

BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

In the Matter of : DOCKET NO. 960545-WS

INVESTIGATION OF UTILITY :

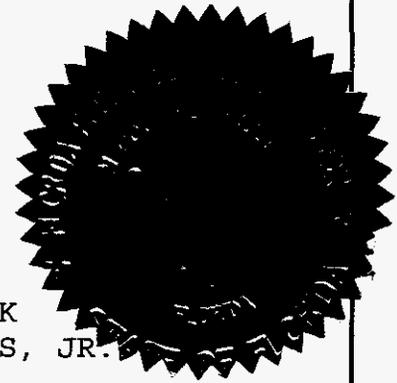
RATES OF ALOHA, :

INC. IN PASCO COUNTY. :

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VOLUME 3

Pages 285 through 472



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.
 Recessed at 10:30 p.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.)

DOCS
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(Hearing convened at .m.)

(Transcript follows in sequence from Volume 2.)

COMMISSIONER CLARK: All right. Ladies and gentlemen, we would like to get started. I am going to ask our counsel, Ralph Jaeger, to read the notice, please.

MR. JAEGER: Yes, Commissioner Clark. Pursuant to notice, this time and place was set aside for a second round of customer testimony in the formal hearing in Docket No. 960545-WS, investigation of utility rates and quality of service to the Seven Springs Division of Aloha Utilities in Pasco County. This notice was issued March 10th, of the year 2000.

COMMISSIONER CLARK: Thank you, Mr. Jaeger. We are going to take appearances.

MR. WHARTON: John Wharton and Marty Deterding for Aloha.

MR. McLEAN: My name is Harold McLean, and I represent the Office of Public Counsel, and I appear on behalf of these customers.

MR. JAEGER: I'm Ralph Jaeger, and with me is Jason Fudge, counsel for the Commission staff.

COMMISSIONER CLARK: Thank you. I would like to introduce myself. My name is Susan Clark. I will chair this hearing tonight. I chair it because I am the most

1 senior Commissioner here, both in number of years on the
2 Commission and number of years on this Earth.

3 With me is Commissioner Jacobs, who is on my
4 right, and we have our newest Commissioner with us,
5 Commissioner Lila Jaber.

6 I want to indicate that we began this hearing
7 this morning at 10:00 a.m., and took testimony from
8 customers. We are here this evening to do the same thing,
9 to hear from you, the customers. Also, tomorrow we will
10 begin the technical portion of our hearing. It is my
11 inclination at this point to start that hearing at 9:00
12 a.m. tomorrow. I want to invite you all to come to that
13 hearing so you can be apprised of all the evidence that is
14 being adduced in this proceeding.

15 I also want to let you know that your comments
16 today are going to be recorded by an official court
17 reporter. She is sitting over here taking notes as I
18 speak. Your comments will be used by us, along with the
19 other evidence, to make a decision regarding the quality
20 of service provided by the utility and what further
21 actions, if any, we should require the utility to take.

22 Also, if you do not wish to testify, you have
23 hopefully gotten a copy of this special report. On the
24 back page is a comment sheet that you can fill out and you
25 can mail to us or you can give it to us before you leave

1 this evening. Also, on the front of it, of the special
2 report you will see that there is information as to some
3 phone numbers. We also have an Internet and fax number,
4 and a toll free number you can call if you think of
5 something you did not say tonight or if you would rather
6 use that method of contacting the Commission.

7 I am going to skip giving the background of this
8 case. It is in the special report. The reason I'm doing
9 that is so we can get immediately to customer testimony,
10 because we did have a lot of testimony this morning and,
11 in fact, we only finished that hearing at 5:15 today. So
12 I want to leave as much time as possible to hear from you.

13 During all of these proceedings, the parties are
14 represented by counsel. They have previously introduced
15 themselves, that was Mr. Wharton and Mr. Deterding for the
16 utility, Mr. McLean for the customers, along with Mr. Jack
17 Shreve, but he is not here today. Also, our staff has
18 introduced themselves, Ralph Jaeger and Jason Fudge, who
19 are the counsel representing the Commission staff in this
20 matter.

21 The Commission staff has the responsibility of
22 making sure the record in this proceeding is complete as
23 possible, and all aspects of the case are thoroughly
24 explored. I also want to take a minute to introduce other
25 staff members that are here. If you would like to speak

1 to them about a particular issue you are having that you
2 do not want to testify on, they are all available to speak
3 to you.

