

BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

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In the Matter of : DOCKET NO. 960545-WS
:
INVESTIGATION OF UTILITY :
RATES OF ALOHA, :
INC. IN PASCO COUNTY. :

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VOLUME 2

Pages 99 through 284



PROCEEDINGS: HEARING
BEFORE: COMMISSIONER SUSAN F. CLARK
COMMISSIONER E. LEON JACOBS, JR.
COMMISSIONER LILA A. JABER
DATE: Wednesday, March 29, 2000
TIME: Commenced at 10:00 a.m.
PLACE: Clarion Hotel Ballroom
5316 U.S. Highway 19 North
New Port Richey, Florida
REPORTED BY: JANE FAUROT, RPR
FPSC Division of Records & Reporting
Chief, Bureau of Reporting
APPEARANCES:
As heretofore noted.

DOCUMENT NUMBER-DATE

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2 COMMISSIONER CLARK: We will call the hearing
3 back to order. Mr. McLean, call your next witness.
4 However, before you do that, I would like to indicate that
5 at the break Bibi Janaes, her first name is B-I-B-I, her
6 second name is J-A-N-A-E-S, came up and said that she
7 could not be here this afternoon, but she did want to
8 indicate she had lived ten years in the Woodgate
9 community, five years in the Riviera community and that
10 she has experienced black water. She has indicated to me
11 she will be filling out one of the special report sheets
12 as part of this record.

13 Also, Mr. McLean, Ruth Drew has asked if she
14 might be able to go first, she has an appointment. I know
15 there are other people that may be in the same situation,
16 but I just wanted to pass that on to you.

17 MR. McLEAN: Yes, ma'am. Thank you.

18 Let me add something along those lines. These
19 are also sequentially numbered, and these are apparently
20 the order in which they were given to customers as they
21 came in. They number all the way up to 460 down here at
22 the bottom, which is an arbitrary number. They start at
23 399 and go up to 460. Unfortunately, I have at least 25
24 sheets all of which are numbered 460. There is no way I
25 know of to know which order these folks came in, so I'm

1 just going to call them as they come.

2 COMMISSIONER CLARK: Okay. Let me ask a
3 question. Let me ask who here has signed up to testify?
4 So it's a great many of them. Go ahead and go through the
5 list.

6 MR. McLEAN: The lady's name that you mentioned?

7 COMMISSIONER CLARK: Ruth Drew.

8 MR. McLEAN: Let's call Ms. Drew.

9 MS. DREW: I just came in.

10 COMMISSIONER CLARK: Ms. Drew, were you sworn
11 in?

12 MR. McLEAN: And I don't believe Ms. Drew has
13 taken the oath.

14 COMMISSIONER CLARK: Would you raise your right
15 hand, Ms. Drew. Would you stand and raise your right
16 hand.

17 (Witness sworn.)

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1 RUTH DREW

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

5 DIRECT STATEMENT

6 COMMISSIONER CLARK: Thank you. Would you give
7 us your name and address, and spell your last name.

8 MS. DREW: My name is Ruth Drew, D-R-E-W, 1051
9 Trafalgar Drive, New Port Richey, 34655. I just have a
10 few exhibits here about the water in my house. One is
11 some photographs of the water in my bathtub. And my
12 daughter was horrified when she came to visit. We had
13 never had any water like this before. This black down
14 here is the sediment from the bottom of the bathtub after
15 the water drained out. These are some deposits from the
16 faucet in the kitchen and in each bathroom. And this
17 final deposit from the water tank in each bathroom. There
18 is a sediment in the bottom of these filter holders. And
19 that's all. The water doesn't smell good, either. That's
20 all.

21 COMMISSIONER CLARK: Ms. Drew, if you would just
22 wait a minute. Mr. McLean, do you have any follow-up
23 questions?

24 MR. McLEAN: No, ma'am, I don't. Thank you.

25 MR. DETERDING: I just wanted to ask her a

1 couple to clarify where those came from. You said some of
2 the deposits you had there in the folded-up paper were
3 from the faucets. Are they from like the screen?

4 MS. DREW: It is around the edge of -- where the
5 water comes out, it is right around the edge of the faucet
6 collected in each bathroom and in the kitchen.

7 MR. DETERDING: Thank you.

8 MS. DREW: The samples are here.

9 COMMISSIONER CLARK: Okay. Any questions?

10 MR. DETERDING: No.

11 COMMISSIONER CLARK: Staff.

12 MS. DREW: Shall I leave these here?

13 COMMISSIONER CLARK: Yes. Mr. McLean, would you
14 like them marked as an exhibit?

15 MR. McLEAN: Yes, Commissioner Clark. If you
16 believe that is the most efficient way, we could do that,
17 put them into the correspondence side of the docket. I'm
18 willing to go with your pleasure. I don't know which is
19 the better way. If we mark them as exhibits, they will
20 have to be stored in your --

21 COMMISSIONER CLARK: I don't think I will mark
22 the water as exhibits, but I think the pictures we will
23 mark as an exhibit. Not the sediments, either, just the
24 pictures.

25 MR. DETERDING: May I ask a question, then, if

1 you are going to make these exhibits?

2 MS. DREW: Yes.

3 COMMISSIONER CLARK: Go ahead.

4 MR. DETERDING: Thank you.

5 Ms. Drew, do you have a home water softener?

6 THE WITNESS: No.

7 MR. DETERDING: No softener.

8 MS. DREW: Is that all?

9 MR. DETERDING: That's all I had. Thank you.

10 MR. JAEGER: Ms. Drew, which subdivision was
11 that that you are in?

12 MS. DREW: I'm sorry, I didn't hear you.

13 MR. JAEGER: Ms. Drew, what division do you live
14 in?

15 MS. DREW: Oh, Edenbrook.

16 MR. JAEGER: And is that Wyndtree or -- I mean,
17 is there a --

18 MS. DREW: It is in Wyndtree.

19 MR. JAEGER: Okay. Thank you. That's all I
20 had.

21 MR. McLEAN: The citizens call John G. -- it's
22 H-A-T-S-I-O-S, I believe.

23 COMMISSIONER CLARK: Let's move the exhibit of
24 the pictures and sediment into the record and that is
25 Exhibit 6.

1 (Exhibit 6 marked for identification and entered
2 into the record.)

3 MR. McLEAN: Thank you, Madam Chairman.

4 JOHN HATSIOS

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

8 DIRECT STATEMENT

9 MR. HATSIOS: Madam Chairman and Commissioners,
10 ladies and gentlemen, my name is John Hatsios,
11 H-A-T-S-I-O-S. I live at 1410 Amesbury Court in the
12 Chelsea Place Subdivision. I came here two and a half
13 years ago. Yes, I am an engineer, but I'm not an expert
14 in water quality. I will just talk common sense to you
15 and some facts. We do not drink the water. Sometimes we
16 are afraid to bathe in the water. We purchase water.

17 And if you want to know the reason -- I think
18 you know the reason why, but I got this water this morning
19 because to show you that the water is getting worse, it's
20 not getting any better. This water was collected this
21 morning about 8:30, okay.

22 Now, I know that this matter has been locked in
23 bureaucracy, if you want to call it bureaucracy, from the
24 good point of view bureaucracy. I don't want to complain
25 here that our Commissioners are not doing anything, or our

1 elected officials are not doing anything, but it has been
2 locked. Nothing has been done. We have seen no results
3 for the last few years the way I understand it. And many
4 of my neighbors have given up and they are very
5 frustrated.

6 We get into semantics. I know that counsel
7 asked the question again and again of why only one-third
8 of the respondents answered a survey. For us, we have
9 read some of the textbooks. You know very well that it is
10 a fact that a survey, a mailed survey, the expectation is
11 about one-third of responses. So it is a very elementary
12 question. So let's don't get to that stuff, because we
13 can be here for years talking about these things, okay.

14 So the water is getting worse. We don't see any
15 results and where does that leave us, okay. It leaves us
16 that Aloha says we meet your standards. And EPA says,
17 yes, they meet our standards, okay. We have all of those
18 meetings, and sooner or later I'm afraid -- I hope I'm
19 wrong, we are going to get a letter that says, well, the
20 water is bad, you can't drink it. We are not going to
21 drink it. But it meets the standards, so nothing we can
22 do about it.

23 Now, why then -- and, of course, we cannot force
24 EPA to change the rules. We are only about a few thousand
25 people because this does not happen any place in the

1 world. I travel in my business in many countries,
2 including underdeveloped countries, and I haven't seen
3 anything like this. I travel all over the United States
4 with copper pipes, et cetera, whatever, I haven't seen
5 anything like this. I came here from New York State, and
6 of course in New York State many places say the water is
7 dirty. I haven't seen anything like this, okay.

8 Now, what will we have to do to convince people,
9 people in general, that something has to be done about it?
10 Our only hope is this Commission. Our only hope, okay.
11 Because it is easy for the Commission to hide behind the
12 standard or even the responsibility they have, but what do
13 we have and who is going to protect us? So, I don't know
14 how to ask you that we can't wait any longer. I don't
15 know what the solution is, okay.

16 Now, I have come from New York State, the
17 solution in New York State is very easy. As you know,
18 LaGuardia many years ago, just tap water out of the
19 Catskills, and New York City has the cleanest water, one
20 of the cleanest water probably in the country, if not the
21 world. I know, now simplistically talking, I know that we
22 have cleaner water up here 1100 miles away, okay. But our
23 experts, my guess, they don't want to think about it.
24 What I'm saying here is I don't suggest that I'm an
25 expert, and I say this is a solution, but another solution

1 if this matter with Aloha is not the resolved timely, and
2 I'm talking about not years, a few months we can wait.
3 Before, I don't know, what are you waiting for, for us to
4 start getting sick? That is ridiculous. Come on now,
5 okay. What I'm suggesting is the Commission and our
6 elected officials start looking seriously about alternate
7 sources of water for us. You.

8 COMMISSIONER CLARK: Just a minute, Mr. Hatsios.
9 We need to see if there are questions. Mr. McLean, any
10 questions?

11 MR. McLEAN: Yes, ma'am. Just a couple. What
12 faucet did you draw the water from?

13 MR. HATSIOS: This was from the -- when I went
14 to take a bath this morning in my bathtub, the master
15 bedroom.

16 MR. McLEAN: Is it unusual for the water to look
17 like that?

18 MR. HATSIOS: No, it's not. The same tomorrow.
19 Do you want some more tomorrow morning?

20 MR. McLEAN: Would it have been the same
21 yesterday?

22 MR. HATSIOS: Yes.

23 MR. McLEAN: That is a typical representation of
24 your water?

25 MR. HATSIOS: Yes. Sometimes it doesn't happen,

1 okay, so it can be one day or two days that we will not
2 have it, but it will be back.

3 MR. JAEGER: Do have you any kind of home
4 treatment in your house?

5 MR. HATSIOS: No, no. We don't believe in those
6 things.

7 MR. McLEAN: Thank you, sir. I'm sorry, one
8 more. Does it come from hot or cold water?

9 MR. HATSIOS: I believe it was hot. You know, I
10 turn them both at the same time. I believe it is hot
11 because that is what I heard from the testimony.

12 MR. McLEAN: I do, too. Thank you, sir. I have
13 nothing further.

14 COMMISSIONER CLARK: Mr. Deterding.

15 MR. DETERDING: Just a couple of questions.
16 Thank you for clearing that up, Harold.

17 You said this does not happen anywhere else in
18 the world, you are just talking about from your personal
19 experience?

20 MR. HATSIOS: Yes, from my personal experience.
21 I haven't heard anything anywhere from anybody, okay. If
22 I tell them about this, they just don't believe it.

23 MR. DETERDING: Okay. And you are not familiar
24 with the studies that have been done on a national level
25 with this problem that it does occur in other places,

1 then?

2 MR. HATSIOS: No.

3 MR. DETERDING: Okay. Have you every filed a
4 complaint with Aloha Utilities concerning this issue?

5 MR. HATSIOS: No. And I will tell you why.
6 Because I didn't expect any response. Because all of my
7 neighbors told me there is no reason to do that. We have
8 been doing that for years.

9 MR. DETERDING: Are you aware that Aloha comes
10 to every customer's home who files that type of complaint?

11 MR. HATSIOS: Yes, they do. They come flush the
12 system, and three days later it comes back. So I saw no
13 reason to do that.

14 MR. DETERDING: Okay. Thank you.

15 MR. JAEGER: Mr. Hatsios, I have one question.
16 You have been holding up a jar of water there. How would
17 you describe the color of the water, because the court
18 reporter can't put that down.

19 MR. HATSIOS: Something between black, brown,
20 and gray. You can't see through it, of course. It is not
21 translucent. It is pretty much -- it is very bad.

22 COMMISSIONER CLARK: One more question.

23 Commissioner Jaber would like to ask you a question.

24 MR. HATSIOS: Sure.

25 COMMISSIONER JABER: Let me first thank you for

1 being here, but I wanted to go back to your comment that
2 sometimes the water is not that color. Have you noticed
3 what time of day that might be? On those occasions where
4 it is not that color, is there a particular time of day?

5 MR. HATSIOS: It is very hard to say, because it
6 can happen -- in our dishwasher, we get our dishes stained
7 black and we have to redo them. It can happen in the
8 clothes, okay. We can wash our clothes. Of course, we
9 don't drink that water, we buy water. We have to rinse
10 sometimes even with purchased water, and it can happen any
11 time. I mean, when we have visitors that are pleasantly
12 surprised because they get black when they try to take a
13 shower. It is just unbelievable.

14 COMMISSIONER JABER: So there is no sense of
15 consistency when it happens?

16 COMMISSIONER CLARK: No, you can't tell.

17 COMMISSIONER JABER: And I haven't heard anyone
18 talk become washing clothes, and what the reaction might
19 be to clothes. Can you give me some information --

20 MR. HATSIOS: Well, you have to wash them again
21 and then they clean. You know, sooner later you are going
22 to get some cleaner water and you wash them and live with
23 it.

24 COMMISSIONER JABER: When you run the water for
25 a period of time does it get clearer?

1 MR. HATSIOS: Yes.

2 COMMISSIONER JABER: How long does it take?

3 MR. HATSIOS: It's very hard to tell, because
4 you start the water somewhere -- how are you going to do
5 that with a dishwasher? How are you going to do that when
6 you wash clothes, right? But usually the shower you can
7 tell, so you just pull back and wait. Sometimes it takes
8 a few seconds, sometimes it take a few minutes.

9 COMMISSIONER JABER: Thank you.

10 MR. HATSIOS: You're welcome.

11 COMMISSIONER CLARK: Thank you.

12 MR. McLEAN: The Citizens call Harry Hawcroft,
13 H-A-W-C-R-O-F-T. The gentleman lives at 1612 Boswell
14 Lane.

15

- - - - -

16 HARRY HAWCROFT

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

20 DIRECT STATEMENT

21 MR. HAWCROFT: Good afternoon. My name is Harry
22 Hawcroft, spelled H-A-W-C-R-O-F-T. I reside at 1612
23 Boswell Lane, New Port Richey 34655. We are consumers of
24 the Aloha Utility Water System. What I would like to do
25 today is show you a few items that I have brought with me

1 today. And I apologize for the delay of bringing these
2 out of my travel bag.

3 But, first of all, I would like to show you a
4 sediment filter that I took out of my house. I had it in
5 service for one month, and it was in there in October of
6 '99. And I had this filter in service for 28 days. This
7 filter was placed in a Culligan water sediment filter
8 system prior to the water entering my home. All I wanted
9 to do at that time was try and eliminate some of if the,
10 if not all of the black water that was coming into my
11 home. I will show you this filter, and then I will show
12 you in the end of that time period this is what the filter
13 prevented coming into my home. If I leave this for a
14 period of time, the solids will settle out to the bottom
15 and this become somewhat clear. But if I invert it, you
16 will see the sediments or whatever the things are just go
17 to the different parts of the jar.

18 So what I did, I was talking to a neighbor of
19 mine, a Mr. Russ Novotny, and fortunately he had access
20 through his previous employment to a person, a doctor,
21 Doctor Hewett (phonetic), who has a Ph.D. in chemistry.
22 So I said to him, we were talking about the problems that
23 we had independently in our homes, and I said I would
24 really like to know why this filter turns out like this.
25 And this is the -- I bought these in pairs. This is the

1 way it would have appeared before it went into the
2 housing.

3 So I asked him would there be a way with your
4 engineering background you might have access to somebody
5 that could find out what was in this particular filter.
6 And he said, "Well, let me check." So he did. And after
7 a few days he said yes. He said this chemist friend of
8 his had access to an electron microscope, which to me is
9 like the Star Wars technology.

10 So I said, well, would he be prepared to, number
11 one, look at my filter and see what he could find. He
12 said the results were -- yes, he could take a look. I
13 also had a concern about the quality, the quality of the
14 copper that was used in our homes. So I did -- during the
15 construction of the last home, which was completed in
16 about November of this year, I talked to one of the
17 plumbers from the local plumbing contractor, and he gave
18 me a sample of the copper tubing that had been used in the
19 construction of that home.

20 I have this labeled, and I also have the
21 manufacturers label which is inscribed and stamped on
22 here. And it is a USA Redding (phonetic), Type L, UPC,
23 and then there is a registered code on here. Which to
24 myself, not being in the plumbing business, it really
25 means not too much to me. But I can offer this and the

1 registration, the manufacturer stamp is here. This is the
2 type of copper that is used in the subdivision that I live
3 in, which is Wyndgate. It is a subdivision off the
4 Mitchell Boulevard area, which is served by Aloha
5 Utilities.

6 Mr. Hewett checked briefly the copper. I don't
7 know whether he analyzed it or whatever, but he noted the
8 manufacturers registration and he said the copper was of
9 good quality in his opinion. I also brought a sample of
10 the copper from my home. And this was approximately -- my
11 home is just over two years old. And approximately six
12 months into our home we decided to install a water
13 softener. I have a sample of the pipe when the pipe was
14 cut to install the softener. I have a sample of the pipe
15 here, and you can clearly see inside the blackness forming
16 at that early stage. And I have this with my address on
17 here so that there will be no mistake where this came
18 from.

19 The chemist, the Ph.D. friend, at no charge he
20 provided us with a printout which I have extra copies of
21 for anybody to check over these, should they need to. And
22 what they do show is they show -- they show sulfur, they
23 show copper, they show iron, they show chromium, they show
24 calcium, phosphorous, and last but not least, oxygen. And
25 they are all clearly marked on the printout that was done.

1 According to the analysis that he did and the
2 verbal report that I received, most of our problems are to
3 do with the iron sulfide. And these charts mean nothing
4 to me, but if you look it says on there the black
5 particles in the filter, which is this filter here, by his
6 samplings on his electron microscope, that is what the
7 findings were on this sheet. So I ask you to pay
8 attention to that. Those services were provided free of
9 charge. And I do not have any other written report on
10 that survey other than what you see here.

11 COMMISSIONER CLARK: Thank you. Tell me when
12 the water sample was taken?

13 MR. HAWCROFT: The water sample, like I said to
14 you, I took that when I changed this housing at the very
15 end of October. And then I sealed it in this jar.
16 Because we were expecting the PSC meeting to be sometime
17 in the November time slot, so this was kind of put in that
18 time frame. And this came right out of the housing prior
19 to it going through this filter and then into our home.

20 COMMISSIONER CLARK: Thank you.

21 MR. HAWCROFT: So there you have those two
22 elements there. Like I said, to refresh again, the copper
23 tubing should somebody say that cheap tubing is used or
24 it's of a poor quality, this can maybe be checked by
25 your -- I know you have technical people, these are

1 offered to you.

2 COMMISSIONER CLARK: Thank you.

3 Mr. McLean, do you have any questions?

4 MR. McLEAN: No, ma'am, I don't. Thank you.

5 COMMISSIONER CLARK: Mr. Deterding.

6 MR. DETERDING: I've got a couple. This
7 analysis that you had a Mr. Hewett do, do you know if
8 Mr. Hewett deals in water chemistry or not?

9 MR. HAWCROFT: I can't say that. The only thing
10 I can say is he put the black particles under the
11 magnification of the electron microscope, and anybody that
12 is knowledgeable that can read that can probably -- going
13 to the movie phrase, can analyze this. He can analyze it.
14 It means something to a skilled person, but to myself --
15 and back to your question, no, I don't know if he is
16 qualified to do that. He has a Ph.D. in chemistry. And I
17 think he does research work for the University of South
18 Florida. He did this, I must say, as a favor to me. It
19 was not a paid service, because I could not afford this
20 guys hourly or that kind of a thing.

21 MR. DETERDING: And did you say he prepared a
22 written report other than this?

23 MR. HAWCROFT: No, sir. No, I did not say that.

24 MR. DETERDING: Okay.

25 MR. HAWCROFT: This is the only written

1 information that I have. I have some verbal information
2 from the guy that actually carried this to him, and then
3 brought these results back to me.

4 MR. DETERDING: I don't see a scale on here from
5 which we can determine what the measurement is, what the
6 level of copper or so forth is in this analysis. Do you
7 know anything about the scale of these?

8 MR. HAWCROFT: No, I don't. I'm not qualified
9 to even refer to that. All I would say is this came, like
10 I said, from an electron microscope and that is all I
11 could say.

12 MR. DETERDING: And one other question on this.
13 I see the letters CU three different times on each one of
14 these. I assume that is referring to some analysis of
15 copper, but I'm just wondering if you have any idea why it
16 has it three different times?

17 MR. HAWCROFT: No. Usually I would imagine it
18 is just -- it probably is just like if you are referring
19 to when you go for a heart monitor, it may be scanned for
20 so many cycles. But I'm not really qualified to say.

21 MR. DETERDING: I was just trying to get some --
22 because one of the CUs is at the very top on the top one,
23 and one of them is near the very bottom. And I didn't
24 know what that related to or how that could be read. Do
25 you know what department Mr. Hewett is in, what company he

1 works for? Just out of curiosity.

2 MR. HAWCROFT: Yes, I do. He works for -- I
3 don't know the department, he works for a company called
4 Alliance Tech Systems. Alliance is a defense contractor.
5 I think they were formerly called Sperry. But like I
6 said, this individual did this as a no fee. It was like a
7 favor to me or to the individual that took this
8 indirectly.

9 MR. DETERDING: You have his card. Do you have
10 a phone number?

11 MR. HAWCROFT: No, I don't. Actually this card
12 here was given to me at the lunch break to the individual
13 that took the information to him.

14 MR. DETERDING: I see. And you indicated that
15 the water sample you brought was taken from the filtration
16 tank where the filter is --

17 MR. HAWCROFT: This was taken prior. This
18 sample of water is Aloha. This is my house. This is my
19 caster (phonetic) wall that prevents that from reaching
20 into my house and becoming -- if you look at this it is
21 somewhat better than these samples here.

22 MR. DETERDING: I understand.

23 MR. HAWCROFT: That's where it was taken. It
24 was taken on the cold side, the supply into my -- into the
25 base of the filter which would go through this element and

1 into my home.

2 MR. DETERDING: But it was taken from the base
3 of the filter, from where the filter goes, the chamber?

4 MR. HAWCROFT: Yes, in the housing.

5 MR. DETERDING: And you said this is outside of
6 your home. Do you mean in your garage or --

7 MR. HAWCROFT: Yes. The filter housing is on
8 the wall of my -- in my garage, inside the garage.

9 MR. DETERDING: Do you know whether that is
10 before or after the softening unit?

11 MR. HAWCROFT: This is prior to the system going
12 into my softener. I installed this system at the time
13 that I installed my softener, because I had heard people
14 having problems with their softeners, that the resin, the
15 resin beds were becoming useless, and so I installed this
16 system prior to my softener.

17 MR. DETERDING: Okay. That is all I have.
18 Thank you.

19 MR. HAWCROFT: I just have one more thing. I
20 thought the learned counsel was going to ask me did I call
21 and complain about the water utilities.

22 MR. DETERDING: Yes, thank you.

23 MR. HAWCROFT: So I kind of had an ace card that
24 I was going to use in reversal.

25 COMMISSIONER CLARK: Go ahead and use it.

1 MR. HAWCROFT: Okay. I was talking to this
2 individual neighbor by the name of Mr. Russell J. Novotny.
3 Now, I don't have his exact street address, but he lives
4 on Orchard Grove in my development. And Mr. Novotny in
5 the period of February of 1999 -- he is an engineer
6 with -- or a retired engineer with this Alliance system.
7 And engineers are naturally inquisitive guys. They want
8 to know -- and he had heard and he had saw in the model
9 home in our development that the water was kind of smelly
10 and he didn't like the general look of things. So he
11 verbally on the telephone contacted Aloha Utilities. This
12 is February of 1999. He contacted them and he said, here
13 is the way it goes, I'm going to buy a home in Wyndgate,
14 and I have a concern about the quality of the water. So
15 the person who answered the telephone said, well, we will
16 send you a report as to the quality of the water. So
17 Mr. Novotny gave this person his address, and I will read
18 you just a small paragraph of the letter that he received.
19 This letter is addressed to Mr. Russ Novotny, 215
20 Palmetto, P-A-L-M-E-T-T-O, Court, Oldsmar, Florida 34677.
21 And it is dated February 10th of 1999. Mr. Novotny's name
22 is spelled N-O-V-O-T-N-Y.

23 And this is what really might be interesting,
24 not to make a long case of this. "Dear Valued Customer,"
25 this is from Aloha Utilities. "Our technical service

1 representative has visited your home in response to your
2 report that you are experiencing discolored water
3 problems. First, I wish to ensure you that your
4 satisfaction with our utility company is very important to
5 us. As part of this trouble-shooting effort, our
6 technical service representative visually observed your
7 hot and cold water piping system and looked for any
8 on-site water treatment devices that you have installed in
9 your home. In addition, they looked for any installed air
10 conditioning, heat recovery systems, or solar equipment
11 that was installed to help heat your water."

