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IN ATTENDANCE:

**LILA JABER and RALPH JAEGER, FPSC Division
of Legal Services.**

**MARSHALL WILLIS, TROY RENDELL, BOB CROUCH
and LEE MUNROE, FPSC Division of Water & Wastewater.**

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P R O C E E D I N G S

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

MR. WILLIS: If I could have your attention, please. There's a crowd here tonight. We are trying to get going and move this as quickly as possible.

I will let you know, I don't know if the fire department is going to like everyone standing in here. I have been told that the PA system was working outside in the foyer, but as of right now for some reason it has quit. And county --

AUDIENCE: (Laughter and simultaneous conversation.)

MR. WILLIS: Hold on. The County maintenance person is out there feverishly trying to get that system working out there. So if your -- if the fire marshall comes in here and asks people to move out to the foyer, hopefully the PA system will be working out there.

I will ask you tonight that as you testify, because of the crowd here, please be mindful that we have a very large crowd so please keep your questions and your comments as short as possible so we can move people forward and out as quickly as possible.

We run these things all over the state. And I will tell you that we will be here as long as we

1 have to be. We've had some of our meetings go past
2 midnight. We will be hear to listen to everything
3 that you have to tell us.

4 Now, let me start first by letting you know
5 who we are. I would stand up. My problem is these
6 microphones don't come off up here. I do like to
7 stand up and talk to you so you can see me very good.
8 I hope you all can see me, especially in the back of
9 the room. But to be able to hear me, I'm going to
10 have to sit down.

11 Let me first introduce who I am and the
12 people up here at the front. My name is Marshall
13 Willis. I'm a bureau chief with the Florida Public
14 Service Commission. I have my staff here. I have
15 eight members of my staff. They're members of the
16 staff here tonight.

17 To my immediate left is Mr. Troy Rendell.
18 He's one of my supervisors in charge of this actual
19 case that was filed with the Commission.

20 To my immediate right is Mr. Bob Crouch.
21 Mr. Crouch is my engineering supervisor. It's his
22 engineers who are down here doing the physical
23 inspection of what's actually going on with the
24 infrastructure of Lindrick.

25 To his immediate right is Mr. Ralph Jaeger.

1 He is the Commission staff lawyer assigned to this
2 case.

3 We have other Commission staff members that
4 you have met. The lady in the middle in the black
5 dress is Ms. Lila Jaber. She's our Bureau Chief of
6 Legal in Water and Wastewater with the Commission.
7 And there are other staff members in the back of the
8 room who you met when you came in who handed you one
9 of the "Staff Reporters" who are here to also help
10 answer your questions. There may be opportunities
11 where if you decide that the thing is going to long
12 tonight, and you're not sure you're going to get up
13 here to have your questions answered or make
14 statements, you might want to see some of those people
15 in the back of the room who might be able to answer
16 your questions for you or help you out.

17 Let me explain a little bit very quickly
18 about what we're here about. This is the Staffs'
19 customer meeting. This is the Commission coming down
20 here. We had this meeting noticed by the company so
21 we could hear from you, the customers. This is the
22 forum that we have as staff members of the Commission
23 to get comments from the customers. This is really
24 our only way, and the best way, is to have a
25 face-to-face meeting with you, the customers. And

1 that's what this is all about.

2 Now, this company filed a petition with the
3 Commission for a rate increase, and let me just
4 briefly tell you what they're requesting.

5 The company has asked for what's called a
6 limited proceeding. And this limited proceeding
7 they're asking for funds to -- or annual revenues,
8 revenues on an annual basis, to help them pay for
9 refurbishing of basically the infrastructure and to
10 tie into the City of New Port Richey. To do this
11 they've asked for a two-phase rate increase.

12 The first phase is a 85% increase. This is
13 what they've requested now. The second phase is
14 approximately a 46.5% increase for a total of 131.5%
15 increase, one of the reasons we have such an amazing
16 turnout tonight, I'm sure.

17 Let me tell you something about the
18 utility's petition itself. Part of what they're
19 planning to do, and I'm sure a lot of you already know
20 this because you've lived here, the infrastructure in
21 Lindrick's service area is made mostly of clay piping.
22 And clay piping, a lot of it was installed 40 years
23 ago. Some of it actually has been installed much
24 later than that, which is now PVC piping in some of
25 the other phases.

1 The problem that they're having at this
2 point is that their chloride levels, which is the salt
3 water infiltrating into the collection system from the
4 groundwater, has caused problems with the treatment of
5 this plant and has gotten -- the Department of
6 Environmental Protection's concerns, and they have now
7 mandated that this company fix this the situation at
8 this point.

9 Now, to do that, the company has looked at
10 different alternatives, which they filed alternatives
11 with us on the cost of doing that. The cheapest
12 method of fixing this apparently has been to connect
13 in with the City of New Port Richey and have the City
14 of New Port Richey provide that treatment. To do that
15 the company is having to lower the chloride levels in
16 their actual effluent coming into the system that will
17 be eventually piped to New Port Richey.

18 There is two phases to do that. The first
19 phase is currently underway, and you probably have
20 seen a company called H2O who's been in the area for a
21 while now, who's actually been TVing the lines. They
22 have been hydraulic grouting. Some they have been
23 slip lining. They've been cleaning the lines.
24 They've been going in and looking for those areas
25 where there's infiltration problems. That's part --

1 part of Phase One is to go in and look at the major
2 leakage in the system. The major areas where they
3 have the biggest amount of infiltration from
4 groundwater.

5 The second phase is to bring the chloride
6 levels down even further to New Port Richey and DEP
7 specifications, and that basically is to go in and try
8 to fix the smaller leaks. And at that point in time,
9 it appears that they will be down to the point where
10 New Port Richey will have no problem accepting the
11 effluent at that point. And they will be
12 interconnected -- actually be interconnected in Phase
13 One once they get their chlorides down to
14 600 milligrams per liter.

15 Now, let me tell you real quickly some
16 things that the Commission Staff has done at this
17 point and I want to do this. I know it's taking up
18 your time, but I think it's important for you, as
19 customers, to understand what the Staff at the
20 Commission has been doing.

21 The company filed the limited proceeding in
22 this case. They came to us and they said we want you
23 to look into this limited phase of our operations and
24 we'd like you to give us an increase for that. Well,
25 we looked at the case and decided, no, we need to

1 expand. And at the Commission we have the right to do
2 that. And we expanded our review of this whole thing
3 for the entire company. And in doing that, we have
4 conducted a complete audit with our Commission
5 auditors of the year 1997. And we are looking at that
6 because we want to make sure that because of the very
7 high increase here, that the actual rates that you're
8 paying now are proper for the future.

9 Now, as part of our limited -- as part of
10 our investigation in this and part -- and it's just
11 not the auditors themselves. I have staff and
12 Mr. Rendell has staff who's working on this in
13 Tallahassee; he has accountants. We have engineers
14 who've been reviewing the company's actual hydraulic
15 analysis of the lines, the TVing of it and what
16 they're actually doing.

17 When we look at all that from the audit we
18 come up with probable -- and I say probable at this
19 point because we haven't narrowed it down to whether
20 there will be or there are any -- but at this point
21 we're looking at there may be some probable future
22 overearnings in 1999 that would lower the increase
23 themselves.

24 Now, we also looked in 1997 and 1998 and
25 there -- as you're aware, the company has been given a

1 small index every year, which is a small increase, and
2 they take advantage of that. And that's by statute
3 that they're allowed to do that.

4 The Commission, as a matter of law, can go
5 back 15 months after they filed the financial report
6 for that year and refund that if they so desire.
7 That's an option we have now. Either -- if we prove
8 up that they're actually overearning in 1998, we can
9 actually refund that portion of the index or we can
10 apply it to the overearnings. We are not exactly how
11 that is going to iron out at this point.

12 But I wanted to let you know that we just
13 don't take a petition when it comes in the door and
14 just look at the pieces of paper and the four corners
15 that they're written on and say yea or nay. Our
16 involvement in this started from the day that it came
17 in, and has been ongoing locally, as well as in
18 Tallahassee, with the audit staff and the engineering
19 staff. My engineer has been down here. This is his
20 second time down here. He's been down here for quite
21 a while during those stays. And he has been to the
22 Department of Environmental Protection. We meet with
23 the Department of Environmental Protection; try and
24 work hand in hand with them. He met with the City of
25 New Port Richey over the agreement.

1 So we're very well aware of what's going on
2 here, and we have to be if we're going to be
3 recommending something to our Commissioners eventually
4 to handle this petition.

5 Now, this company, when they filed this
6 petition, this petition was filed on what's called a
7 proposed agency action process. And I need to tell
8 you about that process. And I'm going to let our
9 attorney explain that, because this is very important
10 for you to know as far as your rights to interject at
11 some point and say you don't like what's Commission is
12 doing.

13 So at this point I'd like to turn it over to
14 our staff attorney, Mr. Jaeger, who's going to try and
15 explain to you that process. And it's a very
16 complicated process and if you'd give him your full
17 attention, I'd appreciate it.

18 **MR. JAEGER:** Good evening. I'm Ralph
19 Jaeger, Staff counsel.

20 **AUDIENCE:** Louder.

21 **MR. WILLIS:** Get right on it.

22 **MR. JAEGER:** I'll get right on it and try to
23 speak loud. It's my role to explain the legal process
24 involved in this rate case. As Marshall said, this
25 process was initiated with the utility filing an

1 application for a limited proceeding.

2 **UNIDENTIFIED SPEAKER:** We can't hear you.

3 **UNIDENTIFIED SPEAKER:** Can't hear you.

4 **UNIDENTIFIED SPEAKER:** Turn it up.

5 **MR. JAEGER:** There's no volume control here
6 and we tried over there.

7 **UNIDENTIFIED SPEAKER:** Use the other
8 gentleman's mike. (Simultaneous conversation)

9 **MR. JAEGER:** Okay. This proceeding is being
10 done as a proposed agency action proceeding. What
11 that means is this is the Commission --

12 **UNIDENTIFIED SPEAKER:** Stop mumbling.
13 (Simultaneous conversations)

14 **MR. WILLIS:** Please. Please. I ask your
15 indulgence. If you don't, we'll never get this thing
16 going. It's very important that you understand this
17 process.

18 **AUDIENCE:** (Simultaneous conversations)

19 **MR. WILLIS:** If we have to get him on
20 another microphone, we will do that. Ralph, do you
21 want to come over here? Or do you want to try this
22 microphone there?

23 **MR. JAEGER:** We apologize for this
24 microphone system. I thought it was going to be loud
25 enough. Okay.

1 We are doing this under the proposed agency
2 action proceeding. And what that means is the
3 Commission will not go direct to hearing. They will
4 take Staff recommendation and the Staff does an
5 investigation and then we go back to an agenda
6 conference in Tallahassee that's scheduled to be held
7 on March 30th. Customers can come there and address
8 the Commissioners themselves. The Commissioners ask
9 questions of Staff, utility or any customers there,
10 and then on this detailed recommendation that the
11 Staff has made after they've done their full
12 investigation, the Commission can decide to accept it,
13 modify it or reject it, and they can decide to go
14 directly to hearing if they think there's too much
15 controversy.

16 But what they usually do, they take their
17 best stab at what they think is right and they issue
18 an order called a proposed agency action. And what we
19 will do here tonight, we will get -- we hopefully --
20 Representative Sambo and some of the condominiums,
21 some homeowner's associations, and send them a copy of
22 the recommendation first and so you can see what Staff
23 is recommending. And then if you decide you want to,
24 you can send representatives up to Tallahassee to
25 address the Commission. Then after the Commission

1 votes, we have 20 days to get an order out in
2 accordance with that vote. And when that order comes
3 out, you have 21 days to protest and request a formal
4 hearing. And what we will do from the people here
5 tonight, if you come up after this meeting, we will
6 sign you up to receive the Proposed Agency Action
7 Recommendation and the Proposed Agency Action Order.
8 And then once you get the Order, you can make up your
9 mind whether you want to protest what the Commission
10 proposes to do.

11 The reason they do that, a rate case is a
12 very expensive proposition. You get expert witnesses,
13 accountants, engineers, consultants, attorneys, and
14 it's an administrative trial with cross examination.
15 Usually they last at least two days. So they want
16 to -- and that doesn't count all the discovery,
17 depositions, anything else that might be going on. So
18 all they're trying to do is avoid this cost.

19 What happens is, if you protest the proposed
20 agency action order -- you can protest just parts, all
21 of it, but you have to say what you're protesting and
22 tell exactly how you disagree with the Commission on
23 what they're doing. And then they will set a hearing
24 to be held hopefully in a larger room.

25 We had a hearing over at the Manor and it

1 had a little bit bigger -- it had more capacity. We
2 could get about 250 in that. So we would either find
3 a high school -- I heard that there's a high school
4 here that's bigger or that Manor might be better. But
5 it will be in this area.

6 And then also there is a public -- Office of
7 Public Counsel. I'm not sure if you all are familiar
8 with him. But he is the citizen's counsel and he is
9 your advocate. And he is willing to assist you and
10 guide you and you can contact him. I will give you
11 the phone number if you want to contact him. And we
12 have that number available.

13 Once we have the hearing, then different
14 Staff members who do not testify at the hearing will
15 draft another recommendation for the Commission's
16 consideration. The Commission then will issue what
17 they call a final order. When that order is issued
18 the only recourse is to appeal that order to the First
19 District Court of Appeals.

20 This is your legal -- when I see my boss
21 walking up, I think I'm saying something, but she was
22 just handing out -- I just wanted to make sure I was
23 saying everything right here.

24 So, again, if you want to sign up to
25 receive -- be put on a mailing list for

1 recommendations and orders, we have some white sheets
2 of paper we'll put out at the end of the meeting and
3 let you sign up to receive those and be put on that
4 mailing list. And, again, you can get the Office of
5 Public Counsel also from me later. Thank you.

6 **MR. WILLIS:** We're about to start here in
7 just a minute, but I'd like to indicate to you, as you
8 came in the door you were handed a green document. We
9 may not have had enough. These can be photocopied.
10 And let me indicate to you that this afternoon, as
11 part of our process, we met with many of the
12 homeowner's associations in the area and some of their
13 representatives are up here that we met with earlier.
14 They have already gotten copies of this and they've
15 asked if they could actually reproduce this. That is
16 perfectly fine with us and we would be more than
17 willing for them to do it.