4 First, I would like to introduce Marshall
5 Willis, who is Bureau Chief with the Department of Water
6 and Wastewater; Dan Hoppe, who is Director of the Division
7 of Water and Wastewater; Sally Moniz, who is an account
8 with the Division of Water and Wastewater; Tom Walden, Bob
9 Crouch, Mike Wetherington, and James McRoy, who are
10 engineers with our Division of Water and Wastewater.
11 Also, Connie McCaskill, who is a supervisor in the
12 Division of Water and Wastewater.

13 We also have someone from our Records and
14 reporting, our Clerk's Office, that is Sandy Moses. The
15 lady who met you at the table where you signed in is
16 Thelma Crump, she is with our Consumer Affairs. And here
17 is Thelma right now. And finally, our court reporter is
18 Jane Faurot.

19 Before we get into the customer testimony, I
20 want to indicate there are certain formalities we must
21 adhere to. For instance, all witnesses must be sworn in
22 to testify so that we can rely on the testimony you give.
23 Please don't let that intimidate you. I will swear you in
24 en masse, and then you can come up to the table right here
25 as Mr. McLean calls your name to testify.

1 With that, I would like everyone who has signed
2 up to testify to please stand and raise your right hand.

3 (Witnesses sworn collectively.)

4 COMMISSIONER CLARK: Thank you. You may be
5 seated. And, Mr. McLean, do you want to make a statement?

6 MR. McLEAN: Very briefly, Commissioner.

7 COMMISSIONER CLARK: And then, Mr. Deterding, if
8 you wish to do the same I will allow you to do that.

9 One final thing. I have been reminded that if
10 somebody gives testimony that is substantially the same as
11 what you are going to give, you can come up here and say I
12 adopt so-and-so's testimony. That helps things go faster.
13 I should also point out that we don't put a time limit on
14 your testimony, but we ask you to remember that your
15 fellow customers are in the audience, and they will have
16 signed up to speak. So show them the courtesy of being as
17 concise and to the point as possible.

18 Go ahead, Mr. McLean.

19 MR. McLEAN: Thank you, Madam Chairman. Can you
20 all hear okay? Great.

21 My name is Harold McLean, I work for the Office
22 of Public Counsel. The Office of Public Counsel works for
23 the legislature. Way back when the legislature decided
24 that it wasn't a good idea to have people just on one side
25 of the courtroom on these kinds of things, so they

1 appointed my office and established my office,
2 Mr. Shreve's office to advocate for you folks.

3 Now, I'm just going to say a couple of words
4 here, I want to make sure everybody know what is going on.
5 Commissioner Clark has given you an excellent summary.
6 I'm going to even make it simpler than that, okay?

7 These folks sitting up here, these three folks,
8 they are the judges. All of these folks sitting over
9 here, those are the judges' helpers. Those are the staff
10 of the Public Service Commission. They have no position
11 in the case, they try to advise the judges and tell them
12 what is right.

13 These folks from Mr. Porter on over this way all
14 represent the utility. They want to present this case in
15 a light most favorable to them.

16 And me and Mr. Biddy here, Mr. Biddy is a
17 contractor with the Office of Public Counsel, we are going
18 to present the case in a light most favorable to your
19 side. So in a technical sense, I suppose, you all are
20 looking at your new lawyer, or at least your lawyer just
21 for tonight.

22 It is wonderful to meet every one of you, I
23 appreciate you all coming out, and I think you will find
24 the proceedings interesting. As Commissioner Clark said,
25 please don't be intimidated if you are inclined to

1 testify, come on up and speak your mind, okay? Thank you
2 very much.

3 MR. JAEGER: Commissioner Clark, if I may, I
4 have one preliminary matter that might help things a
5 little bit. In addition to spelling their name and giving
6 us their address, if they would give staff their, like
7 Wyndtree, Chelsea, or Trinity Oaks, or Heritage Lakes,
8 whatever subdivision they are from, then that would make
9 it easier on us, because we are trying to sort of get an
10 idea of exactly where that customer is from.

11 COMMISSIONER CLARK: Okay. That sounds fine. I
12 would ask the customers to do that when they come up.

13 Mr. Deterding, do you want to make a preliminary
14 statement?

15 MR. DETERDING: No, thank you.

16 COMMISSIONER CLARK: I should also say we are
17 going to sit back down, I don't know that we can stand up
18 through this entire proceeding. And we will have the
19 witness sit down over there. If you can't hear, let me
20 know, and we will ask whoever is speaking to speak a
21 little louder.