12 The strange thing about this letter is that it
13 was sent in February of 1999 and Mr. Novotny's home was
14 not completed until October of '99, so it is very
15 difficult to service or even inspect. Thank you.

16 COMMISSIONER CLARK: Mr. Hawcroft, I have a
17 question for you.

18 MR. HAWCROFT: Yes.

19 COMMISSIONER CLARK: You had indicated that
20 water came from the filter, prior to the -- have you had
21 any experience with black water in your home?

22 MR. HAWCROFT: Yes, we have. I experienced
23 right from square one the black water. We have a -- we
24 spent \$3600 extra when we built our home new to have a
25 nice oval what they call a garden tub here in Florida.

1 And that one there it really -- you see all the blackness
2 and the dirt in there.

3 COMMISSIONER CLARK: Do you have problems with
4 black water now?

5 MR. HAWCROFT: Yes, we do.

6 COMMISSIONER JACOBS: Do you still have the
7 filter in place?

8 MR. HAWCROFT: Yes. I have tried another -- I'm
9 work on another little survey. I have tried one with a
10 carbon wrapped element. It looks exactly the same as
11 this, only it is wrapped with a carbon element to try and
12 eliminate some of the odor.

13 COMMISSIONER JACOBS: And I want to be very
14 clear. Your water sample comes from an entry device into
15 your filter, so it is actually coming in your garage or
16 before it goes on into your house.

17 MR. HAWCROFT: That is correct. This sample
18 here, this would be the amount of water or whatever this
19 is that is rejected by this guy, the filter.

20 COMMISSIONER JACOBS: I see.

21 COMMISSIONER CLARK: Thank you.

22 Mr. McLean, any follow up?

23 MR. McLEAN: No, ma'am, thank you.

24 COMMISSIONER CLARK: Mr. Deterding.

25 MR. DETERDING: No thank you.

1 COMMISSIONER CLARK: Staff.

2 MR. JAEGER: No questions.

3 COMMISSIONER CLARK: Commissioners. Thank you,
4 Mr. Hawcroft.

5 MR. HAWCROFT: Thank you very much. Do we want
6 me to leave these?

7 COMMISSIONER CLARK: I think we will not treat
8 it as an exhibit, but keep it on the correspondence side,
9 or, Mr. McLean, what is it you want to do with those?

10 MR. McLEAN: Well, I think the gentleman has
11 described it well enough so that we can all remember it.
12 I do have with respect to the electron microscope results,
13 I think we crossed on those at least enough to
14 authenticate those, so how about let's have those marked
15 as an exhibit, the graph. And beyond that, the letter
16 from the utility, I think the gentleman essentially read
17 that into the record, so I don't see the need to add to
18 that.

19 (Exhibit 7 marked for identification and entered
20 into the record.)

21 COMMISSIONER CLARK: We will mark as Exhibit 7
22 this graph. You can go ahead and take the other things
23 home with you and keep them. And Exhibit 8 -- no, we are
24 not going to mark the letter as an exhibit.

25 MR. McLEAN: I would suggest not, since he read

1 most of it into the record.

2 COMMISSIONER CLARK: All right. Can the graph
3 be admitted into the record?

4 MR. DETERDING: I mean, I guess. I'm not going
5 to object to it, but the gentleman said he didn't know
6 much of anything about what it said, and I'm having
7 trouble trying to determine what it portrays, but --

8 COMMISSIONER CLARK: Okay. We will admit it in
9 the record and the testimony on it will indicate the level
10 of understanding.

11 MR. DETERDING: What is that exhibit number?

12 COMMISSIONER CLARK: Exhibit 7.

13 MR. DETERDING: Thank you.

14 MR. HAWCROFT: Excuse me, are these of any use,
15 either, the sample of the copper pipe?

16 COMMISSIONER CLARK: No, you may take them.

17 MR. McLEAN: Commissioner, I would like to have
18 the one that was taken from the gentleman's home just for
19 our own use at the office.

20 COMMISSIONER CLARK: Not as an exhibit. All
21 right. If you would just give it to Mr. McLean. Thank
22 you.

23 MR. HAWCROFT: Thank you very much.

24 COMMISSIONER CLARK: Mr. McLean, will you call
25 the next witness.

1 MR. McLEAN: Yes, ma'am.

2 MR. JAEGER: Commissioner Clark, I have just
3 been told by our engineers they would like the other pipe,
4 and we will work with Harold on that other one. But they
5 just want to look at the two pipes.

6 MR. McLEAN: I will take them home and saw them
7 both in two if that will help us all. It will be no
8 trouble.

9 MR. JAEGER: That would be fine.

10 COMMISSIONER CLARK: But we will not make them
11 exhibits.

12 MR. McLEAN: I will saw them in three if they
13 want some.

14 Ms. Liz Marinelli, please.

15 COMMISSIONER CLARK: Just a minute.

16 MS. MARINELLI: Elizabeth Marinelli, 1461
17 Davenport Drive, Chelsea Place. M-A-R-I-N-E-L-L-I.

18 ELIZABETH MARINELLI

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

22 DIRECT STATEMENT

23 MS. MARINELLI: Elizabeth Marinelli, 1461
24 Davenport Drive, Chelsea Place. Aloha, you sit with your
25 back facing the very people who have come to face you. I

1 think that is very rude.

2 MR. DETERDING: We can't face the Commissioners
3 and the customers at the same time.

4 COMMISSIONER CLARK: Mr. Deterding, I will --
5 thank you.

6 MS. MARINELLI: I've lived in Chelsea Place for
7 almost two years now. The first thing I noticed, after we
8 purchased our house, was the black water. Even our ice
9 cubes were black. The bathtub was filled back water. For
10 several weeks we went on a vacation, and when we came home
11 we needed to run the black water out of the pipes. And it
12 had such a terrible stench, even the sprinkler system had
13 to be run.

14 I have two children in school. They are taught
15 to conserve water. All of our natural resources are
16 supposed to be precious. They have been taught not to let
17 the water run, not to let your faucet drip. I would
18 appreciate it if you could explain to me and to them why
19 Aloha is dumping thousands of gallons of water from the
20 fire hydrants, especially during a drought alert.

21 Just yesterday morning I passed the corner on
22 Davenport and the fire hydrant was flowing at full force.
23 Strangely enough, the average homeowner is being
24 threatened with fines if we water our lawns. It is
25 difficult to teach children to do the right thing while

1 they see Aloha doing the opposite.

2 We are being forced to use Aloha water. Aloha
3 has been given a monopoly over our water supply. They
4 obviously cannot give the consumer what we are paying for.
5 We have the right as consumers to get what we pay for. We
6 pay for clean drinking water, that is clear and usable.
7 We do not drink the water that comes from the tap. We are
8 forced to enjoy the inconvenience and the expense of
9 purchasing drinking water from outside sources.

10 I understand that the water has sulfides in it
11 and Aloha is not doing a good enough job of controlling
12 the problem. I do not need to study science to understand
13 that they are trying to bring up the chlorine level before
14 the water gets to our houses by dumping thousands of
15 gallons of water. It is not working. Whatever they are
16 doing, it is definitely not working.

17 Aloha Water should be forced to switch us to
18 another water source or repair their own system at their
19 own cost. If they cannot comply with that, if they can't
20 supply us with clean, clear water for our homes, then they
21 are not doing their job. That is what we are paying them
22 to do. We are not getting that. We are asking that you
23 supply us with what we agreed to pay for, clean water that
24 is drinkable and it should be at no greater cost to us
25 than what we are already paying.

1 This is the water from hot and cold. I mixed
2 it, okay. You might say that it looks a little thick.
3 Yes, we could run it for awhile. It might disappear. It
4 might show up again in the shower while you are showering.
5 It can show up in any of the pipes. All of a sudden you
6 get a nice spurt of black water. This is what came out of
7 my bathroom today from the sink. If it is representative
8 of what is in the water all over the place and it is just
9 more condensed when you have a spurt of the dark stuff,
10 you are telling us that this is safe to drink, is that
11 correct? This is supposedly safe to drink? Because I
12 would like to offer either of you from Aloha a nice of
13 glass of fresh water from my tap.

14 I mean, you are sitting there drinking nice
15 fresh water. This is what comes out of our homes. This
16 is what we are supposed to be expected to drink. Be it a
17 little bit clearer or a little bit not. Look, most of the
18 sediment is on the bottom so you are not getting it. So
19 this is what we are being told to drink and that it is
20 safe.

21 I thank you for your time. And I hope you will
22 understand that it is not something that we are very happy
23 about, and it is not a game, and it is not -- you know, we
24 have all tried. We have written letters, I have written
25 to Mike Fasano. I gave up, you know, talking to Aloha.

1 It doesn't pay.

2 COMMISSIONER CLARK: Ms. Marinelli, let me just
3 ask if there are any questions.

4 MR. McLEAN: No, ma'am, I have none.

5 COMMISSIONER CLARK: Mr. Deterding.

6 MR. DETERDING: I have a couple.

7 Ms. Marinelli, when did you move into Aloha's
8 service territory?

9 MS. MARINELLI: Two years ago.

10 MR. DETERDING: How many times have you
11 complained to Aloha?

12 MS. MARINELLI: I didn't call Aloha.

13 MR. DETERDING: You have never called Aloha?

14 MS. MARINELLI: I have spoken to -- I questioned
15 the problem, I found out that there is Aloha problems. I
16 was told if you want to get results don't bother calling
17 Aloha, go to Mike Fasano.

18 MR. DETERDING: Who told you that?

19 MS. MARINELLI: Several of my neighbors. They
20 said the way to get to an answer or to find out anything
21 that is going on, and they have been very helpful, I have
22 gotten lots of information on what you say is in the water
23 and what you say is not in the water and how wonderful the
24 water is.

25 MR. DETERDING: You have gotten that information

1 from where?

2 MS. MARINELLI: From Mike Fasano's office, yes.

3 MR. DETERDING: Have you sent Mr. Fasano any
4 written complaints or expression?

5 MS. MARINELLI: I have written him several times
6 by e-mail, yes.

7 MR. DETERDING: Thank you.

8 COMMISSIONER CLARK: Staff.

9 MR. JAEGER: No questions.

10 COMMISSIONER CLARK: Commissioners.

11 MS. MARINELLI: Shall I leave this here for the
12 gentlemen?

13 MR. McLEAN: The Citizens call Delores Reis.

14 DELORES REIS

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

18 DIRECT STATEMENT

19 MS. REIS: It's R-E-I-S, last name. I first
20 would like to say that I had lived in Pinellas County for
21 17 years, had copper pipes and never had --

22 MR. DETERDING: Excuse me. Pardon me, I didn't
23 get your address or your first name.

24 MS. REIS: I'm sorry. 1415 Hoversham, that's
25 H-O-V-E-R-S-H-A-M Drive, Wyndtree.

1 MR. DETERDING: Thank you.

2 MS. REIS: We bought our home in '93 in
3 Wyndtree. Previously we were 17 years in Pinellas County,
4 never had a problem with our water. We were in Largo, the
5 City of Largo, and the water was fine. We moved up here
6 in '93. Many times I called Mr. Watley (phonetic) and
7 complained about our water. They would send somebody out
8 and they would flush the lines from the house. Nothing
9 would change. I had complained many times. I was present
10 in '96 at the last meeting that we had in Manor Care
11 (phonetic). I think the consensus that night or day was
12 that copper plumbing was causing our problem. After that
13 nothing happened. I stopped complaining because it didn't
14 do any good. That was 1996. We put in a reverse osmosis,
15 similar to what the gentleman showed before. And you see,
16 this is a clean filter. I have the same thing.

17 I want to show you what I take out approximately
18 every three months of a reverse osmosis under my kitchen
19 sink. This goes in pure white, and this is how it came
20 out after three months. This unit is supposed to be in
21 there a year. Now, I took it out for three months. This
22 is the other one. You can see the difference. This is
23 about -- I changed these -- these are supposed to last six
24 months, this is supposed to last a year. It is under my
25 kitchen sink, so you can see what happens in two or three

1 months.

2 MR. McLEAN: Ms. Reis, Harold McLean here. We
3 can see it now, but when somebody reads this record we
4 might be able to tell. So would you describe the
5 difference, please.

6 MS. REIS: All right. This is a hard plastic
7 unit. I assume it is a charcoal of some kind. It is
8 solid plastic. And when you put it in is clear white.
9 Now I would say it is very dark gray to black. This was
10 very white when it went in. Now I would say it is very
11 dark gray to black. I can't go six months like the unit
12 paper tells you you can. You can see how soiled those
13 are. The reason we put in the reverse osmosis is just
14 simply so I could have sink water in the kitchen to use.
15 I don't cook with it, we don't drink it. We buy bottled
16 water.

17 Every tub in the house is not used daily. The
18 shower is. So when I open a tub faucet, if the water sits
19 in there it is black. If it runs a while it does clear to
20 a point, but I just want to show you what your reverse
21 osmosis does. That's all. Any questions?

22 MR. McLEAN: I have a question or two. Help me,
23 where the reverse osmosis plant is. I know you are not an
24 engineer, but tell me the water comes in from your meter,
25 what is the first unit it comes to? Do have you a

1 softening unit or anything like that?

2 MS. REIS: We put in softener also in 1996 after
3 we were told it was copper. We have changed -- our hot
4 water tank has been flushed, it has been cleaned out,
5 nothing changes. We were told it was copper.

6 MR. McLEAN: I'm a little confused on -- do you
7 know whether the softening unit is upstream, so to speak,
8 of the reverse osmosis unit?

9 MS. REIS: Yes, it is.

10 MR. McLEAN: Okay. Now, I want to ask you
11 another question. I'm going to hand you a part of what
12 the Chairman has marked as Exhibit Number 1.

13 MS. REIS: Uh-huh.

14 MR. McLEAN: Now, we learned from an earlier
15 witness that that might have something to do with a black
16 water survey conducted by the Department of Environmental
17 Protection.

18 MS. REIS: Oh, yes, they came out to our house.

19 COMMISSIONER CLARK: Mr. McLean, that is Exhibit
20 3, I think.

21 MR. McLEAN: I'm sorry, Exhibit 3. Do you
22 recognize the handwriting on the page there?

23 MS. REIS: Yes, I do. It's my husband's.

24 MR. McLEAN: It's your husband's. Would you
25 read what it says, please.

1 MS. REIS: Where he printed?

2 MR. McLEAN: Yes, ma'am.

3 MS. REIS: It says dark and dirty water
4 continues. Smelly and undrinkable. Impossible water
5 conditions continue. We are forced to buy bottled water
6 for drinking. This speaks for itself, and the worsening
7 conditions provided by Aloha Utilities. This was March
8 11th, '99.

9 MR. McLEAN: And up at the top of the page on
10 the right-hand side, I believe, it will say 69 of 99, does
11 it?

12 MS. REIS: Yes, it is.

13 MR. McLEAN: Thank you, ma'am. That is all I
14 have. Thank you.

15 COMMISSIONER CLARK: Mr. Deterding.

16 MR. DETERDING: No questions. Thank you.

17 COMMISSIONER CLARK: Staff.

18 MR. JAEGER: No questions.

19 COMMISSIONER CLARK: Commissioner Jaber has a
20 question.

21 THE WITNESS: Pardon me?

22 COMMISSIONER CLARK: Commissioner Jaber has a
23 question.

24 COMMISSIONER JABER: Give me an idea, Ms. Reis,
25 the cost of the filter that you have to replace you said

1 every three months? Tell me what they cost you.

2 MS. REIS: This unit, this one I'm not real
3 sure. I would say \$10 to \$15, because this is supposed to
4 last a year. And this one is -- you buy a pair, I think,
5 for maybe \$6, or \$5 to \$6, something like that. And you
6 change one of them -- it's supposed to be six months, but
7 I'm doing them much more.

8 I would like to say, too, that the reason we --
9 the unit itself to go under the kitchen sink was \$500
10 installation. To put in soft water was also probably 500
11 or \$600. We never would have done this. We were trying
12 to clear up our water. We had Pinellas County water for
13 17 years, didn't need a soft water or reverse osmosis. We
14 did this trying anything to clear up our water. It makes
15 no difference. We still can't use it with filtering it.

16 COMMISSIONER JABER: And what is your average
17 water bill each month?

18 MS. REIS: Our water bill, and that is a
19 question I have, also. There are two people in our house.
20 It used to run, I would say \$26. The last, I'd say, four
21 or five months it has been running \$50. And I don't know
22 why. I would have to look to see. We are not using any
23 more water. I assume that the rates have gone up already,
24 but I couldn't honestly tell you that. I don't know that.
25 But it has been running about \$50 a month for two people.

1 COMMISSIONER JABER: Ms. Reis, if you have
2 questions on your water bill, you can get with staff later
3 on or right now and they can explain the water bill to
4 you.

5 MS. REIS: I know. I will have to look at my
6 receipts, because I really -- I'm not sure. We are not
7 using any more than ordinarily we had, okay.

8 COMMISSIONER CLARK: Thank you.

9 MS. REIS: You're welcome. Can I leave this or
10 do you want those?

11 COMMISSIONER CLARK: Why don't you take them.
12 And if we need them, we know where we can find them.

13 MS. REIS: I will probably throw them away.

14 COMMISSIONER CLARK: Okay. The important thing
15 is your testimony is on the record.

16 MR. McLEAN: Mr. Raymond Hartinger, please.

17 RAYMOND HARTINGER

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

21 DIRECT STATEMENT

22 MR. HARTINGER: Good afternoon, and thank you
23 for allowing me to address this committee today. My name
24 is Raymond Hartinger. Raymond with a D on the end.
25 H-A-R-T-I-N-G-E-R, and I have live at 1612 Orchard Grove

1 Avenue, New Port Richey 34655. And I live in the Wyndgate
2 Community, which is located off Mitchell Road Bypass, near
3 Wyndtree and Chelsea Place. We are also Aloha customers.

4 I prepared kind of a brief statement here
5 because I thought we were going to be limited to five
6 minutes, but I will expand on my paragraphs here, if I
7 may. We in our community are experiencing severe water
8 problems as are many others present here today. Namely,
9 black, sooty, smelly water the likes of which I have never
10 seen in my entire life. It makes us feel like we are
11 living in a third-world country where instead of filthy
12 water running along the gutters, Aloha is running it
13 through their system into our homes.

14 We moved into our house November 2nd of 1998,
15 and we are not the original owners. The original owners
16 lived in there about a year, they became ill and moved to
17 Texas and we bought the home. Our very first night in our
18 house, November 2nd, my wife drew a bath and the water was
19 as bad as this. And my wife was absolutely shocked. We
20 paid cash for our house, moved in, came from New York
21 State. We came to retire in Florida, and we have this
22 kind of water. The feeling in the pit of my stomach was
23 unimaginable. I wanted to sue the world. I wanted to sue
24 the seller of the house, I wanted to sue Schendanz
25 (phonetic) for building the house, I wanted to sue the

1 county. It was just awful. What an awful feeling

2 Thinking about it the next morning, I thought,
3 well, we moved here because you liked the community, we
4 like Pasco County. We had already met our next door
5 neighbors and they were wonderful people. We liked the
6 community. We thought we are going to fight this. We are
7 going to fight Aloha and -- we didn't know it was Aloha,
8 actually, that was causing the problem. We thought we
9 would stay here and kind of see what happens.

10 And since being there a year now we have
11 wonderful neighbors, wonderful community, a great county,
12 so we are very happy to stay here. We need to resolve the
13 water problem.

14 In a feeling of hopelessness at the time,
15 Mr. Harry Hawcroft and I conducted a survey in late
16 October of '99 of our neighbors to get some idea of how
17 many others were dissatisfied with the water coming from
18 their taps. Not all the homes were completed at the time.
19 We got a 66 percent return with most of the survey papers
20 containing additional comments which range from absolute
21 disgust to one gentleman whose doctor determined that he
22 suffered severe health problems caused by the drinking
23 water in his home. And it turned out to be severe bladder
24 infection. There was another lady in our community whose
25 solid silverware turns black every time she washes it.

1 The majority of the residents would not drink the water.

2 I offer this survey and my associated notes to
3 you and ask that you read the comments, please, and hope
4 that they may be entered into the public record. And I
5 have the survey here, and there are numerous comments, and
6 I urge you to please read them. I also submit to you
7 three samples of water taken from the whole house filter
8 located just inside our garage. It is where the water
9 enters our home from the street. And I have one sample
10 also from the toilet. Now, Numbers 1 through -- this
11 water sample, which is kind of very gray, very gray in
12 color, was taken from the filter housing on 10/23/99. It
13 is not too bad, but it's not great. You wouldn't want to
14 drink it. The second sampling was taken on February 3rd
15 of the year 2000, and look how black it is.

16 COMMISSIONER JACOBS: Where from?

17 MR. HARTINGER: Right from the filter housing.
18 Right from the filter. Right from the street. Now, the
19 third is taken on March 21st of this year, right from the
20 filter housing again. To back up, the second example here
21 is jet black. You cannot see any light through it. The
22 third sampling here is disgusting. It's just -- it is
23 just black particles just floating through a muck of beige
24 water. Terrible. I offer you all a drink of this water,
25 by the way.

1 Now, the fourth sampling was taken from our
2 toilet water jacket, and it was taken on 3/24 of this
3 year. And I had to clean out the toilet -- and this is a
4 five-month accumulation of water in our water jacket, and
5 that was just taken out on 3/24. That was sitting in the
6 bottom of our tank. And it's five months old, because we
7 live up north six months of the year. So I cleaned the
8 jackets out before we went up north. We came back down in
9 October and from that time on until the 24th, this is the
10 accumulation. And it is disgustingly black, sooty. Once
11 again, you can't see daylight through it.

12 And I made a note to myself here to ask you
13 would anyone care to make a pot of coffee or tea with this
14 water? As the other young lady offered, I would do the
15 same to you. Give it to your kids, let your family drink
16 this water. It comes into our homes.

17 This water is fed to our homes every day. Now,
18 I recently installed a water softener and redid some
19 piping. And here is a section of the piping that came
20 out, and it is absolutely disgusting what comes out of
21 this pipe. And I offer this pipe again for the public
22 record. Look at it. Now this piping is about two years
23 old.

24 COMMISSIONER CLARK: Mr. Hartinger, what kind of
25 piping did you replace it with?

1 MR. HARTINGER: It is copper piping which fed
2 the whole house water filter, which is just inside the
3 garage. And the reason I redid it is I just installed a
4 water softener and hooked it up yesterday. Just
5 yesterday. And the reason -- I relocated that filter to
6 an area in a closet at the back of our garage near the
7 water softener. And I had also added a second filter, a
8 carbon filter. So now I have the whole house filter
9 preceding the softener followed by a carbon filter which
10 goes to the house. I also have a Pur filter on the
11 kitchen faucet.

12 Now, in closing may I present a letter for the
13 public record given to me by an Aloha employee who was
14 doing his usual hydrant flushing routine at the time. On
15 Page 1, Item 1 of the letter, "Aloha recommends
16 discontinuing the use of water softeners and/or other
17 water treatment devices as they may cause the water to
18 become corrosive." So you can note the corrosiveness in
19 this pipe apparently. And I have this letter here, and I
20 just highlighted -- it is for the public record, I
21 highlighted a paragraph. It says, "If you have installed"
22 -- this is from Aloha Water -- "If you have installed
23 on-site water treatment devices (water softeners, filters,
24 reverse osmosis units, and so forth) you may wish to
25 discontinue their use as the discolored water problem has

1 been shown to exist to a much greater extent in homes with
2 these units. This is because these units remove minerals
3 from the water which causes the water to become
4 corrosive."

5 About three months ago I was going to install
6 the softener at that time, I got this from the Aloha
7 person, and I canceled my order and decided not to put it
8 in. And finally my wife complained about hardness of the
9 water, she couldn't wash her hair, and so I decided to put
10 the softener in. Which, as I say, I hooked it up
11 yesterday.

12 COMMISSIONER JACOBS: What has been your
13 experience with regard to the coloration since you
14 installed the original filter?

15 MR. HARTINGER: Say that again, please.

16 COMMISSIONER JACOBS: What has been your
17 experience with regard to the color of the water since you
18 installed the original filter?

19 MR. HARTINGER: The original filter?

20 COMMISSIONER JACOBS: Yes.

21 MR. HARTINGER: You mean from day one when we
22 moved in?

23 COMMISSIONER JACOBS: No. As I understand, you
24 installed the original filter first and then you just put
25 in --

1 MR. HARTINGER: I relocated the original filter,
2 I have installed a second filter, carbon.

3 COMMISSIONER JACOBS: Right, yesterday.

4 MR. HARTINGER: And a water softener.

5 COMMISSIONER JACOBS: Now, what has been your
6 experience before you put in the softener but after you
7 put in the filter?

8 MR. HARTINGER: It has been clean. That was
9 yesterday. Now we are just talking about this morning.
10 And I used bottle water for making coffee, so I have no
11 idea.

12 COMMISSIONER JACOBS: Okay. Thank you.

13 MR. HARTINGER: I took a shower last night and
14 it was fine. I mean, I think it was fine. Now, based on
15 this letter explaining about not using water softeners and
16 so forth, and realizing that Sears sells thousands of
17 water softeners, and thinking that this statement was
18 outrageous, Mr. Harry Hawcroft contacted the Sears head
19 office. They referred him to a Mr. Don Stoltz (phonetic),
20 a technical services manager with Ecodyne Water Systems,
21 Incorporated (phonetic), in St. Paul, Minnesota.
22 Mr. Stoltz' letter and the attached article from the
23 American Waterworks Association dated August of '99, also
24 for the public record, refutes Aloha's claim against using
25 water treatment devices. Aloha seems to be trying to

1 baffle the customers with erroneous information, hence
2 giving us the mushroom treatment; keeping us in the dark
3 and feeding us plenty of manure.

