself
20 doesn't meet county standards. They weren't doing
21 anything about it because that was the standard that
22 was in place when they put this facility together,
23 okay.

24 So that, in fact, is what we're determining
25 to say, well, look, this is not a \$2.8 million

1 facility. Okay. This is not a \$2.8 million facility.
2 And if you look at the study it will say why, in fact,
3 they paid 545,000. That's an appropriate figure to
4 pay for this because that's all it's worth. That was
5 the purpose of our testifying as to this; not the fact
6 they did the analysis itself, but the fact pointed out
7 what the worth of this facility was.

8 The other thing that came out of this is in
9 some objections, in letters that were written -- and
10 we have them if you want them in evidence -- by Jerry
11 Blake to Alan Ispass, and information back from Alan
12 Ispass to Jerry Blake, there was some questioning of,
13 you know, the study itself and the veracity of the
14 study. But at the same time the Utility Company had
15 gone to our tax assessor's office and asked for a
16 reduction in taxes. Now, why would you ask for a
17 reduction of taxes if you believed that the facility
18 was worth what it's worth? Their argument was "Well,
19 look at the county study. County study says it's not
20 worth what I'm paying for it. Why should I pay the
21 high taxes on it?" So to me this is all kind of
22 evidence in terms of the lower value of the facility
23 itself. And that's why we wanted this put in
24 evidence.

25 COMMISSIONER DEASON: Questions?

1 **MR. BECK:** No.

2 **MR. GIRTMAN:** Just a moment. I'm looking
3 for a document.

4 **COMMISSIONER DEASON:** Okay. (Pause)

5 Mr. Nathan, while Mr. Girtman is looking for
6 a document, let me ask you a question. In your
7 testimony you made reference to a CIAC fund. What
8 were you referring to?

9 **WITNESS NATHAN:** I was referring to the
10 money that's given to connect that goes toward future
11 expansion of facilities.

12 **COMMISSIONER DEASON:** Now, are these new
13 customers that are connecting to the system?

14 **WITNESS NATHAN:** New customers that are
15 connecting to the system. And, in fact, I think if
16 you -- you heard Ms. Finley's testimony, but the one
17 thing she didn't bring out is that if you check other
18 communities, we are by far the highest connection fee
19 in the area. By far.

20 **COMMISSIONER DEASON:** Were these funds being
21 collected before the transfer of ownership?

22 **WITNESS NATHAN:** Yes. I don't have the
23 exact number, but I believe it was 1.7 million left,
24 okay, in that fund. Where that went -- I mean, this
25 is an accounting issue more -- you know, in terms

1 of -- I don't have the competent to -- I knew there
2 was about 1.7 million. How it all translated, I have
3 no idea.

4 **COMMISSIONER DEASON:** It was your
5 understanding at the time of transfer there was
6 approximately \$1.7 million --

7 **WITNESS NATHAN:** Yes.

8 **COMMISSIONER DEASON:** And you do not know
9 what happened to those funds at the time of transfer?

10 **WITNESS NATHAN:** I have no idea.

11 **COMMISSIONER DEASON:** Mr. Girtman.

12 **EXAMINATION**

13 **BY MR. GIRTMAN:**

14 **Q** What is the source of that suggestion that
15 there was some \$1.7 million in a CIAC fund?

16 **A** I had gotten from the PSC Staff copies of
17 the Annual Statements submitted by the Utility
18 Company, and in there they specifically identify the
19 amount that's in there for CIAC and the amortized
20 value.

21 **Q** Do you recall what year that study was for?

22 **A** You mean the financial statements?

23 **Q** The one you're saying --

24 **A** The last financial statement I had was 1994.

25 **Q** And you're saying that that document showed

1 \$1.7 million in CIAC?

2 A Yes. Now, if it's a little different
3 number, I'm taking it off the top of my head, so I'd
4 ask you verify it with the Commission itself.

5 Q Mr. Nathan, are you aware that this is not a
6 rate case proceeding today?

7 A I understand that. The issue, however, if I
8 might add, is one that says if, in fact, the
9 Commission allows the Company to depreciate at a rate
10 of 2.8 million and then use that as a basis of cost,
11 there's no question in our minds that the Utility
12 Company will then come forward and say that they are
13 not making any money, and, therefore, they will
14 initiate a rate case. That is our major, major
15 concern.

16 Q You mentioned some correspondence between
17 Mr. Ispass in Orange County and Econ Utilities, I
18 believe, was Mr. Gerald Blake?

19 A Yes.

20 Q Okay. Have you read both of those
21 documents?

22 A Yes, I have, sir.

23 Q Are you familiar with Mr. Ispass's
24 characterization of the differences between the county
25 system and this private system?

1 A No, I am not.

2 Q Do you attend the homeowner association
3 meetings?

4 A Yes, I do.

5 Q Has an employee of Utilities, Inc. been
6 granted the opportunity to come and meet with you
7 folks on a monthly basis?

8 A Yes, he does. But I might say that the
9 gentlemen who represents -- although he's a fine
10 gentlemen and tries to represent you very well -- does
11 not comment on anything other than issues relating to
12 maintenance of the facility.

13 Q Does he --

14 A We have brought up a number of questions
15 that he could not answer.

16 Q Does he solicit input from the customers as
17 to concerns about service?

18 A Service, yes.

19 Q Is it your understanding that someone from
20 Utilities, Inc. will be continuing in the future to
21 come to your homeowners association meetings and
22 solicit input?

23 A He's been invited to do so. We would like
24 to -- as long as you bring up the question, we would
25 like to have it more than just maintenance. We'd like

1 to know what your plans are and we have asked for that
2 specifically and not been responded to at all in any
3 of the meetings. We don't know what your expansion
4 plans are, how it relates to the reserve and issues
5 like that. He does not have that as part of his job
6 description.

7 Q Wouldn't it be reasonable to assume that if
8 those plans had not been made, that he would not have
9 an answer to it?

10 A Of course.

11 Q Okay.

12 A However, I might say, there is evidence to
13 show that you have already done studies and have
14 identified what the cost of expansion is, and it would
15 be nice if you would share that with the community.

16 Q Since the sale of this system to Wedgefield
17 Utilities, do you have any reason to believe that the
18 system will have to be hooked up to either the county
19 system or some other system more than ten miles away?

20 A We have no hope that it will be hooked up to
21 the county system.

22 Q Good.

23 A Good? (Laughter) Easy for you to say.

24 Q We certainly appreciate your time and the
25 information you have provided. And I hope that we'll

1 have a opportunity for further exchange of information
2 and help greater understanding. Thank you, sir.