22 Mr. McLean, call your first witness.

23 MR. McLEAN: Yes, ma'am. I believe I forgot to
24 mention that when you all do come up to testify, come over
25 to this little chair right here, I believe Commissioner

1 Clark pointed to it, there is a microphone there for you
2 and everything, okay?

3 And our first witness will be Olga and Robert
4 Clayton. You all can come up together or one at the time.

5 OLGA AND ROBERT CLAYTON

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

8 DIRECT STATEMENT

9 MR. CLAYTON: I am donating our drinking water
10 to the table. It was drawn out of our bathtub tap this
11 morning. A picture of our bathtub, which is white,
12 believe it or not. I'm going to be brief. For a few
13 years now, I have heard that copper in our homes is a big
14 problem, and this makes me wonder what has been going on
15 for 2000 years.

16 MR. DETERDING: Excuse me. I'm sorry to
17 interrupt, Mr. Clayton, but we didn't get your address.

18 MR. CLAYTON: Oh, I'm sorry. Wyndtree, Village
19 Nine (phonetic). Do you need the house number?

20 MR. DETERDING: Yes.

21 MR. CLAYTON: Heartland, 1441 Stroud Court.

22 MR. DETERDING: Thank you.

23 MR. CLAYTON: You're welcome. So for over 2000
24 years copper has been used in various way, including
25 brewing beer, and I have never heard of black beer. I've

1 lived in Florida for the last ten years, Miami mainly,
2 never had a problem with my copper pipes. They have a
3 problem here. And I just have one question in closing.
4 If Aloha deems the problem to be caused by copper pipes
5 within the residences, why is it they are constantly
6 flushing their mains out in front of my house, sometimes
7 for 20 minutes at a time, at least two or three times a
8 month clearing out the mains. They are not in the house.
9 And that question has never really been answered. Thank
10 you.

11 COMMISSIONER CLARK: Mr. Clayton, I neglected to
12 tell you that after you testify there may be some
13 questions for you, so if you would just wait.

14 Mr. McLean, do you have any questions?

15 MR. CLAYTON: I'll let my wife answer them.

16 MR. McLEAN: I'll ask questions -- I'm just
17 here, sir, right here. I will ask questions to both of
18 you, and whichever one is inclined, just speak up, I
19 suppose.

20 You brought some water with you, did you? Would
21 you hold that up, please. And would you describe what it
22 looks like. Because we are going to write all of this
23 down on paper, and we need you to describe it.

24 MRS. CLAYTON: Well, it's in a jelly jar. It
25 has sediment on the bottom. It has sediment on the

1 bottom. It is brownish-black, and I guess which gives us
2 gun metal gray. It has an odor. I drew this this morning
3 in our front bathroom, which is white tile, that's why you
4 have the photograph in your hand. Very bright white tile
5 and a very bright porcelain bathtub. You can see by
6 the -- and that is a Polaroid, so the photograph here is a
7 bright white and the sediment drawn right out there. It
8 doesn't even fill the tub. I mean, it is just an inch of
9 that. And it was this color water.

10 MR. CLAYTON: Excuse me, I would just like to
11 add one final note, that this water has permanently
12 stained all of our porcelain toilets. And it is very
13 difficult, if impossible to clean them.

14 MRS. CLAYTON: I have tried everything. We have
15 tried pure Clorox, industrial Clorox, we have tried
16 Rustaid (phonetic), we have tried every conceivable --
17 scrubbing, soaking overnight, using tablets in the commode
18 to try to flush it out.

19 Incidentally, we have a water system that we
20 spent \$1,800 for in our home. We are very careful to have
21 the charcoal filter replaced. They dig it out, they
22 replace it every spring. And this tub -- I mean, this
23 happened this morning. I drew my bathtub water, just a
24 little tub for my two granddaughters last Friday morning,
25 and I was putting just a little bit of bubbles in for

1 them, two little girls. And I drew black water to put
2 these two tots into. It is just exasperating. And I
3 don't know how you folks can sit there and feel
4 comfortable. I mean, we can hardly -- I don't drink this.
5 I like Scotch and water, I don't like this stuff. I like
6 good coffee and I like good Scotch.