18 The very last page of this "Special Report"
19 is basically like a letter. You can fold it three
20 ways. If you look on the back, you can fold it twice
21 and put a stamp on it, and send it to the Commission.
22 This is just as good as testifying here tonight with
23 the Commission. You can put your comments down here.
24 If you don't think you can make it through the whole
25 customer meeting even though you signed up, you can

1 still put your comments on here, and send this to the
2 Commission or you can put your comments on this and
3 hand it to one of the Staff members that you met
4 coming into the door in the back of the room and they
5 can take it from you and they will file it with the
6 Commission. So the Commission will have this to look
7 at prior to making any decision in this case.

8 I'd also like to let you know that in our
9 meetings with the homeowner's associations we asked
10 that each of the associations sign up for that
11 proposed agency action recommendation and the order
12 earlier today so that they hopefully will be able to
13 disseminate that information to the members.

14 If any of you would like to have one anyway,
15 you're more than welcome to come up and get one of
16 these things after the meeting and sign up for that
17 and we'll send you a copy also, but I believe all the
18 homeowner's associations are already going to get a
19 copy of that and the Order.

20 Now, the meeting tonight is being recorded.
21 We have court reporters that we brought with us from
22 Tallahassee. They're sitting over here.
23 (Indicating.) They're recording everything that is
24 being said at the meeting tonight. And now, it's very
25 important to let you know, they cannot take your

1 comments from the audience. And that's why we ask
2 that when you come forward, you come forward to the
3 microphone up here and make your comments, and we need
4 to do it one at a time in a very orderly process
5 because any of the extraneous comments from the
6 audience can't be taken down. If you need to say
7 something and you want to say something, we have to do
8 it in as orderly a process as possible. And I would
9 ask that when you come forward, be mindful, like I
10 said earlier, that we have a large crowd tonight. So
11 please ask whatever you need to ask, make any
12 statement you want to make, but try and hold it down
13 to a minimum.

14 But I also ask because we have a
15 standing-room capacity here, and as you make comments
16 tonight, as you come forward, if you could please give
17 your seat up to someone who's standing, that would be
18 very grateful to them and to us. I would sure
19 appreciate it.

20 With that, I'm going to turn this meeting
21 basically over to you so that we can start getting
22 your comments because this is what we came here for.
23 I have a large list of people that who signed up.
24 With that, I'm going to start with the first person,
25 and that's Bruce Manning. (Applause)

1 **MR. WILLIS:** As he is coming up here, let me
2 say one other thing to you. If you have a very
3 difficult name to spell, if you think it's a difficult
4 name to spell, we'd like you to spell it for the court
5 reporters so they can get it right in the official
6 record. This would be very helpful to them.

7 **MR. MANNING:** Do I win a prize for being
8 first?

9 **MR. WILLIS:** Pardon?

10 **MR. MANNING:** Do I win a prize for being
11 first?

12 **MR. WILLIS:** Actually, no. But when you
13 come forward, if you would just give your name and
14 address for the court reporter, and then just go ahead
15 and make your statements or ask your questions, we'll
16 do our very best to answer your questions. And if we
17 can't answer them tonight, we'll certainly get back to
18 you with an answer. Mr. Manning.

19 **MR. MANNING:** My name is Bruce Manning. I
20 live at --

21 **UNIDENTIFIED SPEAKER:** Can't hear.

22 **UNIDENTIFIED SPEAKER:** That mike is not on.

23 **UNIDENTIFIED SPEAKER:** Is there a switch on
24 it?

25 **MR. MANNING:** Hold on.

1 **UNIDENTIFIED SPEAKER:** Is there a switch on
2 it.

3 **MR. MANNING:** Well, we'll find out.

4 **MR. WILLIS:** I don't believe they have
5 switches. We checked the mike earlier and I thought
6 he got it working.

7 **MR. JAEGER:** Maybe they're going to have to
8 come to this chair, Marshall.

9 **MR. WILLIS:** Every one of the mikes over
10 here will work. They can use one of the mikes over
11 here.

12 **MR. MANNING:** I have a loud voice, but I
13 don't think it's that loud.

14 **MR. WILLIS:** This mike appears to be on.
15 Maybe we can --

16 **MR. MANNING:** Testing. Can you hear me now?

17 **AUDIENCE:** Yes.

18 **UNIDENTIFIED SPEAKER:** Testing. Testing.

19 - - - - -

20 **BRUCE MANNING**

21 appeared as a witness and testified as follows:

22 **DIRECT STATEMENT**

23 **MR. MANNING:** Hello. My name is Bruce
24 Manning. I live at 6244 Spoonbill Drive. That's in
25 the subdivision of Sea Forest and Gulf Landings.

1 As you see, it's a full house. What I'm
2 here to talk about is the increase that Lindrick
3 Service Corporation is asking us to accept. Some of
4 the figures have already been given by you: 131% plus
5 increases.

6 If I was a Commission that has to deal with
7 that, the first thing I would look at when I see a
8 rate increase and ask for a rate increase of that is,
9 a red flag would go up and say what happened? What
10 has happened to this facility? Did an earthquake or a
11 volcano occur that caused this thing to all of a
12 sudden become such a bad entity?

13 The second part -- with a lot of people in
14 here, and I'm not going to deal with it as much, but
15 everybody I hope that has a horror story to talk about
16 Lindrick Water, please get up here and speak your
17 message. It's very important that we let them know
18 about the service aspect.

19 So we have two issues here. Service, which
20 I think if you go back in time and look at the
21 records, look at DEP reports -- I've gone back and
22 looked back into the early 90's, and we see over and
23 over again of not conforming with the situation. We
24 live on the water. This particular water system is on
25 the water so we have the DEP involved because we're

1 having problems with dealing with the Gulf of Mexico
2 the chloride, the saltwater intrusion and so forth.
3 That's why they're there.

4 I don't want to chop anybody, but let me
5 just tell you a little bit of history. A couple years
6 back we were dealing with this situation with the
7 developer, Mr. Borda. In the past, St. Andrews, which
8 is a large apartment complex of over 200 units, was
9 added to the water system without even going through
10 the process of getting any permits or anything else.
11 The DEP didn't even realize it was there. We had to
12 tell them that. That kind of got this process
13 started.

14 Now, the interesting thing to me is I've
15 only lived here five and a half years. Many people in
16 this room have lived in Gulf Harbors for 20 years
17 plus. Now, my understanding is that when we pay our
18 monthly bill, a certain percentage of that is usually
19 held off for upkeep and maintenance in any
20 corporation, any utility. That's because their
21 promise to us is they're going to keep a viable,
22 working water system and our promise to them is that
23 we pay our bills. If we don't pay our bills, our
24 water is shut off. If they don't comply, they get
25 notices, but nothing happens, and it hasn't happened

1 for years.

2 So what led up to this as far as I can tell,
3 where we are today, about six months ago DEP finally
4 got up on it and went after them and started filing
5 notices that they were going to charge them for it and
6 they were going to shut them down and do everything
7 that they are suppose to do at this point. About six
8 months ago, they were in the process of building some
9 town homes, about 80 town homes in the Sea -- or
10 actually in Gulf Landings community. And there was a
11 DRC hearing, which is Pasco County, to allow them to
12 go ahead and pass that issue through. And that DRC
13 committee -- I was present that day -- turned them
14 down saying that, no, you know, we've been going
15 through this with the DEP for years. Somebody is
16 going to have to be held accountable. And we're going
17 to hold Mr. Borda and Lindrick Water accountable. We
18 are going to stop the growth of that new facility
19 until you get your water system up in line.

20 Well, that didn't go over very well with
21 Mr. Borda. And what happened was apparently down the
22 line there was a meeting between Lindrick, New Port
23 Richey and DEP. An agreement was made that if
24 Lindrick would get its system up to the minimal
25 standards -- and one of the things that interests me

1 when you gave this information, is what we are really
2 talking about here is getting up to the minimal
3 standards for New Port Richey to take it over because
4 they don't want to ruin their water system. That's
5 basically what we're talking about.

6 They have a viable working water system and
7 they don't want it ruined. So he's not fixing
8 Lindrick water because it's going to be a nonentity
9 when this is closed down. It's basically the
10 infrastructure; the piping, the lift stations only
11 that we are talking about. That's all we're talking
12 about.

13 Now, the question I have is, I said I've
14 been here five and a half years, these people have
15 been here 20 years. We've all put money into this
16 system. We paid monthly to this bill and we expected
17 that system to be a viable working system. When you
18 have a long-term agreement as to what a utility has to
19 have, that's maintenance and upkeep. That's a yearly
20 standard that you have to go through those pipes, see
21 what needs to be repaired and so forth. Well,
22 obviously that hasn't been done. What has happened
23 is, with DEP coming down on Lindrick, Lindrick had to
24 hire an outside agency to come in there and do the
25 repairs. Well, the outside agency came in there and

1 found a whole lot of things wrong. Didn't just happen
2 overnight. But they have to deal with them now. They
3 didn't turn and look at us and say they don't want to
4 pay the extra money.

5 Now, if these 15 or 20 years or my five
6 years have been put into some account somewhere, I
7 think Mr. Borda and Lindrick should be accountable to
8 fix their pipes at this point and bring them up to
9 line. Now, we're lucky. We have New Port Richey next
10 to us. A lot of water systems wouldn't be that
11 fortunate. We might be stuck with Lindrick, but we do
12 have a good working water system next to us.

13 The question I have is, in that policy that
14 I read with New Port Richey, it stipulated that when
15 they go off line -- now, I understand they're suppose
16 to go off line of May of '99, but I don't think that's
17 ever going to be reached; is that correct? Can
18 anybody answer that for me?

19 **MR. WILLIS:** That's correct.

20 **MR. MANNING:** They're not even close to
21 being off line.

22 **MR. WILLIS:** In fact, we met with the
23 Department of Environmental Protection here in the
24 city and it looks like they will meet that
25 requirement.

1 **MR. MANNING:** They will meet -- okay. So
2 when they go off line, and in essence it said in their
3 agreement that they have two years to bring their
4 water system up to standards. But if they can't make
5 that, in that agreement there's an additional ten
6 years that they can add on to that two years, giving
7 them a total of 12 years.

8 Now, this rate increase basically doubles
9 the cost to us. My question to you or the questions
10 you're going to have to answer is, what is Lindrick
11 actually doing for us at this point? Basically New
12 Port Richey will be cleaning all of our water. We get
13 all our fresh water from New Port Richey all ready.
14 To me Lindrick is a nonentity. What they have is a
15 customer base. And that's all they have. But they
16 also have the liability for the infrastructure, the
17 pipes and lift stations.

18 What I'm asking of you is that you make them
19 accountable for those. Make them accountable for what
20 they have not done in the past.

21 Now, we understand down the line there might
22 be a rate increase. Wherever you hooked up to a new
23 system. Hopefully we'll get cleaner water and we
24 won't have to worry about our Gulf problems and so
25 forth.

1 I think you said about the audit. You went
2 back to 1997. It would be interesting to see, if
3 you'd go back into the '80s, to find out how much
4 money was put into the system, or can they prove that
5 they have been upgrading and keep maintaining this
6 system. If you back to '96, '95, '94 and so forth, I
7 think you will see the same thing occurring every year
8 down the line. They've been called on it now. Now
9 there is a problem.

10 One last thing. This is not just for this
11 board but this is for some of the Commissioners, and
12 this audience and some of the other state legislators.

13 The nine-story issues, buildings, that have
14 been placed there. The one that is already there now.
15 There's two more planning to go in place.

16 I've been down to Tallahassee. I pulled the
17 reports on this. I saw how many points you get from
18 the government, from the Housing Authority, to have
19 certain size place on a certain piece of property.
20 But one of the most important things on that list was
21 did you have a viable working water system? And back
22 in '96, Mr. Borda signed off that "I have a viable
23 water system capable of handling close to 920,000
24 gallons a day." That was a lie then and it's a lie
25 now. (Applause)

1 absolutely nothing that myself and many other people
2 within the community agree. They are collecting our
3 money. They are not filtering our water properly. As
4 well, when we call for service, personally on two
5 separate occasions, it was three-plus months that it
6 took them to get out to replace my water meter. And
7 they're billing issues that come up with regard to
8 this. There's three feet of water in my backyard.
9 That's my problem, so they say. I am billed -- as
10 opposed to approximately \$30 a month which is my
11 standard billing, I am billed \$150 a month.

12 **UNIDENTIFIED SPEAKER:** Me too.

13 **MS. DENISE:** And this is something that they
14 say, "Oh, it's your problem." Though they replaced my
15 meter. I have problems with this as well as many of
16 the people in my community.

17 Also, you call them for any other reason and
18 they are unwilling and -- you know, they cannot answer
19 questions. I've been asking them to get back with me
20 for over two months with regard to this bill alone.
21 They do nothing. And I cannot understand why they
22 would bill people, you know, in addition to what they
23 are already getting. You said they had access funds
24 already available in their accounts. Why are they
25 asking for more? As this gentleman --

1 **UNIDENTIFIED SPEAKER:** We are not on sewer
2 either. We're on septic.

3 **MS. DENISE:** Exactly. My community is on
4 septic. And we -- like I said, we are not directly
5 affected, but I know we will be indirectly affected.
6 This gentleman was very enlightening to me as was
7 yourself.

8 **MR. WILLIS:** Ms. Denise, do you mind if my
9 staff contacts you about that bill?

10 **MS. DENISE:** I would be grateful.

11 **MR. WILLIS:** We have your number right here.
12 If you don't mind, I will have one of my staff give
13 you a call.

14 **MS. DENISE:** I would be very grateful. As
15 well as, there's three or four people on my block
16 alone that have had similar problems.

17 **MR. WILLIS:** If you would like to --

18 **AUDIENCE:** (Simultaneous conversations.)

19 **MR. WILLIS:** Please. It's very difficult to
20 hear up here if everybody is talking. Thank you. Is
21 there a particular time of the day that's best to call
22 you?

23 **MS. DENISE:** I have an answering machine.
24 You can call any time and leave a message.

