



JACK SHREVE
PUBLIC COUNSEL

ORIGINAL
STATE OF FLORIDA
OFFICE OF THE PUBLIC COUNSEL

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c/o The Florida Legislature
111 West Madison St.
Room 812
Tallahassee, Florida 32399-1400
850-488-9330

RECORDS AND
REPORTING

August 5, 1999

Ms. Blanca S. Bayó, Director
Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0870

RE: Docket No. 981781-SU

Dear Ms. Bayó:

Enclosed are an original and fifteen copies of Rebuttal Testimony of Kimberly H. Dismukes for filing in the above-referenced docket.

Please indicate receipt of filing by date-stamping the attached copy of this letter and returning it to this office. Thank you for your assistance in this matter.

Sincerely,

Stephen C. Reilly
Associate Public Counsel

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FPSC-BUREAU OF RECORDS

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FPSC-BUREAU OF RECORDS/REPORTING

ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application of North Fort Myers)
Utility, Inc. for an extension of)
wastewater service in Lee County)

Docket No. 981781-SU
Filed: August 5, 1999

Rebuttal Testimony

of

Kimberly H. Dismukes

On Behalf of the Citizens of the State of Florida

Jack Shreve
Public Counsel

Office of the Public Counsel
c/o The Florida Legislature
111 West Madison Street
Room 812
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(850) 488-9330

Attorney for the Citizens
of the State of Florida

DOCUMENT NUMBER-DATE

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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Attorney for the Citizens
of the State of Florida

1 REBUTTAL TESTIMONY
2 OF
3 KIMBERLY H. DISMUKES

4
5 On Behalf of the
6 Florida Office of the Public Counsel

7
8 Before the
9 FLORIDA PUBLIC SERVICE COMMISSION

10
11 Docket No. 981781-SU
12

13 **Q. WHAT IS YOUR NAME AND ADDRESS?**

14 **A.** Kimberly H. Dismukes, 6455 Overton Street, Baton Rouge, Louisiana 70808.

15 **Q. BY WHOM AND IN WHAT CAPACITY ARE YOU EMPLOYED?**

16 **A.** I am a self-employed consultant in the field of public utility regulation. I have been
17 retained by the Office of the Public Counsel (OPC), on behalf of the Citizens of the
18 State of Florida, to evaluate the request by North Fort Myers Utility (NFMU or the
19 Company) to extend its service territory to include the territory of Buccaneer Mobile
20 Estates (Buccaneer).

21 **Q. ARE YOU THE SAME KIMBERLY H. DISMUKES THAT PREFILED
22 DIRECT TESTIMONY ON JULY 15, 1999?**

23 **A.** Yes, I am.

24 **Q. HAVE YOU REVIEWED THE TESTIMONY SUBMITTED BY STAFF
25 WITNESSES MR. BARIENBROCK, MR. FLOYD, AND MR. WILLIAMS?**

26 **A.** Yes, I have.

27 **Q. DO YOU HAVE ANY COMMENTS ON THEIR TESTIMONY?**

1 A. Yes. In particular, I agree with many statements made by Mr. Williams in his direct
2 testimony. In particular, I agree that the interconnection process between NFMU and
3 Buccaneer did not follow the Commission's rules and procedures, that Buccaneer
4 failed to timely inform the Commission of changed circumstances, despite a letter to
5 Buccaneer indicating that it should inform the Commission of changed circumstances,
6 and that NFMU filed a developer agreement with the Commission, but this was the
7 wrong vehicle to seek approval of an expansion of NFMU's service territory.

8
9 Furthermore, I agree with Mr. Williams that there are differences between the
10 residents of Buccaneer and other wastewater systems acquired by NFMU. This
11 difference warrants that the Commission deny NFMU's request to collect service
12 availability charges from the residents of Buccaneer. As Mr. Williams pointed out,
13 the residents of Buccaneer rent their lots, whereas in the other cases where NFMU
14 took over providing service to the mobile home parks, the residents of those parks
15 owned their lots. Additionally, by the expressed terms of the Agreement between
16 NFMU and the park owner, NFMU's service availability charges have already been
17 fully paid by the park owner. The only issue remaining is whether the park owner can
18 successfully recoup this expense from the residents as a pass-through, under Chapter
19 723, Florida Statutes. But according to this Florida Statute such a dispute should be
20 resolved in the Circuit Court serving Lee County.

21

1 **Q. DO YOU AGREE WITH MR. WILLIAMS' CONCLUSIONS ABOUT THE**
2 **OPTIONS AVAILABLE TO THE COMMISSION WITH RESPECT TO THE**
3 **PROVISION OF WASTEWATER SERVICE TO THE RESIDENTS OF**
4 **BUCCANEER?**

5 **A. Not entirely. Mr. Williams gives the Commission two options, although he offers a**
6 **third, which he notes is not feasible. That option is for the residents of Buccaneer to**
7 **take possession of the collection system, but Mr. Williams notes that this is not**
8 **feasible because he believes the residents have not shown an interest in organizing for**
9 **this purpose.**

10
11 The other two options offered by Mr. Williams, include first, for the park residents
12 to become direct customers of NFMU and to pay the base facility charge of \$10.98
13 per month plus a gallonage charge of \$3.98 per 1,000 gallons of water used. While
14 I agree that this is an option, it is not in the best interests of customers. On average,
15 residents of Buccaneer would pay \$21.48, per month for wastewater service.