3 A Thank you. You will when I get to my
4 portion.

5 COMMISSIONER DEASON: Any further questions?
6 Thank you, sir.

7 WITNESS NATHAN: Okay. I'm not done now.
8 Now I'd like to do my portion. I was just doing --

9 COMMISSIONER DEASON: You were
10 substituting --

11 WITNESS NATHAN: I was substituting for
12 Ms. Wollam.

13 MR. GIRTMAN: Excuse me one moment. There
14 is one document that was attached to the handout that
15 Mr. Nathan provided. It's not part of the report.
16 And I'm wondering whether Mr. Beck wants that marked
17 or not. I'm not sure where we stand on that.

18 WITNESS NATHAN: It's extracts of the --

19 MR. BECK: From the study.

20 WITNESS NATHAN: And since you have the
21 total study, you may wish --

22 MR. BECK: Yeah.

23 MR. GIRTMAN: Thank you.

24 COMMISSICNER DEASON: So there's no need to
25 mark anything in addition to the study. Very well.

1 Mr. Nathan, now you may proceed with your statement.

2 WITNESS NATHAN: Thank you.

3 COMMISSIONER GARCIA: Mr. Nathan, is this
4 yours? Is this -- you're handing this out (Indicates
5 document.)

6 WITNESS NATHAN: Yes, I am.

7 COMMISSIONER GARCIA: Did Mr. Girtman get a
8 copy?

9 MR. GIRTMAN: I haven't yet.

10 WITNESS NATHAN: I only made four copies so
11 if you -- during our work with Mr. Shreve and Mr. Beck
12 we were privy to a lot of the testimony that had been
13 filed with the Commission prior, okay, by their
14 representatives, and by the representatives of
15 Wedgefield Utilities.

16 We thought it might be good if we took a
17 look at that and gave our observations. I went
18 through a myriad of it and kind of summarized it here
19 so you understand to help maybe clarify some of our
20 issues and concerns with the documents that have been
21 passed on so far.

22 I put it in a form of a question and would
23 just like to comment on the question itself.

24 The first question is should Wedgefield
25 Utilities be allowed to add the shopping center in

1 Bancroft Boulevard area to its service area? Now, in
2 the contract that was signed you had, as
3 Commissioners, had already commented on this, that it
4 was not part of the service area but they were
5 receiving service all along. They were getting water
6 and sewer service all along. I don't know if you
7 noticed it. It's a property across the street.
8 There's a gas station, there's a -- land developer
9 building is over there.

10 And, in fact, you did slap them on the wrist
11 for not including it in the service area designation,
12 specifically, but allowed them to continue to receive
13 service, which is okay. That's not really the issue.
14 Okay?

15 The issue is there was no indication
16 anywhere that the Commission even asked whether they
17 had been paying bills all along. Since the land
18 developer owned the Utility, the question is was he
19 billing him service or were we being asked to
20 subsidize the building across the street for the last
21 20 years? I would just ask, it's a side issue that
22 you, in part of your investigation, take a look at
23 that, because if that's the case, then Econ Utilities
24 owes the community some money. (Applause)

25 Mr. Dorotiak commented on the Commons. I

1 don't want to make too much of a point here except I
2 just want to use it from a historical base. I'm not
3 sure if you're familiar with the history of Econ
4 Utilities, and I'd just like to take a couple of
5 minutes on that map to just point out that when this
6 utility was put in place it had a build-out of, I
7 believe, in the neighborhood of 6,000 homes, okay?

8 It was built with the purpose of serving the
9 entire area that you see on that map, including the
10 estates area. And in the early '80s the Utility then
11 petitioned the state to reduce the service area, okay,
12 to what you see up there. All right? Which is one
13 square mile area in the upper right-hand corner. So
14 that whole area was dropped out. All right?

15 Now, from our perspective, right or wrong,
16 when we deal with used and useful percentages, okay,
17 we had a used and useful percentages -- if you could
18 just show Ms. Finley's chart -- do you still have that
19 available, Jack?

20 **MR. SHREVE:** Yes.

21 **WITNESS NATHAN:** She is taking it from her
22 own bill standpoint. If you look at why we have low
23 rates in the early days, we had low rates because the
24 used and useful percentage in our perspective was
25 pretty low. When you start decreasing that service

1 area, now all of a sudden you're asking this little
2 group within this confined community to have the risk
3 of absorbing whatever costs are associated to that
4 service area, okay? And what you do, in fact, is you
5 raise that used and useful percentage. That's okay.
6 You did that. It's done. I mean there's nothing we
7 can do about it.

8 Now it's a reverse situation, all right?
9 Now you say, well, okay we're going to go the other
10 way. I'm going to allow Town Star to go in. I'm
11 going to allow this range of building to go in. I'm
12 going to allow the Reserve to go in. And you make
13 these decisions up there independent, and it sounds
14 right -- and we don't have a particular problem with
15 expanding that, because in long term ultimately it
16 should reduce rates; the more customers you have
17 obviously it should help us.

18 However, if it affects us from the
19 standpoint of once you make a decision that says
20 you're going to absorb your one square mile area,
21 don't turn around and then add all these other ones and
22 expect us to pay for the expansion to support that,
23 okay? So that's the concern there and the history of
24 what happened there.

25 Now, if you look at that chart, she's taking

1 it from a usage standpoint. But what happened in
2 terms of growth was you notice that it went up in the
3 '90 to '93 time frame. Well, when the Econ Utilities
4 petitioned the state in '87 for a rate increase -- I
5 don't know how many of you were here -- when they
6 petitioned the state there was an agreement never
7 reached the final -- am I right, Jack -- never really
8 reached the final stage because an agreement was made
9 that, in fact, rates were deferred. Okay. Rate
10 increases were deferred. So we went with the cost of
11 living increases and things like that. But then in
12 1990 you can see on the chart it went crazy, and we
13 had rate increases after that, subsequently after
14 that.

15 So all it did was defer the problem that we
16 have in this community where we, in fact, it looked
17 like we were making out in that time frame because the
18 rates didn't go up, but then they whacked us with that
19 rate increase, so our rates just went out of sight,
20 okay. And that was the problem we have now. We're in
21 a structure where we can't support these kind of
22 rates. It's just not fair.

23 We don't know -- and this goes back to the
24 question that was asked from the gentlemen
25 representing Wedgefield Utilities -- has the budgeted

1 260,000 for new well and water softener and 249,000 to
2 improve the wastewater system been expended?

3 We don't know, you know, what improvements
4 have been made. I mean, the question is what do you
5 think about your service, and are things getting
6 better? We have no idea. Nobody tells us. All we
7 can see basically in terms of results is we still have
8 hard water, we still have problems with our piping, we
9 still had a pipe burst. Oh, by the way, we were never
10 notified. And when we were notified, it was three
11 days after the fact when we were told to boil water,
12 which was too late. So I mean -- (Applause) -- how
13 can we tell that we're getting better service? And
14 some gentlemen back here -- we were never told at all.