25 **MR. WILLIS:** Okay. We were trying to make

1 it less complicated. If we could call you instead of
2 you having to put it on your bill and call us.

3 **MS. DENISE:** In the evenings it's difficult
4 to get ahold of me after 5:00 or so, but other than
5 that.

6 **MR. WILLIS:** Some time during the day?
7 Okay. We'll do that.

8 **MS. DENISE:** But as well -- my main concern
9 is about service related to the cost involved. That's
10 my primary concern. And I see no service being -- not
11 even for the amounts that they're charging now. I
12 thank you.

13 **MR. WILLIS:** Thank you for your comments.

14 (Applause)

15 The next person I have is Chairman
16 Hildebrand. (Applause)

17 - - - - -

18 **ANN HILDEBRAND**

19 appeared as a witness and testified as follows:

20 **DIRECT STATEMENT**

21 **MR. WILLIS:** While she's coming forward, let
22 me tell you some other people who are here also. We
23 also have members of the Department of Environmental
24 Protection here tonight. We have two gentlemen over
25 here who are very familiar with the system, and over

1 here we have representatives of the company. We have
2 Mr. Hoffman. And a member of H2O who's actually doing
3 the work in the service area who are over here. I
4 just wanted to let you know that we have
5 representatives from the company and DEP here at this
6 point. So, Chairman.

7 **MS. HILDEBRAND:** Thank you. Thank you,
8 Mr. Chairman. Good evening members. My name is Ann
9 Hildebrand, Pasco County Commission Chairman. 5400
10 Pilots Place, New Port Richey.

11 I have been a Lindrick customer for well
12 over 25 years. That's over a quarter of a century.
13 And I will tell you tonight that as I stand here with
14 a bad toothache in my mouth, I think that the
15 toothache that I have until I go to the dentist
16 tomorrow is not anything compared to the toothache
17 that our residents in this community are going to be
18 having put to them. This is going to be a
19 tremendous -- (Applause)

20 This will be a tremendous economic impact to
21 raise the rates up to 132% increase. I also saw in
22 the paper New Port Richey is anticipating a rate
23 increase, too, and since this ultimately will go to
24 New Port Richey, that will certainly affect the
25 customers of Lindrick.

1 If I may, I have several questions that I
2 would like to ask, Mr. Chairman.

3 **MR. WILLIS:** Please.

4 **MS. HILDEBRAND:** If they improve the
5 infiltration problems that the volume of sewage that
6 is treated here will be reduced to the amount within
7 the city of New Port Richey, shouldn't that be less?
8 Wouldn't that be using also less electricity and
9 chemicals? And I would like to know if Lindrick
10 Associated Service is charging an impact fee on new
11 construction, of the new construction that Mr. Manning
12 spoke about previously, which would offset some of the
13 new capital for which impact fees can be used?

14 I noticed -- and I do appreciate your staff
15 sending me the application for this rate increase and
16 allowing me to go over this. You have reduced one
17 employee, but how many will be left at the treatment
18 plant when this system goes on line with New Port
19 Richey?

20 And I think probably the most important
21 factor here is the depreciation. If you know,
22 Lindrick Utility is asking for a very fast
23 depreciation. Your Public Service Commission, sir,
24 allows you to spread this out over a matter of a
25 number of years. A lot less than what this

1 application is. If this request were to be spread out
2 over a number of years, the economic impact would be a
3 lot less to the customers of Lindrick Corporation.
4 And I think that is something that needs to be looked
5 at very, very carefully is the depreciation factor
6 here. And I do think that almost a 10% return seems
7 to me personally to be excessive. And also, if you
8 look, their cost of engineering is about 17%. I asked
9 our county, when we do large massive infrastructure
10 improvements, our engineering costs are almost half.
11 They are 9%. One other thing -- and that's
12 government, too. Okay.

13 What are the current expenses versus the
14 current revenues for this utility company? And your
15 staff and I had talked about an audit which I had, you
16 know, requested. Do you have in your possession the
17 copy of the current audit pertaining to the rate
18 increase? Is that in your position? Or when was the
19 last audit, in effect, done? Because I know that an
20 audit is something that is necessary for this -- to
21 have.

22 **MR. WILLIS:** We have the audit with us.

23 **MS. HILDEBRAND:** You have a current audit.
24 And I would request that I have a copy of that, sir.

25 **MR. WILLIS:** Sure. We'll give you one.

1 **MS. HILDEBRAND:** And I thank you very, very
2 much for your indulgence. And if there are any
3 questions, I would be happy to take them.

4 **MR. WILLIS:** I don't think I -- I would like
5 to tell you one thing. I'm happy to say that we are
6 ahead of you on most of the things you talked about.
7 You talked about --

8 **MS. HILDEBRAND:** Well, I don't have those
9 answers and I'm sure that all of my fellow neighbors
10 would like to have those answers as well. But I'm
11 sure they will be forthcoming.

12 **MR. WILLIS:** Sure.

13 **MS. HILDEBRAND:** Thank you, sir.

14 **MR. WILLIS:** Thank you very much.

15 (Applause)

16 Next person I have is Greg Giordano who
17 happens to be, I believe, Representative Mike Fasano's
18 aide. Mr. Giordano.

19 - - - - -

20 **GREG GIORDANO**

21 appeared as a witness and testified as follows:

22 **DIRECT STATEMENT**

23 **MR. GIORDANO:** Thank you. Welcome, ladies
24 and gentlemen, back to Pasco County. I appreciate you
25 being here tonight. Representative Fasano asked me to

1 read a statement on his behalf, and I'm going to do
2 that.

3 To the staff of the Florida Public Service
4 Commission; I ask you to please accept my sincere
5 apologies for not being here to address you in person
6 tonight. I am currently in Tallahassee and was unable
7 to return for this public meeting. I have asked my
8 legislative assistant, Greg Giordano, to share a few
9 comments on my behalf.

10 As you know, I represent a portion of Pasco
11 County. While I am neither a rate customer of
12 Lindrick nor the legislator who represents the
13 geographic area this company serves, I am a member of
14 the Pasco County Legislative Delegation and a
15 concerned citizen.

16 This rate case before you is not unique. We
17 have seen other utilities attempt to saddle customers
18 with huge rate increases for problems that could have
19 been and should have been addressed long ago. Even
20 though a regulatory authority has mandated that this
21 utility take specific actions, those mandates come, in
22 part, because of the business decisions made by
23 Lindrick. Maintenance of infrastructure and a respect
24 for the sensitive environment along the Gulf Coast
25 should have been factored into the ongoing operating

1 plans of this company. Instead, Lindrick has chosen
2 to, in one fell swoop, right its wrongs at the expense
3 of the customer. This appears to be a recurring theme
4 among some private utility companies in Pasco County.

5 Lindrick is asking for a rate increase of
6 130%. An increase of this magnitude goes above and
7 beyond what any rational person could construe as
8 reasonable. Seniors and others on fixed incomes do
9 not usually have pockets so deep that they could
10 effortlessly pay out any bill, let alone their utility
11 bill that is increased so drastically. I expect few,
12 if anyone in this room, experienced an increase of
13 130% in their personal income last year. Yet,
14 Lindrick feels it is entitled to receive such an
15 increase.

16 An article in today's issue of the Suncoast
17 News has indicated the City Council of New Port Richey
18 is considering a rate increase for wastewater services
19 in that municipality.

20 This rate increase, if ultimately approved,
21 would raise rates by 2.1%. I doubt few would question
22 whether or not a 2.1% is reasonable. I have no doubt
23 that most people agree that a 130% rate increase is
24 not reasonable.

25 Tonight I expect you will hear from many

1 angry residents. I know that you will listen to them.
2 They have a right to be angry. This proposed rate
3 increase affects them more than anyone in this room.

4 On behalf of the residents, and in
5 conjunction with Representative Heather Fiorentino, I
6 have asked Florida's Public Counsel, Jack Shreve, to
7 intervene in this case if and when his services may be
8 needed. He has wholeheartedly agreed to assist these
9 customers in any way that he can.

10 As I close, I want to thank each of you for
11 your consideration tonight. (Applause)

12 **MR. WILLIS:** Thank you. I appreciate it.
13 The next person I have is Frances Wrona. I believe
14 it's W-R-O-N --

15 **MS. WRONA:** W-R-O-N-A. I'm going to pass
16 because it's on the service end of it and they've
17 already expressed --

18 **MR. WILLIS:** Thank you. I appreciate that.
19 Moss. L.G. Moss.

20 **MR. MOSS:** My question has been answered.

21 **MR. WILLIS:** Thank you, sir. George
22 Jandacka. I hope I pronounced that right. (Applause)

23

24

25

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GEORGE JANDACKA

appeared as a witness and testified as follows:

DIRECT STATEMENT

MR. JANDACKA: Good evening. Thank you. My name is George Jandacka. I live at 5112 Blue Heron Drive, Gulf Harbors, New Port Richey. I'm the chairman of a small patriotic organization in this area called American First National Coalition.

I'd like to recognize and thank Ann Hildebrand, who's a county commissioner, to come to the meeting and speak for the people. Our county commissioner.

I'd like to thank Heather Fiorentino for coming to the meeting, a Florida State Representative who's speaking for the people, and Mike Fasano who left a message speaking for the people and then telling you, no increase in rates. (Applause)

A year ago our State Representatives voted to allow utility companies to extend the period that the corporations could begin to charge higher rates from 18 months to five years. That was wrong for the Florida State Representatives to do that. And two years ago, Forest Hill Utilities in Holiday also requested a 103% rate increase. After six months the

1 Public Service Commission, you fellows, allowed a 30%
2 increase. Inflation is about 3%. How can you raise
3 the rates 30%?

4 It has been noted in the newspapers that the
5 public -- (Applause)

6 It's been noted in the newspapers that the
7 Public Service Commission -- and I'm going to quote,
8 "That the Public Service Commission has been
9 frequently criticized, and rightfully so, as being a
10 lapdog for utilities." I hope this will not be true
11 in this case, ladies and gentlemen. (Applause)

12 Lindrick wants a 132% increase, and if you
13 grant this to them then you're -- we're in sad shape
14 if you allow them to have any kind of an increase like
15 that. The people say, "We're mad as hell and we're
16 not going to take it no more." (Applause)

17 You said you wanted to listen to the people.
18 You have a lot of attorneys here. You have a lot of
19 facts and figures. You have a lot of audits here.
20 You have a lot of information, facts and figures. But
21 we don't care about that. We don't want Lindrick to
22 charge us a high rate and run. That's what they plan
23 on doing. (Applause)

24 I'd like to see that audit and find out how
25 much the top people in Lindrick earn as salaries and

1 perks and pensions and stock options. It's a
2 multi-million dollar corporation. Let them pay their
3 dues in fixing what they're suppose to fix originally.

4 (Applause)

5 And I fear -- this is for the people, a
6 reminder to them also, that they stay angry and make
7 you people not give an increase. You -- I heard of
8 all kinds of staff. You have a staff. He has a
9 staff. He has a staff. He has a staff. We're paying
10 for all these staffs. (Applause and cheering.)

11 And we're asking you -- we are demanding
12 that you don't give any more increase to Lindrick.

13 The Fire Department pretty soon is going to
14 ask for an increase. If they see -- if other
15 departments see what happens here, they are also going
16 to see that the people are getting to be pushovers and
17 not enough people care.

18 And I fear that New Port Richey is going to
19 raise their rates when we go into the New Port Richey
20 water system. Then the Fire Department is going to
21 ask for an increase. Then the garbage collection is
22 going to ask for an increase. And the telephone
23 company right now, multi-million dollar organization,
24 is asking for an increase. And then the electric
25 corporation will demand an increase in monthly rates.

1 Next the County will request an increase in some type
2 of tax or fees.

3 We, the people, stopped the 1% sales tax
4 that the Pasco County School Board requested recently.
5 The people stopped it. We, the people, stopped the 1%
6 sales tax that the Sheriff's Department requested and
7 we, the people, demand that the Public Service
8 Commission do what we ask, not what the utilities ask.
9 Thank you. (Applause)

10 **MR. WILLIS:** The next person I have is
11 Mr. -- and I'm going to butcher his last name --
12 Janczlik. Address is 7301 Oldsner Street.

13 - - - - -

14 **MR. JANCZLIK**
15 appeared as a witness and testified as follows:

16 **DIRECT STATEMENT**

17 **MR. JANCZLIK:** I am an engineer. I
18 graduated from Rutgers --

19 **UNIDENTIFIED SPEAKER:** Pick up the
20 microphone.

21 **MR. WILLIS:** They won't be able to hear you
22 without the microphone, sir. I'm sorry.

23 **MR. JANCZLIK:** Okay. Sorry. The first
24 thing I want to say is that is all wrong. I talked to
25 Lindrick and I talked to Borda, and Borda is raising

1 the sewer rates and the water rates. Mr. Borda of
2 Lindrick, he is raising the rates. He is raising the
3 rates.

4 Now, there is another implementation of the
5 tertiary system. I know how the tertiary works.
6 Three different actions that will lower the water
7 rates. You don't know what I'm talking about.

8 It regulates water. It's a scale inhibitor,
9 micronfilter. Hydroxide and chlorine will lower
10 the -- will take salt water out of the ocean. And I
11 have a bonding company that will take this bonding
12 over and they don't need Southwest Water Management or
13 West Coast Regional Water Authority. They don't need
14 them. They don't need you. You know what I'm saying.
15 You hear what I'm saying to you. Don't forget. The
16 bonding company will take my request and they will
17 bond the company and they will not request anymore
18 money but what the bond says. Yes.

19 And, of course, I talked to Mr. Borda of
20 Lindrick and he says -- he said that the effluent is
21 put into Oyster Bayou. New Port Richey effluent is
22 deposited into the Bayou. Now where do we stand here?
23 I know that you don't hear a word I say. You don't
24 hear a word I say, because you don't want to hear a
25 word I say.

1 Anyway -- (Applause)

2 That's the way it is. You don't hear a word
3 I say. I'm an engineer with a Master's degree and I
4 know what I'm talking about. You're nothing, sir.

5 (Applause)

6 **MR. WILLIS:** The next person I have is Jane
7 Rueben. Jane Rueben.