7 And, I mean, to draw a bath for children like
8 this is very painful. I don't know who owns your company.
9 I have worked for large companies, we both have. And
10 there is a corporate ethic and a morality about what you
11 are delivering. Are you moral about what you are
12 delivering for us to drink, for us to live with?

13 I have lived in New York, 44 years of my life
14 right out of the Catskills. Manhattan Water, New York
15 City water, guys. Those water funnels coming down from
16 the Catskills are hundreds of -- they are about 125 years
17 old. They deliver pure clean water. They bottled it and
18 called it Manhattan Water. We pay for this stuff.

19 I mean, our bill six years ago when we moved
20 into our house was \$25 for 9,000 gallons per month. You
21 are laughing. Well --

22 COMMISSIONER CLARK: No, I'm not. I'm smiling
23 at your husband.

24 MRS. CLAYTON: He's telling me to stop. I was
25 so upset when my grandchildren had to go into the bath. I

1 didn't want to flush the toilets, for crying out loud.

2 Getting back to -- where was I?

3 MR. CLAYTON: Well, getting back to Miami, the
4 water was good there.

5 MRS. CLAYTON: And, you know, you have that
6 limestone shelf down in Miami. You hack your plants into
7 the ground and they grow. But, you know --

8 MR. CLAYTON: Okay, I think we're finished.

9 MRS. CLAYTON: -- we have got a system in our
10 house, we have done everything. How can you feel you can
11 deliver this? Why don't you put your finances -- somebody
12 owns your company, probably lawyers or doctors or whoever,
13 and they are just milking it, and they are not putting the
14 bucks back into the type of filtering systems that we --

15 (Audience response.)

16 COMMISSIONER CLARK: Mr. and Mrs. Clayton, can
17 you -- hang on a minute. Wait a minute, we may not be
18 through with the questioning.

19 MRS. CLAYTON: Oh, great.

20 COMMISSIONER CLARK: Mr. McLean, do have you any
21 more questions?

22 MR. McLEAN: Yes, ma'am. I've got to ask you
23 little old boring lawyer questions. Now, that jar that
24 you have there, does that represent the average condition
25 of your water? Would that likely be the case almost any

1 day. Is it atypical, typical, or what would you say?

2 MRS. CLAYTON: It could be on any day of the
3 week.

4 MR. CLAYTON: It varies.

5 MRS. CLAYTON: Not necessarily five running days
6 in a row. However it could be on the second day -- they
7 flush them like crazy outside, they wash away our grass.
8 We scream at them and tell them to put it down the drain,
9 we pay for that, too. And it could be once a month, it
10 could be three times a month, it could be 20 times.

11 MR. CLAYTON: Our life is full of surprises.

12 (Simultaneous conversation.)

13 MRS. CLAYTON: It's full of surprises for three
14 year olds.

15 COMMISSIONER CLARK: Mr. and Mrs. Clayton, I
16 need to tell you one of you needs to speak at a time
17 because our court reporter can't record simultaneous
18 conversation.

19 MR. CLAYTON: Yes. I think we are finished.

20 MR. McLEAN: Have you complained to the utility
21 about the quality of the water?

22 MRS. CLAYTON: Absolutely. We had Florida
23 people come down, knock on our door at random and say,
24 "Are you having problems with your water?" And we said,
25 "Yes, come on in." Ran the tap, the bathtub water for

1 them. Ran the tap water for them and said here is jars,
2 take them. Label them, take them with you, do something.
3 This was how long ago, a year and a half, a year ago,
4 whenever the Florida people came down.

5 MR. McLEAN: When you say the Florida people,
6 does Florida Rural Water Association ring a bell?

7 MRS. CLAYTON: No, out of Tallahassee.

8 MR. CLAYTON: They were out of Tallahassee. Do
9 you know who they were? Your other attorney here.

10 MR. McLEAN: He is too proud to be an attorney,
11 I think.

12 COMMISSIONER CLARK: That gentleman I think you
13 are indicating is Mr. Bidy, who is an engineer that the
14 Public Counsel has hired.

15 MRS. CLAYTON: Well, they came out of
16 Tallahassee. And they were with the Commission that Mr.
17 Fasano, I think, was in negotiation with.

18 COMMISSIONER CLARK: It could be us, it could be
19 the Public Service Commission, or it could be the
20 Department of Environmental Protection.