15 Okay. So, I mean, we'd like a little better
16 communication on that. But the other point of that is
17 that you've got \$409,000. That's not a great deal of
18 money, especially if, quote, you had money sitting in
19 the reserve fund that was earmarked for this to begin
20 with.

21 Next question: Since Wedgefield Utilities
22 paid \$540,000, why isn't that the basis for the rate?
23 I mean, we just talked about if they paid \$545,000 for
24 it, and it only takes 409,000 to handle current
25 expansion -- I'm not talking about future lines and

1 handling the Reserve and all this and that -- how can
2 you possibly say it's worth \$2.8 million? I mean, you
3 know, it's a question of taking good accounting
4 principles and dealing with it.

5 Why isn't Wedgefield Utilities willing to
6 calculate the rate base on the true return on
7 investment as recommended in Mr. DeWard's testimony?

8 Again, I stated I looked through some of the
9 testimony previously issued. It just seemed like a
10 fair way to do it, to start with the business that
11 they pay for and build up from there. If they need
12 money to handle running it in the proper way, fine,
13 put that in there. We don't object to that. But just
14 do it from scratch. Don't do it based on what it was
15 before.

16 Is Wedgefield Utilities a troubled utility?
17 There to me gets into the heart of one of the issues
18 when you talk about troubled utilities.

19 I know that you try to incent -- and I don't
20 really have a problem with this -- you try to incent
21 these private utility companies to handle, to take
22 over these places like ours, okay. We don't consider
23 ourselves a troubled utility. I mean, if you look at
24 the evidence of the county study and you look at the
25 evidence of the other studies that were done, it says

1 what it needs to get this facility in good working
2 order, okay. That hardly, hardly makes this a
3 troubled utility. But I'd just like to make a point
4 about the fact is let's say this was a troubled
5 utility -- because this issue is not just with
6 Wedgefield, this is issue is the way you deal with
7 communities around the state of Florida. Okay?

8 You're asking local communities to pay for
9 these incentives. There are other ways to deal with
10 that issue. You don't have to put the burden on the
11 local community. That's what you're doing. I mean,
12 there's tax relief, there's special funding. I mean,
13 there are ways to deal with this without taking an
14 imbalance into smaller communities that are forced
15 into using private companies and, in fact, in this
16 case, a company that has all of the best intentions,
17 which is Wedgefield Utilities -- they've already
18 indicated their willingness to help out and take this
19 place together. But at whose expense? See? It's our
20 expense. That's the problem. Okay.

21 And using something, a fictitious number, is
22 not the way to deal with incentives, okay? It just
23 puts an unfair burden on communities such as ours,
24 okay? There has to be a way to deal with that in a
25 separate condition if you feel that it's necessary to

1 incent these private companies to come in, okay? But
2 force them -- I don't even mean force, I mean request
3 that they present their case in a logical way that
4 says what you did, you pay for it? And what does it
5 need to fix it up, okay? And base your rates based on
6 reality, not based on what it was before.

7 Has any comparison been done with other
8 communities? We've already dealt with that issue.
9 We've also dealt with the issue of growth in the area,
10 so you can see we're much higher than everybody else,
11 and our rates have grown at a higher rate than many,
12 many communities.

13 This is a specific item. Why isn't the
14 testimony of Kathy Welch -- is Kathy here? Okay -- a
15 PSC supervisor sufficient to justify the base of 2.8
16 as included in the 1995 audit report?

17 We specifically requested the audit. With
18 the help of Jack Shreve and his staff -- thank you
19 very much -- and I mean that sincerely -- we had --
20 one of our ideas, obviously, was we felt strongly that
21 2.8 was not the right number. I mean, it's been that
22 way for a number of years.

23 So when we requested an audit, we weren't
24 just requesting a financial audit; we were requesting
25 that an audit be done not only financial, but to take

1 a look at the facility itself, just as Orange County
2 did, okay. Is to get out of the black room into the
3 light and take a look at it from the perspective of
4 your customers, okay? The problem that we have with
5 the staff -- and they are good dedicated people -- I'm
6 not saying anything negative about them -- but they
7 operate based on the rules as you, as commissioners,
8 establish, okay? And we've been up to Tallahassee
9 with our first group when we requested the audit. And
10 we've gotten a lot of correspondence back and forth
11 from the Staff.

12 And if you read the correspondence, it
13 really gives you the sense that they are operating
14 from the standpoint of the practices that are in
15 place, which is the only way they can do it, okay?
16 And when they do a financial study, they are doing it
17 strictly based on the accounting principles that are
18 established, okay? And if they're depreciating
19 2.8 million, if it's good accounting principles, it
20 can't be wrong, okay. The problem that we have is by
21 allowing them to do that, every year Econ Utilities
22 showed a loss. What chance do we have? None. None.
23 But they have to operate that way, unless you give
24 them different direction. And that was the problem we
25 had with the way the audit was conducted -- was

1 financial.

2 And oh, by the way, you know, it was
3 conducted, but there's a fire and a lot of the papers
4 got lost. I think they had a fire in their home
5 headquarters. We don't even know how accurate that
6 was.

7 Do the residents of Wedgefield want the sale
8 reversed? No. As we said, we have confidence. They
9 have demonstrated a willingness, the new company, to
10 improve the area, you know, do the necessary
11 improvements to it. That's not the issue. We just
12 want to get fair rates.

13 It was stated in Mr. Seidman's testimony
14 that Wedgefield would not be hurt because the rate
15 base is the same as we had been paying previously.
16 Isn't this true?

17 Yeah, it's true. I mean, people would say,
18 well, what are you complaining about? You know, your
19 rate hasn't gone up. You're paying the same as you
20 did, you know, last year and the year before that,
21 except for the increase based on inflation. However,
22 I think we pointed out that this isn't a new concern
23 we have had. This is a concern we have had for a
24 number of years, okay, that we weren't being treated
25 fairly. So to say that we should be satisfied based

1 on the fact we hadn't had an increase is totally
2 wrong, okay?

3 The other concern -- and we pointed out
4 before -- is that once you establish this as the rate,
5 that becomes the basis of a rate case. And if you
6 look at correspondence, you know, between the buyer
7 and seller, I mean, it's very clear that after this is
8 settled they want to go in for a rate increase.

9 So if you don't do this right, you're really
10 killing us as a community. I mean, we're the people
11 you serve. I mean, you're the Public Service
12 Commission, not the Utility Commission. And we hope
13 you deal with us that way.