8 - - - - -

9 **JANE RUEBEN**

10 appeared as a witness and testified as follows:

11 **DIRECT STATEMENT**

12 **MS. RUEBEN:** Good evening. I'm Jane Rueben.
13 I live at 4609 Rickover Court. I am president of Gulf
14 Harbor Woodlands Association. This afternoon the
15 representatives of the community served by Lindrick
16 Utilities had the opportunity to meet with Mr. Willis
17 and staff of the Florida Public Service Commission.
18 They were informative and responsive to our questions.
19 I thank them.

20 Mr. Bob Crouch, at that time, told us that
21 the decision will be strongly based on the following:
22 One, the quality of service. Two, the quality of the
23 plant. Three, quality of consumer satisfaction.

24 At this time I was going to request a show
25 of hands, but unfortunately a show of hands will not

1 be recorded. Will the customers of Lindrick Utilities
2 who are here this evening please say aye if you are
3 happy with one, quality of service. (No response)

4 Two, quality of the plant. (No response)

5 Three, are you a satisfied customer?

6 **AUDIENCE:** No.

7 **MS. RUEBEN:** Thank you. (Applause)

8 **MR. WILLIS:** Pat Gorecki. We are trying
9 desperately to get this one fixed.

10 **MS. GORECKI:** This one works?

11 **MR. WILLIS:** You may have to pick up the
12 whole thing.

13 - - - - -

14 **PAT GORECKI**

15 appeared as a witness and testified as follows:

16 **DIRECT STATEMENT**

17 **MS. GORECKI:** Okay. My name is Pat Gorecki.
18 I live at 4024 Floramar -- it's G-O-R-E-C-K-I -- Gulf
19 Harbors in New Port Richey. I think everybody here
20 knows this afternoon when I was here I pointed out to
21 these gentleman that I represent -- if you go down
22 that slanting blue line, which is the north channel
23 there, take everything south of that, which according
24 to their connections here represents over half of
25 Lindrick's customers, I represent all those people.

1 And a couple things that I did want to
2 introduce this evening since this is part is being
3 recorded and this afternoon were just open comments, I
4 have here a documentation with the copies of the
5 letters that go back to every increase that Lindrick
6 has had since 1982. I have them all here and they're
7 all down in those percentages. And I want to have
8 that entered into the record. I will give you it.
9 This is a copy.

10 The other thing I wanted to say that was a
11 little different than this afternoon, I went home and
12 my husband, who's bright away with numbers, he looks
13 at this and he says, 2,283 water customers. He says,
14 that's not right. So we got to figuring and we
15 figured it, if you're looking on the second page here
16 where it says general service monthly rates and
17 there's rates for these other things down here, some
18 of those might be the condos and this would be parts
19 that would be serving more than one customer, but
20 would be counted as one connection. So you're not
21 looking at the total. That 2,200 something is not the
22 total number of customers.

23 So if you just take -- and I think there's
24 been a little confusion here tonight. We're not
25 talking anything about water. We're not talking about

1 your water rates. We're not talking about the quality
2 of your water. We're talking only about an increase
3 in wastewater and the control of that.

4 If you take the base charge up here for the
5 present rate -- and that's the other thing. We're
6 only talking about Phase 1. And you go to Phase 1,
7 this amounts to about -- let's see. Amounts to
8 about -- about \$20,000 a month. That's just based on
9 2,200 customers. That takes nothing into affect if
10 all these are higher. That takes nothing into affect
11 of what you'd be paying per gallonage.

12 At that amount of money, in eight years
13 Mr. Borda will have recovered over \$2 million. And
14 now, there is no reason that we should be paying at
15 that rate. We shouldn't even by paying at half that
16 rate. And this is what Commissioner Hildebrand is
17 pointing out as well, that we cannot have this kind of
18 an increase and be expected to amortize this and let
19 him get that amount of money out in that short of
20 time.

21 The other one thing that I did want to say
22 that I said to these gentlemen here this afternoon
23 that I wanted them to carefully consider, and I think
24 all of you in this room are probably aware of it.
25 Mr. Borda also owned the beach, which is now part of

1 Gulf Harbors and owned by the members. It took us
2 nine years in court to get it away from Mr. Borda. He
3 told us -- (Applause)

4 He told us at that time he keep raising the
5 dues. We had special assessments. He borrowed money
6 against the beach. He told us he could not, you know,
7 enforce -- he couldn't keep up the beach with the
8 amount of money that he was collecting. He made no
9 improvements to the beach. He allowed the beach to
10 deteriorate severely.

11 Consequently, there are people even then in
12 Gulf Harbors who felt like if we take this over we're
13 not going to be able to handle that. Two years April
14 1st we took over the beach. We put the dues back down
15 to where they were. We hired more part-time help. We
16 spent thousands of dollars improving the beach,
17 upgrading it, nourishing it, what have you, and have a
18 lot of money in the bank. (Applause)

19 This is exactly what Mr. Borda has done with
20 the water utility. Most -- (Applause)

21 Most of that money that he has collected
22 over the years with all these increases have not gone
23 to repair leaks, leaks that have gone untouched for
24 years. Most of that money is probably in New Jersey.
25 (Applause)

1 And I don't think that in all good conscious
2 that you could consider giving this man any increase
3 at all until he can prove to you what he's done with
4 the money he's collected. Thank you. (Applause)

5 **MR. WILLIS:** Dolores Van Sickel. (Applause)

6 - - - - -

7 **DOLORES VAN SICKEL**

8 appeared as a witness and testified as follows:

9 **DIRECT STATEMENT**

10 **MS. VAN SICKEL:** Dolores Van Sickel,
11 V-A-N-S-I-C-K-E-L, at 6405 Garland Court. I'm a
12 member of the Sea Forest community and at this
13 afternoon's hearing I did tell you about a problem I
14 had with service. This is very anticlimatic after all
15 these wonderful people have spoken.

16 But I did want to, again, reiterate the fact
17 that I too had a leak in front of my house at the
18 street level and it took three months to have someone
19 come out to address that. At the time the gentleman
20 came out and dug it up, he could not go into the area
21 to replace the pipe because the water was up to his
22 chin. Because it had gone on so long there was
23 actually an underground pond that had built up and we
24 had a retention area across the street from me. That
25 retention area, even though it was in the dry season,

1 had a third of it filled with water and it was from
2 that leak. So it was a very bad leak and I had called
3 and neighbors called and it did take that long to get
4 service on it. Thank you.

5 **MR. WILLIS:** Thank you very much. We
6 appreciate hearing from you this afternoon too.

7 (Applause)

8 Bruce Manning.

9 **MR. MANNING:** Somebody signed me up. I
10 already spoke once.

11 **MR. WILLIS:** I thought somebody must have
12 signed you up twice.

13 **UNIDENTIFIED SPEAKER:** He's got a lot to
14 say.

15 **MR. WILLIS:** Manford Malane. M-a-l-a-n-e.
16 Microphone right here is the one that works. Trying
17 our best to get this other one done in working order
18 but I haven't -- it hasn't happened yet.

19 - - - - -

20 **MANFORD MALANE**

21 appeared as a witness and testified as follows:

22 **DIRECT STATEMENT**

23 **MR. MALANE:** My name is Malane, Manford
24 Malane, M-a-l-a-n-e. I am here to represent Shamrock
25 Heights Association, as I've been president of it for

1 two years and as member of it for four years.

2 I know the people well because there is 203
3 homes there. I know the area well. There is at least
4 30 to 40 widows that cannot stand this rate increase.
5 And we've had poor water service. We've had our
6 leaks, \$96, at our own home and next door here just
7 last spring had a big leak and over \$100.

8 So -- and our water in the morning when
9 everybody is going to work, we just get a trickle.
10 It'll take you five minutes to fill the coffee urinal.
11 So the service has not been up to par in the last two
12 or three years.

13 We hope that this increase does not go as
14 big as it does. Maybe they're allowed a little
15 increase and maybe not, but at least it should be
16 considered not this big of an increase. Thank you,
17 folks. (Applause)

18 **MR. WILLIS:** Ken Snow. Mr. Snow.

19 - - - - -

20 **KEN SNOW**

21 appeared as a witness and testified as follows:

22 **DIRECT STATEMENT**

23 **MR. SNOW:** My name is Ken Snow. 4930 Anchor
24 Way in Gulf Harbors. I just reiterate what has been
25 said about, I think the cream at the top is going

1 somewhere. I don't think this is not -- this is a
2 nonprofit corporation or for profit corporation?

3 **MR. WILLIS:** It's a for profit corporation.

4 **AUDIENCE:** (Laughter)

5 **UNIDENTIFIED SPEAKER:** Successful.

6 **MR. SNOW:** Where have all the profits gone?
7 They haven't been reinvested in capital outlay.

8 **UNIDENTIFIED SPEAKER:** In their pockets.

9 **MR. SNOW:** And also I would like to say that
10 I had the same problem. I had a leak in front of my
11 house for months and I called and called and never
12 could get anybody out there to do anything to it.
13 Finally I had to just kind of get belligerent to get
14 somebody out there. The service man that came out
15 there was a nice gentleman and he did a good job. He
16 dug it up and I watched him. The pipes were very
17 rotten. And he fixed the leak and then I -- he said,
18 the rest of this pipe needs to be replaced and I said,
19 well, why don't you replace it, because I wanted to
20 pour a driveway and pour cement over it and I didn't
21 want to do it and have to have it all torn up later
22 on. He said, oh, no, no, Lindrick would never want to
23 pay for that.

24 **AUDIENCE:** (Laughter)

25 **MR. SNOW:** It's just a pipe, you know,

1 20-foot jointed pipe. Couldn't he fix that? Oh, no,
2 no, no, you'd have to pay extra for that. So
3 consequently they finally fixed the leak and that was
4 taken care of, but that's the kind of service, or lack
5 of service, that we've had. And that's the only time
6 I've had any dealings with them, but it was very poor.

7 Also I'd like to reiterate that I think that
8 we're saying. He's made profit all these years and
9 hasn't reinvested the money in the capital outlays of
10 the company and we don't feel like he deserves any
11 increase at all. (Applause)

12 And I hope, and I know everybody else hopes,
13 this is not just a ploy, 130% increase to hope to get
14 a 30 or 20% increase. (Applause)

15 Mr. Snow, could I ask you a question? The
16 pipe that he was talking about, the service man, was
17 that on the house side of the meter or the --

18 **MR. SNOW:** No. Their pipe.

19 **MR. WILLIS:** It was on their side of the
20 meter?

21 **MR. SNOW:** It leaked into the road. It was
22 wet all the time in the roadway and it was their pipe.
23 It wasn't coming to my house.

24 **MR. WILLIS:** Thank you very much.

25 (Applause)

1 Next person I have, I can't quite make out
2 the name. But it's 5133 Cabrilla Court.

3 **UNIDENTIFIED SPEAKER:** Yes. Pat Stamos.

4 **MR. WILLIS:** Here she comes. Pat Stamos.

5 - - - - -

6 **PAT STAMOS**

7 appeared as a witness and testified as follows:

8 **DIRECT STATEMENT**

9 **MS. STAMOS:** My name is Pat Stamos. I live
10 at 5133 Cabrilla Court. I've been having trouble with
11 Lindrick ever since I moved here nine years ago. We
12 had just paved our streets and I had mentioned to the
13 Pasco County Engineering Department that he'll be
14 tearing the streets up. Well, lo and behold, we sure
15 did. After we paid to have it paved, he's got big --
16 cement all around every manhole and holes in the
17 street. What's that address, Al? I think it's 3407
18 Sewell. Cut all the way down to the stone. So he
19 doesn't take care of his business anyway.

20 Another thing, anybody in business has to
21 reinvest their money in their business. Why should we
22 have to pay for reinvesting? Nobody helped me with my
23 business when I had to remodel. Thank you.

24 (Applause)

25 Wait a minute. By the way, he wants an

1 increase. I got three dollars in Social Security to
2 update my living expenses. You want to take that?

3 (Applause)

4 **MR. WILLIS:** Thank you, ma'am. Lin Ward,
5 W-a-r-d.

6 - - - - -

7 **LIN WARD**

8 appeared as a witness and testified as follows:

9 **DIRECT STATEMENT**

10 **MR. WARD:** Good evening, ladies and
11 gentlemen. Welcome to Pasco County. Before I begin,
12 I'd like to pass out a petition that was handed to me.

13 In addition, I was planning to use view
14 graphs tonight. It's too congested to do that, but I
15 will hand you a copy of the viewing.

16 We need to do something about this system,
17 I'm going to tell you. First of all, my name is Lin
18 Ward. I reside at 5020 Porpoise Place and that's in
19 Gulf Harbors. I've lived in Gulf Harbors for five
20 years. I'm a retired engineer with 36 years
21 experience in the operation and maintenance of large
22 process systems.

23 **UNIDENTIFIED SPEAKER:** You want a job?

24 **MR. WARD:** It's fun, folks, when you do it
25 right. I've seen nothing about Lindrick that's been

1 done right. But let me continue.

2 I expressed my concern to the County in a
3 meeting on September the 23rd of 1997 regarding
4 Lindrick's low water pressure, unscheduled water
5 outages and unattended major water leaks. Unattended
6 meaning, nobody fixed it.

7 My concern was also expressed regarding the
8 deplorable condition of the wastewater plant and the
9 collection system. Since I was unable to get anyone
10 in the PSC to respond -- and gentleman I tried very
11 hard going from the top on down -- I wanted to get the
12 County involved. And this was back oh, about four
13 years ago.

14 Someone also needs to inquire as to why the
15 DEP was not citing the County for noncompliance. That
16 was a couple of years ago. Remember? Lindrick was in
17 noncompliance for the DEP. And by the way, I keep
18 looking around for somebody who's in charge. It's my
19 understanding that PSC is in charge. But then again,
20 DEP regulates a part of this and that and so forth, so
21 are you guys in charge?

22 **MR. WILLIS:** No. We share responsibility.
23 DEP actually regulates the quality of service for the
24 plant and how well it runs. The Public Service
25 Commission regulates the company financially.

1 **MR. WARD:** Again, who is in charge?