16
17 The second option offered by Mr. Williams is for the park owner to become a bulk
18 customer of NFMU and to resell wastewater service to the residents of the park.
19 Under this scenario the park owner would pay NFMU a base facility charge
20 depending upon the meter size and \$3.98 per 1000 gallons of water used. It is not
21 clear, how these costs would or could be passed onto the residents of the park. If

1 they were passed along to the residents, each resident would presumably pay for the
2 gallons of wastewater treated and a prorata share of the bulk base facility charge. As
3 Mr. Williams pointed out, if the park owner wished to escape rate regulation by the
4 Commission, then these charges could possibly be passed along to the residents as
5 part of the lot rent. Again, while I agree that this is an option, it does not appear to
6 be in the best interests of customers. Assuming for the sake of argument that these
7 costs could be charged to the residents of Buccaneer, the average monthly bill would
8 be \$11.05. Clearly, this option is better than the first one outlined by Mr. Williams.

9
10 A third alternative is for the owner of Buccaneer to restore the dismantled treatment
11 plant and to make the necessary improvements so that it could obtain an operating
12 permit. The cost of restoration clearly should not be borne by the residents of
13 Buccaneer. The park owner prematurely dismantled the plant and interconnected
14 with NFMU without the permission of this Commission, presumably for the purpose
15 of eliminating this option from being available to the residents. To the extent the
16 Commission ordered the restoration, these costs should be borne by the park owner.

17
18 A range of estimates have been put forth to make the necessary improvements: Mr
19 Barienbrock has a low estimate of \$245,000, Mr. Bidy had a medium estimate of
20 \$265,00 and Mr. Barienbrock offers a high estimate of \$320,000. To determine if this
21 option would be less costly to the residents, I determined the monthly cost to

1 customers under each estimate, assuming the cost of the improvements would be
2 depreciated over 30 years with a cost of capital of 10%. Under the low estimate, the
3 average cost per customer would amount to \$3.19 per customer per month levelized
4 over a 30-year period. Using Mr. Biddy's estimate, the average levelized cost over
5 the 30-year period would be \$3.45. Using the high estimate, the average cost per
6 customer, per month, would amount to \$4.17 levelized over 30-years. Given that the
7 park owner would have continued to collect the \$6.07 in lot rent associated with
8 wastewater service, the total monthly cost to the residents of Buccaneer would be
9 between \$9.26 and \$10.24. This compares to the current proposal of NFMU to
10 collect monthly base facility charges and gallonage charges of \$21.48¹. This option,
11 would result in an average savings of between \$11.24 and \$12.22 per month, for each
12 resident of Buccaneer. Clearly, this is the least cost option to the residents of
13 Buccaneer and one that the Commission should seriously consider given that the park
14 owner acted imprudently.

15
16 There is a fourth option, which I believe to be the most practical and would yield the
17 same outcome to the residents of Buccaneer as the third option, but would not require
18 the park owner to rebuild the prematurely dismantled plant. Under this option, the
19 park owner would retain ownership to the collection system and become a bulk

¹ This comparison excludes the \$462.00 service availability fee, NFMU proposes to collect from the residents of Buccaneer. As indicated in my direct testimony and as Mr. Williams indicates in his direct testimony, these fees should not be collected from the residents of Buccaneer.

1 customer of NFMU. The park owner would only be permitted to charge customers
2 a monthly charge of between \$3.19 and \$4.17, all other charges assessed by NFMU
3 to the park owner would be absorbed by the park owner. The total cost to the
4 residents, including the \$6.07 included in the lot rent would amount to between \$9.26
5 and \$10.24. Presumably, however, for this option to be feasible the Commission
6 would take over rate jurisdiction of the Buccaneer and allow a fixed rate of between
7 \$9.26 and \$10.24. I recommend that the Commission use the medium estimate
8 provided by Mr. Bidy for the cost of improvements, which would produce a monthly
9 bill to the customers of \$9.52.

10
11 Clearly, this option is less cumbersome than the third option discussed above, but
12 leaves the residents of Buccaneer in the position they would have been in had the park
13 owner acted prudently. Furthermore, if the park owner were to be considered a
14 reseller of wastewater service, the rates and charges to the park owner would be the
15 same as NFMU charges to its other bulk customers. There would be no
16 discrimination in rates between different customers of NFMU, but the residents of
17 Buccaneer would not be harmed by the imprudent actions of the park owner.

18
19 From a fairness standpoint, I believe this to be the best option available to the
20 Commission, the residents, NFMU, and the park owner. The residents of the park are
21 not harmed by the imprudent actions of the park owner. NFMU gains a bulk

1 customer. The park owner is not rewarded for its imprudent actions, but at the same
2 time is not required to expend the funds to restore the plant. From the Commission's
3 standpoint, its a fair and equitable result, which protects the interests of Buccaneer
4 residents. This option also achieves two of the goals stated in the testimony of Mr.
5 Williams: 1) that NFMU would be adding the equivalent of 972 customers that would
6 help absorb its excess capacity; and 2) the residents of Buccaneer would be provided
7 consistent wastewater service.

8
9 In addition to this requirement, if the Commission orders the park owner to charge
10 the residents \$3.44, plus the \$6.07 previously included in the lot rent, the Commission
11 must order the park owner to correct any infiltration problems with the collection
12 system. This monthly cost includes \$100,000 for repairs of the collection system.

13 **Q. DOES THIS COMPLETE YOUR PREFILED REBUTTAL TESTIMONY**
14 **FILED AUGUST 5, 1999?**

15 **A. Yes, it does.**

**CERTIFICATE OF SERVICE
DOCKET NO. 981781-SU**

I HEREBY CERTIFY that a correct copy of the foregoing Rebuttal Testimony Kimberly H. Dismukes, has been furnished by U.S. Mail or hand delivery* to the following parties on this 5th day of August, 1999.

Martin S. Friedman, Esquire
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688 Brigantine Blvd.
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Mr. Ronald Ludington
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Stephen C. Reilly
Associate Public Counsel