14 I'd just like to -- (Applause) -- summarize
15 our points for the community. It's on the bottom part
16 of it. I'll just read it to you.

17 "The residents of Wedgefield respectively
18 request that the Public Service Commission deny the
19 rate base requested by Wedgefield Utilities. In this
20 case the practice of allowing the Company to stand in
21 the shoes of the seller is unfair due to the low
22 purchase price which truly established the worth of
23 the facility.

24 "There's been a great deal of testimony
25 demonstrating the actual worth and condition of the

1 facility. Comparisons to other communities have
2 demonstrated that we're paying a higher burden in all
3 cases. The financial testimony given by the Public
4 Counsel gives the Commission a fairer view of how the
5 rates should be established.

6 "We do not wish to stop the transfer of the
7 facility to Wedgefield Utilities Incorporated, and
8 support their efforts to invest in improvements.
9 However, we strongly urge the Commissioners to deny
10 the rate base requested by the Company and to request
11 them to present the rate based on a fair return.

12 "In 1995 we requested an audit of Econ
13 Utilities knowing that the facility was not worth the
14 reported depreciated value. If you allow the rate
15 base on 2.8 million, you'll be allowing the Company to
16 show an inflated cost, which will result in a
17 premature request for rate increase due to the normal
18 community growth and the construction of the Reserve.

19 "In addition to the abnormal impact of the
20 Reserve, the community would like assurance from the
21 Commissioners that this addition will not negatively
22 affect the current homeowner rates."

23 I'd just like to, on behalf of our group
24 that presented today, just thank you for not only
25 listening, but for being here. We know that this is

1 unusual to come out and, you know -- especially this
2 kind of distance -- to come out and hear our concerns.
3 But just, you know, I have been with this probably
4 longer than I would like to just because Jack knew my
5 name. (Laughter)

6 But just a couple of final observations,
7 okay? In working with the Staff, I mentioned -- I
8 mean, they are good dedicated people. But I feel that
9 our communities are not represented other than through
10 Public Counsel, which we kind of get the back end of.
11 In fact, we never, as a community, even heard until
12 the eleventh hour that you had granted rates, okay.
13 If we hadn't heard on the 29th, when this was
14 effective the 30th, okay, we never would have even
15 been allowed to put in an objection to it. So the
16 communications really needs to be improved to the
17 communities. But from the standpoint of the Staff,
18 they can only do what you give them guidance to do.
19 From the standpoint of the private
20 companies, they are there to make money, and obviously
21 you and I will do exactly what they do in terms of
22 trying to legally make as much as they can, okay.
23 They are not as concerned with the pocketbook of the
24 community as they are with the profits that they have
25 to turn back in. Okay? So their guidance is only by

1 what you give them in terms of what you allow them to
2 do. Okay?

3 I believe very strongly that you have a
4 wonderful opportunity here to change this whole
5 practice of standing in the shoes of the seller and
6 turn this around into one that demands fairness, okay,
7 on the part of the private utility companies, okay,
8 and forces them to justify whatever they do to make a
9 fair profit, okay? And we really need your help on
10 this and look for your support. Thank you very much.

11 (Applause)

12 COMMISSIONER DEASON: Questions for
13 Mr. Nathan?

14 MR. GIRTMAN: Yes.

15 EXAMINATION

16 BY MR. GIRTMAN:

17 Q Hello again.

18 A How are you?

19 Q Just fine.

20 You mentioned a Boiled Water Notice. Can
21 you tell us when that circumstance occurred?

22 WITNESS NATHAN: Anybody know the exact date
23 of that?

24 UNIDENTIFIED SPEAKER: I do, because I
25 didn't have water for three days. It was right before

1 Christmas. It was December 20th.

2 COMMISSIONER DEASON: Wait, ma'am.

3 UNIDENTIFIED SPEAKER: I apologize.

4 COMMISSIONER DEASON: The witness does not
5 know. He's the one that is testifying. If you want
6 to come forward.

7 UNIDENTIFIED SPEAKER: I'm on the list.

8 COMMISSIONER DEASON: Okay. Fine.

9 (Laughter)

10 WITNESS NATHAN: I don't know. But you will

11 know shortly. (Laughter)

12 MR. SHREVE: Don't forget that question.

13 Q (By Mr. Girtman) Mr. Nathan, you had
14 mentioned you requested the Commission do an audit.
15 What year was that audit?

16 A 1995. I believe it was 1995.

17 Q Okay. If the utility had stayed in the
18 hands of Econ Utilities and hadn't been sold, would
19 your position be that the rate base should be reduced
20 from 2.8 million to something lower?

21 A Oh, absolutely. That was our request.

22 Q And what is the basis for that feeling?

23 A That they are depreciating the 2.8 million
24 and the facility was not worth that.

25 Q You mentioned that the Utility has been

1 operating at a loss; is that correct?

2 A That is correct.

3 Q We agree. What was the source of that
4 information?

5 A The source was the financial statements
6 provided by the PSC Staff for '92, '93 and '94.

7 Q Okay. Well, if the utility was operating at
8 a loss -- I'm talking about Econ Utilities -- wouldn't
9 it be fair for them to have asked for a rate increase
10 so that they would get out of a loss situation?

11 A If they truly were in a loss situation.
12 However, we believe after reviewing the financial
13 statements that a number of items that were put on
14 that financial statement inflated their costs, such as
15 management fees for people who are not really
16 supporting the facility. Depreciation was a number --
17 we had pointed out a number of areas that were
18 rejected.

19 Q And that was considered in the audit?

20 A It was not considered in the audit. The
21 only thing that was considered in the audit was the
22 financial statement itself.

23 Q Let me back up and rephrase my question.
24 Was it considered at the time? Did you make the
25 presentation at the time the audit was conducted?

1 A We did.

2 Q Thank you very much.

3 A Thank you.

4 **COMMISSIONER DEASON:** Before you leave,
5 Mr. Nathan, you indicated -- let me ask you this: How
6 were you made aware of the Commission's proposed
7 action in this docket?

8 **WITNESS NATHAN:** I received a phone call
9 from Mr. Jack Shreve.

10 **COMMISSIONER DEASON:** That's how you became
11 aware?

12 **WITNESS NATHAN:** Yes. That was the only
13 way. Incidentally, we have legally represented, you
14 know, organizations within the community? The
15 Homeowners Association is on file with the state. And
16 I would recommend in the future that any
17 communications such as this, at a minimum, go to the
18 homeowners association of any community, if they are
19 legally represented in the state.

20 **COMMISSIONER DEASON:** Well, I think it is
21 the practice of the Commission if there's an entity
22 such as a homeowners organization which has expressed
23 interest in the docket, that they be notified.

24 **WITNESS NATHAN:** They were not.