2 **AUDIENCE:** (Laughter)

3 **MR. WARD:** Sorry. Well, during the past
4 five years that I have lived in Gulf Harbors, we've
5 had numerous unplanned water outages. And unplanned
6 water outages means that a pipe or a valve breaks and
7 somebody has to run down and fix it. We've had
8 numerous days with low water pressure, which indicates
9 undetected leaks in the system. We've had numerous
10 major leaks which have gone on for days and even
11 weeks, and according to previous testimony, even
12 months. Contacting the PSC resulted in the following:
13 Form letter replies, referrals to DEP, no answers, or
14 those records are not available, et cetera.

15 Finally, a State Senator's office, who I
16 contacted found a contact in the PSC that would
17 respond that did help provide further information.
18 Some of this information is a portion of the audit
19 that I think you plan to complete on March 31st, is
20 that correct, of this year?

21 **MR. WILLIS:** The audit is already completed.
22 What will happen on March 31st is the --

23 **UNIDENTIFIED SPEAKER:** Hearing.

24 **MR. WILLIS:** Plus the actual agenda
25 conference where the Commissioners will meet to

1 discuss the Staff's recommendation.

2 **MR. WARD:** My understanding then was an
3 annual report that was applied to you guys from
4 Lindrick for calendar year 1997, and that report is
5 being audited.

6 **MR. WILLIS:** The report has all ready been
7 audited.

8 **MR. WARD:** And is it complete?

9 **MR. WILLIS:** Yes.

10 **MR. WARD:** Can I have a copy of it?

11 **MR. WILLIS:** Sure.

12 **MR. WARD:** Good. I have some of the data
13 and I'd like to briefly review it. Now, I can't do a
14 very good job because I have a bunch of numbers here
15 which I wanted to show on a view graph and share with
16 you.

17 However, I will mention that the total cost
18 of the total revenues taken in by Lindrick is 1.28
19 million bucks. The total wages to employees out of
20 1.2 some million dollars is \$92,000 or \$93,000. The
21 pension benefits and et cetera for those employees are
22 28.7 thousand dollars. The salary and wages for
23 officers, directors and major stockholders is \$93,000.
24 Contractual services, engineering, \$63,000. It goes
25 on and on and on.

1 Now, quickly summarizing that, it turns out
2 that salaries for employees is like 7.2%. Salaries
3 and wages and so forth for directors, officers, et
4 cetera is 7.2%. Employee benefits, 2.2%. Utilities,
5 3.74%. Now you don't have to do a lot except pay for
6 utilities. Total consultant services and rental
7 contracts, \$320,000 or 25%. You don't have to spend a
8 lot of time managing those kinds of things. I guess
9 H2O, you're one of those.

10 Other G&A, which I will talk about later, is
11 12.7%. Now, if you look at total G&A, in other words,
12 if you take the total cost, 22.2% is G&A. Is not that
13 rather high, sir? Assuming the number is correct, is
14 that number rather high?

15 **MR. WILLIS:** You talking about the 12.7?

16 **MR. WARD:** No. The 22.2.

17 **UNIDENTIFIED SPEAKER:** What is G&A?

18 **MR. WARD:** I'm sorry. G&A is general and
19 administrative cost. That's a thing called overhead.
20 That's a thing that doesn't produce anything.

21 **UNIDENTIFIED SPEAKER:** That's all these
22 price and service reports.

23 **MR. WARD:** Well, I guess it is rather high.

24 **MR. WILLIS:** General administrative expense
25 are actual expenses for administrative purposes, such

1 as trucks, radios --

2 **MR. WARD:** That's not included --

3 **MR. WILLIS:** -- TVing. A lot of that
4 goes -- whether it's high or not, based upon the
5 utility company -- we are going to send you a copy of
6 the audit, Mr. Ward, and you will see it.

7 **MR. WARD:** Good. Okay. Let me summarize.
8 Operation and maintenance efforts at these utility
9 systems are, at best, substandard. Management
10 planning, both short and long range, appears to be
11 inadequate, if nonexistent. Customer concerns have
12 gone unheeded as you heard from many folks tonight.
13 Cost factors seem to be extremely high, especially
14 G&A.

15 For myself, I can give you the following
16 recommendations. The first one is, do not approve, do
17 not approve the rate increases. (Applause)

18 The second cost objective -- I'm sorry. The
19 second recommendation, do a thorough audit and a
20 detailed review of their cost justifications.

21 (Applause)

22 Third, is review in detail their business
23 and management practices. (Applause)

24 The fourth one is, and I think you're doing
25 that tonight, but I think you can probably do it -- a

1 lot more thorough job. That is to have detailed, and
2 I mean detailed discussions with their customers. And
3 there are a lot of them here don't but this is just a
4 pittance. There are folks out there that really
5 probably have something a little more to say than we
6 do. So I'm talking about detail. As a matter of
7 fact, I'd be happy to talk to the engineer that is
8 overseeing their activity, if you've got time.

9 I guess the last recommendation I would say,
10 "send a message" to the private utilities for our new
11 state governor. You guys do work for him?

12 **MR. WILLIS:** We work for the State.

13 **MR. WARD:** Say again?

14 **MR. WILLIS:** We work for the State.

15 **MR. WARD:** You work for the governor?

16 **MR. WILLIS:** I work for the Public Service
17 Commission.

18 **MR. WARD:** Oh, brother. Okay. (Applause)

19 **MR. WILLIS:** Dr. T.S. Grafton.

20

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21 **DR. T.S. GRAFTON**

22 appeared as a witness and testified as follows:

23 **DIRECT STATEMENT**

24 **MR. GRAFTON:** I'm Dr. T.S. Grafton. I am an
25 owner of apartments in the Sea Castle condominium at

1 4939 Floramar Terrace. And as was pointed out, that
2 one connection goes to 100 different apartments. We
3 have had problems with our water supply. I personally
4 have, on frequent occasions, had to remove the
5 aerators from faucets to remove what looks like chunks
6 of charcoal that are obstructing the flow out of the
7 faucet. So apparently the filters systems that are in
8 place are not doing their job.

9 Now, much of what I had in mind to say has
10 already been said about the management of the company.
11 This enterprise, like any other enterprise, should
12 have budgeted as part of their operating budget a
13 certain reserve for maintenance of the systems with
14 which they are providing a service. It's obvious this
15 has not been done and there is no reason in the world
16 why the customer all of a sudden has to be saddled
17 with over 100% increase in the rates for the minimal
18 services that are received. So I want to be on record
19 for our neighbors in the Sea Castle in complaining
20 about the service that we've received and objecting
21 very strongly to the magnitude of the proposed
22 increase that so far I have heard no justification
23 for. Thank you. (Applause)

24 **MR. WILLIS:** Janis Allen.

25 **MS. ALLEN:** That's okay. I'll pass.

1 **MR. WILLIS:** Ms. Allen?

2 **MS. ALLEN:** No. I'll pass.

3 **MR. WILLIS:** Darrell Gruber. You have to
4 pick up the whole thing.

5 - - - - -

6 **DARRELL GRUBER**

7 appeared as a witness and testified as follows:

8 **DIRECT STATEMENT**

9 **MR. GRUBER:** My name is Darrell Gruber. I
10 live at 4553 Rickover Court. A lot has been said
11 tonight by people that are pretty educated. I'm glad
12 to see that it was done. I'm a state licensed
13 plumbing contractor. I have been since 1982. If I
14 ran my business the way Joe Borda has run Lindrick the
15 State would have taken by license away. (Applause)

16 I think to capitalize it, you know, it's
17 correct, it's termed properly waste management and
18 that's basically what Joe Borda is, a waste manager.

19 **MR. WILLIS:** Thank you. (Applause)

20 James Carew, C-a-r-e-w.

21 - - - - -

22 **JAMES CAREW**

23 appeared as a witness and testified as follows:

24 **DIRECT STATEMENT**

25 **MR. CAREW:** Good evening Public Service

1 Commission and fellow neighbors of this area. I have
2 been a citizen here for six years plus in this area on
3 this water system and I have reasons not to be happy
4 with it too. But what I would like for you to do is
5 to take a good look at the business records of this
6 company that's asking for this large increase. I'm a
7 retired businessman and never once did we go to our
8 customers and say, we need money for repairs or
9 expansion. We went to the bank and borrowed the money
10 and we paid for it with profit. (Applause)

11 That's what Lindrick should do and not try
12 to get it from his customers. Thank you. (Applause)

13 **MR. WILLIS:** Thank you. Paul Funk, F-u-n-k.

14 - - - - -

15 **PAUL FUNK**

16 appeared as a witness and testified as follows:

17 **DIRECT STATEMENT**

18 **MR. FUNK:** My name it Paul Funk. I live at
19 4362 Reeves Road in Gulf Harbors Woodlands and I guess
20 I, too, experienced some of the service complaints,
21 only in a different way.

22 There was an incorrect meter reading and I
23 got billed for a couple of hundred dollars that were
24 inaccurate and I spent about six months trying to get
25 that straightened out, which should have been a pretty

1 simple thing to deal with because all you got to do is
2 come out and look at the meter. It has the numbers
3 and you read them and compare it to the numbers on the
4 bill, if it's not right, you fix it. So I thought it
5 was a simple thing. It took a lot of my effort with
6 me doing the pushing to get that corrected.

7 So from a finance point of view, what I see
8 Borda doing is somewhat like he did with the beach.
9 He built up the expenses on the beach and when it got
10 taken over by some people that were serious about
11 running it in a straightforward way, the expenses are
12 a lot less and the results a great deal more.

13 If you look at his books, my guess is you're
14 going to have to evaluate every single expense because
15 some of those things just don't belong on the water
16 company. There are other things that he's been paying
17 for out of the water company just as he did with the
18 beach. (Applause)

19 In the finance business we call that passing
20 the sniff test. (Laughter)

21 And this was -- just don't smell right.
22 (Laughter)

23 Again, from a finance point of view, if you
24 can get the existing customers to pay for the capital
25 cost of bringing things up to speed so that the

1 development can continue, then when you add a new
2 person on to the system, the fixed expenses are paid
3 by these people over here, all you have on the new
4 person is the incremental cost and all of a sudden
5 you've got a cash cow. (Applause)

6 I don't think that we really want to be part
7 of the cash cow, at least not Mr. Borda's. Thank you
8 very much for your attention. (Applause)

9 **MR. WILLIS:** Thank you very much. George
10 Toronto. Here he comes. Does that mean our speaker
11 system is working out there?

12 **MR. TORONTO:** Yes. Yours is.

13 **MR. WILLIS:** Mine is?

14 **MR. TORONTO:** Yes.

15 - - - - -

16 **GEORGE TORONTO**

17 appeared as a witness and testified as follows:

18 **DIRECT STATEMENT**

19 **MR. TORONTO:** It's a good thing the women
20 decided to talk. I got to hang around. I thank you.
21 As needless to say, we've been hearing many of the
22 problems that I had in mind and everything's been
23 presented I'm pretty sure and probably a few more
24 opinions.

25 It appears that this is a case of poor,

1 poor, long term planning. Also appears that Lindrick
2 has been derelict in managing the water utility. And
3 talking about recommendations, if an increase in cost
4 is unavoidable, I would recommend that the utilities
5 be removed from Lindrick. Let them relinquish --

6 (Applause)

7 And hand it over to somebody else, like the
8 beach club.

9 **UNIDENTIFIED SPEAKER:** That's right.

10 (Applause)

11 **MR. TORONTO:** Or somebody as qualified as
12 the beach club.

13 **MR. WILLIS:** Please.

14 **MR. TORONTO:** But that is basically the
15 recommendation. Everybody is saying that Lindrick is
16 not managing the utility appropriately and their
17 license should be suspended as anybody else's would be
18 and let somebody take control that is responsible.

19 Thank you.

20 **MR. WILLIS:** Thank you very much.

21 (Applause)

22 Eric Anderson.

23 **UNIDENTIFIED SPEAKER:** He's outside.

24 **MR. GRUBER:** I had already spoken but once
25 thing I didn't bring up is the fact this we pay

1 wastewater --

2 **MR. WILLIS:** I don't think they can hear you
3 in the back.

4 **MR. GRUBER:** One other thing I didn't bring
5 up that I don't know if a lot of people are aware of
6 or not, but we pay a percentage of waste management on
7 the water that we use. All the houses in the Gulf
8 Harbors area have sprinkler systems that come off of
9 the City water, so we are paying sewage on that water
10 that is not being treated also. (Applause)

11 **MR. WILLIS:** Mr. Anderson.

12

- - - - -

13

ERIC ANDERSON

14 appeared as a witness and testified as follows:

15

DIRECT STATEMENT

16

MR. ANDERSON: Good evening, Commissioners.

17

MR. WILLIS: Actually, we're not
18 Commissioners. We're just staff members.

19

MR. ANDERSON: Okay. Does one of you all
20 specialize in the financial statements of the utility?

21

MR. WILLIS: Yes. Several of us are.

22

MR. ANDERSON: Here's a document that we
23 have some experience with. Anyway, my name is Eric
24 Anderson. I purchased real estate here in 1985. I
25 built a home in 1987. I belong to two not-for-profit

1 corporations that Mr. Borda has been president and CEO
2 of. Over that time we -- the members became very
3 familiar with his operations, basically how he
4 provides services to these not-for-profit
5 corporations. Now, we understand that Lindrick is a
6 not-for-profit corporation. However, it is a
7 regulated for profit corporation. Okay.

8 Now, basically there was an engineer who
9 spoke earlier and he pointed out the contractual cost
10 to Lindrick. He thought they were -- he felt -- he
11 was of the opinion that they were a little out of
12 balance, they were excessive. Okay.

13 Now, this parallels exactly what we were
14 familiar with with our homeowner's associations.
15 Basically we had two part-time guards as employees.
16 All the services were provided by the developer.

17 Now, we have a not-for-profit corporation.
18 We have a charity. We have a utility that's
19 regulated. If I'm a businessman, how do I get the
20 money out of those organizations and into my pocket?
21 I don't write myself a salary for a million dollars.
22 Okay. I don't go to church and take the offering and
23 stuff it in my pocket.