4 We implore you, the Public Service Commission,
5 to help us, a small part of the American public, to get
6 one very important basic need for life, clean safe water
7 delivered to our homes.

8 Thank you very much.

9 COMMISSIONER CLARK: Thank you.

10 Questions, Mr. McLean?

11 MR. McLEAN: Yes, I do have one or two
12 questions. First of all, you have brought with you a
13 petition, a survey that you have?

14 MR. HARTINGER: Yes, I have.

15 MR. McLEAN: You have a survey and then you have
16 the letter from the St. Paul people?

17 MR. HARTINGER: Exactly. I have the individual
18 survey sheets and then I've got a composite sheet with all
19 the percentages on there, and then the worksheet that I
20 used for compiling all of the surveys as they were turned
21 in to us.

22 MR. McLEAN: I understand. And you have a
23 letter from a gentleman in St. Paul?

24 MR. HARTINGER: Yes, Mr. Stoltz, along with
25 Aloha's letter.

1 MR. McLEAN: And you didn't bring along any
2 other paper, did you?

3 MR. HARTINGER: No.

4 MR. McLEAN: Okay, great. With respect to the
5 second jar in from your left here, the particularly dark
6 one, I'm unclear about where you drew the water that is in
7 that jar. Would you make that clear to --

8 MR. HARTINGER: The second one you mentioned
9 came right from the whole house filter just inside the
10 garage, which is the filter between my house and the
11 street.

12 MR. McLEAN: Does this represent what the filter
13 took out of the water?

14 MR. HARTINGER: Exactly. Because when I changed
15 filters and I unscrewed the housing, I dumped the water
16 right into a bucket and into this jar. A clean bucket, by
17 the way.

18 MR. McLEAN: Yes, sir. Does this represent the
19 water as it arrives at the filter?

20 MR. HARTINGER: Definitely. As it is arrives at
21 the filter, because there is nothing between the filter
22 and the street except the filter element.

23 MR. McLEAN: But this is what the filter took
24 out of the water, is that correct?

25 MR. HARTINGER: Exactly, that's right.

1 MR. McLEAN: That is all the questions I have.
2 Thank you, sir.

3 COMMISSIONER CLARK: Mr. Deterding.

4 MR. DETERDING: Yes, I've got a couple of
5 questions about the survey.

6 I'm not sure I understand what the nature of the
7 survey is. It was something you undertook yourself versus
8 --

9 MR. HARTINGER: Yes, because we felt so hopeless
10 about your problem. And then talking with Harry Hawcroft,
11 he said the people here have been complaining to him
12 because he is kind of a -- he is in the neighborhood a lot
13 and he hears a lot of remarks made. And we were just new
14 to the neighborhood and, of course, we are gone six months
15 of the year. We came back and found the same problem,
16 nothing had changed. Aloha hadn't improved anything. So
17 he and I discussed it and decided to put out a survey.

18 MR. DETERDING: Have you had Aloha come out and
19 look at your water?

20 MR. HARTINGER: Yes. Well, the only people that
21 I spoke to was the person who comes to flush out the
22 hydrants.

23 MR. DETERDING: So you haven't written or called
24 the utility?

25 MR. HARTINGER: I have not. My wife called once

1 awhile back complaining about the cost of the sewer,
2 because the sewer seems to be twice the cost of the water.
3 And when you get this kind of scrap in your water pipes
4 you understand why they are charging more for the sewer.

5 MR. DETERDING: But you haven't had them come
6 out about this particular problem?

7 MR. HARTINGER: Not about the black problem.
8 However, the following morning after the bathtub incident,
9 November 3rd, I spoke to a fellow who was pumping out the
10 hydrant. Apparently he is no longer with Aloha, he was a
11 Spanish speaking person. And I was so mad. I said you
12 and I are going to get on a first name basis, because I
13 was really upset.

14 And I spoke to him about it, and he said, "Well,
15 we are here to pump the water out," you know, and we are
16 always getting double talk. He says we are here to pump
17 the water out, he says, to raise the chlorine level in the
18 water. And he called his friend over to take a sampling
19 from the water tap outside the house. Oh, the chlorine
20 level is fine, blah, blah, blah, and he went about his
21 way. And I did that three times.

22 The second time I spoke to a young lady and she
23 referred me to somebody else who was going to be out next
24 day, and this fellow came the next day and he gave me this
25 letter, gave me this packet that Aloha was putting out,

1 and he also mentioned that Aloha was thinking of inducing
2 polymers into the water line to help coat the pipes to
3 prevent the leaking of the pipes using polymers. I have
4 no idea what polymers are except I think they stick to
5 something. I have no idea. So that is -- my only
6 complaints were three times to the local people on the
7 street.

8 MR. DETERDING: Okay. Were you aware that the
9 letter that you received there was reviewed by both the
10 DEP and the PSC staff for accuracy and so forth and
11 approved before given to customers?

12 MR. HARTINGER: In leafing through it, yes, I
13 was. However, I must say that a day or two after the
14 bathtub incident when I spoke to the county health board
15 about it, it was a young lady, I don't have her name, but
16 I have got her phone number. She was part of the Pasco
17 County health lab, and she assured me that the water was
18 fit enough to drink. She said it passed all the standards
19 and it was fit enough to drink. And I couldn't believe
20 what she was telling me.

21 I called Fasano's office first and I called the
22 Pasco County public health unit on Little Road, and then I
23 spoke to the Pasco County Health Lab, and she was the
24 chief doctor in that lab.

25 MR. DETERDING: That is all I had. Thank you.

1 COMMISSIONER CLARK: Mr. Jaeger.

2 MR. JAEGER: Mr. Deterding said something that
3 gave me concern. What is the date of that letter, the
4 Aloha letter? I don't think you gave us that.

5 MR. HARTINGER: It's funny, but it is not dated.

6 MR. JAEGER: Do you know about when you got it?

7 MR. HARTINGER: I got it I want to say October
8 of this year, perhaps. Soon after we came back down here.
9 Maybe the first week in November, somewhere in that time
10 frame.

11 MR. JAEGER: Now, I think you said something
12 about a 66 percent return on that survey?

13 MR. HARTINGER: On our survey to our neighbors.

14 MR. JAEGER: And that was out of how many
15 people?

16 MR. HARTINGER: Well, at the time -- the
17 community contains 115 lots. There were 105 houses that
18 were up, not all completed and not all lived in. And from
19 that we got 69 returns back.

20 MR. JAEGER: Sixty-nine returns.

21 MR. HARTINGER: Sixty-nine. So we figured that
22 there were 91 houses -- 91 percent of the houses were
23 completed to some -- well, I won't say completed, but they
24 were up, and from that we got a 66 percent return.

25 MR. JAEGER: Harold, are you going to have the

1 survey marked as an exhibit?

2 MR. McLEAN: Probably for the correspondence
3 side of the docket. I think the Commission has
4 traditionally accepted petitions and surveys on the
5 correspondence side of the docket, but I certainly am open
6 to suggestions. I don't have a strong feeling about it
7 either way.

8 MR. JAEGER: You didn't replumb your house, you
9 just moved the filtration system from one part of the
10 garage --

11 MR. HARTINGER: Exactly. I moved the filter and
12 had to redo that to close the loop up again, and then I
13 installed the second filter -- relocated this and
14 installed the second filter and installed the softener
15 using all plastic pipe.

16 MR. JAEGER: All plastic pipe. Is there any
17 copper pipe before the filter now?

18 MR. HARTINGER: Oh, certainly. It is the loop
19 that I closed plus perhaps 20 feet of copper piping going
20 to the new location.

21 MR. JAEGER: Okay. Thank you. No further
22 questions.

23 MR. McLEAN: Commissioner Clark, I have a little
24 bit of follow up when it is my turn.

25 COMMISSIONER CLARK: Go ahead.

1 MR. McLEAN: You mentioned that you were
2 speaking with a Spanish speaking gentleman who worked for
3 Aloha who --

4 MR. HARTINGER: Yes, a young fellow.

5 MR. McLEAN: And I thought I heard you say
6 something about increasing the chlorine?

7 MR. HARTINGER: Yes. He told me at the time
8 that they come there and pump the water out of the
9 hydrants to raise the chlorine level because not all the
10 houses were moved into. And he said that all the water
11 was not being used sufficiently enough to maintain a
12 steady chlorine level. So they were there at least five
13 times a week until the last house was completed. Now they
14 are there once, two, maybe three times a week.

15 MR. McLEAN: But the way they were increasing
16 chlorine presumably is they were flushing the lines, you
17 didn't see them add any chlorine?

18 MR. HARTINGER: Oh, no, they must have been
19 doing it at a plant somewhere. If there is plant, I don't
20 know, but they were just draining out the fire hydrants.

21 MR. McLEAN: Were you told by an employee of
22 Aloha that were increasing the chlorine?

23 MR. HARTINGER: No, he just spoke about
24 maintaining the chlorine level.

25 MR. McLEAN: Thank you, sir.

1 COMMISSIONER CLARK: Thank you, Mr. Hartinger.

2 COMMISSIONER JACOBS: Mr. Hartinger, you
3 mentioned another document that you had, a letter from St.
4 Paul.

5 MR. HARTINGER: Yes, it is right here. It is
6 attached to Aloha's letter.

7 COMMISSIONER JACOBS: Were you going to put that
8 into the file also, Mr. McLean?

9 MR. McLEAN: Yes, sir. My intention was to move
10 both of those into the correspondence side of the docket.
11 But if the Commission's pleasure is otherwise, I'm happy
12 either way.

13 COMMISSIONER CLARK: That's fine. We can make
14 the letter from Aloha -- we will make that an exhibit. We
15 will make it Exhibit 8.

16 COMMISSIONER JACOBS: Would you leave those with
17 the court reporter, is that okay?

18 MR. HARTINGER: This as well?

19 COMMISSIONER JACOBS: Yes.

20 MR. HARTINGER: Yes.

21 MR. DETERDING: You are saying the Aloha letter
22 being an exhibit entered into this proceeding, but the
23 survey and the other letter being in the correspondence
24 side?

25 COMMISSIONER CLARK: Yes.

1 MR. DETERDING: What was that number again?

2 COMMISSIONER CLARK: Exhibit 8.

3 MR. JAEGER: That was the undated Aloha letter,
4 is that correct?

5 MR. HARTINGER: Thank you very much.

6 COMMISSIONER CLARK: Right. And we will admit
7 the letter in the record without objection.

8

9 (Exhibit 8 marked for identification and entered
10 into the record.)

11 MR. McLEAN: Thank you, Madam Chairman. The
12 Citizens call Ernest Lane, please.

13 ERNEST LANE

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

17 DIRECT STATEMENT

18 MR. LANE: Hi. My name is Ernest Lane, L-A-N-E,
19 and I live at 1145 Haverhill Drive in New Port Richey.
20 That is in Peachtree in Trinity. And I just want to make
21 a couple of observations and some personal anecdotes.
22 First, I was really taken back by the numbers that
23 Representative Fasano gave this morning as far as impact
24 fees. And since the numbers weren't challenged, they have
25 got to be in the ballpark.

1 But if Aloha is only charging between 350 and
2 \$400 for an impact fee and the county's is like 3,000,
3 that difference is like 20 million bucks over all the
4 homes in the area. And if, in fact, there was that kind
5 of capital fund, we wouldn't be here. They would have the
6 money to make all the capital improvements that they need
7 to make. And so somebody really ought to look into that
8 as to how -- if, in fact, there is such a huge disparity
9 in impact fees, why and who approved it. Because it seems
10 awful funny. And whether or not there is some wrongdoing
11 or whatever, but that is just -- that is the root cause of
12 the problem, why we are all here today.

13 Now, I don't have a black water problem,
14 certainly not to the same extent that some of the other
15 people that have talked. What I have mainly is a problem
16 of water pressure, and I will just leave it at that. But
17 I know I have lived in my house in Trinity for about a
18 year, a little over a year. And as soon as I moved in I
19 had installed a water softener and an activated charcoal
20 filter for the whole house system. It's a caster almost
21 as big as a water softener itself. And then I also had
22 the anode removed from the hot water heater because I was
23 told that that was what was making -- or at least that was
24 a factor to the water smelling so bad.

25 And I would think as a layman that once the

1 water goes through the water softener and the filter that,
2 like the rotten egg smell would not be there, but it is.
3 When I turn on the hot water, and it is just kind of hard
4 to understand why, in fact, it is still there.

5 Now, a few months ago, through one of these
6 advertisements that you hear on the radio, I got a filter
7 for the water in the kitchen that I use for coffee and
8 orange juice and stuff like that. And it is one of these
9 things where they give you a tester first and you can test
10 your water to see how bad it is and then decide if you
11 want to buy a little filter. It's just a little gravity
12 filter that makes about a quart of water.

13 And what the filter removes is what they call
14 total dissolved solids. I couldn't tell you exactly what
15 it is they are taking out, but the numbers are normally in
16 100 or 150 range parts per million. And the number that I
17 have in my house after going through all of that
18 filtration system is somewhere in the 250 range.

19 And when I called the company back up to order
20 the filter they couldn't believe that my numbers were so
21 high, because that basically wasn't in their data bank.
22 They didn't know if I was drinking stagnant pond water or
23 exactly where I was getting the water from. They just
24 couldn't believe it. So that indicates that whatever --
25 there are a lot of total dissolved solids, and exactly

1 what they are I couldn't tell you. And it's really not
2 important. But as the water goes around the country, it
3 is basically off the charts.

4 That's all I have, thank you.

5 COMMISSIONER CLARK: Thank you, Mr. Lane. Just
6 a minute and we will see if there are questions.

7 MR. McLEAN: I have none. Thank you.

8 COMMISSIONER CLARK: Mr. Deterding.

9 MR. DETERDING: I've got a few. Mr. Lane, you
10 mentioned a pressure problem being your primary concern.

11 MR. LANE: Right.

12 MR. DETERDING: How does that manifest itself?

13 MR. LANE: Mainly on the days when people are
14 watering their lawns. Not when I am doing mine, but when
15 other people are doing their lawns. Let's say at 8:00
16 o'clock in the morning, or 9:00 o'clock in the morning, or
17 whenever. I will turn on the kitchen faucet and normally
18 the water comes out in a stream. But at those times it is
19 kind of limp. It's not a trickle. But obviously the
20 water is not near as strong as it is on other days.

21 MR. DETERDING: Have you called the utility and
22 ask questions or complained about the pressure situation?

23 MR. LANE: I did once back -- that was probably
24 within the first four months of when I lived in the house.
25 And after that, again, like everybody else said, you know,

1 it is the kind of problem that everybody in the
2 neighborhood has, and nobody ever gets the problem solved.
3 And so as far as calling Aloha again or writing a letter,
4 I haven't done it, because there didn't seem to be any
5 point to it.

6 MR. DETERDING: Did you ask them to come out and
7 check out the situation at that time?

8 MR. LANE: They did. There was an earlier time
9 when I was having -- you know, the pressure seemed awfully
10 weak. And their technician came by about an hour later.
11 And, of course, the watering time was passed. So, in
12 fact, probably -- I would think that sure the water
13 pressure was okay when he checked it.

14 So he hooked the meter up to one of the spigots
15 outside and said the water pressure was fine. And I am
16 told it is, as far as meeting standards. But I know when
17 I called the water pressure was not what I would call
18 adequate.

19 MR. DETERDING: But you don't know whether it
20 actually meets the standard that the law requires?

21 MR. LANE: Well, my understanding is that it
22 did. When he made the test, as far as the reading he got.
23 But I don't believe that if he would have checked the
24 water when I called, right then, that it would have met
25 the standards. I just couldn't believe it could.

1 MR. DETERDING: I recommend -- if you don't mind
2 my saying so, that you call them on those days that it is
3 going to occur and get them over there at the time that it
4 is going to occur so they could check it.

5 COMMISSIONER CLARK: Mr. Lane, it is in the
6 morning when this occurs?

7 MR. LANE: Well, it's between 7:00 and 8:30.
8 And I know that at least before people could water their
9 lawns at that period of time, so I assume somebody was.
10 Mine was probably over with by 5:30 in the morning. But
11 maybe somebody was, I don't know who.

12 COMMISSIONER CLARK: All right. Thank you.

13 MR. JAEGER: I have two questions, Commissioner.
14 How long have you lived there, or did you say? I didn't
15 catch that.

16 MR. LANE: A little over a year.

17 MR. JAEGER: And do you know what type of pipe
18 you have in your home?

19 MR. LANE: PVC.

20 MR. JAEGER: Thank you.

21 COMMISSIONER CLARK: Mr. Lane, just a minute.

22 Commissioner Jaber would like to ask a question.

23 COMMISSIONER JABER: Mr. Lane, the watering
24 period you are talking about, that is because of the Pasco
25 County watering restriction? The restrictions that are --

1 MR. LANE: Well, the ones like a week ago. I
2 mean, before 9:00 o'clock in the morning or whatever it
3 happened to be.

4 COMMISSIONER JABER: Are you still under those
5 restrictions?

6 MR. LANE: Well, they have been cut in half. I
7 mean, it used to be two days a week, now it is only one,
8 but the times are the same.

9 COMMISSIONER JABER: How do you find out about
10 them? Does the county send a letter in the mail that
11 notifies you what the time periods are?

12 MR. LANE: You know, I was wondering about that.
13 I think the only notification I got, and everybody got it,
14 of course, was on the news, on the TV and in the paper.
15 But not everybody hears the news or reads the paper. But
16 as far as something in writing from either the county or
17 Aloha, nothing.

18 COMMISSIONER JABER: When Aloha does come to
19 your house, is there a call later on in the week to follow
20 up on the quality of consumer response?

21 MR. LANE: I don't recall.

22 COMMISSIONER JABER: Thank you.

23 COMMISSIONER CLARK: Thank you, Mr. Lane.

24 MR. McLEAN: The citizens call Ceil Kreindler or
25 Kreindler, K-R-E-I-N-D-L-E-R.

1 COMMISSIONER CLARK: I don't see anybody getting
2 up.

3 MR. McLEAN: Okay. I believe the next is
4 Lillian Bellis, B-E-L-L-I-S.

5 COMMISSIONER CLARK: Ms. Bellis?

6 MR. McLEAN: The next person signed up is Samuel
7 Soprano.

8 COMMISSIONER CLARK: I don't see anyone.

9 MR. McLEAN: Mr. Raymond -- I'm sorry, Mr.
10 Hartinger has already testified. Joseph -- sorry, he has
11 already testified, too.

12 MR. SHARKEY: I haven't testified.

13 MR. McLEAN: I'm sorry, I thought I called you.
14 Sorry, sir.

15 MR. JAEGER: You tried earlier, Harold.

16 COMMISSIONER CLARK: Please give us your name,
17 spell your last name and tell us where you live.

18 JOSEPH SHARKEY

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

22 DIRECT STATEMENT

23 MR. SHARKEY: My name is Joseph Sharkey,
24 S-H-A-R-K-E-Y, at 1114 Trafalgar Drive in the Wyndtree
25 Subdivision. We moved into our place five years ago. And

1 needless to say, if I had had any idea what we were moving
2 into we would not be there. We have been fortunate enough
3 to live in areas where we have had ideal water conditions.
4 In fact, we moved here from Destin, Florida. Any day of
5 the week you could walk down to the water department's
6 office in Destin and ask for a water analysis, which they
7 would readily hand you. They analyzed the water at least
8 six times a day. They would give you an analysis of the
9 water at your request any day.

10 I have asked Aloha for an analysis of their
11 water and they acted like I was asking for something in
12 outer space. We don't even know what you are talking
13 about they told me. And then after trying to explain what
14 I was asking for, they said, oh, that is strictly through
15 the chemist. Yeah, you have to -- oh, you have to go to
16 the chemistry department to find that. No way could we
17 give you that.

18 Anyway, as many others that have already
19 testified have experienced the same black water, smelly
20 water, dirty water. And as I said before, if we had had
21 any idea that we had this type of situation, we would
22 never have bought a place where we live now.
23 Unfortunately, we are saddled with the same problem that
24 hundreds of other people are experiencing. And I could
25 have done what these people are doing here, but I know

1 there is enough of them that have brought the samples here
2 to already show what type of water we are receiving.

3 Speaking of the copper tubing, I am originally
4 from Wisconsin. Copper tubing is part of a standard code
5 to use copper tubing in the homes in the Milwaukee area.
6 I lived there for 35 years, and I never had any occasion
7 to have any dark water enter in reaction with the copper
8 tubing in the home. To me that is a cop-out that Aloha is
9 using. Now, they may be substituting some ingredient in
10 their water supply that may be causing the chemical
11 reaction in the tube. And if they are doing that, then
12 they shouldn't be. But I have never experienced anything
13 like that, and we have had copper tubing for years upon
14 years.

15 To me, I think the people that are showing up
16 here today, it's kind of like the old car salesman on the
17 used car lot. The reason all of these cars are here is
18 because they run too good. Now, that is the same thing
19 with here. It looks to me like that there is enough
20 evidence here to show you people as well as everyone
21 present here that, hey, we've got a real problem here. We
22 are not just here to beat our gums, and it is obvious we
23 get no response from Aloha.

24 In fact, I have a picture here showing Mr.
25 Watford opening the hydrant, and I might add that I have

1 observed them opening hydrants at 1:00 and 2:00 o'clock in
2 the morning, especially before you people came. I
3 happened to come home at 1:00 o'clock that morning, and I
4 saw his people out there opening the hydrants that morning
5 at 1:00 o'clock in the morning. And I presumed it wasn't
6 a routine flushing of the system. They knew you people
7 were going to be here the next day. And then you see what
8 he got. If you look at the picture you will see what he
9 got himself out of there even after flushing.

10 So the copper thing sounds great. But I know of
11 at least six different contractors that have built homes
12 in the area here. Now, you think we should be led to
13 believe that each one of those contractors, there is only
14 six that I know of, but I'm sure there are more, but they
15 all went to the same source to buy that copper tubing that
16 is defective. It don't make much sense to think that they
17 could all go to the same source to get some bad copper
18 tubing. So it doesn't lend itself for one to think that
19 that could possibly be a real reason of our problem. The
20 real reason of the problem is this filth is being pumped
21 into our homes from Aloha. I thank you.

22 COMMISSIONER CLARK: Thank you, Mr. Sharkey.
23 Questions?

24 MR. McLEAN: Yes, sir. I have a question over
25 here. You mentioned you saw line flushing at 1:00 o'clock

1 in the morning. When was that, months ago or years ago?

2 MR. SHARKEY: This is just before the Service
3 Commission came, I guess it was in '96. Just the night
4 before they arrived.

5 MR. McLEAN: That was the episode when this
6 picture was taken?

7 MR. SHARKEY: Yes, that's right.

8 MR. McLEAN: How do you know they were Aloha
9 employees?

10 MR. SHARKEY: Well, I don't know that. I'm
11 saying they were being flushed. Now, whether it was --
12 well, I'm sure that there is just a lot of people walking
13 around with a wrench out there that is going around
14 flushing --

15 COMMISSIONER CLARK: Mr. Sharkey, get close to
16 microphone, if you would.

17 MR. SHARKEY: Okay. I will repeat it. I
18 suppose that there are some people that carries a wrench
19 around in their pocket and just for kicks goes around at
20 1:00 o'clock in the morning and flushes water hydrants. I
21 don't know. I couldn't say it was an Aloha employee.

22 MR. McLEAN: Was there one, or two, or three
23 employees? Was there a group of people or one?

24 MR. SHARKEY: No, there was two people there.

25 MR. McLEAN: Did they have a truck with them?

1 MR. SHARKEY: I didn't see the truck.

2 MR. McLEAN: You just saw the people standing
3 there?

4 MR. SHARKEY: I just saw the people there.

5 MR. McLEAN: Did you see them open --

6 MR. SHARKEY: No, it was gushing out just like
7 this picture here.

8 MR. McLEAN: Okay. Did you see just one hydrant?

9 MR. SHARKEY: Yes, that was one hydrant.

10 MR. McLEAN: And that was on an occasion when
11 you drove home late at night?

12 MR. SHARKEY: Correct.

13 MR. McLEAN: You are reasonably sure about that
14 1:00 o'clock in the morning?

15 MR. SHARKEY: Somewhere between that time,
16 between 1:00 and 1:30.

17 MR. McLEAN: Yes, sir. Did you tell any of your
18 neighbors what you saw?

19 MR. SHARKEY: Yes. Oh, yes.

20 MR. McLEAN: Did any of them see it, too, or do
21 you happen to know?

22 MR. SHARKEY: Yes. In fact, my neighbor has
23 mentioned to me -- in fact, he just mentioned to me
24 yesterday that he had observed the same type thing.

25 MR. McLEAN: The same type of thing, was that

1 back during this period?

2 MR. SHARKEY: Yes, the flushing.

3 MR. McLEAN: Flushing during or slightly before
4 the Commissioners came themselves to the homes?

5 MR. SHARKEY: I have not -- I couldn't say that
6 he saw that the night before that. But he just said, yes,
7 he has noticed them doing this from time to time at real
8 odd hours of the night.

9 MR. McLEAN: But the only time you have seen it
10 was that one time?

11 MR. SHARKEY: The one time I saw it, yes.

12 MR. McLEAN: Do you know of anyone other than
13 Aloha employees who make a habit of flushing those?

14 MR. SHARKEY: I don't know. I don't know of
15 anybody, no.

16 MR. McLEAN: Have you seen Aloha flush hydrants
17 during the day?

18 MR. SHARKEY: Yes.

19 MR. McLEAN: Is that a routine thing that you
20 see?

21 MR. SHARKEY: I don't know that it's routine. I
22 have seen it done, but I don't know that it is a routine,
23 no. I mean, I'm sure Aloha could better answer that
24 whether they have a routine schedule for it.