25 **COMMISSIONER DEASON:** Not in this case it

1 did not happen. Okay.

2 **MR. GIRTMAN:** One final question. On that
3 notice matter, to whom, if anybody, did the homeowner
4 association tell that they wanted to be notified of
5 any proceeding?

6 **WITNESS NATHAN:** I don't believe they did.

7 **MR. GIRTMAN:** Thank you.

8 **MR. SHREVE:** Commissioner, if I may, as an
9 explanation really to what you asked and what
10 Mr. Girtman is getting to, this is where there was a
11 proposed agency action put out, but no one was
12 notified of the proposed agency action. I don't know
13 how that the homeowners association, or anyone else,
14 can come in and request that they be notified of
15 anything if they don't know it's going on. And it
16 worked out okay because we were -- because I worked
17 with Mr. Nathan over the years. I think it is
18 something that does need to be considered and make
19 sure that's taken care of.

20 But as to Mr. Girtman's question, who did
21 they tell they wanted to be notified, if they didn't
22 know it was going on, they couldn't tell anybody it
23 was going to be filed.

24 That's all.

25 **MR. GIRTMAN:** I have one follow-up question

1 to that then. Didn't customers in the Wedgefield area
2 receive notice that the transfer was going to occur?
3 Wasn't it mailed to every customer?

4 **WITNESS NATHAN:** Subsequently.

5 **MR. GIRTMAN:** Subsequent to what?

6 **WITNESS NATHAN:** The transfer. We didn't
7 get notification of the rate base. We got
8 notification of the transfer, but not of the rate
9 base.

10 See, the problem is that when you file --
11 when the Commission filed the notice for the rate
12 base, they allowed 30 days to actually send an
13 objection. That's the real problem.

14 **MR. GIRTMAN:** But the customers did receive
15 notice of the application of transfer.

16 **WITNESS NATHAN:** Of the transfer, yes.

17 **MR. SHREVE:** Mr. Nathan, did the customers
18 receive any notice as to the decision that was going
19 to be made by the Public Service Commission concerning
20 the rate base and purchase price?

21 **WITNESS NATHAN:** Absolutely not.

22 **MR. SHREVE:** Thank you, sir.

23 **COMMISSIONER DEASON:** Thank you, Mr. Nathan.

24 Appreciate your testimony. (Applause)

25 **MR. BECK:** Vicki Bruno.

1 UNIDENTIFIED SPEAKER: Can I ask a question?

2 COMMISSIONER DEASON: We want to give
3 everyone an opportunity that has not testified, and
4 then when we get to that point we'll let you ask your
5 question.

6 COMMISSIONER CLARK: Mr. Chairman, I'd like
7 to ask the Staff to look into just that issue. It
8 seems to me there may be a gap there in the sense that
9 they have to have notice, but they don't know the
10 particulars that may affect whether or not they would
11 be interested in protesting. And we need to look at
12 that. I don't know what we can do or how to
13 accomplish it. I know -- but perhaps when we do have
14 a purchase price that would indicate an adjustment or
15 something, we'd need to provide notice.

16 MR. SHREVE: I think you're right,
17 Commissioner, and one way to look at this is if you're
18 going to put a proposed agency action out that gives
19 the customers an opportunity to protest it, then they
20 should know about it. And you, obviously,
21 Commissioners, when you made the decision on this,
22 said, "Hey, this is important enough that they have an
23 opportunity to contest it." But that had never been
24 brought to anyone's attention prior to that at all.

25 COMMISSIONER CLARK: I know if I had gotten

1 a notice that said that somebody else was taking over,
2 I probably would have said okay. But when they say --
3 indicate it has some impact, I probably would pay
4 attention to it more.

5 **MR. SHREVE:** But PAA was not mailed or, to
6 my knowledge, no one was notified of that.

7 **COMMISSIONER DEASON:** I'm sure that Staff
8 will look into the matter at your request. If we need
9 to somehow modify procedures, I'm sure that they can
10 initiate whatever needs to be done, whether it's
11 rulemaking or some type of internal procedure. And
12 we'll give everyone due process if there's going to be
13 some kind of a change.

14 Okay. Ms. Bruno; is that correct?

15 **WITNESS BRUNO:** That's correct.

16 **COMMISSIONER DEASON:** All right. You may
17 proceed.

18 - - - - -

19 **VICKI BRUNO**

20 was called as a witness on behalf of the Citizens of
21 the State of Florida and, having been duly sworn,
22 testified as follows:

23 **DIRECT STATEMENT**

24 **WITNESS BRUNO:** Okay. Most of you probably
25 do not know me. I've only been in your community

1 since October 30th, when my mother passed away. I
2 live with my father, take care of him, at 20325 Marlin
3 Street.

4 And I'm appalled at your water. I own a
5 home on the west side of town, and, yes, I don't have
6 a -- I've got Orlando Utilities. And since I have
7 moved here, you asked me when the water went out?
8 Well, we were getting ready to go to my brother's in
9 Miami at Christmas. The water went out December 20th,
10 it went out the 21st and it went out the 22nd. The
11 fire hydrant was going on one side of me and the thing
12 on Bagdad and Marlin -- big open hole.

13 I talked to the people from your utility,
14 who properly told me the reason we couldn't get it
15 fixed is that the previous owners, or whomever, had
16 decided that when something broke they would just not
17 fix it properly. Every time they went to fix the pipe
18 it broke. It was like -- how did he put it -- the
19 pipes were so brittle that every time you put pressure
20 on them to fix them, they were just shattering. The
21 whole system, I was told, needs to be replaced. It's
22 not worth anything.

23 Now, if the whole system is like what I saw,
24 how can you say that you want a \$2.3 million -- it
25 doesn't even sound like it's worth \$545,000 to me.

1 Not from what I've seen or anything else. And they
2 are right. They didn't tell anybody to boil their
3 water. They told me because I was out in the middle
4 of the street. When you called the water company,
5 it's like, oh, well, we'll get it fixed. But the poor
6 guys out there can't fix it because what they are
7 working with isn't worth fixing.

8 I would love to invite all of you for the
9 scummiest tea in the world. You make tea. If you
10 don't use -- oh, I'm telling you, if you don't use
11 bottled water you can't drink it. But we have great
12 water over here. You have terrible water, and the
13 prices are extreme. If I had to pay that kind of
14 price over where I live for the water -- maybe it's
15 better, but the water that you people have here, the
16 price you're paying, and you want more, and all of the
17 pipes under the roads, if they are anything like what
18 I saw, aren't any good -- I don't get this whole
19 thing. I'm sorry. I just don't get it. How can
20 anybody buy a system and then say it's worth more when
21 it's probably worth less?