21 MR. CLAYTON: Any of those, I don't recall.

22 MR. McLEAN: Do you know if it had anything to
23 do with the black water study, did they identify
24 themselves in that way?

25 MRS. CLAYTON: Uh-huh. We completed a

1 questionnaire last summer. Yes, indeed.

2 MR. McLEAN: Where is your water softener
3 located? I want to know if you drew this water upstream
4 or downstream of your water softener, does that question
5 make sense?

6 MR. CLAYTON: It was after the water softener.

7 MR. McLEAN: So what we are looking at here is
8 at least -- that is after the water softener?

9 MR. CLAYTON: Yes, sir.

10 MR. McLEAN: Okay. Thank you very much. I have
11 no further questions.

12 MR. DETERDING: I have a couple.

13 COMMISSIONER CLARK: Ms. Clayton, Commissioner
14 Jacobs has a question.

15 MRS. CLAYTON: Yes, sir.

16 COMMISSIONER JACOBS: Since you have installed
17 the -- that is a water softener, not necessarily a
18 charcoal filter?

19 MRS. CLAYTON: A whole system. The NASA system
20 that they used, you know.

21 COMMISSIONER JACOBS: Since you have installed
22 that system, what has been your experience with regard to
23 the water color or the odor?

24 MRS. CLAYTON: We moved into our house on April
25 30th six years ago, '94, and my husband insisted on

1 putting it in because of the odor and the color, and it
2 stained immediately. It stained the chrome on your water,
3 you know, your hot water taps, your faucets, it stained
4 that permanently. We have clear shower doors, glass, and
5 it stained those. So he insisted on getting the best
6 possible system we could, and we installed it. So it has
7 been in the house for six years the 30th of April. And it
8 is in concrete on our driveway. It is a system and I have
9 all the bills for it.

10 COMMISSIONER JACOBS: Now, since you installed
11 the system you have seen a better quality of water, same,
12 less?

13 MRS. CLAYTON: No. Right here.

14 MR. CLAYTON: Initially we put the system in
15 within weeks of moving in, so there is really no
16 turnaround. This has been a situation over the last six
17 years where from time to time we get black water pouring
18 out of our faucets.

19 COMMISSIONER JACOBS: Okay. Thank you.

20 COMMISSIONER CLARK: Can I ask a question? Are
21 you here year-round?

22 MRS. CLAYTON: Yes, ma'am.

23 MR. CLAYTON: Yes, ma'am.

24 COMMISSIONER CLARK: Mr. McLean, anything else?

25 MR. McLEAN: No, ma'am. I have nothing further.

1 COMMISSIONER CLARK: Mr. Deterding.

2 MR. DETERDING: Yes, a couple of questions. You
3 said you had a what type of system? Did you say NASA?

4 MRS. CLAYTON: Yes, the system that NASA uses.

5 MR. CLAYTON: Well, this is what the salesman
6 told us.

7 MR. DETERDING: But, I mean, it is a softener
8 and some filtration, as well?

9 MR. CLAYTON: We hope so.

10 MR. DETERDING: Okay. Have you ever filed a
11 complaint with Aloha Utilities over either the discolored
12 water or any other problems you have had?

13 MRS. CLAYTON: Yes. There was a community
14 effort to address our water problems directly with Aloha
15 and our community and ourselves.

16 MR. DETERDING: But did you individually, either
17 one of you --

18 MR. CLAYTON: Yes. No.

19 MR. DETERDING: -- contact the utility?

20 MR. CLAYTON: Excuse me. Well, we didn't go
21 down en masse, but Joe Preston was our representative, and
22 maybe you remember him. He is the one who took our part
23 in representing the community with Aloha. And he went to
24 the hearings and, you know, made our statements for us.

25 MRS. CLAYTON: So, yes, we -- it was in a group

1 presented to you.

2 MR. DETERDING: I understand. I know that at
3 the beginning of this proceeding years ago there was a
4 petition in 1996, I believe. But what I'm looking for is
5 if you have ever called or written to Aloha Utilities to
6 tell them of your problems personally?