25 MR. McLEAN: Thank you. I have no further

1 questions.

2 COMMISSIONER CLARK: Mr. Deterding.

3 MR. DETERDING: Yes, ma'am. You said you have
4 been in Aloha's service territory for five years?

5 MR. SHARKEY: Yes.

6 MR. DETERDING: Have you every filed a water
7 quality complaint with Aloha?

8 MR. SHARKEY: Yes, on that survey I did, yes.

9 MR. DETERDING: When was that?

10 MR. SHARKEY: When those --

11 MR. DETERDING: Oh, you mean on the survey.

12 MR. SHARKEY: Yeah, on that survey, yes.

13 MR. DETERDING: But that is the only water
14 quality complaint you have every filed?

15 MR. SHARKEY: Other than phone calls, which I'm
16 sure there is no record of those.

17 MR. DETERDING: Have you told them that you had
18 discolored water and asked them to come out?

19 MR. SHARKEY: I have. And I have also
20 complained to our representative, Representative Fasano.
21 I have done most of my phone calls to him.

22 MR. DETERDING: But have you phoned Aloha and
23 told them you had discolored water and asked them to come
24 out?

25 MR. SHARKEY: Yes, I have. But as a number of

1 the people here have already testified, most of them go
2 through Representative Fasano because most of us have
3 already resigned ourselves to the fact that talking to
4 Aloha is like talking to the wall.

5 MR. DETERDING: Have you in recent times
6 contacted Aloha or Representative Fasano; and if so, which
7 one?

8 MR. SHARKEY: Representative Fasano, yes. In
9 fact, I will say to you what I even asked him. I said
10 providing that we can't really get any real positive
11 action from Aloha, isn't there a possibility that we can
12 have the health department condemn their operation and
13 have the county take it over.

14 MR. DETERDING: Have you requested in this -- I
15 take it you have not contacted Aloha in sometime about the
16 water quality.

17 MR. SHARKEY: That's correct.

18 MR. DETERDING: Have you ever written to
19 Representative Fasano complaining about water quality?

20 MR. SHARKEY: No, I make phone calls. I haven't
21 written to him.

22 MR. DETERDING: Okay. You said you had not --
23 were refused an analysis of the water. Did you receive in
24 October a copy of the consumer confidence report that the
25 utility sent out?

1 MR. SHARKEY: I'm not sure what report you are
2 alluding to.

3 MR. DETERDING: Did you receive a water
4 analysis, a report that talked about the constituents
5 within your water in October of last year?

6 MR. SHARKEY: I'm not sure I know what report
7 you are alluding to.

8 MR. DETERDING: Well, Aloha is required to
9 distribute to all of its customers what is called a
10 consumer confidence report.

11 MR. SHARKEY: Okay. I can answer you this way.
12 If Aloha has sent me anything pertaining or asking
13 questions regarding the quality of their water, I could
14 assure you that I answered it, and I answered it that
15 their water stinks.

16 MR. DETERDING: No, sir, I wasn't asking you
17 about a request for input. You had said you had asked for
18 an analysis of the water, and I'm asking you --

19 MR. SHARKEY: Yes, and I never did get any.

20 MR. DETERDING: You did not receive the report
21 in October of this year that the utility sent to all of
22 its customers, is that what you're telling me?

23 MR. SHARKEY: I don't recall it.

24 MR. DETERDING: I'm sorry, October of '99.

25 MR. SHARKEY: I don't recall it.

1 MR. DETERDING: Okay. If you would like one,
2 you certainly may call and get one if you didn't. I will
3 just tell you that.

4 MR. SHARKEY: Thank you.

5 MR. DETERDING: As to the flushing of the
6 hydrants issue, you said that this was -- that you
7 observed this one at 1:00 or 1:30 in the morning. Can you
8 tell me where that was?

9 MR. SHARKEY: Yes. It over near the entrance to
10 Chelsea Place off of Mitchell Boulevard.

11 MR. DETERDING: And you at one point indicated
12 it was before the last hearing down here in '96, is what
13 you said, and then referenced the photograph which I
14 believe was in the summer of 1998. Do you know which one
15 it is? Around the time of this photograph or around the
16 time of the last hearing?

17 MR. SHARKEY: It was just prior to the Service
18 Commission coming down to check the water situation.

19 MR. DETERDING: So when they went out and
20 visited or when we had the hearings is what I'm trying to
21 find out. They were down here both times.

22 MR. SHARKEY: Yes. As far as -- I would say it
23 was before the hearing.

24 MR. DETERDING: So in '96.

25 MR. SHARKEY: Yes.

1 MR. DETERDING: That's all I have, thank you.

2 COMMISSIONER CLARK: Staff.

3 MR. JAEGER: No questions.

4 COMMISSIONER CLARK: Commissioners.

5 COMMISSIONER JABER: I have one question, Mr.

6 Sharkey, and its for your benefit, and really for all the
7 customers' benefit.

8 Did you know that the Commission has a rule that
9 requires these companies to keep track of the customer
10 complaints and the phone calls that they receive from
11 their customers complaining about service?

12 MR. SHARKEY: No. I'm sorry to say I am not
13 aware of that.

14 COMMISSIONER JABER: I wanted to bring that to
15 your attention. Because I know that you believe that
16 calling the utility is not helpful, but it helps our
17 staff. They are required to keep track of all the phone
18 calls and all of the customer complaints, and that allows
19 our staff to double-check how they are communicating with
20 you. So it is important for us to be able to keep an
21 adequate track of that.

22 And it is certainly your prerogative to contact
23 your representative, and that has been quite helpful to
24 you. But in addition to doing that, you should contact
25 the utility so that we can follow up and make sure that

1 they are communicating with you properly.

2 MR. SHARKEY: Now that I have that knowledge,
3 would it be permissible to you for me to get on my
4 computer and generate complaints back over the five year
5 and send you a copy of them?

6 COMMISSIONER JABER: Yes.

7 MR. SHARKEY: I might just do that for you.

8 COMMISSIONER CLARK: Thank you, Mr. Sharkey.

9 MR. McLEAN: I have a follow-up. Mr. Deterding
10 asked you about a survey that you apparently may not have
11 received or a statement of the water quality and I want to
12 ask you this. If you got a statement from Aloha Utilities
13 where they chose the testing firm and they chose the time
14 the water was going to be tested and they said the water
15 was great, would you have any confidence in that?

16 MR. SHARKEY: No, I wouldn't. And I don't think
17 you will find many people in the usage area that would
18 confirm that.

19 MR. McLEAN: If you could hook your water up to
20 a different water system other than Aloha, would you do
21 it?

22 MR. SHARKEY: Yes, indeed. Yes, indeed.

23 MR. McLEAN: Thanks. I have nothing further.

24 COMMISSIONER CLARK: Mr. Deterding.

25 MR. DETERDING: If I can just ask one question.

1 Are you aware that this consumer confidence report that I
2 was referring to is something that was reviewed and
3 approved by DEP before distribution?

4 MR. McLEAN: I would like to object because that
5 is testimony on Mr. Deterding's part. He is saying that
6 that is true.

7 COMMISSIONER CLARK: Mr. Deterding.

8 MR. DETERDING: I will withdraw the question.

9 COMMISSIONER CLARK: Thank you. Thank you,
10 Mr. Sharkey.

11 We are going to take another 15-minute break. I
12 do this because the court reporter needs a break, and I
13 asked her to stay long this morning. So we will come back
14 at 25 minutes 'till 3:00. Thank you.

15 (Brief recess.)

16 COMMISSIONER CLARK: We are going to go ahead
17 and start the hearing again.

18 Mr. McLean, will you call your next witness.
19
20
21
22
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25

1 MR. McLEAN: Yes, ma'am. William Coogan,
2 please.

3 WILLIAM COOGAN

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

7 DIRECT STATEMENT

8 MR. COOGAN: My name is William Coogan,
9 C-O-O-G-A-N. I live at 1430 Davenport Drive, New Port
10 Richey 34655.

11 I have a booklet loosely binded that contains
12 everything pertaining to Aloha's problem; water quality,
13 their refusals to do things. And I'm just wondering, are
14 they the only water company that is in this area, because
15 I can't find anything in any newspaper about any other
16 water company in Pasco County. There is numerous things
17 about them. I have a picture of Doctor Garrity, who is no
18 longer with this organization, with the statement I
19 wouldn't drink this water. Also, Doctor Michael Young
20 (phonetic) also said the same thing, he wouldn't drink
21 this water.

22 At one time in my home I had Channel 28 news,
23 and the reporter stated, she wouldn't let her fish swim in
24 my bathtub. She wouldn't put the fish in the water. We
25 do have a problem.

1 Lila, you mentioned just before the break that
2 they are supposed to keep a record of all phone calls.

3 COMMISSIONER JABER: Yes, sir.

4 MR. COOGAN: I had a woman in my development,
5 Adrian Lang, she was a habitual moaner, constantly calling
6 Aloha. And on numerous times they told her, we never
7 received a complaint about you. She is no longer in our
8 development, but she called up plenty of times and they
9 told her we have no recollection of you ever calling.
10 That is why I believe a lot of people went to Mike Fasano,
11 because Mike supposedly sent a copy up to Tallahassee and
12 a copy to Aloha of whatever complaints he received.

13 A couple of years ago we had a meeting with a
14 Mr. Porter. He met with our people and made a statement
15 that Aloha was putting an inhibitor into the line, and in
16 six to eight weeks we had see results where the lines
17 would be covered and the water would flow through without
18 any discoloration. That was four years ago and I'm still
19 waiting to see the results of that inhibitor coming into
20 the line. I just believed that that was something we were
21 led to believe and they just didn't do anything about it.

22 One question I have for Aloha is how old do you
23 consider a home to be old? We have people that are three
24 years old, developments behind us that have a serious
25 problem. Is old three years, five years, eight years? Do

1 you have an answer on that just to let me know what is an
2 old home according to copper piping.

3 COMMISSIONER CLARK: Mr. Coogan, I think Mr.
4 McLean can ask that question of Aloha's witnesses when
5 they come on the stand, which will be either later today
6 or tomorrow, and I'm sure he will do that.

7 MR. COOGAN: I didn't expect an answer right
8 now, I just -- also I have been told that if you have a
9 water softener or reverse osmosis that is a lot of causing
10 of our problem. I have been told that if you have a water
11 softener it takes out the elements in the water which
12 causes discoloration. Well, I have had a pipe leak before
13 my water softener. And Chelsea Place has quite a few
14 leaks in our pipes. And a lot of it is before the water
15 softener, not after where it is claimed that the elements
16 are taken out of the water. Not that it means anything,
17 but I have pieces of pipe that were taken from my water
18 softener.

19 One of the things that -- I feel that our water
20 problem really started when we were put on new well. I
21 believe it was Well 8 and 9. Why can't we go back on the
22 old well system to give us a trial period and see how that
23 works? I do believe personally, and too a lot of my
24 neighbors that when 8 and 9 came into being our problems
25 really started.

1 Today's paper was a claim that there is very
2 small spotty conditions of this problem. Chelsea Place,
3 Wyndtree, Windham, Trinity Oaks, Boxwood, Riviera, Nature
4 Way, is this just a spotty condition, these developments?
5 I think it is quite big. I have had three homes with PVC
6 pipe in my development. They claim PVC is the answer.
7 These people have a problem. They have smells, they have
8 black water, and one has a fungus that he never had
9 before. That is all I have to say. The rest were
10 answered by other people before me.

11 COMMISSIONER CLARK: Thank you, Mr. Coogan. Mr.
12 McLean.

13 MR. McLEAN: Yes, sir. If you could connect
14 your house to some other company other than Aloha, would
15 you do so?

16 MR. COOGAN: In a minute.

17 COMMISSIONER CLARK: Mr. Deterding.

18 COMMISSIONER JACOBS: Before you start, Mr.
19 Deterding, you indicated that there were three homeowners
20 in your development who had PVC but who experienced these
21 same problems.

22 MR. COOGAN: Yes, sir.

23 COMMISSIONER JACOBS: They are not testifying
24 today, are they?

25 MR. COOGAN: No, I don't see them here. But may

1 I just add that I have another fellow from my development,
2 that we took our own personal survey of Chelsea Place, and
3 their remarks are in that survey that we took.

4 COMMISSIONER JACOBS: Is that the one that was
5 turned in?

6 MR. COOGAN: No, this is a separate one. This
7 is from Chelsea Place. Yours was from, I believe,
8 Windham.

9 COMMISSIONER JACOBS: Okay. Thank you.

10 MR. DETERDING: You mentioned a person you said
11 had called Aloha numerous occasions and that they claimed
12 they had never received those calls?

13 MR. COOGAN: That's right.

14 MR. DETERDING: What was that name?

15 MR. COOGAN: Adrian Lang, L-A-N-G.

16 MR. DETERDING: And when was she a customer of
17 the utility?

18 MR. COOGAN: I believe she moved, I will be
19 guessing, two years ago.

20 MR. DETERDING: And your comments were just what
21 were relayed to you by her, nothing from your own personal
22 knowledge about her?

23 MR. COOGAN: No, I'm just saying what --
24 Ms. Jaber said that they are supposed to keep a record.
25 And according to Adrian -- I mean, to be told one time

1 that you never called. Adrian was a caller along with
2 another one of my neighbors, Steve Vinto (phonetic).
3 They were constantly on the phone with Mr. Watford and
4 Aloha. I think Mr. Watford visited -- I don't know if he
5 visited Adrian, but he did visit Steve Vinto quite often.

6 MR. DETERDING: But as I understood it, your
7 concern or the concern expressed to you, am I correct that
8 it was a concern expressed to you by Ms. Lang?

9 MR. COOGAN: That Aloha had said many times we
10 have never heard from you before, this is the first
11 complaint.

12 MR. DETERDING: Would it surprise you to know
13 that Ms. Lang -- that the utility's data base that
14 Commissioner Jaber referred to includes many or several
15 phone calls from Ms. Lang?

16 MR. COOGAN: Could you break that down again.

17 MR. DETERDING: Well, I'm just saying would it
18 surprise you to know that they do, in fact, have a record
19 of those phone calls in their data base as the
20 Commissioner referred to?

21 MR. COOGAN: If you say they do have it, but why
22 would she turn around and say that she was told that we
23 never got a call from you before?

24 MR. DETERDING: I don't know why she would say
25 that, sir. You mentioned three people who had PVC and

1 black water and smells and so forth in your neighborhood;
2 do you have those addresses?

3 MR. COOGAN: Luigi Bagnato, he will be coming up
4 to speak. He can give you that information. It's a
5 survey that we took in Chelsea Place, and he has all the
6 information on that report.

7 MR. DETERDING: Okay.

8 MR. COOGAN: He has the names and the addresses
9 of the three, yes.

10 MR. DETERDING: Very good. That's all I have.

11 COMMISSIONER CLARK: Mr. Jaeger.

12 MR. JAEGER: No questions.

13 COMMISSIONER CLARK: Commissioners? Thank you,
14 Mr. Coogan.

15 MR. COOGAN: Thank you.

16 MR. McLEAN: The citizens call Luigi Bagnato.

17 - - - - -

18 LUIGI BAGNATO

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

22 DIRECT STATEMENT

23 MR. BAGNATO: Good afternoon. My name is Luigi
24 Bagnato, B-A-G-N-A-T-O. I live at 1464 Haverhill Drive,
25 New Port Richey 34655. We moved into that house in August

1 of 1994, and we have had water quality problems since
2 moving in there. We have contacted Aloha and Mr. Fasano
3 on different occasions.

4 During our last board meeting in March, early
5 March, I was requested to review with the group here a
6 survey that we did in Chelsea Place. I have some reprints
7 here you might want to pass out. It will help to follow
8 it a little bit. These need to go around. What you will
9 be receiving are two packets, the first one will be a
10 summary of the survey that we conducted with a gross chart
11 as a second page to give the results. The second handout
12 will be the details of the survey.

13 As a preamble, the residents of Chelsey Place
14 have had an on-going serious problem with the quality of
15 water delivered to their homes by Aloha Utilities. This
16 problem has existed over the last five years without
17 improving. The residents of Chelsea Place have been given
18 many reasons why the problem is the responsibility of the
19 homeowners and not Aloha from house piping to being at the
20 end of the water system and many other reasons.

21 Aloha, in their explanations to us, always seem
22 to infer the residents and not Aloha services caused their
23 good water to turn unacceptable by our construction or
24 what we do, like adding water softeners as an example.

25 Further, Aloha has reported that the severe

1 water problem is restricted to a small part of their
2 customer base. Our homes have been built consistent with
3 the codes established by the State of Florida and local
4 municipal codes. Our homes were inspected and deemed to
5 meet their codes. It is difficult for our residents to
6 accept the premise that the water problem is in our homes
7 when our homes are constructed under similar codes to that
8 of our neighbors that Aloha reports does not suffer the
9 water qualities. In view of this it is on the side of
10 simple logic that there is something different about the
11 water being delivered to our homes as compared to other
12 homes of the Aloha customer base of similar construction.

13 The Chelsea Place homeowners have conducted a
14 survey of its residents to establish how widespread the
15 water quality problem is within our community. We are
16 aware the problem was experienced by many of our
17 homeowners, but were surprised by the depth of the problem
18 and the lack of confidence of our residents and the
19 willingness of Aloha to improve the condition.

20 I gave you some charts earlier, and I'm going to
21 refer to this block of numbers here. The survey that we
22 conducted had ten questions, and we tried to structure the
23 questions so we wouldn't be taking comments, we wanted the
24 responses to be either good, fair, or poor. The
25 questions, the first four questions asked for a response

1 of good, fair, or poor.

2 The first question was rate the water color. I
3 might add first that there are 140 homes at the Chelsea
4 Place built from 1992 to present. Of those 140 homes, 134
5 were occupied at the time of the survey, and we have
6 responses from 118 homes, which is a response rate of
7 about 82 percent.

8 The first question was rate the water color. We
9 had one response was good, 14 fair, and 101 poor, for a
10 total of 116. The second question was rate the water
11 odor. We had five responses of good, 42 fair, 69 poor,
12 for a total of 116. Rate the water by taste. We had one
13 good response, six fair, and 51 poor. The reason for the
14 the small turnout on that, 58, was the fact that many
15 people haven't tasted their water in a long time because
16 they have been using either bottled water or some
17 substitute. The fourth question was overall satisfaction
18 with Aloha. We had one response of good, 21 fair, 86
19 poor.

20 The next six questions asked for a response of
21 yes or no. Question Number 5, if you filed complaints,
22 how many were there. We had a total of 289 complaints,
23 which averaged about four complaints per person. One
24 person had 25 complaints listed. The sixth question, of
25 your complaints, were they satisfactory responses. Three

1 people said their responses were good, 70 said fair. We
2 had a question about pinholes. Excuse me, that last
3 question, I'm sorry, complaint satisfaction, three said
4 yes, they were satisfied, 70 said no, for a total of 73.

5 We had a question about pinholes, recognizing
6 that chemicals in the water deteriorate piping. We had 19
7 response of pinholes for a total of 34 pinholes. Many of
8 these pinholes were before the water entered the house;
9 that is, as soon as they came into your shutoff before
10 they went to any water conditioner or any other appliance
11 before going to the house.

12 Our eighth question was do you drink the water
13 from the tap. Seven people said yes, 104 said no. Which
14 you can readily see that a lot of people are buying
15 bottled water, or they have reverse osmosis, or such as
16 that. Another question, have you installed a water
17 softener. 65 of the residents have installed water
18 softeners. The last question was have you installed a
19 reverse osmosis system. Forty-five residents say they
20 have installed such a system, many others say they had
21 charcoal filters or some other type of filter. There were
22 just too many to enumerate them, so we just used the
23 category of reverse osmosis.

24 Now, each respondent was required to sign a
25 sheet, and we have signatures on record for all the

1 responses. We tried not -- although it was difficult at
2 times, we tried not to coach the people, but asked them to
3 make their own decision. If they couldn't come up with
4 the decision, we would then the only opportunity they have
5 is good, fair, or poor.

6 We had many people suggested that we should have
7 went a little further with poor and had very poor or
8 completely unacceptable. We tried to narrow this down to
9 just some reasonable responses. But the detailed report
10 has comments and responses to individual questions in
11 chart form, and I would be glad to answer any questions I
12 can on this.

13 There was a question about the homes that had
14 PVC piping. In the detailed report, the last two pages
15 have a listing of all the responses. And if you notice
16 our Response Number 12, that gentleman has PVC piping
17 throughout his home. And I believe that he replaced
18 copper piping with PVC. And you will notice under water
19 color he responded with 3, which is poor. And under water
20 odor he respond 3, which is poor; and on water taste that
21 is an error, that 3 shouldn't be there. He hadn't tasted
22 his water in quite awhile.

23 Response Number 30 was a Mr. Emerson. I believe
24 Mr. Emerson bought his pipe, his house with PVC piping
25 already in it. When I looked in his garage, he has a very

1 large charcoal filtering system which is as big as a
2 normal water softener. He also has a water softener. And
3 he expressed water odor of 2, which is fair, and a water
4 color of 2, which is fair.

5 And if you look at Entry Number 93, that is
6 Mr. Vinto, his house was repiped from copper to PVC also,
7 and I note in here that his comment on water odor was 2,
8 and -- excuse me, water color was 2, and water odor was 3.
9 So that is an indication that PVC piping throughout the
10 house may not be an answer to the problem. There is more
11 to it than just a simple solution of the copper being a
12 problem.

13 I might add I have lived in Florida for almost
14 four years. I own two homes in Jacksonville, Florida and
15 one in Dade County, and they all had copper piping, and I
16 have never experienced the problems we have had with the
17 water here. This is my first experience of water of this
18 type.

19 COMMISSIONER CLARK: Thank you. Mr. McLean.

20 MR. McLEAN: I have no questions. Thank you.

21 COMMISSIONER CLARK: Mr. Deterding.

22 MR. DETERDING: I have a few. How do you
23 pronounce your last name?

24 MR. BAGNATO: Bagnato.

25 MR. DETERDING: Bagnato.

1 MR. BAGNATO: I'm not sensitive, so don't be
2 afraid.

3 MR. DETERDING: Okay. Well, mine is pretty
4 tough, too. A lot tougher than that. I have a few
5 questions about the survey.

6 So the three people that Mr. Coogan referred to
7 who have PVC and had complained of black water,
8 experienced black water are the three you pointed out?

9 MR. BAGNATO: Yes.

10 MR. DETERDING: All of these surveys, everything
11 in here was filled in by the individual, correct?

12 MR. BAGNATO: Yes.

13 MR. DETERDING: So when they told you how many
14 times they had complained, that was something that they
15 just told you?

16 MR. BAGNATO: Yes. And in all honesty it was a
17 guess on a lot of their parts. They said that they
18 complained, and they didn't know how many.

19 MR. DETERDING: Do you know whether those are
20 all complaints with the utility or things they may have
21 sent to Representative Fasano?

22 MR. BAGNATO: No, I don't know that.

23 MR. DETERDING: Okay. And the color issue here
24 where they have said, or rated it as 1, 2, or 3 for good,
25 fair, or poor?

1 MR. BAGNATO: Yes.

2 MR. DETERDING: We don't have anything that
3 indicates whether that is a black water problem or some
4 other discoloration problem?

5 MR. BAGNATO: No. The way we presented that was
6 1 would be no problem, 2 would be an intermittent problem,
7 3 would be what we called severe problem.

8 MR. DETERDING: Okay. But we don't know what
9 type of problem really?

10 MR. BAGNATO: No, just that the water is
11 discolored. But in many cases people thought we should
12 have had a category lower than bad or poor.

13 MR. DETERDING: Okay. On the summary here, I
14 was just looking at that, you have got in 9 and 10 there
15 you have got have they installed a softener or an osmosis
16 system. It is not an either/or type of question.

17 MR. BAGNATO: No, it's not.

18 MR. DETERDING: So all of those who have a
19 softener could have a reverse osmosis, or it could be that
20 they were a totally separate group, we don't know for
21 sure.

22 MR. BAGNATO: That's right. Some had both a
23 softener and a reverse system.

24 MR. DETERDING: And we can't tell from this
25 which have both or which just have one?

1 MR. BAGNATO: No.

2 MR. DETERDING: On the complaint, satisfaction
3 of response, was there any way to tell whether that
4 satisfaction was that the problem was because the problem
5 wasn't resolved, or because that they did not respond
6 quickly, or what?

7 MR. BAGNATO: The way we worded that was was
8 there an improvement in your water. I might add that most
9 people said that Aloha responded very quickly to the
10 complaint, and the people were courteous, they came there,
11 but they had no improvement in their water.

12 MR. DETERDING: I understand. So that was
13 primarily what you were looking for there?

14 MR. BAGNATO: Yes, sir.

15 MR. DETERDING: Okay. And you mentioned the
16 pinholes, and I believe you said something about some of
17 them were before it got to their in-house system?

18 MR. BAGNATO: Yes. If you look at chart number
19 -- at the chart on Page 4, Page 4 shows the 19 complaints
20 of pinholes and the number of complaints. And you see
21 they range from one to seven. One gentleman has seven
22 pinholes. Most of them had one pinhole. And these
23 pinholes were very fine holes and would let out a spray of
24 water. Some had them in their living room where they did
25 \$2,000 or \$3,000 worth of damage. I had one myself and it

1 was at the entry pipe just as it came into the house.