22 And that's what I have to say. Like I said
23 nobody told these people, because it was on my corner
24 of my street. I knew that the water went out. And,
25 of course, being that it was Christmas, I said, well,

1 I can't bake, I can't do all of the things I wanted to
2 do, and God, I hope I get to take a shower before I
3 leave. This is not a good time of the year to have no
4 water. And then they would pin it back together and
5 start over the next day. And I left the next morning
6 on the 23rd. I don't know if it was out past that
7 point. But I was grateful to get out of town.

8 That's all I have to say.

9 MR. BECK: Ms. Bruno, was that this past
10 Christmas?

11 WITNESS BRUNO: Oh, yes it was. Like I
12 said, my mother died the 31st of October, so I have
13 been here since then.

14 EXAMINATION

15 BY MR. GIRTMAN:

16 Q Ms. Bruno, what was the intersection that
17 you mentioned?

18 A Bagdad and Marlin.

19 Q What is your street address?

20 A 20325 Marlin.

21 Q Who was it that communicated with you about
22 the breakage? You said there was a utility employee;
23 is that correct?

24 A Oh, yeah. It was the supervisor that was
25 working with his men. I talked to several of them

1 over the past several days.

2 Q Do you know the names of the people you've
3 talked to?

4 A No, I don't know their names. It wasn't
5 important.

6 Q Okay. Just trying to --

7 A No.

8 Q -- gather some information --

9 A No. Like I said, God knows I don't want
10 them to get fired.

11 MR. GIRTMAN: No further questions.

12 COMMISSIONER DEASON: Thank you. (Applause)

13 MR. BECK: Commissioner Deason, I have no
14 further sign-up sheets, but I think I have seen
15 people --

16 COMMISSIONER DEASON: I know Ms. Deacon
17 wants to come forward. She's been waiting patiently

18 WITNESS DEACON: I just want to ask a
19 question.

20 COMMISSIONER DEASON: Please come forward.
21 Identify yourself for the record again.

22 WITNESS DEACON: Delma Deacon, 2263 Archer
23 Boulevard, Orlando, Florida.

24 Mr. Girtman, I'd like to ask you a question,
25 please. I don't know if I understood this correctly

1 but were you objecting to the letters that
2 Mr. Feeney -- oh, I can't say -- Ostalkiewicz and
3 Edwards and Hoenstine to be as an exhibit, and why
4 were you objecting to that?

5 MR. GIRTMAN: Well, this is a little outside
6 the procedure, but I'll be glad to answer your
7 question.

8 MR. SHREVE: We have no objections to the
9 question. (Laughter)

10 WITNESS DEACON: I mean, I really don't know
11 the reason because --

12 MR. GIRTMAN: It gets into the rules of
13 evidence and the specific requirements of procedures
14 for going through hearings.

15 The representative of the public elect
16 officials, whose correspondence indicated a concern on
17 behalf of their constituents are valid expressions of
18 interest from them in their representative capacity.
19 But they are correspondence. They are not technically
20 in terms evidence as you consider that in the limited
21 terms -- no, it's not evidence in the sense of the
22 rules of evidence that we have to operate informal
23 hearings before this agency, or any other agency or
24 any court. That was the reason for my question and my
25 objection. It's not that I object to public officials

1 expressing their interest or concerns, that's not it
2 at all.

3 **WITNESS DEACON:** Well, that sort of bothered
4 me, because we have no other way of communicating with
5 your people other than through our representatives.
6 Isn't that correct?

7 **MR. GIRTMAN:** I will just say no.

8 **WITNESS DEACON:** It's not correct then. In
9 other words, how would we communicate with you?

10 **COMMISSIONER CLARK:** Ms. Deacon, maybe I can
11 help out. It's a matter of it being hearsay. Because
12 the person isn't here, the representatives aren't
13 here, it's hearsay, and due process requires the
14 ability to question a person who makes a statement,
15 and that's why it's not --

16 **WITNESS DEACON:** I understand.

17 **COMMISSIONER CLARK:** -- it's objectionable
18 as hearsay. But then the question becomes,
19 nonetheless, can it be allowed; and I suspect we'll
20 hear from Public Counsel as to why it should be
21 allowed, and if you stick around you'll hear that
22 argument.

23 **WITNESS DEACON:** I have got to go to the
24 airport and pick some company up.

25 **COMMISSIONER CLARK:** Let me say, I'm not

1 sure it's being given to us for the purpose of proving
2 the truth of what's in there, it's given to us for the
3 purpose of showing an interest by those people in this
4 manner.

5 **WITNESS DEACON:** Okay. But, see, what I'm
6 saying, if you have a letter and it's signed by the
7 individual, isn't that evidence enough?

8 **COMMISSIONER CLARK:** No. It's still
9 hearsay.

10 **WITNESS DEACON:** I listen to Rivera at
11 night, you know what I mean? And I hear all of this
12 hearsay and all of this other stuff and it drives me
13 insane.

14 **COMMISSIONER CLARK:** It's still evidence,
15 but it's hearsay and it's objectionable.

16 **WITNESS DEACON:** I hear that "hearsay" a lot
17 of times. I really do.

18 And I do want to say one thing. When Mr --
19 and I don't know how to pronounce his name -- dela
20 Fuente.

21 **COMMISSIONER GARCIA:** Dela Fuente.

22 **WITNESS DEACON:** Thank you, Mr. Garcia. I
23 would like to make a remark regarding the water.

24 He's been here a while, and I have to say he
25 is -- sells real estate for -- as we know, from the

1 Genesis, and that might bc why he probably would not
2 like to say anything against the water, because I mean
3 you don't -- is it bite the nose -- bite the hand that
4 feeds you. I wouldn't either. But the water is not
5 the best. And believe me, you're welcome to come to
6 my house anytime and I can show you the lines of
7 what -- is it lime or the hard water -- it's really
8 terrible. And even my faucets, and -- they've got
9 little pit marks.

10 COMMISSIONER CLARK: What do you use to get
11 it off? I need to know. (Laughter)

12 WITNESS DEACON: Let me say to you, if you
13 catch it beforehand, go to the Home Depo and get Tile
14 Aid. It's wonderful. It's good on aluminum and
15 everything.

16 COMMISSIONER CLARK: I have been using
17 Lime-Away and it's not working.

18 WITNESS DEACON: No. Try Tile Aid. It
19 works. Thank you. Thank you for answering my
20 questions.

21 MR. SHREVE: Mr. Chairman, this is a little
22 bit unusual.

23 COMMISSIONER DEASON: Excuse me -- okay.

24 MR. SHREVE: It's a little bit unusual, and
25 I think the witness has completed her direct

1 examination of Mr. Girtman now.