7 MR. CLAYTON: I don't recall doing that.

8 MRS. CLAYTON: What good would it do? I mean,
9 we had a petition out there back in '96 and nothing
10 happened. What good would it do if I trotted down to
11 Aloha, paid my -- my double the bill, by the way, from \$25
12 up to \$50 for the same amount of water, you don't deserve
13 that rate. Not with this quality water, guys, I'm sorry.
14 And even if we went down there, would I get clean water?
15 Would I get better filtration? Would I get updated
16 equipment at your end? Why are you focusing on your
17 corporate clients, focus on us folks. We are paying the
18 tab for those corporate people. They are not paying it,
19 we are.

20 And what would you have done if I went down to
21 you. Give me good water? Don't look at me like that with
22 big eyes. I'm serious.

23 COMMISSIONER CLARK: Mr. Deterding, I think she
24 has answered your question. Do you have any more
25 questions for this witness? She has indicated they have

1 not filed an individual claim with you all.

2 MR. DETERDING: I understood that. I wasn't
3 asking any more questions.

4 MRS. CLAYTON: Well, you got a lot of answers.

5 COMMISSIONER CLARK: Any questions?

6 MR. JAEGER: I have just one question. You
7 referred to odor, bad odor several times. Is that that
8 sulfur, rotten egg odor or chlorine?

9 MRS. CLAYTON: Sometimes it is the sulfur
10 rotten, sometimes it is just a moldy, misty, kind of
11 foulness that you really don't want to get involved with.
12 I mean, you are pouring this right out of the tap.

13 MR. JAEGER: Thank you. That's all I have,
14 Commissioner.

15 COMMISSIONER CLARK: Thank you, Mr. and
16 Mrs. Clayton.

17 Before you call the next witness, someone left
18 these glasses out on the sign-up table. If they are
19 yours, they are right up here.

20 MR. McLEAN: Brian Williams, please.

21 COMMISSIONER CLARK: Mr. Williams, please take a
22 seat. I have been asked if we will move into the
23 technical portion of the hearing this evening. We will
24 not do that. A number of people have signed up and it
25 will be late this evening, so we will not begin the

1 technical portion until tomorrow.

2 BRIAN WILLIAMS

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

5 DIRECT STATEMENT

6 MR. WILLIAMS: Good evening, Madam Chairman,
7 members. I am relatively new. I moved into Chelsea Place
8 in January.

9 COMMISSIONER CLARK: Can you give us your name,
10 spell your last name and tell us where you live.

11 MR. WILLIAMS: Brian Williams, W-I-L-L-I-A-M-S.
12 I live at 1522 Davenport Drive in Chelsea Place. I moved
13 in January, and I moved from New Port Richey, not very far
14 from here, on the west side of 19, and moving away from
15 the hurricane zone. And I heard that the water was not
16 particularly good in that area before I moved in, so I
17 arranged to have a water filter system put in to drink
18 from and a water softener put in. And they replaced the
19 water heater before I moved in, like the day before I
20 moved in.

21 We first turned on the hot water and we had a
22 bad smell and we thought, gee, I hope this doesn't remain.
23 Fortunately, the smell went away the first day. The water
24 heater had never been used before that day, it had been
25 turned off the entire time, so it wasn't like it was an

1 old water system there. The house is approximately seven
2 years old. The water softener seems to accumulate a lot
3 of dirty looking water. And we ran the taps, and it seems
4 like it cleared out after awhile, it wasn't too bad.

5 And after we had been there about three weeks,
6 my wife decided to have a bath and she got some nice
7 smelling salts and put them in the nice new tub. We have
8 a big garden tub, and she started to fill the water up and
9 turned away and came back a couple of minutes later and
10 this is the kind of water she got. And this water I got
11 today out of my bathtub at about 5:00 o'clock. I went
12 home from work and I ran the water. It came out clear for
13 a couple of minutes. And I waited for another minute or
14 two and it started running and suddenly, poof, there it
15 came. And it is like mud.

16 Shortly after I moved in, the people that put in
17 the water softener I guess had moved the pipes and caused
18 a slight pinhole leak and they came back and fixed it.
19 And in my toilet I found that they had like a half-inch of
20 sand, the same kind of muddy black water/sand at the
21 bottom of the bowl, the tank rather, and also in the bowl.
22 And I couldn't believe in this day and age that we see
23 this kind of water and this kind of quality.

24 I'm just not happy with it. I haven't been here
25 long enough to complain to the people I knew when I moved

1 in. I talked to the local board members who said that we
2 had this meeting coming up, so I held off making a
3 personal complaint. But as I said, I have heard that a
4 lot of complaints have been made in the past with no
5 action. And that is really all I have to say.