2 MR. DETERDING: So your personal one was before
3 it went through any treatment process in your house?

4 MR. BAGNATO: Before the shutoff valve on the
5 house.

6 MR. DETERDING: Okay. But you don't know about
7 the others, whether they were before or after?

8 MR. BAGNATO: I know some of them are in the
9 exact same position. I know three of them are in the
10 exact same position, the other ones were in different
11 places.

12 MR. DETERDING: Do you know who those people
13 are, which ones were the ones that you know of were before
14 the --

15 MR. BAGNATO: No, I don't. I talked to Charlie
16 Rifkin (phonetic), for example. Charlie Rifkin's was in
17 the living room, and it was something like \$3,000 damage.
18 The gentleman that had seven, they were all over the
19 place.

20 MR. DETERDING: But that is after the treatment
21 system?

22 MR. BAGNATO: That is after, yes.

23 MR. DETERDING: That's all I have. Thank you
24 very much.

25 MR. BAGNATO: I just wanted to make one more

1 footnote here. We appeal to Aloha Utilities and the
2 Florida Public Service Commission to review this condition
3 in the light of your residing in a house that continually
4 had poor tasting, smelly, discolored water that by any
5 civilized standards is entirely unacceptable. Aloha has
6 not earned or should be granted a rate increase until this
7 condition is satisfactorily dealt with. Thank you.

8 COMMISSIONER CLARK: Mr. Jaeger, do have any
9 questions?

10 MR. JAEGER: I didn't see any addresses with the
11 Wilson, Emerson, and Vinto homes. Do you know their --

12 MR. BAGNATO: I'm sorry, this report only gives
13 the lot numbers. We will be glad to give you a listing
14 that gives addresses for lot numbers.

15 MR. JAEGER: But the utility can readily get
16 that, I guess.

17 MR. DETERDING: We can supply that.

18 MR. JAEGER: No questions.

19 COMMISSIONER JABER: Sir, may I ask you one
20 question?

21 MR. BAGNATO: Sure.

22 COMMISSIONER JABER: Did I hear you say you have
23 two homes in the Duval County area?

24 MR. BAGNATO: I had two homes previously, one in
25 1974 and then another one about 1978. And both of those

1 had copper piping.

2 COMMISSIONER JABER: And Dade County you said
3 you had a home?

4 MR. BAGNATO: Dade County. I had one in Dade
5 County, yes.

6 COMMISSIONER JABER: Do you happen to know if
7 any of those counties have ordinances regarding copper
8 piping? Do you have any idea?

9 MR. BAGNATO: No, I don't know that. But I
10 might add the house I lived in in Jacksonville, after 17
11 years we developed pinholes in that and we had to repipe
12 the house completely, and did it overhead. And it is our
13 understanding that eventually almost all copper piping
14 will erode to the point where they will get pinholes in
15 it. My surprise was that I have only lived in this house
16 four years and I had pinholes, which I thought was a very
17 short duration for degradation of the copper.

18 COMMISSIONER JABER: Thank you.

19 COMMISSIONER CLARK: Thank you, Mr. Bagnato.

20 Mr. McLean, your next witness.

21 MR. McLEAN: Yes, ma'am. I don't believe we
22 have marked the gentleman's survey as an exhibit, and I
23 would like to do that and move and move it into evidence,
24 if you please. And I have no further questions.

25 COMMISSIONER CLARK: We will mark the survey and

1 I think it is the summary as Exhibit 9.

2 MR. DETERDING: We are putting this --

3 COMMISSIONER CLARK: He has asked for it to be
4 an exhibit.

5 MR. DETERDING: Well, I don't have any
6 information that gives me any detail other than what I
7 have been able to glean from the gentleman on cross
8 examination. Wouldn't this be better as a survey that
9 goes into that correspondence side?

10 MR. McLEAN: It seems to me unusually complete.
11 I think your objection goes more to the weight to be given
12 to it than its admissibility.

13 MR. BAGNATO: I might add, for example, you
14 asked about water softeners and reverse osmosis, if the
15 same house had it. If you go to the detail sheets in the
16 back, there is two sheets which has them. And you can go
17 down through there, for example, and you can find out
18 which house might have had both or one and so on. So
19 there is a lot of information on those sheets. In fact,
20 all the information we accumulated is on there.

21 MR. McLEAN: Basically, I think the customer has
22 done what we ought to be doing. He has got out there and
23 tried to figure out what is going on, and I think we would
24 all be better off if we took that approach, actually.

25 MR. DETERDING: Well, I mean, the Commission has

1 done a survey of, I think, basically every fact in here as
2 far as customer input.

3 COMMISSIONER CLARK: Mr. Deterding, are you
4 objecting to the admission of the survey?

5 Mr. Bagnato, do you have backup sheets or did
6 you question people?

7 MR. BAGNATO: I have worksheets. There was
8 three of us that made the survey; Mr. Coogan, the
9 president of the association --

10 COMMISSIONER CLARK: So you walked around and
11 made --

12 MR. BAGNATO: Yes, we walked around. We tried
13 not to be aggressive, but we were aggressive on contacting
14 people. We did this over a period of about a week, and we
15 went to some houses as many as two or three times in the
16 morning or the evening to get the answers, trying to get
17 at many responses as we could.

18 COMMISSIONER CLARK: I think would be well to
19 add to the exhibit the worksheets, and if you could get --
20 Mr. McLean, if you could be in charge of making sure you
21 get those worksheets copied and it made part of the
22 exhibit.

23 MR. McLEAN: I shall do so. Thank you.

24 COMMISSIONER CLARK: Now, Mr. Deterding, do you
25 object to the exhibit?

1 MR. DETERDING: Understanding that these are
2 simply customer impressions and are not something that can
3 really form any basis of finding of facts with relation to
4 the issues here because they are simply customers'
5 impression of their own water or water service, then I
6 wouldn't have an objection.

7 COMMISSIONER CLARK: Mr. McLean.

8 MR. McLEAN: Well, let me answer and say I think
9 that is really the only thing that really counts in this
10 proceeding is what customers think. We sit here --
11 because they can't shop for water. If they could shop for
12 water there wouldn't be a need for any of us. I think
13 their impression are critical.

14 MR. DETERDING: I'm not saying they are not
15 important, Mr. McLean, I'm just saying that is what this
16 goes to. And I agree with you as to that.

17 COMMISSIONER CLARK: Are you going to object to
18 the introduction --

19 MR. DETERDING: No.

20 COMMISSIONER CLARK: Okay. We will admit this
21 exhibit with the understanding that the worksheets will be
22 copied and made part of the exhibit. And it is Exhibit 9.

23 (Exhibit 9 marked for identification and entered
24 into the record.)

25 COMMISSIONER CLARK: Mr. McLean.

1 MR. McLEAN: The Citizens call Winston Tripp.

2 COMMISSIONER CLARK: Mr. Tripp, Winston Tripp.

3 Mr. McLean, I don't see anyone coming forward.

4 MR. McLEAN: Mr. and Mr. Louis King have signed.

5 COMMISSIONER CLARK: Mr. or Mrs. King. I see

6 Mrs. King. Are you both going to provide testimony?

7 LOUIS AND ANITA KING

8 was called as a witness on behalf of the Citizens of the
9 State of Florida and, having been duly sworn, testified as
10 follows:

11 DIRECT STATEMENT

12 MRS. KING: I've got a few things I want to say,
13 and then he is going to talk on the water filter, because
14 I know nothing about that. That is completely out of my
15 realm.

16 COMMISSIONER CLARK: That's fine. All right,
17 have a seat, Mrs. King, and give us your name.

18 MRS. KING: Louis, L-O-U-I-S, and Anita King.

19 COMMISSIONER CLARK: And where do you live?

20 MRS. KING: 4866 Enfield Court, New Port Richey
21 34655, Heritage Lake.

22 COMMISSIONER CLARK: Okay. Go ahead.

23 MRS. KING: My first question, if I may, is to
24 Mr. Deterding, and I would like to know do you live in the
25 Aloha water service area?

1 MR. McLEAN: We will waive the oath.

2 MR. DETERDING: I'm not here to answer
3 questions, but I do not.

4 MRS. KING: Okay. That's fine. I have just
5 written down some things in random order, so I will just
6 throw them out as I have it here. We can go seven miles
7 from our house to my son's house and we can drink the
8 water and we can take a clean bath. Only seven miles. If
9 we open two water spigots at the same time, say one in the
10 kitchen and one in one of the bathrooms, we will get black
11 water coming out of both.

12 In the tub, if you let it run for awhile it does
13 clear up somewhat. You may think it is pretty clear so
14 you will run a bath. Walk away from it for a couple of
15 minutes, though, come back and the bottom is black. The
16 whole bottom of the tub. The bottom of our tub, we have a
17 nonskid surface, it is the same color as your bathtub. If
18 you have a beige bathtub, it is a beige nonskid bottom.
19 Our nonskid bottom is almost black. It adheres to it and
20 there is nothing in the world that can clean it.

21 After our water comes through the filter that my
22 husband will tell you about, we still put it into a Brita
23 filter. And I guess that is about it. It's the same
24 things over and over from everybody. And I will let him
25 tell what you this beautiful colored stuff is from.

1 COMMISSIONER CLARK: Thank you, Ms. King. Let
2 me see if there are any questions for you. Did you want
3 to testify on that?

4 MRS. KING: He is just going to tell you what
5 this is in the filter, because I don't understand that at
6 all.

7 COMMISSIONER CLARK: Let's see if there are any
8 questions for you.

9 MR. McLEAN: No, ma'am, I have none.

10 COMMISSIONER CLARK: Mr. Deterding.

11 MR. DETERDING: I have a couple.

12 How long have you lived in the Aloha service
13 area?

14 MRS. KING: Nine and a half years.

15 MR. DETERDING: Have you ever filed a water
16 quality complaint with Aloha?

17 MRS. KING: Yes. They came to our house and
18 said they were not allowed to come inside of the house,
19 and my husband knows more about that, too.

20 MR. DETERDING: Okay. And he can talk to me
21 about that. Do you know when that was?

22 MR. KING: About three years ago.

23 COMMISSIONER CLARK: Why don't you wait until --
24 Mr. Deterding, wait until he testifies.

25 MR. DETERDING: Certainly. That is all I have.

1 COMMISSIONER CLARK: Mr. Jaeger.

2 MR. JAEGER: No questions.

3 COMMISSIONER CLARK: Commissioners. Thank you,
4 Ms. King. If you would just stay there in case somebody
5 does have questions.

6 Now, Mr. King.

7 MR. KING: Yes. This is a filter that leads
8 from the -- let's see, what would be the -- well, it is
9 the outside of the house. This is after one week in the
10 filter. This is what it looks like. I took it out this
11 morning. I inserted it last week.

12 MRS. KING: And this is what a new one looks
13 like.

14 MR. KING: This is the coloration of the inside,
15 that was inside this container after one week. This is
16 how it looks. The inside and the outside. This is
17 completely colorless. I just wanted to show what it looks
18 like.

19 COMMISSIONER CLARK: I'm sorry, was the casing
20 of it clear?

21 MR. KING: This is completely colorless.

22 COMMISSIONER CLARK: It was clear.

23 MR. KING: It is a glass container, a clear
24 glass container. I beg your pardon?

25 COMMISSIONER CLARK: It was clear?

1 MR. KING: Clear, yes. A clear glass container.

2 COMMISSIONER CLARK: Okay.

3 MR. McLEAN: Mr. King, would you tell us what
4 that looks like. We can see, but we want to make sure
5 that the record shows what it looks like.

6 MR. KING: Well, it's like a reddish
7 discoloration. Reddish-black discoloration.

8 MRS. KING: Maybe like grape juice.

9 MR. KING: And I have a -- this is what it looks
10 like new. This is what it is after one week.

11 MR. McLEAN: So would you say there is quite a
12 difference between the two?

13 MR. KING: I would say there is, yes.

14 MR. McLEAN: And is that a glass container into
15 which those items fit?

16 MR. KING: Yes. It fits in here, and it screws
17 into another container.

18 MR. McLEAN: And that glass container is
19 normally clear, is that correct?

20 MR. KING: Absolutely, yes.

21 MR. McLEAN: Now, you have another small jar
22 down there just beside it.

23 MR. KING: No, this was the liquid that leaks
24 from here into this container.

25 MR. McLEAN: Can you tell me what that liquid

1 looks like to you, please, sir?

2 MR. KING: I would say --

3 MR. McLEAN: Oceanspray cranberry, perhaps.

4 MR. KING: Cranberry color, yes. I think that
5 would cover it.

6 MR. McLEAN: All right. Thank you, sir.

7 COMMISSIONER CLARK: Mr. Deterding.

8 MR. DETERDING: I just have a couple of
9 questions. You say the container there was clear --

10 MR. KING: It is absolutely clear when I wash
11 it.

12 MR. DETERDING: I understand. When was it
13 clear, when was the last time it was washed?

14 MR. KING: When I inserted the new -- I wash it
15 out each time.

16 MR. DETERDING: And it is perfectly clear?

17 MR. KING: It is absolutely clear. I can put
18 water in this and just wash it right out.

19 MR. DETERDING: Okay. You say this is outside
20 of the house. Do you mean in the garage?

21 MR. KING: No, no, outside. It is from the
22 meter to the house. It is past the meter. It is where
23 the piping is leading into the house, but it is on the
24 outside.

25 MR. DETERDING: So it is outside the house.

1 MR. KING: Outside the house.

2 MR. DETERDING: Okay. And so this is before or
3 after -- you have a softening unit in addition to the
4 filter or just the filter?

5 MR. KING: No, just the filter.

6 MR. DETERDING: You indicated or your wife, I
7 can't recall which, that there was a -- that you all had
8 filed a complaint or voiced a complaint about water
9 quality with Aloha?

10 MR. KING: Yes, that was shortly after we moved
11 in we filed a complaint. The man came around, he wouldn't
12 come into house. He walked up to the door and he had a
13 small vial of water. And he says, your water is
14 absolutely clear. I said, "Well, come into the house and
15 take a sample of the water in the house." He said, "I'm
16 not allowed to come into your house," and he turned around
17 and walked away. We called again about three years ago, I
18 think, three or four years ago, and the same thing
19 happened. He would not come into the house and take a
20 sample.

21 MR. DETERDING: You say the first time was
22 shortly after you moved in, so sometimes around '90 or
23 '91?

24 MR. KING: Right, about nine years ago. Nine
25 and a half years ago.

1 MR. DETERDING: And you believe that you called
2 again in the last --

3 MR. KING: About three years ago.

4 MR. DETERDING: And basically the same result.

5 MR. KING: The same result.

6 MR. DETERDING: That's all I have. Thank you.

7 COMMISSIONER CLARK: Staff.

8 MR. JAEGER: I have just a couple of questions.
9 Is that is a charcoal filter, Mr. King?

10 MR. KING: It's a charcoal filter, yes, sir.

11 MR. JAEGER: And when you first put that filter
12 on, do you get black water in the house when you first put
13 that filter on?

14 MR. KING: I'm sorry.

15 MR. JAEGER: Does the charcoal filter filter out
16 the black water for at least awhile?

17 MR. KING: It is supposed to last about six
18 months, but I change it about every two or three weeks.

19 MR. JAEGER: Two or three weeks.

20 MR. KING: And this was taken out this morning
21 after one week.

22 MR. JAEGER: Okay. And do you know the cost of
23 the charcoal filter, about?

24 MR. KING: The cost, you get two of them for \$8.

25 MR. JAEGER: Thank you.

1 MR. KING: I've got the ingredients here if you
2 would like to hear of them.

3 COMMISSIONER CLARK: Mr. King, can I ask you a
4 question?

5 MR. KING: Yes, ma'am.

6 COMMISSIONER CLARK: What is the water like
7 inside your house when you put that new filter in, does
8 that help with the blackness?

9 MR. KING: Somewhat, it does. But it doesn't
10 last very long.

11 COMMISSIONER CLARK: Okay. Any other questions?
12 Thank you, Mr. and Mrs. King.

13 MR. McLEAN: The Citizen call Ms. Bonnie Boile
14 (phonetic).

15 COMMISSIONER CLARK: I don't see anyone.

16 MR. McLEAN: Virginia N. Pratt.

17 VIRGINIA N. PRATT

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

21 DIRECT STATEMENT

22 MS. PRATT: Good afternoon. My name is Virginia
23 N. Pratt, P-R-A-T-T. I reside at 1521 Brittany Court, New
24 Port Richey, Florida 34655-4291. This water was drawn
25 from the master bathroom this morning. It looks pretty

1 clear, but when you turn it up you can still see sediment
2 falling down. It is better than it was.

3 I have an outside door to my bathroom. When we
4 first in moved in I have to say, I'm a little advanced in
5 years, and I have lived in different places, Pennsylvania,
6 Connecticut, Orlando. Never had a problem, never even
7 thought of a problem with water. My daughter and her
8 husband had lived in Wesley Chapel, and we built a house
9 over here together because that one wasn't large enough.
10 We are a three generation family. We moved in, we didn't
11 think about the water. The builder did say -- I said,
12 well, New Port Richey water, and he said Aloha, it's a
13 private company. Well, we just figure if it is city
14 water. We found out.

15 When we first moved in, which was in the spring
16 of '95, I think it was, '95 or -- no, it had to be spring
17 of '96, all right, the water pressure, we have never had a
18 good water pressure. It has always been -- I said I can't
19 believe it, you turn the water on in the kitchen -- first
20 of all, I can't run the washing machine, we never could
21 from the time we moved in. You cannot wash clothes and
22 wash your dishes or take a shower at the same time. You
23 have to wait until each one is finished.

24 If I happen to be in my -- washing dishes by
25 hand and somebody flushes the toilet, the water just kind

1 of stops going. We have always had a discoloration. In
2 my bathroom, when we first moved in, I opened the outside
3 door and turned the water faucet on, and then I try to
4 leave the room because the smell is so bad it actually
5 could almost turn your stomach. I will say in the last
6 three months the smell has gotten a little better.

7 Constantly after the last time when you had your
8 meeting scheduled here, their solution was to flush all of
9 our water things. I would drop my grandson off in the
10 morning between 8:00 and 8:30, and the guy would be out
11 there from Aloha, Aloha on the truck, flushing the water
12 mains. And I live on one cul-de-sac, and across is
13 another little cul-de-sac, after he does that one at
14 Davenport and Mitchell, he goes over to the one on Chatham
15 Place and does that. And that is how they, I guess,
16 consider they are correcting our water.

17 My daughter had a little baby three years ago.
18 One of the presents she got was a beautiful little --
19 excuse me -- a beautiful little baby blanket set. And as
20 my daughter has always done, she washes the baby's clothes
21 before she uses them. And this is the way this beautiful
22 white baby blanket came out of our washing machine. And
23 these are not tea stains. It came out with holes and it
24 came out stained. And that was a beautiful little baby
25 blanket. And that is from Aloha water. And I have gotten

1 so now that I turn the water on and wait until -- it is a
2 waste of water. I turn the water on in the sink in the
3 washroom -- thank you.

4 UNIDENTIFIED SPEAKER: Is that Aloha water
5 you're drinking?

6 MS. PRATT: I hope not, it's clear. I turn it
7 on in the tube that is in our laundry room, and I let it
8 run until I think it is almost clear before I start doing
9 my laundry. When we first started, your white sheets were
10 always gray because the water would be coming out, you
11 never knew if it was going to be brown or what. We don't
12 have as bad a problem as some of our other neighbors, but
13 it is bad.

14 And this morning my neighbor across the street
15 couldn't come because she worked, and I don't know if I'm
16 allowed to do this or not, but this was from out of her
17 water. She ran home -- I didn't see her put it in this,
18 but she ran home, came over and said, "Take this with
19 you." And you can see the big drops in there. And that
20 is from 1517 Havarall (phonetic). That is from Nancy and
21 Kelly Glenn. That's all I have to say.

22 MR. McLEAN: Ms. Pratt, right here. Pick up the
23 first jar that you had, please, the one with the red top.

24 MS. PRATT: This is from ours.

25 MR. McLEAN: Yes, ma'am. Would you describe

1 what you see in there a little bit, please.

2 MS. PRATT: Well, this isn't too bad. It's kind
3 of a grayish color, but on the bottom -- this has had time
4 to settle, because I took this this morning when I came.
5 On the bottom are all these black things floating around
6 in there. They settle out usually. We don't drink the
7 water.

8 After this happened my son-in-law installed a
9 water softener, and then -- because we had been buying
10 bottled water. And then after last spring -- was it a
11 year ago? A year ago he put in a reverse osmosis
12 underneath our sink, so we do have those two things.

13 MR. McLEAN: Now, you had another jar of water
14 there with you which you got from your neighbor, you said
15 it has some spots in it. Can you tell us what the spots
16 are, please.

17 MS. PRATT: Well, they are black -- kind of
18 black lumps. Particulates, yeah. They are good-sized.
19 They are not tiny like the ones in my water. These are
20 good-sized ones.

21 MR. McLEAN: Thank you, Ms. Pratt. That's all I
22 have.

23 COMMISSIONER CLARK: Mr. Deterding.

24 MR. DETERDING: Ms. Pratt, you said you had, in
25 addition to your black water concern, your pressure,

1 concerns with the pressure. Have you reported these to
2 the utility?

3 MS. PRATT: When we first moved in, my daughter
4 called and talked to Aloha.

5 MR. DETERDING: And what year was that?

6 MS. PRATT: That would be '96, the spring of
7 '96. I would say she probably did it in May, because we
8 moved in in April. The name is Wagner, W-A-G-N-E-R.

9 MR. DETERDING: Called about pressure or
10 discoloration?

11 MS. PRATT: Called about pressure, called about
12 that, and then, of course, after talking with some of our
13 other neighbors, and then I believe '96 is when -- well,
14 anyway, talking to other people that had lived in the
15 area, after no response she got from that, we haven't
16 bothered since.

17 MR. DETERDING: So you haven't made any
18 complaints to Aloha since that time?

19 MS. PRATT: No, because you never get an answer
20 back, so why complain?

21 MR. DETERDING: Well, what happened with that
22 last complaint? I guess, since you say since that time
23 you haven't been able -- you haven't gotten, you haven't
24 gotten an adequate response so that would you call again.
25 What happened at that time?

1 MS. PRATT: Nothing.

2 MR. DETERDING: Well, did an Aloha service
3 representative come to your house to review the problem?

4 MS. PRATT: Not that I am aware of.

5 MR. DETERDING: Was it your daughter who was
6 handling the complaint and following up with Aloha? You
7 said she was the one who called.

8 MS. PRATT: She called, yes.

9 MR. DETERDING: Was she the one that was
10 handling meeting them or talking to them?

11 MS. PRATT: Since I was home all the time, I
12 would have seen them. She worked all the time. At that
13 time she was working 40 hours a week, so I was home all
14 day.

15 MR. DETERDING: Were they not asked to come out
16 or did they not show up? I'm not sure I understand what
17 you're saying.

18 MS. PRATT: She was complaining about the low
19 water pressure, and they just said that it was good for
20 the area, as far as I recollect, because that is '96.

21 MR. DETERDING: So they weren't asked to come
22 out at that time, either.

23 MS. PRATT: At that time I'm not sure.

24 MR. DETERDING: When was the softener installed?
25 You said you had a softener installed.

1 MS. PRATT: Yes. The softener was installed, I
2 would say -- let's see, this is 2000, I would say maybe
3 about a year and a half ago. A year and a half to two
4 years.

5 MR. DETERDING: That's all I have, thank you.

6 MR. JAEGER: I have two questions, I believe.
7 Are you in Chelsea Place, is that the --

8 MS. PRATT: Yes, sir.

9 MR. JAEGER: And also you talked about having to
10 open the door and step out while the water was running
11 because the smell was so bad. Is that that rotten egg or
12 sulfur smell?

13 MS. PRATT: That is that rotten egg/sulfur
14 smell; yes, sir.

15 MR. JAEGER: Okay, thank you.

16 COMMISSIONER CLARK: Commissioners.

17 MR. McLEAN: Nothing.

18 COMMISSIONER JABER: I have one.

19 Ms. Pratt, you still have problems with the
20 pressure and you still can't turn on the dishwasher, the
21 washing machine, and a faucet at the same time?

22 MS. PRATT: We are very careful about that. The
23 water pressure is definitely down. All my family was
24 raised as volunteer firemen. So when I see water pressure
25 like that I have been constantly worried about the fact

1 that if we had a fire I don't know if they would have
2 enough force in the hoses to try and it put it out.

3 COMMISSIONER JABER: Madam Chair, do you mind if
4 I ask a staff engineer to talk to Ms. Pratt a little bit
5 more and maybe we can get some detail from you, maybe a
6 copy of your bill and that kind of thing, and we will
7 follow up with the utility.

8 MS. PRATT: Thank you.

9 COMMISSIONER JACOBS: One quick question.

10 COMMISSIONER CLARK: Ms. Pratt, Commissioner
11 Jacobs has a question.

12 COMMISSIONER JACOBS: Do you share the
13 experience that the pressure problems occur mostly in the
14 morning hours when people are doing their lawns?

15 MS. PRATT: No, I haven't noticed that. The low
16 water pressure is there all the time, so I haven't noticed
17 any particular time.

18 COMMISSIONER JACOBS: Thank you.

19 COMMISSIONER CLARK: Thank you, Ms. Pratt.

20 MS. PRATT: Thank you.

21 COMMISSIONER CLARK: Mr. McLean.

22 MR. McLEAN: Yes, ma'am. The citizens call
23 Carlo and the last is spelled L-E-K-I-C-H, I believe. The
24 address is 7445 Ibbboro Lane (phonetic). Is that person
25 coming?

1 COMMISSIONER CLARK: I don't see anyone.

2 MR. McLEAN: Okay. L W. Oberg, O-B-E-R-G.

3 UNIDENTIFIED SPEAKER: Mr. Oberg had to take his
4 wife to the doctor. He said he would be back later this
5 afternoon. He hasn't come back yet.