2 MR. GIRTMAN: I'm not available for cross
3 examination.

4 MR. SHREVE: If that's the case, we have
5 been looking a long time to have this opportunity. I
6 think we should have the opportunity to cross examine
7 him. (Applause)

8 MR. GIRTMAN: Only if I get equivalent
9 rights.

10 MR. SHREVE: I'm sure your next objection
11 would be you wouldn't want to be put under oath.
12 (Laughter)

13 MR. GIRTMAN: Thank you.

14 WITNESS DEACON: Thank you again.

15 COMMISSIONER DEASON: Let me just say that
16 we appreciate very much the testimony that has been
17 presented here from the members of the public. It's
18 very obvious that you organized your comments and
19 tried to cover all of the areas which were relevant to
20 the issue that was in front of us.

21 We routinely go to numerous public hearings
22 and we hear from many members of the public. It's
23 very rare that we get orchestrated, organized efforts
24 on behalf of the public to cover every specific area.
25 And I think that's to your credit that you did that.

1 We appreciate that very much.

2 I'm sorry. Are there other members of the
3 public that wish to testify? I see a gentlemen --

4 UNIDENTIFIED SPEAKER: My sheet.

5 COMMISSIONER DEASON: Would you bring it
6 forward? I don't mean to cut anyone off.

7 UNIDENTIFIED SPEAKER: I wonder if I could
8 ask an off-the-record question.

9 COMMISSIONER DEASON: Excuse me. We want to
10 hear everyone that wants to testify on the record, and
11 then we'll take a break and then we can talk about
12 things off the record.

13 UNIDENTIFIED SPEAKER: Everybody here
14 identified themselves. I accidentally by, you know,
15 just standing here, this gentlemen here is taking down
16 notes and it's the only person taking them down. I
17 thought we could get him to identify himself.

18 COMMISSIONER DEASON: Sir, I think you
19 should just ask him and he probably will tell you.

20 UNIDENTIFIED SPEAKER: I don't care.
21 Everybody else identified themselves.

22 COMMISSIONER DEASON: Sir, if you will stand
23 and raise your right hand. (Witness sworn.)

24 Give us your name and your address, please.

25

ED FLEMING

1
2 was called as a witness on behalf of the Citizens of
3 the State of Florida and, having been duly sworn,
4 testified as follows:

DIRECT STATEMENT

5
6 **WITNESS FLEMING:** My name is Ed Fleming --

7 **COMMISSIONER DEASON:** Ladies and gentlemen,
8 please, we do have a witness that is trying to
9 testify. The court reporter cannot hear the witness,
10 so I, please, ask that you keep your conversations to
11 a minimum. If you do need to speak, you may need to
12 leave the auditorium. Sir, if you could repeat your
13 name, please.

14 **WITNESS FLEMING:** My name is Ed Fleming. I
15 live at 4275 Bancroft, Orlando, which is here in
16 Wedgefield. I'm not served by the utility, but I'd
17 like to ask a few questions.

18 First of all, going way back, there was some
19 testimony as to the reduction of the franchise area
20 from the total Wedgefield area back to the city
21 itself. When you expand your franchise, aren't you
22 required to have a public hearing?

23 **COMMISSIONER DEASON:** When the Commission
24 changes the franchised area, yes, that is a matter of
25 public record and is an action the Commission has to

1 take to change that.

2 **WITNESS FLEMING:** Okay. If their franchised
3 area was the one square mile, they are outside it now;
4 there'd never be any public hearings.

5 **COMMISSIONER DEASON:** I'm not really sure of
6 the exact nature of the history on this. Is the
7 Utility going to have a witness which can describe the
8 history of the certificated area?

9 **MR. GIRTMAN:** Not for history, but this
10 recent application we applied to extend the service
11 area to all lots on the west side of Bancroft
12 Boulevard in this area, to the shopping center, and to
13 the Commons. The shopping center and the Bancroft
14 Boulevard lots, I think there are about eight houses
15 along there of all of those lots. Most of them are
16 vacant.

17 But apparently when the Utility got its
18 original certificate, they neglected to put those two
19 in. They have been collecting revenues, according to
20 Mr. Forrer's response to the Commission on a request
21 from Staff. I got a copy of it and I can relate to
22 you what he said.

23 He said that they had that considered to be
24 their service area. They collected revenues. They
25 depreciated, they took expenses. They treated it as

1 though it was like any other part of the service area,
2 and we discovered that in the negotiations for
3 purchase.

4 **COMMISSIONER DEASON:** And then part -- the
5 amendment that took place in this case now includes
6 that, so that --

7 **MR. GIRTMAN:** Yes, it does. So if you are
8 living on the west side of Bancroft Boulevard, you're
9 in the service territory and are available for service
10 if you want it.

11 **WITNESS FLEMING:** Explain how the Reserve
12 got included.

13 **MR. GIRTMAN:** It was applied for.

14 **WITNESS FLEMING:** There was never a public
15 hearing. Never.

16 **MR. GIRTMAN:** There was a notice that went
17 out and it was a Final Order of the Commission.

18 **WITNESS FLEMING:** Not here that I know of.

19 **COMMISSIONER DEASON:** Perhaps we need to
20 review the notice requirements. But there are notice
21 requirements in place when there are changes in
22 certificated territory. And it depends upon the type
23 of certificate, whether it's a new certificate,
24 whether it's a transfer, a grandfather; there are
25 several different classifications.

1 If I remember correctly, that there is the
2 requirement to notify, I think, local officials, like
3 the County Commission, any local municipality that may
4 have an interest, local utilities that may have an
5 interest. Is there newspaper notice also required?

6 **MS. REYES:** Yes, publication.

7 **COMMISSIONER DEASON:** Requirements for
8 notice in newspapers of local circulation.

9 **WITNESS FLEMING:** We have people out here
10 that watch for that all the time, and they catch that
11 if it happens -- well, maybe not 100% but generally
12 they do.

13 **COMMISSIONER GARCIA:** I think the Company
14 would have had to have provided that to us, so we
15 probably got that somewhere, and I'm sure the Company
16 will have a copy.

17 **MR. GIRTMAN:** I have a copy of it here.
18 I'll be glad to share it with you.

19 **WITNESS FLEMING:** I appreciate that. Again,
20 I don't live in their service area. I hope I never
21 get in the service area. I live out back. I hear
22 tanker trucks running sometimes for weeks at a time
23 during these heavy rains.

24 Normally this comes from excessive
25 infiltration to their system. So they can't handle

1 their capacity now in their sewer system, which really
2 hasn't been mentioned here. The County is in the
3 process of rebuilding sewer systems and total water
4 systems that are the same age as this system
5 Bonneville, Rio Pinar; they're being redone. They are
6 all falling apart. They require total rebuilding,
7 which was put in like '72, which is roughly the same
8 time this system was put in, most of it.