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

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

9 COMMISSIONER CLARK: Mr. Deterding.

10 MR. DETERDING: You put this water softener in
11 when you moved in and also some filtration system, is that
12 correct?

13 MR. WILLIAMS: I put in a filtration system, an
14 osmosis system in the sink for drinking water and for the
15 refrigerator. But it doesn't run through the entire
16 house.

17 MR. DETERDING: But there was nothing of that
18 type when you moved in as far as filtration or softening
19 system?

20 MR. WILLIAMS: That is correct.

21 MR. DETERDING: Okay.

22 MR. JAEGER: No questions.

23 COMMISSIONER CLARK: Thank you, Mr. Williams.

24 MR. McLEAN: May I redirect?

25 COMMISSIONER CLARK: Yes.

1 MR. McLEAN: So the filter -- Mr. Deterding
2 asked you a question about your filter system, your
3 reverse osmosis. Tell me, is this water here, did it go
4 through that filter, or osmosis, or what?

5 MR. WILLIAMS: No, it did not go through the
6 osmosis. That is strictly for the sink. One of those
7 little flip taps for the sink, and also for the water that
8 runs to the refrigerator.

9 MR. McLEAN: Did this water here pass through
10 any of your home filtration or any of your home treatment
11 system?

12 MR. WILLIAMS: It only went through the water
13 softener.

14 MR. McLEAN: The water softener.

15 MR. WILLIAMS: Right.

16 MR. McLEAN: Thank you, sir. That's all I have.

17 COMMISSIONER CLARK: Thank you, Mr. Williams.

18 MR. McLEAN: Shawn Fawcett.

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1 SHAWN FAWCETT

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

4 DIRECT STATEMENT

5 MR. FAWCETT: That's my real name, too. I live
6 at 7553 Salamander Drive, and that is in Nature's
7 Hideaway. And it is a brand new house. And I brought
8 some photographs. I don't have any water, but that looks
9 about like what comes out of my tub. This is in the
10 bottom of our tank. A couple of good ones. And we have
11 had this problem ever since moving in.

12 And we have called Aloha to complain about the
13 water, and they just said it was something wrong with the
14 water. I don't know when this was done. And I even
15 called the chief plumbing inspector and told him about it,
16 and said that I'm not the only person that has called to
17 complain. So there is a problem and it is not the pipes,
18 because it is a brand new house.

19 COMMISSIONER CLARK: When did you move in?

20 MR. FAWCETT: In January of last year, of '99.

21 COMMISSIONER CLARK: Okay. And it started
22 immediately?

23 MR. FAWCETT: Oh, yes, immediately. The picture
24 of the tub there, of the water, that was the probably a
25 week after we moved in.

1 COMMISSIONER CLARK: Okay. Thank you.

2 Mr. McLean.

3 MR. McLEAN: Yes, sir. You picked up some water
4 there and said that yours is just like that?

5 MR. FAWCETT: Yes. We turned the tub on last
6 night. They had just flushed the system out. We had
7 called them and they came out and flushed -- whatever they
8 do when they flush, about two weeks ago. And I turned on
9 the tub last night and this is the color of the water that
10 came out last night.

11 MR. McLEAN: Tell the court reporter what you
12 are looking at there.

13 MR. FAWCETT: It looks like tea, ice tea. You
14 know, dark muddy water.

15 MR. McLEAN: Does that frequently happen at your
16 house?

17 MR. FAWCETT: Every time we use the tub. The
18 master tub, we turn the water on for that, it comes out
19 black.

20 MR. McLEAN: Do you have any treatment system?

21 MR. FAWCETT: There is no system on the house.
22 And when we use the tub, the water will come out dirty
23 also in the sinks in the same bathroom and the shower, but
24 only until the tub water comes out black. But until that
25 happens everything else is fine.

1 MR. McLEAN: How long have you lived in the
2 house?

3 MR. FAWCETT: Since January of '99. It is a
4 brand new house.

5 MR. McLEAN: When did this -- and this colored
6 water began to appear immediately?

7 MR. FAWCETT: Immediately. The first time we
8 went to fill up the tub to use it, it came out black.

9 MR. McLEAN: Is it consistently so or is there
10 some --

11 MR. FAWCETT: Every time we use it. I mean, we
12 haven't used our tub since we have been in the house. We
13 have been taking showers.