24 One of the methods, of course, is to provide
25 service contracts, provide services to the entity.

1 Okay. Now, whether that's reasonable or unreasonable,
2 that's up to a court to decide, the rate of those
3 services.

4 Now, basically we have some capital
5 improvements planned and proposed by the utility.
6 Who's going to perform those services? Is it going to
7 be the utility or is it going to be a subcontractor
8 that is controlled by the directors of the utility?
9 That's what we're worried about.

10 Now, basically with that particular contract
11 the developer agreed to provide services,
12 administrative, financial, maintenance, all these
13 different types of services, at a cost of two times
14 the hourly pay rate and, in addition, we would
15 reimburse his companies at their actual cost. Okay.

16 So basically, we have a person who comes to
17 empty the garbage. We are going to pay him \$5.50 an
18 hour. We're going to pay him his unemployment
19 premiums. We're going to pay his Social Security
20 taxes. We're going to pay overhead? We're going to
21 pay a portion of the developer's overhead? Is that
22 going to be an actual cost?

23 And in addition to that, in addition to
24 those actual costs, then we're -- on top of that we're
25 going to pay two times the hourly pay rate, which may

1 match those actual costs, it may be much higher than
2 those actual costs.

3 Now, that would be, in this particular
4 contract, perhaps a profit of 200% if the hourly pay
5 rate matches the actual costs that are being
6 reimbursed. If the hourly pay rate is above the
7 actual cost being reimbursed then there is a profit of
8 over 200%.

9 Our own suspicions -- we were suspicious
10 that that particular contract represents more than
11 200% profit because the services were never performed.
12 So basically, you know, we're very suspicious that
13 this particular rate increase per capital improvements
14 is going to parallel a reimbursable contractual
15 agreements that we've known all too well for 10 years.
16 (Applause)

17 Now, on the surface it appears that -- I
18 missed the beginning of the meeting, but who's going
19 to provide these services to Lindrick? Is it going to
20 be H2O?

21 **MR. WILLIS:** The company in this case put
22 out a bid to 10 companies to do the project and
23 received four bids back and the winning bid was H2O
24 and they are performing the contract right now to
25 refurbish the system.

1 **MR. ANDERSON:** Can H2O tell us what
2 involvement West Pasco Utilities will have?

3 **MR. WILLIS:** Well, I don't know that he can
4 get into that here. That is something that we can
5 look into.

6 **MR. ANDERSON:** Do you know who West Pasco
7 Utilities is?

8 **MR. WILLIS:** Yes.

9 **MR. ANDERSON:** Are they an active
10 corporation providing services to anybody or is
11 this -- basically I'm just concerned about the
12 directors of West Pasco. Who do we have? We've got
13 Mr. Borda. We've got Mr. Demoranos, is it? And we
14 have Ms. Mountain. If these people -- if this company
15 is going to be the company that provides services to
16 Lindrick, then Lindrick is going to be nothing more
17 than a pass through and those costs of somebody out
18 there digging the holes, you know, doing whatever they
19 have to do, the concrete work, whatever, are going to
20 be accelerated through a contract like this and they
21 may -- furthermore, they may never be performed.

22 **MR. WILLIS:** I would like to tell you, in
23 light of your comments here, that part of our concerns
24 in any case, especially this one dealing with related
25 party transactions, related party transactions are

1 high on our scope to audit and we do a more thoroughly
2 coverage of related party transactions just because of
3 that relationship.

4 In this case, we are taking issue with some
5 of the costs being provided this utility by some
6 related parties. One of them is Borda Engineering.
7 But we are looking at that and we are taking
8 initiative with some of these costs in this case.

9 **MR. ANDERSON:** So --

10 **MR. WILLIS:** Just to let you know, this is
11 part of what we actually look at. We just don't take
12 cost at face value and say, gee, they're on there,
13 let's give it to them. Those costs have to be proven
14 out to be true costs. If you're looking at hourly
15 rates, there is comparisons that we could do to look
16 at the hourly rate pay to utility personnel versus
17 other personnel of municipal systems, other private
18 utility companies. There's ways to look at the cost
19 being paid out to these individuals.

20 **MR. ANDERSON:** You basically have an average
21 normal fair cost, reasonable cost, in your mind?

22 **MR. WILLIS:** Yes. We're looking at it right
23 now.

24 **MR. ANDERSON:** Okay. That was one of my
25 points then, to look at the related party

1 transactions.

2 The other point would be just on the
3 surface, from the moment I got notice of these capital
4 improvements, it appeared to create a windfall for
5 perhaps some of the people. These improvements
6 weren't perhaps sabotaged in any manner to make these
7 readings of the plant worse than they actually were.
8 Is that possible?

9 **MR. WILLIS:** Not in this case because we
10 have the primacy agency over the quality of this
11 treatment of the effluent coming into the system.
12 They've been out there and done their own testing and
13 had New Port Richey do their testing and there are
14 sites where they sample and the samples just weren't
15 taken by the company. They were taken by independent
16 bodies, such as the Department of Environmental
17 Protection too. And they look at the quality and they
18 continue to look at those. As the construction is
19 ongoing, there is continued sampling that is taking
20 place and will take place all the way through this and
21 then after this construction is done, in talking with
22 these individuals, there will be continued testing
23 after that so ensure the chloride levels remain within
24 a uniform level.

25 **MR. ANDERSON:** So you believe that we have a

1 bonafide need for these improvements and the amount of
2 the improvements?

3 **MR. WILLIS:** We believe there is a definite
4 chloride problem here. The amount of improvements are
5 still ongoing. The engineers have come in. The bid
6 out there is an estimated bid to look at the project
7 and fix it. The way they're doing that is going out
8 to actually -- with TV cameras and TVing the line to
9 actually look in the lines. They clean the lines.
10 They find the leaks. And they either grout those
11 leaks to seal them with hydraulic grouting or they
12 actually put a slip liner in where they can do that.
13 Sometimes the lines, if they find a line that is
14 actually broken bad enough, that they will have to dig
15 down from the surface all the way down 12, 20 feet to
16 get to that line to replace it if it's completely
17 busted up. But that's -- it depends on exactly what
18 has to be done. That's what is occurring right now.

19 **MR. ANDERSON:** Okay. Very good. The only
20 other thing, do we have our Representative here
21 tonight?

22 **MR. WILLIS:** Representative Fiorentino is
23 all the way back in the back right here. We have been
24 in discussions with her. She was here all afternoon
25 with us. And we were talking to the homeowner's

1 associations and the DEP and New Port Richey.

2 **MR. ANDERSON:** If I can just make a
3 suggestion. If you want to put some teeth into your
4 bill, it would be to eliminate related party
5 transactions between the directors of the utility and
6 the subcontractors that they control and employ.
7 Thank you. (Applause)

8 **MR. WILLIS:** Thank you very much.
9 (Applause)

10 Don Waltz. After Mr. Waltz I would like to
11 let you know that we're going to take a five minute
12 break to switch court reporters, just to let you know
13 after Mr. Waltz. Go ahead, Mr. Waltz.

14 - - - - -

15 **DON WALTZ**

16 appeared as a witness and testified as follows:

17 **DIRECT STATEMENT**

18 **MR. WALTZ:** Thank you. Don Waltz. 4913
19 Galleon Court, Gulf Harbors. Most of what I wish to
20 comment on with respect to fiscal responsibilities has
21 pretty well been addressed.

22 What I have left to deal with is a water
23 pressure problem that went on for several years and
24 required that on the mornings that we were to allow
25 our lawns to be sprinkled, irrigated, we could not

1 even flush our toilets. One thing that did happen was
2 that the water pressure was so low that the pop up
3 sprinklers wouldn't come up and so instead of using
4 the water to irrigate, it ran down the gutters because
5 the sprinklers wouldn't even have enough pressure to
6 lift them out of the ground. That caused two things
7 to happen.

8 Number one, we lost the use of the water.
9 They got paid for that water because -- for these
10 sewage treatments because we get billed the same rate.

11 And the other thing is, the water pressure
12 was so low that the waste in the toilets would just
13 make circles and never actually go completely down.
14 We had to actually put a bucket of water beside our
15 toilet and use it as a compellent to get the toilet to
16 flush and when I addressed the problem with Lindrick
17 I was told that it was too many people trying to water
18 their lawns at the same time. That's all I have to
19 offer.

20 **MR. WILLIS:** Thank you sir. I appreciate
21 it. (Applause)

22 Ladies and gentlemen, we are going to take a
23 five minute break here to switch court reporters and
24 we are going to start promptly at 8:15. So please
25 don't go far.

1 (Brief recess.)

2 - - - - -

3 **MR. WILLIS:** We're going back on the record.

4 The next person I have is Joe Brittingham.

5 Mr. Brittingham. (No response.) We'll come back to
6 him in a minute.

7 I'm sorry, I can't read this name. Costa,
8 3738 Holiday Lake Drive. It may be -- I wouldn't even
9 try that. Costa? (No response) We'll come back to
10 that one too.

11 Ronald Short. Mr. Short?

12 - - - - -

13 **RONALD SHORT**

14 appeared as a witness and testified as follows:

15 **DIRECT STATEMENT**

16 **MR. SHORT:** Good evening. My name is Ronald
17 Short and I live at 4544 Ingersol Place in Gulf
18 Harbors Woodlands.

19 I'm an environmental engineer. And my
20 concern, or most of my concerns, have already been
21 addressed, but I really do have one that I've got to
22 address to either DEP or DPR. And that's on the
23 licensing of the individuals that run this plant.

24 It's my understanding that to run a
25 wastewater treatment plant you must be licensed or

1 certified. That means that we've had certified
2 individuals running an illegal operation for a number
3 of years. How have we let that happen to the point
4 where we're now in a room discussing what we need to
5 do to correct it? (Applause)

6 **MR. WILLIS:** That's something you'd have to
7 ask the DEP representative. It's something I can't --
8 I can't really answer for them.

9 Margie Hastings.

10

- - - - -

11

MARGIE HASTINGS

12 appeared as a witness and testified as follows:

13

DIRECT STATEMENT

14 **MS. HASTINGS:** Hello. I'm Margie Hastings.
15 I live at 4619 Belfast Drive. That's Shamrock
16 Heights.

17 I have been a resident of Florida all my
18 life, okay? I do remember when the water was sweet.
19 I can say it's been quite a long time since I've
20 experienced that again.

21 I have almost brought examples of what their
22 water does to everything we own. I have renovated two
23 bathrooms. I have went through two water heaters.
24 The corrosion in my pipes is absurd. Little to say,
25 does anybody in here drink the water?

1 **THE AUDIENCE:** No.

2 **MS. HASTINGS:** What does that tell us?
3 We're paying for a damn -- I'm sorry -- we're paying
4 for something that's not consumable. Now they want to
5 double something that I barely want to wash my clothes
6 in?

7 I purchased a water softener. It still
8 doesn't help. It's still not drinkable. What are
9 they treating this water with? It comes out smokey.
10 It comes out with film on it. They want to tell us
11 that this is drinkable, this is usable? I'm sorry,
12 these people -- they've done all their best to hurt
13 us. No telling what they've done to us physically.
14 We just can't consume this kind of thing. I mean, I
15 know business. I've heard all about the business
16 tonight and about the process of bossing people around
17 and controlling what they do, and monitoring how they
18 fix things. These people put the money in their
19 pocket and turn their back on us. (Applause)

20 I'm a ninth generation Floridian and I can
21 tell you this place is going downhill.

22 **MR. WILLIS:** Something you may not -- I'm
23 not sure if you're aware of, the Company actually
24 purchases the water from New Port Richey.

25 **MS. HASTINGS:** Well, they are treating it,

1 are they not?

2 **MR. WILLIS:** No. They purchase 90% of your
3 water already treated from New Port Richey. And
4 that's where you're getting most of your water from.

5 **MS. HASTINGS:** But it's still coming through
6 Lindrick's pipes?

7 **MR. WILLIS:** Yes, it is.

8 **MS. HASTINGS:** I just replaced -- I have
9 spent \$10,000 to replace all of my water systems in my
10 house. I'm knocking down my walls and you would not
11 believe the atrocious leaks and things that this water
12 has done. It literally eats the metal off your pipes.
13 What does it do to our insides? The doctor has told
14 me don't even give it to our child. It's bad for your
15 children. What does it do to my elderly neighbors?
16 I'm taking care of people who shouldn't be that ill.
17 They eat right. They do things right. But they drink
18 the water because they can't afford to buy water. I
19 mean \$1.50 for a bottle of water? This is absurd.

20 I'm sorry, I know it's not your fault,
21 fellows, put you -- we put you here to help us. If
22 you don't help us, we have no help.

23 Now, I don't know if anybody has ever
24 considered buying Lindrick out, but it would sure play
25 out a heck of a lot better for us if we owned our own

1 company and consumed our own product. Because we can
2 do a much finer job if we had to consume -- what we
3 reap what we sow. He's probably living
4 who-knows-where drinking bottled water and don't give
5 a hoot.

6 But I'm sorry. I'm a young person. I'm the
7 sole support of four people and I barely make a
8 living. And I cannot afford for everybody to be
9 picking my pocket every time I turn around. And this
10 man is picking my pocket. S&H did it. They kept it
11 kind of low. I saw it go up a little trickle at a
12 time. This guy here, he don't want a nibble; he wants
13 a bite. And I'm sorry, I'm tired of getting bit.
14 Thank you. (Applause)

15 **MR. WILLIS:** Carol -- I'm sorry, lives on
16 41 -- M-O-H-R-L-E. Mohrle. Carol Mohrle? (No
17 response.) Come back to that one.

18 Susan Schultz?

19 - - - - -

20 **SUSAN SCHULTZ**

21 appeared as a witness and testified as follows:

22 **DIRECT STATEMENT**

23 **MS. SCHULTZ:** Hi. My name is Susan Schultz
24 and I live on Pilots Place. I've lived there for five
25 years. And in that five years for the first -- about

1 a year the water was off more than it was on. I got
2 to know my neighbors because I had to keep calling
3 them to ask if my husband had -- you know, to find out
4 if my husband had paid the bill, or was the water shut
5 off because everybody's was shut off? That's how much
6 it was off. I thought it was kind of odd that it
7 would happen that much, you know, but everybody
8 seemed -- on the street seemed to think well, you
9 know, doesn't everybody do this? You know, it's a
10 lot. I mean, it happens a lot.