9 So the condition of this system is probably
10 the same as those. Going back to the county report on
11 the condition of the system, it's in pretty bad shape.

12 COMMISSIONER DEASON: Questions?

13 MR. BECK: No questions.

14 COMMISSIONER DEASON: Thank you,
15 Mr. Fleming.

16 Let me ask once again, are there any other
17 members of the public, either in the room or out in
18 the hallway -- if you'll stand in the doorway and wave
19 your hand we'll give everyone an opportunity to
20 testify.

21 Let the record reflect, then, that there are
22 no other members of the public who have not testified
23 who do wish to testify at this point. I think that
24 brings us to the conclusion of the public testimony
25 phase of the hearing.

1
2 **COMMISSIONER DEASON:** We're going to take a
3 lunch recess and we'll reconvene at 1:00.

4 **COMMISSIONER GARCIA:** Just to let you know,
5 just so you're informed -- and I'm sure most of those
6 that were organized to -- Mr. Shreve and his office
7 are going to be representing you from this point
8 forward, so it's more of a technical -- so if you do
9 have questions, we have lots of Staff here that can
10 probably help you. If you have specific issues you
11 want us to deal with about your particular problem,
12 I'm sure Mr. Girtman has a company representative that
13 can address them, and we'll address them to our Staff
14 and try to solve those individual problems, if you
15 have anything like that.

16 **COMMISSIONER DEASON:** So at this phase we're
17 going to stand in recess until 1:00. You're invited
18 to come back and witness the technical phase of the
19 hearing.

20 (Thereupon, lunch recess was taken at
21 12:10 p.m.)

22 (Transcript continues in sequence in
23 Volume 2.)
24
25

<p>\$</p> <p>\$1.21 26/18 \$1.29 26/19, 26/20 \$1.7 60/6, 60/15, 61/1 \$10 27/6 \$100 43/11 \$103.45 24/7 \$12 54/16 \$2.3 87/24 \$2.5 27/23 \$2.8 10/2, 10/4, 10/5, 13/13, 43/17, 43/7, 87/25, 88/1, 71/2 \$20 27/24 \$3,000 87/9 \$3.36 26/23, 27/4 \$40 22/13, 28/3, 28/4 \$409,000 70/17 \$490,000 87/2 \$5.6 10/7 \$500,000 42/15 \$540,000 10/1, 10/7, 13/11, 70/23 \$545,000 27/21, 40/7, 43/5, 70/23, 87/25 \$729.97 24/7</p>	<p>21 3/10 21st 87/10 2263 17/23, 18/3, 18/19, 90/23 22nd 87/10 23 3/12, 4/5 2365 24/1 23rd 80/5 2426 20/24 249,000 70/1 25% 20/4 2540 3/12 26% 20/1 260,000 70/1 2636 11/9 2642 47/7 2651 12/21 28% 19/25, 20/3 29th 78/13</p>	<p>A</p> <p>a.m. 1/19, 5/2 Abbey 12/21 ability 20/10, 92/14 abnormal 77/19 above-ground 87/8 absolute 20/7 absorb 68/20 absorbing 68/3 accelerated 54/19 accept 20/20 accessible 23/10 accidentally 96/14 accomplish 85/13 accounting 89/25, 71/3, 74/17, 74/19 accurate 78/5 Acquisition 4/8, 7/13, 7/21, 47/18, 49/12 acreage 24/9 acres 27/9, 27/24 act 27/1 action 52/20, 82/7, 83/11, 83/12, 85/18, 97/25 add 61/8, 65/25 adding 27/8 address 6/7, 7/10, 7/20, 8/10, 10/16, 26/12, 46/9, 89/19, 96/24, 102/12 addresses 90/25 adequate 42/9 adjustment 7/13, 7/21, 85/14 ADMTD 4/2 advantage 26/25 affect 77/22, 85/10 affects 68/18 afford 14/3, 20/3, 20/8 age 101/4 agency 53/11, 83/12, 85/18, 91/23 aggravating 21/21 agree 81/3 agreement 52/21, 69/6, 69/8 Aid 94/14, 94/18 airport 92/24 Alan 88/11 Alban 11/9, 20/25 allow 50/23, 60/10, 60/11, 60/12, 77/14, 79/1 allowed 65/25, 66/12, 78/15, 84/12, 93/19, 93/21 allowing 20/25, 44/14, 74/21, 76/20, 77/15 allows 5/2, 61/9 alluded 7/18 Alton 19/10, 19/13, 20/3 aluminum 94/14 Amendment 1/8, 5/17, 99/5 amortized 60/19 amount 13/11, 31/24, 41/22, 42/2, 60/19 ample 49/6 Analysis 4/8, 20/3, 20/17, 47/18, 48/5, 49/12, 50/9, 50/10, 57/5, 58/6 analyze 27/14 annual 31/23, 60/17 Answer 12/5, 62/15, 63/9, 91/6 answering 94/19 apologize 80/3 Apops 19/13, 20/3 appalled 87/4 appearance 6/1 APPEARANCES 2/1, 5/21, 6/3 Applause 10/11, 10/23, 20/14, 23/22, 31/4, 39/7, 44/18, 66/24, 70/12, 76/14, 79/11, 84/24, 90/12, 95/7 applicant 6/9 Application 1/5, 1/8, 5/14, 5/17, 6/13, 84/15, 90/10 applied 90/13 appreciate 10/21, 11/14, 12/12, 16/8, 22/23, 31/19, 31/20, 32/12, 34/14, 36/13, 44/8, 63/24, 84/24, 90/14, 96/1, 100/19 approaches 27/15, 53/18, 53/19 appropriate 42/11, 50/3 approximate 42/15 Archer 17/23, 18/3, 18/19, 24/1, 90/23 area 11/19, 11/24, 12/24, 20/14, 20/17, 20/20, 20/23, 20/24, 20/14, 20/18, 24/3, 24/5, 24/6, 24/19, 24/21, 24/22, 24/24, 24/25, 26/1, 26/2, 26/3, 27/2, 43/25, 53/6, 53/7, 57/4, 59/19, 66/1, 66/4, 66/11, 67/9, 67/10, 67/11, 67/13, 67/14, 68/1, 68/4, 68/20, 73/9, 75/10, 84/1, 90/24, 97/19, 97/20, 97/24, 98/3, 98/8, 98/11, 98/12, 98/24, 99/1, 100/20, 100/21 area's 28/19 areas 41/3, 81/17, 95/19 argument 88/10, 92/23 arrange 32/11 arrested 20/7 assassin's 20/15 assets 7/15, 13/15 assistance 23/12 associated 68/3</p>
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