6 COMMISSIONER CLARK: Okay. Someone in the
7 audience has just indicated that Mr. Oberg has left. He
8 may come back before we conclude this afternoon, but we
9 also are having another customer hearing at 6:00 o'clock,
10 so maybe he will be here then.

11 Go ahead, Mr. McLean.

12 MR. McLEAN: Yes, ma'am. The next customer
13 signed up is Sharon Rivard, I believe it is, R-I-V-A-R-D.

14 COMMISSIONER CLARK: Ms. Rivard. I don't see
15 anyone coming forward.

16 MR. McLEAN: Ronald J. Eustice.

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

21 DIRECT STATEMENT

22 MR. EUSTICE: How you doing? My name is Ron
23 Eustice, I reside at 100 Daleside Lane, New Port Richey
24 34655.

25 COMMISSIONER CLARK: Would you spell your last

1 name.

2 MR. EUSTICE: Excuse me, E-U-S-T-I-C-E.

3 COMMISSIONER CLARK: Go ahead.

4 MR. EUSTICE: We are kind of newcomers to the
5 area. We moved here in the late fall. And just
6 associating with the neighbors around the neighborhood, we
7 found out that we indeed had a water problem. And we also
8 inside the house experienced all the same problems that
9 most of the people talked about here. Very low pressure
10 when you turn one faucet on. When you use the bathroom
11 the kitchen goes down. You go to use the washing machine
12 and almost no water comes out of the bathroom. So we have
13 experienced that for several months.

14 Finally, after talking to a few neighbors about
15 the situation, we realized that they probably didn't have
16 much results themselves, so we endeavoured to try to do
17 something about it around -- I believe it was around
18 January. My wife called the utility company and told them
19 we are having all of these problems, dirty water, black
20 water, low pressure, et cetera. Well, they did send
21 somebody to the house. I believe it was only about two
22 days later a gentleman knocked on my door, presented me
23 with a big thick pamphlet explaining all the things that
24 could go wrong and why it would go wrong, meaning copper
25 piping, et cetera. And he said, "If you read this over,

1 then you will understand why you are probably having any
2 of the problems you are having."

3 So we thanked him, we took it in and we read it
4 over. But another interesting thing happened. I have a
5 very compromised immune system because I have CLL, that is
6 chronic lymphatic leukemia. And when we moved in, I
7 thought it was around January, maybe late December, I was
8 having a lot of trouble with my bladder and -- my kidneys,
9 I think, and my bladder. I had to go to the bathroom like
10 every hour on the hour, including evening. So I thought,
11 gee, I haven't had this problem since I have been
12 diagnosed, four years. Let me do a little test, because
13 I'm talking about sulfur in the water and lot of extra
14 chlorine.

15 And so I decided to not touch a drop of water in
16 that house. I mean nothing. I always got the bottled
17 water, got distilled water. I wouldn't take an ice cube
18 or nothing. And lo and behold after about three or four
19 weeks, which was probably about mid-February, I would say,
20 I felt fine. I didn't have to get up in the evening or
21 nothing. Maybe once. Not every hour. And so I was just
22 a little suspicious. I told the wife, well, maybe it is
23 not that, really.

24 So I started drinking the water again just about
25 maybe four weeks ago. And now I'm experiencing the same

1 exact problem. So I honestly think the water is making me
2 sick. I can't prove it right at this point, but I'm going
3 to my oncologist April 10th, and I'm going to do extra
4 tests when he normally does my blood work to see about the
5 chlorine in my system or possibly the sulfur content, et
6 cetera. But something is irritating my system, because I
7 went off of it, I felt fine. I went back on it and sure
8 enough three or four weeks later it started again.

9 So all I know is everyone I have talked to in
10 the neighborhood seems to be experiencing all the same
11 problems. And, you know, we bought this house, it was
12 three and a half years old, and I'm sure it doesn't have
13 anything to do with the workmanship because I understand
14 that the builder, Mr. Shickendanz phonetic), he built the
15 house for his granddaughter. So I'm sure it has got top
16 grade everything in there. I don't think there is any
17 worry about not putting the right tubing or this or that
18 in, or whatever, copper and so forth. And I would imagine
19 that it is top grade everything in the house.

20 So the only thing I could explain is that, you
21 know, not only the water bill, but when I moved in five or
22 six months ago, we were paying approximately \$30 --
23 approximately \$30 for our water bill. But now that I have
24 to really drink water, bottled water, we cook with bottled
25 water, my water bill is really about \$75 a month. And I

1 don't know, as long as we live there, I've got a feeling
2 that is what we are going to be paying. Thank you.

3 COMMISSIONER CLARK: Thank you, Mr. Eustice.
4 Mr. McLean.

5 MR. McLEAN: No questions.

6 COMMISSIONER CLARK: Mr. Deterding.

7 MR. DETERDING: Yes. Mr. Eustice, you have
8 stated that you have a problem with the pressure. Did you
9 report this to the utility company?

10 MR. EUSTICE: My wife called, I believe it
11 was -- we put up with the normal nuisances like everyone
12 else, I guess, for the first two months, two and a half in
13 talking to neighbors. So my wife said no, I'm going to
14 call, this is ridiculous. You've got the smelly water in
15 the small bathroom that you can't hardly stand, black
16 water in the master bedroom in the jacuzzi tub, and the
17 water pressure and everything else. So that's when she
18 decided to call. I believe it was about probably a month,
19 month and a half ago.

20 And it was only, I think, maybe one day or two
21 days later a gentleman from the water company responded
22 and rang our doorbell and gave us this, maybe, 30-page
23 pamphlet about the general conditions in your area and why
24 you would have this problem in the area like other people
25 have been used to.

1 MR. DETERDING: Okay. You mentioned that the
2 system has high sulfur and high chlorine as a concern that
3 you expressed. Do you know whether or not you are
4 experiencing high sulfur content or high chlorine content
5 in your home water?

6 MR. EUSTICE: No, I couldn't prove that because
7 I never really did any tests on it.

8 MR. DETERDING: Okay. You have a water
9 softener, is that correct?

10 MR. EUSTICE: Yes, I do have a water softener.

11 MR. DETERDING: Do have you any kind of
12 filtration system?

13 MR. EUSTICE: I also have a dual filtration
14 system under the sink for drinking water. When I
15 developed this problem, I was drinking the water -- I had
16 just changed the filters for the second time, the dual
17 filters under the sink. And I paid almost 25 for the one,
18 and I think 15 for the other one, \$40 for both. And they
19 are only supposed to be changed every six months to a
20 year. So, I figured, okay, I can drink this water.

21 And after I started drinking the water,
22 physically drinking the water and using the ice cubes, et
23 cetera, that is when I developed this problem. And then,
24 like I said, I decided to run a test on myself. And then
25 not to touch one drop water in that house for at least a

1 month, and that is when everything subsided and went away.

2 And now I started drinking the water again, the
3 filtered water from the sink, some ice cubes, and so
4 forth, tea in the morning, you know when you boil your
5 kettle. And in the last three weeks it has all come back
6 again. So it makes me very suspicious that it is in the
7 water, and it's possibly effecting my immune system, or my
8 bladder, or my kidneys.

9 MR. DETERDING: You haven't had a doctor state
10 that that was the problem?

11 MR. EUSTICE: No, I go every three months.

12 MR. DETERDING: Okay. That's all I have. Thank
13 you.

14 COMMISSIONER CLARK: Mr. Jaeger.

15 MR. JAEGER: Yes. Mr. Eustice, I just have one
16 question. You say you live at 100 Daleside Lane.

17 MR. EUSTICE: 1002.

18 MR. JAEGER: And is that in like Chelsea, or
19 Wyndtree, or where?

20 MR. EUSTICE: That is Fair Glen, Wyndtree
21 Development.

22 MR. JAEGER: Thank you.

23 COMMISSIONER CLARK: Commissioners.

24 COMMISSIONER JABER: Mr. Eustice, when you got
25 your visit from the Aloha technician, he gave you the

1 pamphlet that talks about the combination of the chemicals
2 with the copper piping, and that same pamphlet includes
3 information about the hot water heater, that is the
4 pamphlet you are talking about?

5 MR. EUSTICE: Right. He said this will explain
6 everything to you about sulfur and your pipes and so forth
7 and so on, and you will get a better understanding after
8 you read this.

9 COMMISSIONER JABER: Did they verify that you
10 have in your house any of those things before they gave
11 you the pamphlet?

12 MR. EUSTICE: No. He just came to the door,
13 rang the doorbell and then gave me the pamphlet.

14 COMMISSIONER JABER: Do you have copper piping
15 in your house?

16 MR. EUSTICE: Yes.

17 COMMISSIONER JABER: Does that pamphlet say
18 anything about water pressure?

19 MR. EUSTICE: I don't remember, but it is
20 possible.

21 COMMISSIONER JABER: But you did call about
22 water pressure?

23 MR. EUSTICE: I read it had about a month and a
24 half ago.

25 COMMISSIONER JABER: But you did call about

1 water pressure and the chlorine --

2 MR. EUSTICE: Right. My wife complained about
3 black water, muddy water, smelly water, low pressure, and
4 everything, because everybody else in the same area was
5 experiencing it.

6 COMMISSIONER CLARK: Thank you, Mr. Eustice.
7 Mr. McLean.

8 MR. McLEAN: Yes, ma'am. The citizens call Bibi
9 Janaes, J-A-N-A-E-S.

10 COMMISSIONER CLARK: She is the lady that
11 indicated she had to leave.

12 MR. McLEAN: Okay. Thank you. Ruth Eastman.

13 COMMISSIONER CLARK: Ruth Eastman. I don't see
14 anybody.

15 MR. McLEAN: The next person signed up as
16 Elizabeth, 3423 Umber Road, I believe.

17 COMMISSIONER CLARK: There is somebody coming
18 forward.

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

23 DIRECT STATEMENT

24 MS. SESSA: My name is Elizabeth Sessa,
25 S-E-S-S-A, 3423 Umber Road. Now, I have been sitting here

1 since 10:00 o'clock this morning and I have been hearing
2 everybody talk about their colored water. That is not my
3 biggest problem. I have water problems, I have pressure
4 problems, I have the bleach problems, you smell the
5 chlorine. That is not my main problem. My main problem
6 is the prices that we have to pay. I live in Aloha
7 Gardens, I have lived there for 18 years, and I have the
8 biggest problem with the prices.

9 We are a forgotten bunch of people. In 1992, I
10 paid \$12.80 cents as a flat rate per thousand -- for a
11 flat rate, whatever water came into the house. In the end
12 of December of '92 and January of '93, I no longer had a
13 flat rate. The wastewater, the sewage. It went from
14 12.80 to whatever water I consumed. In other words, if I
15 used \$25 worth of water, it cost me \$50 to get rid of the
16 same water. Whereas the other people in this area that
17 have been here all day have talked about their rates,
18 Chelsea, Trinity, Park Lake Estates, and all the rest.
19 They had a flat rate up until '96. I haven't had a rate
20 since '92.

21 Now, how come that because I live where I live
22 and I pay the most money? And my other complaint is where
23 does my water get processed to, from Aloha Gardens to
24 where? When I called the Public Service Commission, I
25 first got in touch with Debra Pruitt, and -- no, I'm

1 wrong. Mike Fasano. And then I was referred to Debra
2 Pruitt because I was her constituency. And she said she
3 would look into it and I would be able to call the Public
4 Service Commission.

5 Well, I called the Public Service Commission and
6 I spoke to somebody named Mr. Martin. Just about when it
7 was, I don't know. But he said it was a done deal, and
8 there was nothing I'm going to about it, no matter how
9 many people I got on the petition.

10 Now it goes on, goes on, and goes on, and goes
11 on. And I still have this high price thing. And I have
12 checked with Seven Springs, I have checked with Chelsea,
13 and all the other people that are here looking into it
14 with their dirty water. And I'm still being raped. And
15 I'm still disgusted that I have to pay the most money.

16 I also got told that I lived the furthest point
17 of the pipeline. It takes more time to get the water from
18 where I live up to New Port Richey where the pumping
19 station is. I don't know why. It's the same water you
20 are servicing everybody else. It goes in the same way and
21 comes out the same way. What happens to evaporation; what
22 happens to consumption; what happens when we change our
23 toilets from the old-fashioned toilets to the 1.6 gallons
24 to conserve the water?

25 And I'm still being charged an exorbitant price

1 with nobody to help me, nobody to say we are going to go
2 from phase one to phase three. As long as you use over --
3 anything over 10,000 gallons of water it might cost you
4 \$31 a month. That is not per thousand gallons of water,
5 gentlemen, that is per thousand gallons a month. Whatever
6 water you use a month. I didn't even have that privilege
7 to go from one price, from 21.74 to 26 and change and then
8 to 31. I went from 12.80 to what it is today in the year
9 2000.

10 I would like an explanation of why, how come and
11 where. I've got more documentation from the Public
12 Service Commission stating that this problem should be
13 looked into, and I want it looked into. And I think it is
14 an unfair, an unjust condition. And I get no answers, and
15 I get no solutions.

16 These black waters here, you are giving
17 explanations to these people about, but that isn't solving
18 the problem that we have to get up every morning and see
19 that water and smell that water and be revolted by it.
20 You live in a different area. You don't have the problem.
21 But I'll bet you ten to one if you lived in this area and
22 you live where we live and you had to get up and your
23 children had to use that water, you wouldn't like it very
24 much, the same as we don't like it.

25 COMMISSIONER CLARK: Ms. Sessa, over here. We

1 do have staff that can look at your water bills and make
2 sure that they are in compliance with our requirements and
3 in compliance with any orders on those rates. And we
4 would be happy to have staff do that.

5 MS. SESSA: Well, the last time I spoke to
6 people from Tallahassee was the fact that the water
7 company has their certain restrictions that you did
8 approve that they could raise it, and so forth and so on,
9 and it cost -- our surcharge for sewage is 11 -- it was
10 11.03, which has gone up to 11.05. Our water surcharge
11 used to be 2.60, all right, it went up a penny. But it
12 costs us \$4.45 cents to get rid of the same amount of
13 gallonage as wastewater.

14 COMMISSIONER CLARK: Well, I am aware of the
15 fact that many times the cost for treating the wastewater
16 is more than the water treatment, and we do have that
17 situation.

18 MS. SESSA: How come we don't have a flat rate?

19 COMMISSIONER CLARK: We do have a policy of
20 charging for -- let me put it this way. That we have a
21 flat rate for those costs that do not change no matter how
22 much you use. Where it does change, where cost does
23 change as a result of usage, we try to make it a variable
24 rate so that the people who are causing the costs get
25 charged the costs.

1 MS. SESSA: Well, I don't know where I'm being
2 treated fair as everybody else. I have seen too many
3 bills. I've got bills from '92 from people who live on
4 Park Lake Estates and the bills that I have now up to this
5 present date and --

6 COMMISSIONER CLARK: Well, we will be happy to
7 look into it and make sure that the correct charges are
8 being made and explain that to you.

9 MS. SESSA: The correct charges according to
10 whose standards, though?

11 COMMISSIONER CLARK: We have reviewed from time
12 to time the charges of this utility and we would check it
13 against what we have allowed and what they have filed with
14 us in the way of tariffs.

15 MS. SESSA: Yeah. And the only time we can say
16 anything is when they request a written request to the
17 Public Service Commission for a rate hike. Unless you
18 audit their books, like I said before, you wanted to look
19 into their books, if they were gracious enough to give you
20 their books then they are off the hook and I am not.

21 COMMISSIONER CLARK: Well, in that case we did
22 indicate that we thought we had access to the books. And
23 I believe the court backed us up and said we did have
24 access to that. But back to your question as to -- what
25 they are allowed to charge has to be on file with us and

1 we would be happy to make sure that what you are being
2 charged is the correct amount.

3 MS. SESSA: Oh, I have the documents for that if
4 would you like to see it.

5 COMMISSIONER CLARK: Okay. Mr. McLean.

6 MR. McLEAN: Nothing further.

7 COMMISSIONER CLARK: Mr. Deterding.

8 MR. DETERDING: Is it Ms. Sessa?

9 MS. SESSA: Sessa, yes.

10 MR. DETERDING: You said you do have the
11 complaints of smelly water and discolored water, too?

12 MS. SESSA: Occasionally, yes, I have, in 18
13 years. I don't have to put bleach in my water to clean my
14 white clothes?

15 COMMISSIONER CLARK: You do not or you do?

16 MS. SESSA: I do not.

17 MR. DETERDING: You're saying it has got high
18 chlorine?

19 MS. SESSA: Yes, you can smell it. It reaks
20 through the whole house when you put on the water.

21 MR. DETERDING: Okay. And you are saying that
22 is the chlorine smell or other smell?

23 MS. SESSA: The chlorine smell is primarily my
24 concern.

25 MR. DETERDING: And it has other smells, too?

1 MS. SESSA: Occasionally.

2 MR. DETERDING: And you said it was discolored.

3 MS. SESSA: Occasionally. The bottom of my
4 white tub is like these people present. You know, you put
5 new water in, you go get your robe and come on back, turn
6 the water off right as you step in the tub and you have
7 got a film on the tub. Now, where did that come from?
8 It's not because I didn't wash my tub.

9 MR. DETERDING: And you are in --

10 MS. SESSA: I'm in Aloha Gardens.

11 MR. DETERDING: Are you aware that your water
12 and sewer service come through Aloha, but are both from
13 Pasco County Utilities?

14 MS. SESSA: Again, pass that by me?

15 MR. DETERDING: Are you aware that Aloha
16 purchased both bulk water and sewage service from Pasco
17 County Utilities?

18 MS. SESSA: Doesn't all the people get their
19 water from Pasco County and given to Aloha at a certain
20 price?

21 MR. DETERDING: No, ma'am.

22 MS. SESSA: Then how come we weren't notified of
23 that 18 years ago? And how come only up until '93 did my
24 rates stay the same? After '93, my rates skyrocketed when
25 everybody else in these communities had a flat rate.

1 COMMISSIONER CLARK: Ms. Sessa, I'm a little
2 reluctant to allow him to testify on these issues. What I
3 think is appropriate is for our staff to get with you and
4 talk about -- let you know how your system may be
5 different from the other systems so you have a clear
6 picture of that.

7 MS. SESSA: Can I ask another question?

8 COMMISSIONER CLARK: Absolutely.

9 MS. SESSA: All right. How come they have two
10 contracts, two separate contracts? One on me where I live
11 in Aloha Gardens and another contract with the rest of the
12 people who are here this afternoon to represent the dirty
13 water? My billing is blue, their billing is green.

14 COMMISSIONER CLARK: We can look into that, and
15 it may be because one source of water and wastewater
16 treatment does go through Pasco County, that may be the
17 reason. And that is the way to differentiate the two.

18 MS. SESSA: Do we also pipe water -- take our
19 water from Aloha Gardens and pipeline it to Pinellas and
20 then pipeline it up to New Port Richey?

21 MR. DETERDING: I don't understand.

22 MS. SESSA: In other words, in all the years
23 that I'm living in this subdivision, gentlemen, I have
24 never seen a pipeline put in. When I got told in '93 that
25 it was a done deal, and there was nothing I was going to

1 do about it no matter how much I talked about it, and no
2 matter how many letters I wrote, and no matter how many
3 people I informed of my condition, did I get any
4 acknowledgement from it.

5 Then talking to the people in my subdivision,
6 there was a meeting up in Tallahassee where 20 people
7 showed up, and that's when the thing was raised, the money
8 was raised. The rate was raised. But there was no
9 pipelines. The holding pond at the end of my block was
10 fine until they overbuilt my subdivision. They closed
11 down that holding pond, retention pond, they closed it
12 down and was told that they had to go build a retention
13 pond someplace else. That's when they told me I got
14 pipelined to Pinellas to come back all the way up to New
15 Port Richey. The wastewater, I'm talking about sewage.
16 That we had two different systems. I don't understand the
17 two different systems.

18 MR. DETERDING: And that's why I think the
19 Commissioner is suggesting that you might want to discuss
20 this -- I could certainly tell you about it from my
21 knowledge, but I think they have even more knowledge about
22 it. And it is a separate system than actually we are even
23 here for today.

24 COMMISSIONER CLARK: Ms. Sessa, I would hope
25 that our staff -- Mr. Crouch, if you could raise your hand

1 -- he is our head engineer, and he can talk to you about
2 this. And if you are still not satisfied, you can either
3 call us or send us --

4 MS. SESSA: I have the numbers. Thank you very
5 much.

6 COMMISSIONER CLARK: All right. Thank you.

7 MS. SESSA: Thank you.

8 COMMISSIONER CLARK: Staff.

9 MR. JAEGER: No questions. Commissioners.
10 Thank you, Ms. Sessa.

11 MS. SESSA: Thank you very much. Have a good
12 day.

13 COMMISSIONER CLARK: You, too. Mr. McLean.

14 MR. McLEAN: Joseph -- I'm going to spell it,
15 F-O-R-M-I-J-A-M-O, I believe. The address is 9927 St.
16 Charles Court, or maybe circle.

17 COMMISSIONER CLARK: I don't see anyone.

18 MR. McLEAN: The next person to sign up is
19 Anthony Hellings, the address is -- it looks like 1116 --

20 COMMISSIONER CLARK: Mr. Hellings. I don't see
21 anyone.

22 MR. McLEAN: Mr. Edward Wood.

23 COMMISSIONER CLARK: While Mr. Wood is coming
24 up, is there anyone else who has signed up to testify that
25 has not yet been called? I see three people. Okay. The

1 three people who raised their hands, just give me your
2 names.

3 MR. MURPHY: David Murphy.

4 COMMISSIONER CLARK: David Murphy. And the next
5 gentleman?

6 MR. CREAN: William Crean, C-R-E-A-N.

7 MS. DHANS: Jane Dhans, D-H-A-N-S.

8 COMMISSIONER CLARK: Did you get those names,
9 Mr. McLean?

10 MR. McLEAN: I got all but the lady's last name
11 just then.

12 MS. DHANS: Dhans, D-H-A-N-S.

13 COMMISSIONER CLARK: Okay. So maybe you can go
14 through your list and see who was first. Mr. Woods, go
15 ahead.

16 EDWARD WOOD

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

20 DIRECT STATEMENT

21 MR. WOOD: Yes. My name is Edward Wood. My
22 address is 1043 Daleside Lane, New Port Richey 34655. I
23 regretfully state today that I am an Aloha Utilities
24 customer. If I had the opportunity, and you don't have to
25 ask this question, to go to another utility right now, I

1 would be on my way. And I wouldn't be sitting here
2 talking.

3 I live in the Wyndtree subdivision in Pasco
4 County. I moved into my house in April 1996. I was at
5 the September 1996 hearing at Spartan Manor in New Port
6 Richey. I also spoke at that meeting, and I brought my
7 bottle of black water. Now, is listened to all this BS
8 talk here about deteriorating pipes. I have a house that
9 was at that time four months old and I got black, dirty,
10 filthy water. Four months. Is that any way that you
11 should live? To the third-world countries, the other
12 countries in the world in which I have visited, I haven't
13 seen anything like what we have from Aloha.

14 The south branch of the Chicago River is cleaner
15 than Aloha's water, and that is a garbage pit. I lived in
16 Cleveland when Lake Erie was officially declared dead.
17 And we never got water or service like we get from Aloha.
18 In Michigan we had good, clean, pure water.

19 I leave here in the summertime for about ten
20 weeks and I go up to Ohio. Here is a house that has sat
21 vacant for nine months minimum. I turn the water on and I
22 drink right out of the faucet. I come back and I have to
23 go around my house one at a time to flush the faucets.
24 The toilet closets are so filthy dirty that you think
25 somebody come in and poured mud.

1 I brought today with me a couple of samples.
2 This sample here was drawn Monday at about 10:00 o'clock.
3 This sample here that you can see the junk floating around
4 in it, was drawn at the same time from another spigot.
5 This one was drawn Saturday evening out of another spigot.

6 I would say for color purposes the first one is
7 dark black, the second one probably I would call dark
8 gray, and the third one just plain black. I also have
9 another little exhibit, because I have been collecting
10 water for a long time. So I let this gizmo evaporate. I
11 poured a lot of it out and kept the sediment at the bottom
12 and let it evaporate. That is what it looks like. This
13 is what I pay to get when I should be getting clean pure
14 water.

15 When the trip was made here back in July of '98,
16 Aloha really set you up. Aloha dug up the neighbor across
17 the street from me front yard to put his temporary faucet
18 in so he could say to you, well, it is clean coming out of
19 my system. He did the same thing with the neighbor who
20 lived behind me, and got neither person's permission to do
21 it. And if you remember correctly, the neighbor behind me
22 would only let certain people into his house because he
23 was infuriated. I heard the construction workers of Aloha
24 on that Friday afternoon discussing and griping about this
25 big project that they had to perform to get ready for your

1 trip and visit on Monday. So you were set up, as usual.

2 I do not believe that the water that I get in my
3 house is what I should be getting through the pipes of my
4 system. I don't know what kind of rules and regulations
5 and all of those things there supposedly are, but I know
6 there is none that says black water is great. If I just
7 buy drinking water, then I would say I should get a rebate
8 on my water bill from Aloha of about \$300 a year, because
9 that is what it costs for a family of two just for
10 drinking water at your local Publix supermarket.

11 I think that something has to be done. I don't
12 think that you can walk away and say that the people --
13 there is a problem, but there is nothing we can do about
14 it. I would think that we would order Aloha to correct
15 the problem, then come to us and tell us what it costs you
16 and maybe, maybe we will find some reimbursement for you.
17 That is what should happen.