11 And I don't work, but I can't imagine having
12 to get up in the morning and having to go to work
13 without a shower. And I have a swimming pool so I
14 have had to use the swimming pool a couple of times
15 because the water wasn't on. And it's off for long
16 periods of time too. It's not just for an hour or so.
17 And I called them and asked them if they could send
18 some sort of a written notice. If they know when they
19 are going to do it, why can't they send us a written
20 notice, or why can't they do a bulletin on -- you
21 know, that it's going to be off at a certain time?

22 They've never done anything. They drive
23 around in their little trucks. They could drop a
24 thing in your mailbox or something, you know, just to
25 let you know so that you know it's going off.

1 The other thing, I think that this
2 percentage is a shield. Someone else mentioned that.
3 That the 132% is really just to rouse the peasants so
4 that when we find out what the real thing that they
5 want, what the real amount is, that we won't be all
6 upset. We'll be happy that it's only 20 or 30 or 40%.

7 (Applause)

8 And we're not stupid peasants. And we don't
9 want our councilmen to sell us out. Please don't sell
10 us out. We work hard for our money; real hard for our
11 money. Most of these people have worked their whole
12 life to live out there.

13 We have more problems than some of the other
14 communities because the flood insurance situation is
15 getting out of hand out there also. That's a whole
16 nother story nobody knows about. But they are not
17 giving flood insurance to new houses they are selling.

18 So most raises come when a job is well done.
19 And I don't see too much of a good job being done by
20 Lindrick Services. I think that if they want an
21 increase, that their pay scale should be decreased by
22 every percent -- by the same percentage that our rates
23 are increased. (Applause)

24 I don't think we should have to pay for
25 their lousy planning and their problems resulting from

1 the practice of lousy planning and maybe putting in
2 inferior products to begin with, which I think is part
3 of the problem. That they undercut, and, you know,
4 put in inferior products and thought they'd get away
5 with it when everybody was building and it went
6 unchecked. And now we're paying the price for it with
7 our health and, you know, with everything else.

8 And also I wanted to say that -- I want to
9 know where I go to sign up to get a petition or
10 something so that they have to repair the roads as
11 much as they have disrepaired them. It's like a
12 patchwork quilt going into that community. And I'm
13 telling you, it's embarrassing when you bring people
14 in, to have to go through a road like that. When I
15 live in a house that costs as much as it does and I
16 have to go what looks like a patchwork quilt -- you
17 know, honest to goodness it does -- and I want to know
18 if they are going to use some of their profits that
19 they've already made to repair the road in a
20 continuous asphalt, like U.S. 19 has been done. I
21 think that's what they should do. Because our roads
22 are atrocious coming in there. Right now there's a
23 big patch going across it. It's like -- I'm glad I
24 have a four-wheel drive. One car -- that's the only
25 car that goes down -- what's the name of the road

1 coming in?

2 **THE AUDIENCE:** Floramar.

3 **MS. SCHULTZ:** Floramar. Because it's so bad
4 right now. I know they are working on it. I know
5 that H2O is doing what they can. I know everybody is.
6 But we are just trying to keep our heads above water
7 too.

8 Right now, when you head home, I want you
9 all to swing by the community center. Pause when
10 you're by the community center. Roll down your window
11 and take a sniff, because that's exactly what this
12 whole thing smells like. (Applause)

13 Thank you.

14 **MR. WILLIS:** Next person I have is William
15 Covert.

16 - - - - -

17 **WILLIAM COVERT**

18 appeared as a witness and testified as follows:

19 **DIRECT STATEMENT**

20 **MR. COVERT:** Good evening. My name is
21 William Covert, 5350 Windward Way.

22 I came down here seven years ago from
23 retiring up north. My job up there was Superintendant
24 of Public Works in my community for 28 years. I
25 maintain sewers and the community roads and so forth.

1 When I first come down here I looked around
2 and checked everything out. I did not see any major
3 sewer work. Nobody cleaned them. Didn't look like
4 any problems, except this particular pump station,
5 right across from the clubhouse. I questioned that.
6 They told me they were waiting for a part. (Laughter)
7 This is still going on.

8 I didn't think we were going to talk about
9 water tonight, but my pet peave is I came down here --
10 I was also a fireman up there for 40 years and was the
11 chief of the Fire Department.

12 I went to the local meeting that we have
13 once a month and I asked the president to write a
14 letter to Lindrick asking him to raise the fire
15 hydrants because they are inoperable. They did so.
16 That was six years ago. I saw one raised a month and
17 a half ago out of the group I made a recommendation.
18 I could take any one of you's over there and show you
19 hydrants with a five-inch streamer connection is below
20 ground. (Laughter)

21 I talked to the fire truck operator one day
22 there. I said, "Does your chief get on anybody's case
23 about these fire hydrants?" He says, "Yeah. We write
24 letters but nothing happens."

25 I'm leaving you with this message: Please

1 get these fire hydrants in operation. Maybe you can
2 hold this rate increase off until he raises the
3 hydrants. And we'll get some maintenance on our
4 hydrants also.

5 They need this system that's being done
6 because nothing has been done with this sewer since
7 the seven years I have been here.

8 I wish you would look back in their records
9 and just see how much maintenance has been done on
10 these sewers. I don't see any flushing. I never saw
11 a TV through them. And just check out where that
12 maintenance money was used. Maybe it was used on the
13 plant instead of the pipes. I don't know.

14 As far as manpower goes, I think he has got
15 a minimum force. When he has a problem, he has to
16 call in the heavy equipment, which is H20. And that's
17 why the water shut offs, I think, wind up being eight
18 hours, is that by the time they make a phone call and
19 these people get their equipment together and respond,
20 it's a big delay.

21 Thank you for your time.

22 **MR. WILLIS:** Thank you. (Applause)

23 Maribel Penichet.

24

25

MARIBEL PENICHER

1
2 appeared as a witness and testified as follows:

DIRECT STATEMENT

3
4 **MS. PENICHER:** Good evening. For the record
5 my name is Maribel Penichet. I live at 4845 Shell
6 Stream Boulevard, New Port Richey. That is in the
7 Gulf Harbor subdivision.

8 Greetings to you. Wish we could meet under
9 a different circumstance, but unfortunately you have
10 come to Pasco County to hear our complaints.

11 **MR. WILLIS:** We certainly did.

12 **MS. PENICHER:** And I have a few, thank you
13 very much.

14 One of my questions is the storm drains.
15 They are in the subdivision of Gulf Harbors. Most of
16 them have caved in, in which case the sea walls are
17 being pushed out. I've notified Lindrick of this. I
18 notified H2O of it. H2O told me that unless Lindrick
19 orders it they can't do anything about it. The girl
20 at the office, I believe her name is Helen Lindrick --
21 anyway, nothing's been done. There are several of
22 them. They are Windward Way, Bow Line Bend, Shell
23 Stream Boulevard, and they are probably all over the
24 place.

25 I also happen to be on the Pasco County

1 Navigation Waterway Board, Chairman, and I'm very
2 concerned with the sea walls.

3 The other thing that I've got is the water
4 pressure. It definitely goes up; it goes down. I can
5 testify to that. And I have been in this county 27
6 years and Lindrick is pitiful as far as the service is
7 concerned.

8 The pipes. The man came out -- or the lady
9 came up and said you pointed out that Lindrick buys
10 the water from New Port Richey, 90% of it. This is
11 very true. However, I need to point out that that
12 water, once it leaves New Port Richey, goes through
13 the pipes of Lindrick Corporation and their plant, it
14 probably gets added some chlorination, floride -- God
15 knows what -- and it eventually gets to our homes.
16 Also, most of these pipes that are coming into our
17 homes have never been replaced, and they are red pipe;
18 some of them are caving in. I know since I've lived
19 at the present residence I'm in for the last four
20 years, Lindirck had to come out and replace a pipe
21 that was red and it all caved in; neither my neighbor
22 or I had any sewer. It was spilling all over the
23 place. This probably went into the storm drain and
24 into the channel. Eventually it was repaired. This
25 should probably be done because the subdivision has

1 been there since 1956.

2 One other question that I have, and really,
3 really concerned my husband, which he gets up at 3:45
4 in the morning so he's not here -- is once this debt
5 is paid, that we are paying to Lindrick, whatever
6 amount that may be or may not be, what happens then?
7 Will we go back to the older rates? Or do we stay at
8 those inflated rates?

9 **MR. WILLIS:** No, you wouldn't stay at the
10 inflated rates. The Commission monitors the utilities
11 on an annual basis for their financial earnings. And
12 at any point --

13 **THE AUDIENCE:** (Laughter.)

14 **MR. WILLIS:** Please. Please.

15 If this Commission found next year -- if
16 they were to implement a rate increase for this and
17 they found the next year, the year after, that the
18 Company was earning more than they were supposed to,
19 they would lower the rates appropriately to keep them
20 within the range that the Commission allows the
21 utility to earn. That's part of our responsibility to
22 look for overearnings in the Company, as well as have
23 to deal with petitions that come before us for rate
24 increases.

25 **MS. PENICHER:** Okay. That is one that

1 really concerned -- I don't think it just concerns my
2 husband, I think it concerns everybody here,
3 apparently, as well.

4 The other thing is -- one of the things -- I
5 was self-employed in this county for 22 years. And
6 whenever you're in service, business or anything, you
7 should have a escrow account. They should have a
8 escrow account to maintain these pipes. They should
9 have been there all this time.

10 The other thing -- and I hope I'm not being
11 very strong about my wording, and in a way I hope I
12 am -- would the Public Service Commission allow
13 Mr. Borda -- and I'm going to use this word very
14 general -- to rape us to pay for the four nine-story
15 buildings he's putting up? And that's the biggest
16 question we've got. We believe Mr. Borda is just
17 doing Lindirck Service Corporation -- he's asking for
18 the 131% to pay for all of his other commercial
19 enterprises.

20 Thank you very much, sir. (Applause)

21 **MR. WILLIS:** I want to assure you that the
22 way we set rates, they are all cost based. And the
23 Company has to present information to us to show us
24 the actual cost. There are no buildings in this
25 increase. There are no buildings in this increase

1 I've backup coming up my tubs. The pipes aren't
2 working. I don't have pressure. I can't take a
3 shower. Half the time the water is out. There's only
4 one employee, and half the answers, when you ask for
5 help, you're told, 'That's just the way it is. Get
6 used to it.'" That's not the right answer.

7 Unfortunately, though DEP is here they
8 aren't up here seeing the faces of the people that you
9 have to look at. The anger. The frustration. And
10 that's something that needs to be addressed.

11 You said three things, quality of service --
12 and I'm going to repeat a few things because I want to
13 make sure they are on that record, and I want make
14 sure they are emphasized. Quality of service is
15 supposed to be taken care of by DEP. It has not been
16 taken care of. (Applause)

17 No. 2, the quality of the plant. Your own
18 engineer can tell you. DEP has said they want to make
19 it now a lift station because it's nothing more than
20 that. It's useless. (Applause)

21 And customer satisfaction. I haven't heard
22 one person come up here and say, "Gosh, they're
23 great." (Laughter) As a matter of fact, in all of
24 the years I've lived here I've never heard anyone say,
25 "You really want to hook up to Lindricks." Okay?

1 (Laughter)

2 You're not discussing water rates. You're
3 only discussing wastewater rates. You have said in
4 the past '95, '97, possibly '98, and, again, possibly
5 in '99, there's been an overcharge or an overearnings
6 for Lindricks. We need to be sure that that money
7 then goes back into this cost so it does not go to
8 these people; that Lindricks takes that overcharge
9 that he's been putting in his pocket and now puts it
10 back into his facility; put it right back. (Applause)

11 Additional concerns have been future growth.
12 And that's another way you can take down the cost.
13 There's currently a nine-story building that was
14 hooked up, as we mentioned, with St. Andrews, the one
15 without the permit that now has a permit. A
16 possibility of two additional nine-story buildings
17 going up and a walker track in New Port Richey, which
18 will be going up. Those are the ones I know of, and
19 I'm not in the county so there could be even
20 additional homes that I'm not aware of. You really
21 need to research those and add that in so the future
22 growth again will bring down the cost to these people
23 and put it back to Lindricks where it rightfully
24 belongs.

25 Substandard. That's not even a strong

1 enough word to say what Lindricks is, has been. They
2 should have never been allowed. All the years DEP has
3 been checking them out, there hasn't been fines until
4 this year. There's been a lot of letters of
5 nonconformance or noncompliance; it hasn't done
6 anything. You need to come down hard. It needs to
7 come down. And I ask the only way that you can
8 hurt -- letters from DEP haven't hurt. Apparently the
9 fines haven't done a whole lot. So let's turn around.
10 Let's hit them in the pocketbook. Let's not give him
11 this price increase and make him pay this, where it
12 belongs. (Applause)

13 This engineer, his cost percentage of 17%,
14 is also out of the state. I think we need to make
15 sure we're using, one, people that aren't related.
16 Secondly, that they are in our state so that we're
17 paying the same average cost that a Floridian engineer
18 would pay, or cost factors would be. Out of state,
19 yes, their prices are higher, their wages are higher,
20 their incomes are higher. The people here are on
21 fixed incomes. I don't care if you're elderly or if
22 you're a family. I don't know of anyone going out
23 saying, "Oh, my boss is going to give me extra money
24 this week." So, therefore, we're all on fixed
25 incomes. Some more fixed than others, or lower

1 prices. But everyone is on a fixed income. They
2 don't have 131% to pull out of their pockets to add on
3 to Mr. Lindrick, who probably does have the money to
4 do this.

5 With this also it's been stated many times
6 that lack of employees -- and I hope this is addressed
7 maybe not through the rate increase but this is
8 addressed through DEP or some other means, but it
9 needs to be stated -- if he has a lack of employees, a
10 lack of service trucks, it was stated by H20 today
11 that he is the one who has to come out and do all of
12 these major repairs. Well, if that's the case, no
13 wonder they are having problems for months or weeks or
14 days or even hours.