18 The PSC exists to protect the customer against
19 unscrupulous utilities like Aloha. Aloha was out of
20 compliance with the copper rule from 1993 until 1997, yet
21 during that period of time the word was everything is
22 great, yet they weren't in compliance. Aloha, as you have
23 heard today, I have only been a customer since '96, it has
24 been going on long before that.

25 The black, oily substance that is on my bathtub

1 when it is drained is the same black oily substance if you
2 went out and rubbed your finger around the Aloha hydrant.
3 That same black substance you can find on every faucet if
4 you rub your finger in there. I'm sorry that I didn't
5 bring my copper plumbing with me today as others did, but
6 I have the same basic problem inside as was pointed out
7 here, and this was a house that was probably only about a
8 year old, year and a half old when I had this copper pipe
9 piece cut out.

10 There is no Aloha technique to eliminate the
11 corrosion. If corrosion of copper pipes is what is
12 causing the problem, then it is the place of the utility
13 to correct that problem. Corrosion is not supposed to be
14 in there to cause the leaching of copper. I could set a
15 copper pipe on the floor here and it would never leach one
16 single solitary item. But run corrosive water through it
17 and it leaches. And it is the job of the utility company
18 to remove the corrosive elements from their water.

19 Another example I have of the great Aloha
20 service, at the Tallahassee hearing about two years ago, I
21 complained that Aloha had created a hazard, that Mr.
22 Deterding as a lawyer would love somebody to trip over
23 because then he could be a very successful lawyer in my
24 front yard. I waited one and a half years to get that
25 repaired. I don't know what you have to do.

1 COMMISSIONER JABER: I'm sorry, what was that?

2 I didn't understand what that was.

3 MR. WOOD: I have a fire hydrant in my front
4 yard. There is a little blue cover about that size that
5 says water on it, okay? Around that is cement. They were
6 running the water from the fire hydrant flushing five days
7 a week. This is a great treatment, flushing water five
8 days a week. Running that, and it was cutting underneath
9 this slab. When you walked on it, it went like this. Now
10 all it takes is bingo, you are down, and then there is the
11 suit for the homeowners.

12 When it was repaired we did not replace the
13 cement, we planted -- took the cement out and we planted
14 grass around it. Whether that is an acceptable way of
15 doing or not, who am I to know. But all I know is I don't
16 have the problem there today that I had two years ago.

17 I think that you have seen today the quality of
18 water that is supplied by Aloha. There is nothing else I
19 can say about the quality of water. It is just so bad I
20 wouldn't even want to think about it. You have seen some
21 of the sneaky things that Aloha does. You have seen them
22 in action. When are you going to have Aloha get their act
23 together? When is Aloha going to deliver clean, clear,
24 pure water? Why can't Aloha deliver that? The only
25 reason I can say they have cheated on their process.

1 It is no different than I was 50 years ago when
2 we dug a well and we put a pump on top and we pumped it.
3 Basically that is all they are doing and saying the water
4 coming out of the ground is great. I believe Aloha has
5 caused the problem, I believe Aloha should pay for having
6 caused the problem. I have paid good money for a product
7 that is inferior. Let them correct the problem and then
8 we will think about the future.

9 All rate requests from Aloha, including the ones
10 that are in the mill right now, should be considered dead
11 on arrival. Aloha should be ordered to correct the
12 problem to the customers' satisfaction. And when that
13 correction is in place and working, then let them come
14 back for money. I urge the Commission to order Aloha to
15 fix the problem, and this is at Aloha's expense. Isn't it
16 time that Aloha start serving the customers' requirements.
17 Any questions?

18 COMMISSIONER CLARK: Thank you, Mr. Wood. Mr.
19 McLean.

20 MR. McLEAN: Two areas, Mr. Wood. I'm just
21 here. You have a container of some sort of sediment that
22 you have let the water evaporate from, and I would like
23 for to you describe that so that someone who reads this
24 record can tell what you say it looks like.

25 MR. WOOD: Well, as I look into it, most of it

1 is black, and there are a few speckles in there, probably
2 of copper leaching. They are a little green. It looks
3 kind of like I decorated a Christmas tree in there. And
4 it's just dirty.

5 MR. McLEAN: Is it granular, or powder form, or
6 can you tell?

7 MR. WOOD: Well, this has solidified now. It
8 originally was powder form, it has solidified.

9 MR. McLEAN: Okay. Thank you. I think that is
10 adequate.

11 The second area I wanted to ask you a little bit
12 about is when you said that you heard Aloha employees
13 griping about the big project for the weekend, that was
14 immediately before the Commissioners' visit?

15 MR. WOOD: That was on Friday before the
16 Commissioners came on Monday.

17 MR. McLEAN: When you said they were griping,
18 can you tell me what you heard them say?

19 MR. WOOD: Basically, they were complaining
20 about the big job that they had to do at these various
21 locations before the Commissioners showed up, and they had
22 to get it done by Saturday afternoon.

23 MR. McLEAN: Now, when you are speaking of the
24 big jobs, are you talking about the special faucets they
25 installed?

1 MR. WOOD: The only thing I can say, it had to
2 be bigging up some more lawns, because that is what they
3 were doing when I heard them.

4 MR. McLEAN: Do you know whether it had anthing
5 to do with hydrant flushing or anything of that sort?

6 MR. WOOD: No.

7 MR. McLEAN: So you can't say exactly what the
8 big project was, but you believe that it may have included
9 the additional digging of faucets and so forth?

10 MR. WOOD: Right.

11 MR. McLEAN: They didn't dig your yard, did
12 they?

13 MR. WOOD: No, they didn't.

14 MR. McLEAN: And you said that they did dig up
15 your neighbor's yard?

16 MR. WOOD: They did dig up both of my neighbors'
17 yards.

18 MR. McLEAN: And was the issue there that
19 they -- both, two neighbors yards?

20 MR. WOOD: Two neighbors' yards.

21 MR. McLEAN: How do you know that they didn't
22 call those neighbors first?

23 MR. WOOD: Because the neighbors said so.

24 MR. McLEAN: Okay. Which neighbor was that that
25 wouldn't let us in the house, I seem to recall that?

1 MR. WOOD: That was a person on the corner of
2 Trafalgar and Belshore Drive. I don't know the address.

3 MR. McLEAN: If you are told that they had the
4 right to dig that up, do you think that excuses them from
5 calling the people inside the house and telling them they
6 are going to do it?

7 MR. WOOD: No, I don't.

8 MR. McLEAN: That's all I have.

9 COMMISSIONER CLARK: Mr. Deterding.

10 MR. DETERDING: Mr. McLean touched on the point
11 about digging up the neighbors' yards. You are talking
12 about where they installed the spigots near the road, is
13 that correct?

14 MR. WOOD: No, I'm talking about up in the front
15 yard. There is a 10-foot easement, and this was beyond
16 the 10-foot easement.

17 MR. DETERDING: Okay. And whose yards did they
18 go into the front yard beyond the easement?

19 MR. WOOD: Both of them.

20 MR. DETERDING: Who were these individuals?

21 MR. WOOD: One person lives across the street
22 from me, I don't have the address, and the other person
23 lives around the corner, right on the corner of Belshore
24 and Trafalgar.

25 MR. DETERDING: And you don't know either of

1 their names, either?

2 MR. WOOD: Yes, but I don't think it is any of
3 your business right now.

4 MR. DETERDING: Well, I think Aloha has the
5 responsibility to investigate your accusations.

6 MR. WOOD: Well, I think Aloha knows who they
7 dug up. If they don't keep that kind of record, what kind
8 of records do they keep?

9 MR. DETERDING: They were trying to show, at
10 that time, the Commission the water going into the home at
11 the point of delivery on each and every one of those
12 homes, and therefore I don't think they can identify which
13 ones you are specifically speaking about.

14 MR. WOOD: They can identify it.

15 COMMISSIONER CLARK: Mr. Wood, do you happen to
16 know -- as you know, I visited those homes, and I am aware
17 of the fact there were some homeowners who indicated that
18 they had not been given notice of that. I think it would
19 be perfectly acceptable to say who they were.

20 MR. WOOD: Okay. The one home at the corner of
21 Trafalgar and Belshore was the one you were limited access
22 to, and that was Mr. Bruno. You went across the street on
23 Belshore and Daleside, I don't know the people's last
24 name.

25 COMMISSIONER CLARK: Thank you.

1 MR. DETERDING: Thank you. You said in your
2 original discussion and then in response to Mr. McLean,
3 you said you heard someone talk about the big project for
4 the weekend in relation to the Commission's visit. And
5 you weren't sure what that was, but you were aware that
6 the utility did install taps at all of those customers'
7 homes at the point of delivery.

8 MR. WOOD: Uh-huh.

9 MR. DETERDING: And for all you know that is
10 what they were talking about?

11 MR. WOOD: As far as I know.

12 MR. DETERDING: Okay. You stated that Aloha was
13 out of compliance with the lead and copper rule from 1993
14 to 1997.

15 MR. WOOD: That is correct.

16 MR. DETERDING: On what do you base that
17 allegation?

18 MR. WOOD: Well, I couldn't get the records from
19 Aloha, so I had to spend time down at the DEP. And I went
20 through their records.

21 MR. DETERDING: Can you produce anything that
22 demonstrates that Aloha was found to be out of compliance
23 with the lead and copper rule from 1993 to 1997?

24 MR. WOOD: I did not make copies of the records
25 that Aloha made or that Aloha submitted while I was down

1 there, because I didn't have a copy machine with me.
2 However -- I do not have the exact numbers with me. But
3 if you wanted to figure them out, I have all the places
4 that were tested.

5 MR. DETERDING: Well, having the places that
6 were tested do not demonstrate that the utility was out of
7 compliance.

8 MR. WOOD: All you have to do is count the six
9 highest and you have the answer.

10 COMMISSIONER CLARK: Mr. Wood, I need to ask you
11 to wait until Mr. Deterding has finished his question so
12 the court reporter can take the testimony.

13 MR. WOOD: Okay.

14 MR. DETERDING: You don't have anything that
15 demonstrates that the utility was out of compliance in
16 accordance with DEP's determination?

17 MR. WOOD: I don't have records in my folder
18 here, because I don't carry my full file cabinet around
19 with me of my Aloha correspondence. You can go to the DEP
20 like I had to do. Because Aloha, who was supposed to have
21 those records available for the citizens, would not give
22 them to me or let me look at them.

23 COMMISSIONER CLARK: Mr. Wood, can I ask you if
24 you do have them at home and can copy them -- you don't
25 have them?

1 MR. WOOD: You have to go to the DEP. There is
2 a big file down there that you go through. I have spent
3 days down there going through their records digging this
4 information out.

5 COMMISSIONER CLARK: All right. So it is your
6 understanding that there is a record at the DEP that would
7 indicate they were out of compliance.

8 MR. WOOD: Yes, ma'am.

9 COMMISSIONER CLARK: All right. So we can look
10 at those records and determine that.

11 MR. DETERDING: Were you at the hearing, at the
12 last hearing in this case in 1996?

13 MR. WOOD: Yes, I was.

14 MR. DETERDING: Did you hear the testimony of
15 the DEP witnesses that said the utility was in full
16 compliance?

17 MR. WOOD: No, I didn't.

18 MR. DETERDING: You did not hear that testimony?

19 MR. WOOD: No, I didn't. I did hear testimony
20 at a meeting at which Mr. Watford was at over with Doctor
21 Garrity and Doctor Yack (phonetic), in which the rep from
22 the DEP said at that time they were not in compliance.

23 MR. DETERDING: And what representative was
24 that?

25 MR. WOOD: I don't know. He was the one that

1 Garrity appointed to be the chairman of the meeting.

2 COMMISSIONER JABER: Mr. Deterding, can I offer
3 a suggestion? We have some DEP witnesses, if I'm not
4 mistaken. Certainly by tomorrow you can ask that question
5 again and the record will reflect whatever the DEP witness
6 says.

7 MR. DETERDING: I agree. I will move on. You
8 said that the substance that you find on the hydrants is
9 the same as that which you find in your home that shows
10 that the black discolored substance is in the utility's
11 system.

12 MR. WOOD: Uh-huh.

13 MR. DETERDING: Have you done any analysis of
14 the substance on the hydrant?

15 MR. WOOD: No, I am not a chemist.

16 MR. DETERDING: But you haven't had a chemist do
17 an analysis?

18 MR. WOOD: I am not a chemist.

19 COMMISSIONER CLARK: Mr. Wood, he asked you if
20 you had had a chemist look at it.

21 MR. WOOD: No, I am not a chemist. I have had
22 no chemist do that.

23 COMMISSIONER CLARK: But you have not asked a
24 chemist to look at it?

25 MR. WOOD: No, there is no need to.

1 MR. DETERDING: You spoke about -- you stated
2 that Aloha caused the problem. What do you mean by that?

3 MR. WOOD: Caused what problem?

4 MR. DETERDING: Well, the water quality problem.

5 MR. WOOD: There is nobody else delivering water
6 into my house but Aloha. And as a result of Aloha
7 delivering water into my house this is what I got. Now, I
8 have got a couple of extra glasses here, if you would like
9 a drink.

10 MR. DETERDING: Didn't you file a complaint with
11 the Commission in December of 1997 immediately or very
12 close to the time of the Commission's consideration of
13 this case for final action that resulted in the PAA order
14 that was protested and why we are here today?

15 MR. WOOD: I think that was filed in 1999.

16 MR. DETERDING: No, I'm talking about in
17 December of 1997, or November of 1997, did you file a
18 complaint with the Public Service Commission concerning
19 your discolored water?

20 MR. WOOD: I probably filed one at that time,
21 because I went to the meeting on December the 12th.

22 MR. DETERDING: Okay. And did someone from
23 Aloha come and investigate your complaint?

24 MR. WOOD: No.

25 MR. DETERDING: They did not?

1 MR. WOOD: No.

2 MR. DETERDING: Okay.

3 COMMISSIONER CLARK: Mr. Deterding, if you could
4 have someone else hand those things out so that we could
5 keep going, because we are running out of time.

6 MR. WOOD: When Mr. Watford visited my home,
7 Paragraph 2, I do not believe is a legitimate statement.
8 Because the water was not clear and pure in every home.
9 In addition to that, when I let Mr. Watford into my house
10 on this date, if this is the date, and it is the date he
11 probably visited my house, I had told Mr. Watford before
12 he entered that the previous day I had flushed my system.
13 I had chlorinated my hot water tank. And I had spent 40
14 bucks to get a plumber out to cut the water tank so I
15 could get into it and make it a permanent thing that I
16 could do in the future.

17 MR. DETERDING: Did you tell -- since this
18 doesn't seem to be answering a question I have asked, do
19 you recognize this letter as being the response of Aloha
20 Utilities to the complaint filed by you in November of
21 1997?

22 MR. WOOD: No, I don't recognize this at all.

23 MR. DETERDING: Do you now remember that
24 representatives of Aloha did, in fact, visit your home?

25 MR. WOOD: I only remember that Mr. Watford came

1 to my house. I have never seen this letter before. I
2 only know that Mr. Watford came to any house, and Mr.
3 Watford -- I told him that the water system had been
4 flushed in its entirety the day before he came there.
5 When I went to show him the dirty water that was still
6 laying in the toilet closets, he says, we know that, we
7 don't want to look at it.

8 MR. DETERDING: So you filed a complaint
9 according --

10 MR. WOOD: I have filed many complaints.

11 COMMISSIONER CLARK: Mr. Wood, wait for him to
12 ask his question.

13 MR. DETERDING: You filed a complaint with the
14 Public Service Commission on the 18th of November in 1997,
15 and then on the 20th when the utility came there you had
16 completed flushed the system?

17 MR. WOOD: Yes. What is wrong with that? Do
18 you want to drink this? I don't hear you answering.

19 MR. DETERDING: I'm just asking the questions,
20 Mr. Wood.

21 MR. WOOD: Well, you may be asking the question,
22 but when you want to drink this, I have a cup and then I
23 will let you off the hook on that.

24 COMMISSIONER JABER: Mr. Wood, how often do you
25 flush the system, how often do you do it yourself?

1 MR. WOOD: Up until last July, I was flushing my
2 system, not doing the hot water tank, on the average of
3 about every two months.

4 COMMISSIONER JABER: I think the point that Mr.
5 Deterding is trying to establish, and it is good for me to
6 know, as well, was that your normal time frame for
7 flushing the system? You do it every two months?

8 MR. WOOD: I do it that period of time, two to
9 three months. I was doing it. I have not done it
10 recently that way because I have had other things that I
11 have had to do.

12 COMMISSIONER CLARK: Mr. Deterding.

13 MR. DETERDING: But you filed a complaint for
14 discolored water, and within two days, or within a day
15 immediately flushed your system?

16 COMMISSIONER CLARK: I think we have established
17 that.

18 MR. DETERDING: Okay. I won't ask that again.

19 MR. WOOD: I flushed the system.

20 MR. DETERDING: Isn't it true that the utility
21 came to your house and found the water to be clear and
22 that you could produce no discolored water in either your
23 cold or hot taps?

24 MR. WOOD: I produced water in the sink for Mr.
25 Watford to look at that I considered probably just a

1 little bit lighter than this. He didn't want to look at
2 it.

3 MR. DETERDING: Well, the photographs that are
4 attached to Mr. Watford's December 8th, 1997 letter, in
5 fact, show the discolored water that you produced for Mr.
6 Watford that was cloudy, and within 15 seconds was less
7 cloudy, and within a minute or so was totally clear; isn't
8 that true?

9 MR. WOOD: Yes. Do you want to drink it?

10 MR. DETERDING: I'm just asking you a question.

11 COMMISSIONER CLARK: Mr. Wood, do you concur
12 that the pictures are representative of what you viewed
13 that day?

14 MR. WOOD: I know that when I'm looked at
15 picture number one up in the top left-hand corner, yes. I
16 don't remember the other pictures.

17 COMMISSIONER CLARK: All right. Thank you.

18 MR. DETERDING: Did you inform the Public
19 Service Commission as part of this complaint process and
20 their handling of this complaint process that you had
21 flushed your system the next day?

22 MR. WOOD: No, no.

23 COMMISSIONER CLARK: While he is looking, staff,
24 do you have any questions?

25 MR. JAEGER: I have just a couple of questions.

1 COMMISSIONER CLARK: Go ahead.

2 MR. JAEGER: Mr. Wood, you say you go north for,
3 what, three months each year?

4 MR. WOOD: I was there ten weeks last year.

5 MR. JAEGER: Okay. And when you come back and
6 you go around flushing all the faucets, about how long
7 does it take to clear out?

8 MR. WOOD: It depends. Sometimes a couple of
9 minutes, sometimes five minutes.

10 MR. JAEGER: But that is when it is really the
11 worst, it's got the black oily --

12 MR. WOOD: It looks just like this.

13 MR. JAEGER: And after that it is intermittent,
14 you have it --

15 MR. WOOD: I can get more black water out of my
16 system anytime until I flush the total system.

17 MR. JAEGER: Okay. That's like daily, if you
18 wait a day you would have black water right back?

19 MR. WOOD: I probably would have black water.

20 MR. JAEGER: No further questions.

21 COMMISSIONER CLARK: Mr. Deterding, did you have
22 anything else?

23 MR. DETERDING: I just want to have what I
24 passed out marked as an exhibit.

25 COMMISSIONER CLARK: It will be marked as

1 Exhibit 10.

2 (Exhibit 10 marked for identification.)

3 MR. DETERDING: And if Mr. Wood is through --

4 MR. McLEAN: I have a question or two of

5 Mr. Wood when the time comes.

6 MR. DETERDING: All right. Go ahead.

7 COMMISSIONER CLARK: Go ahead, Mr. McLean.

8 MR. McLEAN: Yes, sir. Now, referring to this
9 Exhibit Number 10, you have a copy of it still, don't you?

10 MR. WOOD: Yes, I just got it.

11 MR. McLEAN: Do those pictures represent the
12 water, the average condition of the water at your house in
13 terms of --

14 MR. WOOD: Sometimes it is worse.

15 MR. McLEAN: Well, let me tell you that my
16 impression here is that the water looks pretty good out
17 there. Now, if that is not always the case --

18 COMMISSIONER CLARK: Mr. Wood, wait until he
19 asks the question. Thank you.

20 MR. McLEAN: If it is not the case, you need to
21 say so now.

22 MR. WOOD: Sir, the water that I drew on Monday
23 from my house are these two jars here. And you can
24 already see the sediment settling to the bottom like the
25 water here.

1 MR. McLEAN: So Mr. Watford wasn't out there
2 with his camera that day?

3 MR. WOOD: No, he wasn't out there Monday.

4 MR. McLEAN: Now, if there was sediment in any
5 of these pictures here, could we see it?

6 MR. WOOD: It depends on how good his camera
7 was.

8 MR. McLEAN: And you don't know whether this
9 water was shaken up or allowed to settle or what?

10 MR. WOOD: I have no idea.

11 MR. McLEAN: You didn't take the pictures, did
12 you?

13 MR. WOOD: I didn't take the pictures.

14 MR. McLEAN: I have nothing further.

15 COMMISSIONER CLARK: Mr. Wood, did you see the
16 pictures being taken?

17 MR. WOOD: I don't remember whether I saw them
18 or I didn't see them.

19 COMMISSIONER CLARK: That's fine.

20 MR. DETERDING: I would like to move Exhibit 10.

21 MR. McLEAN: No objection.

22 COMMISSIONER CLARK: We will show Exhibit 10 as
23 admitted. Thank you, Mr. Wood.

24 (Exhibit 10 received in evidence.)

25

1 COMMISSIONER CLARK: Mr. McLean.

2 MR. McLEAN: Mr. David Murphy, please.

3 DAVID MURPHY

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

7 DIRECT STATEMENT

8 COMMISSIONER CLARK: Go ahead, Mr. Murphy.

9 MR. MURPHY: My name is David Murphy. My wife
10 and I live in Trinity Oaks, and that consists of 420
11 homes. I am the vice president of the homeowners
12 association, and to my knowledge the first to speak from
13 Trinity Oaks. I guess the process is if you don't
14 complain, nothing happens. I guess I wonder if everyone
15 complained about the water for the past eight years, nine
16 years, would it make a difference. You wonder about that.
17 Everything I wanted to say has been said; eloquently, I
18 might add. So I'm going to emphasize a few things that
19 are just some observations.

20 Number one, talk about the investment each of us
21 makes in trying to get acceptable water. A quick figure,
22 in Trinity Oaks, I will speak personally, we have spent
23 about \$2,000 in water softeners and state of the art RO
24 systems. We don't cook or wash vegetables or drink with
25 the water from the tap, we use the RO system water. And I

1 could go on, but you have heard it several times from many
2 people. As displayed by what I'm looking at here, I hope
3 I don't have to drink this. But in any case, a rough
4 estimate might be \$2,000 per home. Well, let's cut it
5 down to, let's say, half that much. Close to half a
6 million dollars has been spent in Trinity Oaks in trying
7 to get acceptable water and we still are having problems
8 with this.

9 The pressure issue, again, I wonder and I
10 question whether or not we have enough pressure to put out
11 a fire when everyone is sprinkling, especially now with
12 the ban.

13 To emphasize what many people have said
14 regarding copper pipes, if PVC is the answer to this,
15 gentlemen, lady, why wasn't something done in an effort to
16 have the county code changed to use PVC in lieu of copper.
17 It seems like a pretty easy fix, but nothing has been done
18 to my knowledge. We are still using copper piping. One
19 builder uses PVC in our development, and those same people
20 still have the same problem.

21 Now, being the vice president and active in the
22 community, I am more visible than most people,
23 unfortunately sometimes. But in any case, people come to
24 our board meetings and register complaints. So we suggest
25 that in lieu of one person from our association's board

1 complain, that they should call up Aloha and register a
2 legitimate complaint so you have a record of it.

3 I see that you are challenging everybody to make
4 sure they have complained. I didn't have to complain -- I
5 didn't complain, I have the same difficulty as everyone
6 else has and still do, but not to the extent of this.
7 Thank somebody.

8 But in any case, I had the Aloha truck come by
9 one day and were flushing some hydrants and they, again,
10 flushed mine. But it didn't appear that it helped much
11 because when water is coming out of a faucet under force
12 you don't see it, but if you go away for at least a week
13 and come back, you have the problem. So it's there, it is
14 just not that obvious. But it is there.

15 So in closing, there are two more speakers, it's
16 late, I'm hungry, my wife expected me home for lunch. I
17 am going to say thank you very much for allowing me to
18 speak. I have respect for everybody here. Hopefully, we
19 are trying to resolve an issue, and I'm optimistic we can
20 resolve it with your help. Thank you very much.

21 COMMISSIONER CLARK: Thank you, Mr. Murphy. Mr.
22 McLean.

23 MR. McLEAN: No questions.

24 MR. DETERDING: No questions.

25 MR. JAEGER: No questions.

1 COMMISSIONER CLARK: Thank you very much.

2 MR. McLEAN: Jane D-H-A-N-S, I believe it is.

3 JANE DHANS

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

7 DIRECT STATEMENT

8 MS. DHANS: Hi. It's Jane Dhans, D like David,
9 H like Henry, A, N like Nellie, S like Sam, 4218 Lapaceda
10 Lane (phonetic), New Port Richey, in Villa Del Rio, Part
11 of Riverside Villas. I just want to say the water stinks.
12 I have been here since 10:00 o'clock this morning, I would
13 love to go home and take a bath.

14 I have severe osteoporosis fibromyalgia. The
15 doctor says take a bath. I laugh in his face. I can't go
16 in that mud. I cried. I had acute anterior wall
17 myocardial infarction and I'm not supposed to get upset,
18 but literally every time I clean the bathtub I cry. I got
19 mud in there all the way to the end of the tub, and then I
20 have to keep on washing and keep on washing bending over
21 that tub and it is painful. I'm sick of it.

22 This water was from five months ago. It
23 probably looks clean, but this was a new jug that you can
24 see all the black stuff floating in it and it stained the
25 bottom of the brand new jar here. And I had a little

1 granddaughter, 16, killed seven months ago in a car
2 accident. And when she was little she could come over, I
3 would have the little bath beads, she could take a little
4 bubble bath, you know, if I was watching her. My
5 three-and-a-half-year-old granddaughter, her sister, she
6 has to go home -- if I watch her so the parents can get
7 out -- she has to go home if she has been playing around
8 outside, you know. I can't put her in the tub. I
9 wouldn't think of putting her in the mud.

10 And water pressure, there is none. I don't even
11 know what the word pressure means. I went to my son's in
12 Pembroke Pines, took a shower, and I thought I was going
13 to be blasted away literally. And that's just how it is.
14 And I know everybody else said the same thing, and I'm
15 repeating it, but that's all I wanted to say. The water
16 stinks. Thank you.

17 COMMISSIONER CLARK: Thank you. Just a minute,
18 Ms. Dhans.

19 MR. McLEAN: No questions.

20 COMMISSIONER CLARK: Mr. Deterding.

21 MR. DETERDING: No questions.

22 MR. JAEGER: No questions.

23 COMMISSIONER CLARK: Thank you very much.

24 MR. McLEAN: Mr. Oberg, please.

25 MR. OBERG: Gentlemen, I brought you an evening

1 cocktail. Would you like to look at it?

2 COMMISSIONER CLARK: Mr. Oberg, do you want to
3 sit down, and we can't -- you need to sit down and
4 identify yourself and then provide your testimony.

5 LINWOOD OBERG

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

9 DIRECT STATEMENT

10 MR. OBERG: My name is Oberg, O-B-E-R-G, first
11 name Linwood, alias Swede. They all call me that. I live
12 at 7851 Craighurst Loop, New Port Richey, of course,
13 34655. And that is in Wyndgate.

14 We moved in in May, we weren't told by
15 Shickendanz that, A, the water has got a problem here.
16 Everybody ought to sue him, because he ought to tell
17 people that it is a problem. Okay. Of course, my concern
18 is black water. And I called Aloha a couple of times, I
19 guess, and they would come out and do the same thing,
20 flush the hydrants and tell me that it is the copper
21 tubing, the copper pipes. It isn't. The water is
22 undrinkable from the tap.

23 Now let's talk about the cost of water. It
24 costs a lot of water -- a lot of money. Also, the cost of
25 water we buy to use for drinking and cooking because we

1 can't use their water, and all the cost of installing
2 full-house filters and filters for the faucets inside.
3 And research shows other water utility companies do
4 better. I have even called some of them and found out
5 that they use a system that is much better than what Aloha
6 uses. They use an aerating system.

7 And their companies have aerated their water and
8 it is potable, you can use it. We can't use ours. We
9 don't drink it, we don't cook with it. And if we take a
10 shower we are very careful to run the water first. And
11 when it comes to washing clothes, my wife complains
12 because the clothes turn gray. I think investment by
13 Aloha should include the means to aerate the water and
14 hopefully this would lower the sulfides that cause the
15 black water as I understand it. And our -- and I
16 underline our -- Public Service Commission should clamp
17 down on Aloha and push them into a capital investment for
18 that aeration.

19 I wish the PSC had some real control over these
20 people. Look at all the other pollutions, aren't they
21 well controlled? Why isn't water controlled then if it is
22 a polluted water and we can't use it. So maybe the State
23 of Florida's legislature can get some action going and
24 talk about pollution. Water is more important than some
25 of these other items that they have passed laws on. I

1 know the PSC is here to protect the consumer and not the
2 utility. Agreeably they should work with the utility to
3 see that both sides get a fair deal.

4 This jar of water I kept in the refrigerator for
5 about two months. All the stuff settled down to the
6 bottom, but it is still black when you shake it up. We
7 don't dare drink it, we don't dare to cook with it.

8 There is another thing. We have a water
9 shortage now. And we waste water every time we have to
10 use the water because we have to run it awhile to make
11 sure that it is clean, or at least if it isn't clean it is
12 usable to bathe or wash clothes. They go out to the
13 street and run the hydrants full blast, isn't that wasting
14 water? I guess that's it. Do you want my --

15 COMMISSIONER CLARK: Thank you, Mr. Oberg. Just
16 a minute. Do you have any questions?

17 MR. McLEAN: Nothing.

18 COMMISSIONER CLARK: Mr. Deterding.

19 MR. DETERDING: Yes, I have a few questions.

20 Mr. Oberg, do you have a water softener?

21 MR. OBERG: No.

22 MR. DETERDING: Do have you any kind of
23 filtration system at your house?

24 MR. OBERG: I just put in a full-house filter,
25 but that was after, because of this. That was just a week

1 or so ago. And I did put in sort of an electronic thing
2 that goes onto the pipe and it helps clear the pipe. It
3 is sort of like a magnet, I guess you would call it. So
4 it vibrates the stuff hopefully. I don't know how it is
5 working because I've only got that a couple of weeks.

6 MR. DETERDING: So you have had that only a
7 couple of weeks, this electronic --

8 MR. OBERG: Right. So I don't know what the
9 result is yet, but I shall -- in about a month or six
10 weeks I should know whether it is helping or not.

11 MR. DETERDING: But before two weeks ago you had
12 nothing on your system at all?

13 MR. OBERG: No.

14 MR. DETERDING: You said that the problem is not
15 copper. How do you know that?

16 MR. OBERG: From everything that has been said
17 today. I doubted it in the first place because I had
18 copper tubing up in Springhill and never had that problem.

19 MR. DETERDING: But you haven't done any
20 analysis yourself to determine whether or not the residue
21 in that water is copper or copper related?

22 MR. OBERG: No. I intend to, but maybe I won't
23 after this meeting, because I think the PSC will probably
24 do something about this. They had better.

25 MR. DETERDING: You suggested that you had

1 contacted others who were using aeration in order to
2 better treat their water.

3 MR. OBERG: Right.

4 MR. DETERDING: Are you aware that Aloha has
5 offered to construct aeration facilities?

6 MR. OBERG: Yes. And I also know that they want
7 a lot of money from the people buying the water, which is
8 very unfair. That is a capital investment. It shouldn't
9 be the consumers paying that.

10 MR. DETERDING: How does one recover a capital
11 investment?

12 MR. OBERG: Well, if they want a dollar a month
13 from me I will be glad to give it, because I have to go
14 out and buy water, but I wouldn't pay a big price for it.
15 It's their investment, not mine.

16 MR. DETERDING: Your sample there, where was
17 that taken from, what part of your home?

18 MR. OBERG: I think it was the kitchen sink.

19 MR. DETERDING: And do you recall whether it was
20 hot or cold water?

21 MR. OBERG: It was cold water. Oh, I will say
22 this, that occasionally -- I think twice I have had bleach
23 put in my hot water tank. You know, drain it and flush it
24 out and that helped some. But after two or three months
25 that is no longer so.

1 MR. DETERDING: And is this discoloration that
2 you have noted there daily, frequent, infrequent
3 occurrence?

4 MR. OBERG: Well, since we have done this
5 clearing of the hot water tank and my filter, it is a
6 little better. But I still don't dare drink it. It
7 doesn't taste good. It leaves a dry feeling in your mouth
8 when you rinse your mouth with it.

9 MR. DETERDING: Is it clear now?

10 MR. OBERG: Is it clear now? Well, hopefully it
11 is clear for a while at least. It has been clear for
12 about a week I guess. That's about the most it has ever
13 been clear.

14 MR. DETERDING: Thank you.

15 COMMISSIONER CLARK: Staff.

16 MR. JAEGER: No questions.

17 COMMISSIONER CLARK: Commissioners.

18 COMMISSIONER JABER: Mr. Oberg, may I ask you a
19 couple of questions? When you first sat down I couldn't
20 quite hear you. You said you moved in May of '99?

21 MR. OBERG: Yes, last.

22 COMMISSIONER JABER: And who was it you said
23 didn't tell you there was a problem with the water, did
24 you say the developer?

25 MR. OBERG: Right. There was a sales office and

1 the gentleman there never mentioned it.

2 COMMISSIONER JABER: And that is in Wyndgate?

3 MR. OBERG: Wyndgate.

4 COMMISSIONER JABER: And it is the same realtor
5 or the same developer that would sell homes in the
6 Wyndgate area?

7 MR. OBERG: Right.

8 COMMISSIONER JABER: And they don't have any
9 kind of disclosure regarding the water?

10 MR. OBERG: No. I wish they did.

11 COMMISSIONER JABER: How much do you pay for
12 bottled water a month?

13 MR. OBERG: Oh, boy. Lately we have gone to
14 that spring up there where they pump it out for 25 cents a
15 gallon, and we use probably four gallons a day roughly.
16 Before that we used to buy water for more than 25 cents,
17 believe me. But the last month or so we have used that
18 other water.

19 COMMISSIONER JABER: If you could pay that same
20 amount to the utility and never have to buy bottled water
21 again, you wouldn't object to that?

22 MR. OBERG: Heavens no. That's a little high,
23 though.

24 COMMISSIONER CLARK: We can't get your testimony
25 when -- we will give you an opportunity.

1 MR. OBERG: I don't think they deserve all the
2 money I spend for water, not after what they have been
3 doing to me so far. I would gladly pay them, I figure \$1
4 month, that is enough. Possibly a little more. But I'm
5 willing to work with them, too.

6 COMMISSIONER CLARK: Mr. McLean.

7 MR. McLEAN: I have nothing further.

8 COMMISSIONER CLARK: Thank you, Mr. Oberg.

9 MR. OBERG: You're welcome. Do you want this
10 report? It is all typed up.

11 COMMISSIONER CLARK: Yes, if you have just read
12 it, we have it, and we don't need it. Thank you.

13 MR. OBERG: I'm going to leave the water. You
14 can have it.

15 MR. McLEAN: Madam Chairman, that is the last
16 customer I'm aware of who signed up to testify.

17 (Audience response.)

18 COMMISSIONER CLARK: Just a minute. We will get
19 to you, I promise. Have a seat. Is that the last one you
20 have?

21 MR. McLEAN: Yes, ma'am. But I do recognize
22 this gentleman's name. It is an extensive list and I may
23 well have missed it.

24 COMMISSIONER CLARK: Let me just ask -- we are
25 going to take you next -- is there anyone else that wants

1 to give testimony at this time, whether you signed up or
2 not? Okay. Would you come forward.

3 WILLIAM CREAN

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

7 DIRECT STATEMENT

8 MR. CREAN: Thank you. I identified myself
9 earlier when you asked us to stand. I arrived here about
10 ten to 8:00 and I didn't check off yes on the little form
11 that indicated I didn't want to speak. My name is William
12 Crean, C-R-E-A-N, N as in Nancy. My wife and I and my
13 mother live at 8440 Glengary Place (phonetic), which is in
14 Trinity Oaks, zip code 34655. If I may, I wanted to ask
15 one question of you before I proceed, and that is I gather
16 that there is a public record made of this hearing?

17 COMMISSIONER CLARK: Yes.

18 MR. CREAN: Could you tell me and anyone else
19 who is interested how we would might obtain a copy of that
20 record when it is available for distribution?

21 COMMISSIONER CLARK: I should know that.

22 MR. CREAN: Well, does anybody know?

23 COMMISSIONER CLARK: Yes, we do have it. I
24 mean, we have a public record made. I'm just not sure of
25 the easiest way for you to get it. Mr. Jaeger.

1 MR. JAEGER: Well, I'm not sure. They could go
2 through Records and Reporting or they could go through me,
3 either way. Records and Reporting would probably be the
4 best way.

5 COMMISSIONER CLARK: Or Mr. McLean.

6 MR. McLEAN: Yes. I would be more than happy to
7 furnish it.

8 MR. CREAN: Thank you. Very good.

9 MR. McLEAN: Let me give you a 1-800 number that
10 you can call to remind my office. Pardon for taking this
11 time out, it is probably the most efficient way to deal
12 with this issue. It is 1-800-342-0222. Just ask them for
13 the Aloha service hearing transcript from this date, March
14 29th.

15 COMMISSIONER CLARK: I hesitated for a minute
16 because there is something that tells me you can also get
17 it online somehow. So that may be easier for you, if you
18 are computer literate.

19 MR. CREAN: All right. Thank you. Just a brief
20 background. I know we have been here a long time, but I
21 think the background might be important to my concerns
22 with reference to the water quality and the response to
23 that issue. My family has done a great deal of relocation
24 over the years. We have lived in 18 different residences
25 in 18 different communities in six different states. And

1 some of the homes we have lived in have had PVC pipes,
2 some of the homes have had copper pipes. There have been
3 public utilities, there have been private utilities, and
4 we have never had a water problem in all of those, I guess
5 it would be like 45 years.

6 We looked for homes -- when we moved up here
7 last year, we had looked at homes in Chelsea Place, in
8 Wyndgate, and Trinity Oaks. We were impressed with all
9 three communities. We had also looked in Pinellas. And
10 we finally chose a home in Trinity Oaks. And we are
11 delighted with the community, what we could see of the
12 neighbors, the amenities, the conveniences and so on and
13 so forth.

14 And the first thing that gave me a little pause
15 in terms of my dealing with Aloha was something I had
16 never encountered before. When we obtained service from
17 the electric company and we obtained service from -- who
18 else was it, the electric company, water --

19 COMMISSIONER CLARK: Telephone.

20 MR. CREAN: Telephone, we followed the normal
21 procedure of they determined that we had service somewhere
22 else and therefore they waived the deposit. This is a
23 small point, but again it caused me to wonder a little
24 bit. With Aloha, not only was a deposit required, but it
25 had to be a cash deposit. And by cash deposit I don't

1 mean a check, I mean currency.

2 And I didn't want to mail currency, and I don't
3 think they wanted to mail it, so I had to make a personal
4 appearance at Aloha's office. We happened to get there, I
5 guess, at a bad time. It was during their lunch break, so
6 the office was closed. And we were moving up from the
7 Naples area, so it was one of these busy trips to get a
8 lot of things done. So we sat around for an hour or so
9 and waited for the office to open, and then I paid my cash
10 deposit and I just noted that as being kind of strange.
11 As I said I had never encountered that before.

12 We moved in in July of last year, and our house
13 did come equipped with a water softener, a fairly nice one
14 manufactured by Kinetco (phonetic), and I was impressed
15 because I had previously had water softeners. We had one
16 in Tampa where we had lived for 12 years earlier, and the
17 thing had always functioned very well, and so we were
18 happy to see we had a Kinetco water softener.

19 Well, I discovered within a few weeks of moving
20 the salt wasn't going down and the water softener wasn't
21 softening the water, so I called the Kinetco
22 representative to come out. And they do water tests like,
23 I guess, a lot of people do. And she told me that the
24 chlorine content of the water she tested was 1.4, I
25 believe it was, parts per million on that particular day

1 in August. And she explained to me that our water
2 softener was no longer functioning. It had been installed
3 in 1995. I saw the -- the prior owner had saved all of
4 the receipts for everything. This was around \$2,000.

5 And this five-year-old water softener was no
6 longer functioning because the medium other than the salt
7 that apparently softens the water became contaminated by
8 the chlorine. Apparently the chlorine is very difficult,
9 if it is a high chlorine content in water softeners, and
10 so I was informed that they could replace those components
11 for about \$550. And she recommended, but I haven't at
12 this point acted on a recommendation that we add charcoal
13 filtration in front of the water softener because it will
14 apparently remove a good part of the chlorine and I might
15 get more longevity.

16 And she showed me a chart. Apparently the water
17 softener people know a lot about this kind of thing. And
18 there is a direct correlation between the concentration of
19 chlorine in the water and the longevity of the water
20 softener. And whereas I had gotten ten-plus years out of
21 my prior water softener and left a good water softener
22 behind for the purchaser of my home, after five years this
23 water softener no longer functioned.

24 The other thing -- we have encountered the same
25 problems, not as bad as some I have seen here, but now and

1 then stuff coming out of the water, particulates of some
2 sort. My wife is a real tube bath kind of person. One of
3 the reasons we chose the home that we have is it has a
4 large spa-type tub. And she likes to bathe, and I like to
5 shower. The point being that the tub water is very
6 unattractive. Even after the particulates, if there
7 happened to be some, are cleared, when the tub fills up it
8 gets a very yellow cast, and it just isn't appetizing.

9 As far as the shower is concerned, the main
10 problem is that in a shower enclosure when the water is
11 coming out real fast you get a fairly heavy sulfuric kind
12 of odor. Other than that, it doesn't bother us too much.

13 One of the things that I was concerned about, we
14 were planning on putting in a fish pond in your yard. And
15 there is an outfit in Holiday that sells fish pond
16 materials and consultation and so on and so forth. And I
17 said, "Gee, I have a concern. I have heard so much about
18 the water from Aloha Water, and I have seen some of it for
19 myself, and I had prior experience with a pond in that the
20 more chemicals that are put in water the more difficult it
21 is on both plants for ponds as well as the fish, and will
22 this be a problem?" And the guy said, "No, you know, you
23 let it sit long enough and you put in the right chemicals
24 it should be okay." The point being, though, his wife,
25 the wife of the proprietor happened to be there, and she

1 said I think that the Aloha water killed by dog. And I
2 said, "Excuse me?" Well, her dog was about, she said,
3 five or six years old and died of kidney failure. And she
4 believes, rightly or wrongly, that the quality of the
5 water was responsible. And she further added that she
6 thinks she has a similar problem and thinks it might be
7 due to Aloha water. It might be ridiculous. The point
8 being though people talk that way in our community about
9 Aloha water. And it just -- I think it is really
10 important to recognize how destructive that kind of thing
11 can be.

12 One other comment in terms of regulation and
13 some of the earlier points I heard about complaints and so
14 on. First of all, I will acknowledge I have made no
15 formal complaints other than I responded to the survey and
16 indicated that I thought the water was pretty bad in the
17 survey. My prior experience is with insurance. I was
18 director of customer service for a pretty large insurance
19 company in Florida. And insurance is regulated very
20 tightly, just as water, I guess, is supposed to be.

21 And one of the things the Department of
22 Insurance in Florida does is to keep a record of the
23 complaints and publish formally each year and rank the
24 companies both in terms of the absolute number of
25 complaints that are received and the incidence of

1 complaints against their premium volume written in the
2 state.

3 We never wanted to be high on that list. And it
4 was an inducement -- if there weren't sufficient
5 inducements just to give customers good service -- not to
6 be ranked high on that list. If the PSC doesn't do
7 something like that, I really strongly suggest you might
8 want to consider that. Because it really can serve as a
9 real incentive to provide better service.

10 The newspapers will occasionally publish those
11 lists. And if a Miami Herald, or a Tampa Tribune, or St.
12 Petersburg Times publishes something for everybody to read
13 to indicate that of all the water companies, ABC Water
14 Company is highest on the list, it puts everything in
15 perspective, everything is then kind of relative, and it
16 is not whether the pipes are copper, whatever the other
17 issues might be.

18 The only other thing I wanted to say, and this
19 is very subjective, it is just my perception. As I said,
20 we have lived in lots of places, I have never experienced
21 the kind of animus and cynicism that I see in this
22 community with reference to a service provider as there
23 apparently is towards Aloha Water. I mean, the people who
24 aren't here feel the same way from my personal experience.
25 I have only lived in the community nine months. But if

1 you get together at any kind of public gathering and the
2 subject happens to come up, I have not heard a positive
3 comment.

4 And I think we should all be concerned about
5 this kind of feeling. It doesn't reflect very well on the
6 company. And I really have to say without meaning any
7 disrespect to the PSC or the Department of Environmental
8 Protection, I don't think it reflects well on any of us.

9 One of the things that makes people cynical, I
10 think, are things like the references to only a \$350
11 impact fee when that is not the going rate. I think our
12 impact fee in Hillsborough is \$8,000. Down in Naples in
13 Collier County it was around \$10,000. I know it goes to
14 other things besides water, but it implies to me that
15 something isn't on the up and up.

16 When I hear, whether it is accurate or not, I
17 didn't hear it refuted, that some of the letters that went
18 out to me sounded ludicrous with reference to adding a
19 water softener or water conditioner of any kind to your
20 home might derogate the quality of the water getting a
21 stamp of approval by the Department of the Environment or
22 the PSC, that just makes us more cynical.

23 I think the point that I take away from this
24 meeting is it doesn't matter too much whether someone can
25 prove whether or not the copper is contributing to it or

1 what tap the water came out of, or any of those kind of
2 things. If the entire community, and it is almost
3 unanimous, feels that we don't have water that is safe to
4 drink, irrespective of who pays, it can't be tolerated

5 It reminds me of the Love Canal situation in
6 Missouri. The only thing that frightens me is they chased
7 all of those people out their community. The federal
8 government came in and said you can't live here because it
9 is not safe. I don't want to be driven out of Trinity
10 Oaks by the federal government. And I'm an extremely
11 conservative person. I don't believe in big government.
12 I believe in private enterprise. But it is enough to
13 drive one to seek help from a higher source.

14 The only other comment I want to make is I am
15 not pro-litigation, I am very anti-litigation. I hate
16 what is happening to the gun industry and the cigarette
17 industry, even though I don't smoke and I don't own a gun.
18 But, boy, if there was an attorney in the room for whom
19 there wouldn't be a conflict of interest in commencing a
20 class action suit, I would join the class in a minute,
21 despite the fact that I am so conservative.

22 COMMISSIONER CLARK: Thank you, Mr. Crean, is
23 it?

24 MR. CREAN: Yes. And that's all I had to say.

25 COMMISSIONER CLARK: Mr. McLean.

1 MR. McLEAN: I have no questions.

2 COMMISSIONER CLARK: Mr. Deterding.

3 MR. DETERDING: Mr. Crean, you indicated that
4 someone, I guess the softener company representative, told
5 you that your chlorine level was 1.4 parts per million.

6 MR. CREAN: Yes.

7 MR. DETERDING: Do you know whether or not that
8 individual -- is that the individual who performed the
9 test, as well, the person you talked to?

10 MR. CREAN: Yes, it is.

11 MR. DETERDING: And do you know whether or not
12 they are certified by anyone, the Department of Health in
13 particular, to perform that type of test?

14 MR. CREAN: No, I do not.

15 MR. DETERDING: Do you know whether that is an
16 extraordinarily high number for chlorine content?

17 MR. CREAN: My only personal knowledge of
18 whether that is high is from incidental kinds of sources.
19 For example, I do know because I do have my pool water
20 tested, that 2.0 is the correct chlorine level for pools.
21 The representative from Superior Water which came out to
22 look at our Kinetco system indicated as an experienced
23 sales person that 1.4 was quite high. She made reference
24 to other numbers as being more normal, but I didn't make
25 notes of that. I don't recall what they were.

1 MR. DETERDING: And you don't know what her
2 qualifications were to express such an opinion, either, do
3 you?

4 MR. CREAN: No, other than the fact that she is
5 employed by a major water softener seller.

6 MR. DETERDING: Who is in the business of
7 selling water softeners?

8 MR. CREAN: Yes.

9 MR. DETERDING: That is all I have. Thank you.

10 COMMISSIONER CLARK: Staff.

11 MR. JAEGER: No questions.

12 COMMISSIONER CLARK: Commissioners. Thank you,
13 Mr. Crean.

14 MR. McLEAN: I believe there are no further
15 customers at this time.

16 COMMISSIONER CLARK: Okay. Let me indicate we
17 are going to go ahead and take a break now because we do
18 have to reconvene this hearing at six o'clock for the
19 purpose of taking further customer testimony.

20 MR. JAEGER: Commissioner Clark, before we
21 break, I have one witness, Pete Screnock that all the
22 parties have said he need not attend, that they are going
23 to waive cross on. And I was going to call him on the
24 break so he would know whether or not he has to be here
25 tomorrow morning.

1 COMMISSIONER CLARK: Let's do that. Let's just
2 make sure at this time that there is no cross-examination
3 for this witness and he may be excused.

4 MR. McLEAN: Correct.

5 MR. DETERDING: That is correct.

6 MR. JAEGER: And that is the same with Robert C.
7 Nixon, that was agreed at the prehearing officer, no
8 cross, and he may be excused.

9 MR. McLEAN: Agreed.

10 MR. DETERDING: And his exhibit entered, too.

11 MR. JAEGER: And all the exhibits and testimony
12 will be entered.

13 COMMISSIONER CLARK: And we will do that when we
14 start the technical hearing. But they are excused as
15 witnesses.

16 MR. JAEGER: There is one other preliminary
17 matter, but I just wanted to get those witnesses taken
18 care of.

19 COMMISSIONER CLARK: Thank you. We will
20 reconvene at 6:00 o'clock.

21 (Dinner recess.)

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STATE OF FLORIDA)

CERTIFICATE OF REPORTER

COUNTY OF LEON)

I, JANE FAUROT, RPR, Chief, FPSC Bureau of Reporting Official Commission Reporter, do hereby certify that the Hearing in Docket No. 960545-WS was heard by the Florida Public Service Commission at the time and place herein stated.

It is further certified that I stenographically reported the said proceedings; that the same has been transcribed under my direct supervision; and that this transcript, consisting of 186 pages, Volume 2 constitutes a true transcription of my notes of said proceedings.

I FURTHER CERTIFY that I am not a relative, employee, attorney or counsel of any of the parties, nor am I a relative or employee of any of the parties' attorneys or counsel connected with the action, nor am I financially interested in the action.

DATED this THIS 10TH DAY OF APRIL, 2000.



JANE FAUROT, RPR
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