15 They have to have -- Lindrick Corporation is
16 going to keep this corporation, they have to be sure
17 that they are going to be able to maintain and operate
18 this and not just on on a "when I feel like it" basis
19 or when I can call my as-needed agency, but today when
20 I need it fixed. None of us want to be without water.
21 I'm on New Port Richey water. I drink it. So it's
22 his pipes, not the City's water.

23 These are some of the issues that are
24 brought before you.

25 I can't tell you about complaints. I know

1 it's third-hand. I hope you go back into the
2 complaints I've provided to DEP about water coming up
3 through toilets and being told "that's the way it is."
4 I hope that you'll look at that background information
5 and think of all the things.

6 I appreciate your time and your willingness
7 to listen to all my citizens here in New Port Richey
8 and Gulf Harbors. Thank you. (Applause)

9 **MR. WILLIS:** I'd like to run back through
10 these -- that was the last customer I had signed up
11 and I'd like to go back through these other ones and
12 see if these people are present now. The name was
13 Costa, 3728 Holiday Lake? (No response)

14 Joe Brittingham? (No response)

15 Mr. Mohrle? (No response)

16 And that's all the people I have signed up.
17 Is there anyone else who would like to make comments?

18 **UNIDENTIFIED SPEAKER:** I'd like to --

19 **MR. WILLIS:** If you'd like to come forward
20 again.

21 **UNIDENTIFIED SPEAKER:** Yes.

22 **MR. WILLIS:** Give us your name again for the
23 record.

24 **MR. MANNING:** Bruce Manning, 6244 Spoonbill
25 Drive. And you said we had a representative from H2O

1 here tonight?

2 **MR. WILLIS:** Yes, we do.

3 **MR. MANNING:** Who is that? I'm trying --

4 **MR. WILLIS:** This gentleman right over here.

5 If you'd like to talk to him later, you're more than
6 welcomed to.

7 **MR. MANNING:** Well, it deals with you too.
8 I mean, do we have the engineer that's actually
9 dealing with H2O on a one-to-one basis here who is
10 overseeing -- is that you, sir?

11 **MR. CROUCH:** Yes.

12 **MR. MANNING:** Just from your general
13 impression of looking at Lindrick water, so we have a
14 gauge of what we're dealing with here, if you went
15 from a scale from excellent, superior, average, below
16 average or poor, how would you rate Lindrick water at
17 this point?

18 **MR. CROUCH:** Well, if you're talking water,
19 to be perfectly honest, we have not looked into their
20 water system that much --

21 **THE AUDIENCE:** (Simultaneous conversation)

22 **MR. CROUCH:** Just the sewer.

23 **MR. MANNING:** Yeah. Sewage.

24 **MR. CROUCH:** It is sewer. And their
25 wastewater treatment does not meet DEP standards now.

1 This is through --

2 **THE AUDIENCE:** (Applause)

3 **MR. CROUCH:** -- because of these standards
4 they are going to say to do something to rectify it.

5 **MR. MANNING:** And that would, I assume, be
6 an average reading. If you were an average
7 corporation -- utility -- I'm just using the scale of
8 1 to 5, or you can use the scale I use -- average
9 would probably be passable, I would assume.

10 **MR. CROUCH:** They are definitely below
11 standard; below average.

12 **MR. MANNING:** So below average report. H20,
13 I assume besides Lindrick, you have many accounts you
14 have to deal with on a daily basis; is that correct?

15 **MR. DEREMER:** That's correct.

16 **MR. MANNING:** Is your expertise to the
17 point -- have you been dealing with this -- I'm not
18 sure who I'm talking to.

19 **MR. DEREMER:** My name is Gary Deremer. I'm
20 the president and owner of the company.

21 **MR. MANNING:** Great. Fantastic.

22 So what I'm asking is, now here you have
23 this contract with Lindrick. And that puts you in a
24 sticky situation because now he's your employer; he's
25 paying your fees. But, of course, you have to turn

1 around and show expenses to the water commission. And
2 I saw a printout of four, five pages of some of the
3 work you have recommended or have already done at this
4 point.

5 When you look at a Lindrick water situation,
6 when you walk up to it, is it better or worse than
7 what you expected when you first took the job?

8 **UNIDENTIFIED SPEAKER:** Worse.

9 **MR. DEREMER:** It depends upon what you're
10 looking at. If you look at the pipelines
11 themselves --

12 **MR. MANNING:** Yes. Has there been, that
13 you've seen, since they've built it maybe 40 years
14 ago -- when you go into the systems with your camera,
15 do you see a hundred yards, 500 yards, a thousand
16 yards of refurbished systems that have been upgraded
17 in 1987, '89, '90? Do you see that? Or do you see
18 older, archaic pipes that might have been in there for
19 40 years?

20 **MR. DEREMER:** No. The sections we've been
21 in for the last --

22 **UNIDENTIFIED SPEAKER:** Can't hear your
23 answers.

24 **MR. DEREMER:** It's hard. I'm sorry.

25 **MR. WILLIS:** I don't know how many of these

1 questions, you may have --

2 **MR. MANNING:** Just a couple. That's all I'm
3 going to have.

4 **MR. WILLIS:** Well, what I'm telling you, if
5 he's going to be willing to answer these questions, he
6 needs to come forward to a microphone where the other
7 customers can hear too.

8 **MR. MANNING:** Sure.

9 **MR. WILLIS:** Something we don't normally do
10 at these things is -- this is the type of thing that
11 we would put on if we have a hearing where we get to
12 cross examine --

13 **MR. MANNING:** We're just very lucky to have
14 him here. Because we've dealt with -- internally so
15 many years that it's refreshing to have the people
16 responsible here to answer some of the questions.

17 I realize it's a tough situation. That's
18 why I used this type of scale. It's a general scale
19 but it gives us a feeling of what we're dealing with
20 here. Could you answer that for me?

21 **MR. WILLIS:** If you're willing to answer it,
22 go ahead.

23 **MR. DEREMER:** Yeah, I'm willing to answer
24 it.

25 I mean, our involvement with the utility at

1 this point is repairing of the underground pipelines.
2 Right now, in the Gulf Harbors region, those pipes are
3 about 40 years old and they are in -- probably in
4 average condition for that age of pipe.

5 What makes this a particularly -- what makes
6 this problem more critical, I guess, in this utility's
7 situation is because this plant has to go off line and
8 the water has to eventually go into a reuse system.
9 There can't be any infiltration of chlorides. And
10 because it's a coastal community, that's what makes
11 this such an unique situation. If this infiltration
12 was out further inland, and although it would be a
13 problem, it wouldn't be as big a problem because you
14 wouldn't have the contamination issue to deal with the
15 chlorides, which for everybody's information, when it
16 goes through a reuse system it affects plant life. So
17 that's facing an unique problem.

18 The pipelines, as far as their condition,
19 they are probably in average condition.

20 **MR. MANNING:** Lift stations.

21 **MR. DEREMER:** Lift stations are probably
22 average condition for their age.

23 **MR. MANNING:** Thank you for answering. I
24 will ask a question, if I can, for the engineer.

25 He brought up about being on a protective --

1 I appreciate that, thank you -- being on a protective
2 area on the water; the situation that that brings up
3 is even tougher than maybe an inland plant, as he just
4 brought up, because you can ruin the ecosystem; get in
5 the water system. Doesn't that kind of tell you that
6 that is a problem that you need to maintain your pipes
7 even at a more efficient rate than an internal
8 company? For instance, if you're on the water and you
9 know this is a -- saltwater intrusion is a big
10 problem, may means you have to aggressively go after
11 problems. You can't allow them to occur and then come
12 back and try to fix them. Would that be something you
13 would think the utility company would do?

14 **MR. CROUCH:** I'm not apologizing for the
15 utility company when I say this, but this was not
16 recognized as a problem until recently, for two
17 reasons. The Clean Water Act, we said we're looking
18 at what's going into the ocean, and the reuse, where
19 we're talking about taking effluent, cleaning it up
20 and using it for spray irrigation; those two things
21 are fairly recent developments in the wastewater
22 industry. Because of that, more attention is being
23 given by DEP, and as a result, by the utilities to the
24 problems that they -- before they knew they had an
25 infiltration problem but it was no biggy. It was

1 easier to go ahead and treat the additional
2 infiltration than it was to try to fix the pipes. Now
3 it is a big problem. Now they say they can't drop
4 that out into the ocean or into the bay because of the
5 Clean Water Act. They are saying you cannot have
6 these chlorides in the water because of reuse. So it
7 is a recent problem within the last, I'd say, five to
8 ten years that people have become aware of these
9 problems. It was -- the problem has been there before
10 but it was not something that we noticed. Nobody
11 worried about what went into the ocean ten, 15 years
12 ago. They used to dump raw sewage into the Ohio River
13 and then go down a few miles and pull it out for water
14 supply. Now they are saying you can't do that.
15 They're noticing that. They're becoming more aware of
16 environmental problems. So it is a problem today that
17 they're going to have to take care of.

18 **MR. MANNING:** Thank you for your time.
19 Appreciate it.

20 **MR. CROUCH:** Thank you very much.

21 **MR. WILLIS:** Is there anyone in here that
22 would like to make a comment that hasn't done so? If
23 you would just raise your hand.

24 **UNIDENTIFIED SPEAKER:** I would.

25 **MR. WILLIS:** Would you like to come forward

1 and give us your name and address, please.

2 **DONNA LLEWELLYN**

3 appeared as a witness and testified as follows:

4 **DIRECT STATEMENT**

5 **MS. LLEWELLYN:** I just had said -- I forgot
6 I should have gotten up to speak. My name is Donna
7 Llewellyn.

8 **THE REPORTER:** Spell your last name, please.

9 **MS. LLEWELLYN:** I live at 4340 Seagull
10 Drive.

11 **MR. WILLIS:** Could you spell your last name
12 for us? Spell your last name.

13 **MS. LLEWELLYN:** Llewellyn,
14 L-L-E-W-E-L-L-Y-N.

15 **MR. WILLIS:** Thank you. Go ahead.

16 **MS. LLEWELLYN:** One day I was out walking,
17 which I used to walk everyday, and I saw this person
18 opening up the water, the hydrants. And I stopped to
19 talk to him, as I would talk to a lot of people. And
20 I said, "Oh, that water looks awful." I said, "Is
21 that our drinking water?" He says, "Lady, I hope you
22 don't drink this water here." And that was his
23 answer. Because it was muddy. It was awful. And
24 that's what's coming through our pipes?

25 Two weeks ago we had a new neighbor and she

1 called us up and she said, "There's black specks
2 coming out of my water. What's wrong?" So we have a
3 TDS meter, which we check our water, and we put it in
4 and it came up to 900. And in my training from in
5 New York, if it goes above 200 you don't drink it. So
6 we tested our water. It was 900; went over and tested
7 hers, it was 900. Water in the pipes is not
8 consumable. If we do, we cannot expect to have good
9 health.

10 I know you're not looking for good water,
11 protecting the water, but that -- he has not done
12 anything good with this company. Thank you.

13 **MR. WILLIS:** Thank you very much.

14 (Applause)

15 Is there anyone else here who would like
16 to -- yes, the lady right there. If you could come
17 forward and give us your name and address, please.

18 - - - - -

19 **SHERRY HUBACH**

20 appeared as a witness and testified as follows:

21 **DIRECT STATEMENT**

22 **MS. HUBACH:** My name is Sherry Hubach,
23 that's H-U-B-A-C-H, 4619 Floramar Terrace, and that's
24 Gulf Harbors.

25 I'm not sure what those system of pipes with

1 the red light are called, lift station, pumping
2 station, whatever, that are in our community.

3 **MR. WILLIS:** Lift stations.

4 **MS. HUBACH:** Okay. Someone just said a few
5 minutes ago that they were average or not bad or
6 whatever. Then why is it that they emit a terrible
7 odor when a red light does not go on, and God forbid
8 what it smells like when it does go on.

9 And my second question and/or comment is,
10 first of all, I'm not at all familiar with something
11 so vital to human existence as water and sewage
12 belonging to a private individual. I come from a
13 state where it was community owned or local government
14 and regulated by a Public Service Commission, so this
15 is all alien to me, that an individual can own the
16 water that I need to survive. But anyway -- my
17 question is when that red light goes on -- and they do
18 in our neighborhood quite frequently -- what happens
19 if someone does not see that or doesn't bother to make
20 a phone call? Nothing gets fixed. Is it too much to
21 expect that there is somebody at the other end of this
22 system that can see that there's trouble and send
23 someone out to fix it?

24 **MR. CROUCH:** There are more modern systems
25 where there would telemetry that will go back to the

1 main office to tell them that a lift station has
2 malfunctioned for whatever reason. To put in a
3 telemetry system would be expensive. Now, I don't
4 think that's part of the plans right now for upgrading
5 this system. When that light goes on that tells you
6 that a pump has failed in my lift station.

7 **MS. HUBACH:** My nose does also.

8 **MS. HASTINGS:** And eventually it would
9 overflow if not fixed within a reasonable period of
10 time.

11 **MS. HUBACH:** My point is, is it unreasonable
12 to assume that since we're paying for these services,
13 and we're going to obviously be paying more, why can
14 we not expect to have someone who can do something at
15 some end of a computer line, for heaven's sake, to
16 look at it and have it ring trouble, and fix it
17 without having some citizen have to pick up the phone
18 and call? If it happens in the middle of the night,
19 we can be asleep six hours before something is done.

20 **MR. CROUCH:** A telemetry system is a
21 possibility. It would cost money. And this is
22 something that they could put in.

23 **MS. HUBACH:** He certainly has enough money
24 to do it, I'm sure. Thank you. (Applause)

25 **MR. WILLIS:** Thank you very much.

1 Is there anyone else who would like to come
2 forward at this time and give comments? If not I'd
3 certainly like to take this opportunity to thank every
4 one of you. I'm sorry everybody left. I know it's a
5 late hour for a lot of people. But I certainly want
6 to express our appreciation for the large crowd that
7 has turned out tonight. We certainly are taking your
8 comments to heart. We've taken excellent notes. It's
9 all been transcribed so the Commissioners, who will be
10 deciding this case, will be able to read all of your
11 comments and know your concerns, as well as the staff
12 of the Commission who are here tonight.

13 And with that, we'll close the hearing down
14 tonight and I wish to thank you again.

15 (Over at 9 p.m.)
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