14 MR. McLEAN: Do you wash clothes in this water?

15 MR. FAWCETT: Well, the water is fine until we
16 use the tub, and for some reason it triggers something in
17 the whole house and the water will come out dirty almost
18 everywhere. I don't know what it does, but that is what
19 happens. But normally the water -- the kitchen sink is
20 fine, the clothes is fine, the rest of the house is fine,
21 but if it hasn't -- our second bathroom wasn't used for
22 awhile, and my in-laws came down, they went to take a
23 shower and the water came out brown out of the second
24 bathroom shower. And when that happened it triggered dark
25 water everywhere, the kitchen, the other bathrooms,

1 everywhere.

2 MR. McLEAN: Do you happen to know whether your
3 house is plumbed with copper or PVC?

4 MR. FAWCETT: I'm sure it's copper. Whatever
5 would be code. I mean, I'm sure it should be copper.

6 MR. McLEAN: Thank you, sir. I have no further
7 questions.

8 COMMISSIONER CLARK: Mr. Deterding.

9 MR. DETERDING: I don't have any questions.
10 Thank you.

11 MR. JAEGER: No questions.

12 COMMISSIONER JABER: Mr. Fawcett, may I ask you
13 one question. You said you called Aloha to complain about
14 the discoloration of the water.

15 MR. FAWCETT: Yes.

16 COMMISSIONER JABER: Did a technician actually
17 come out to the house and inspect anything, or turn on
18 faucets outside?

19 MR. FAWCETT: At the time I called, no. I mean,
20 nothing was done. But we called -- my wife called again
21 to complain, and then somebody did come out and did a
22 flushing of the system. However, I wasn't home. I work
23 during the day, so I don't know exactly what was done, and
24 she is in Orlando.

25 COMMISSIONER JABER: So you called twice before

1 someone came out?

2 MR. FAWCETT: Yes.

3 COMMISSIONER JABER: And when they came out they
4 did flush lines?

5 MR. FAWCETT: Whatever they do, yes. They
6 flushed it, and the water was fine, you know, and then we
7 went to use the tub last night, it was probably two weeks
8 later, and the water came out brown. So whatever they did
9 doesn't work.

10 COMMISSIONER JABER: And after they flushed the
11 lines they told you there was really nothing more they
12 could do?

13 MR. FAWCETT: I don't know, I wasn't there.
14 They just did it, and -- she said they came with an
15 article or something saying there was nothing wrong with
16 the water. The technician, I guess, flashed an article in
17 front of her saying the water was fine, there is nothing
18 wrong with it. And it's like, do you want to drink this
19 water? There is something wrong with it. Something is
20 causing this problem.

21 COMMISSIONER JABER: Thank you.

22 MR. DETERDING: Let me ask a couple of
23 follow-ups to that.

24 You say you called once and nobody came out?

25 MR. FAWCETT: Yes.

1 MR. DETERDING: And when was that?

2 MR. FAWCETT: And this was almost in the very
3 beginning when he moved into the house. We had called and
4 complained about dirty water. First we called the person
5 who built our house. And he, you know, didn't give me
6 anything from that, because it wasn't his problem. Then
7 we called the plumber, and the plumber said it is not our
8 problem, you know, it's the water company's problem.

9 So then we called Aloha and explained to them
10 what was going on. And it was such a long time ago, I
11 don't remember, but no one ever came out. I know that no
12 one came out.

13 MR. DETERDING: Was it you or your wife who
14 called?

15 (Audience response.)

16 MR. FAWCETT: My wife called. And it would have
17 happened back in January or February when we called the
18 first time.

19 COMMISSIONER CLARK: I need to ask you in the
20 audience to please be quiet while the questions and
21 answers are being given because the court reporter cannot
22 hear them if there is a lot of commotion in the
23 background. Thank you.

24 MR. DETERDING: I don't have anything further.
25 Thank you.

1 MR. McLEAN: Mr. Fawcett, I have one or two
2 questions. These pictures that you have handed around
3 here, did you take the pictures?

4 MR. FAWCETT: Yes.

5 MR. McLEAN: Are they accurate representations
6 of what you could see when you --

7 MR. FAWCETT: Oh, yes, very much so.

8 MR. McLEAN: Commissioner Clark, I would like to
9 mark these as a composite exhibit.

10 MR. FAWCETT: And I've got more if you want
11 them.

12 MR. McLEAN: I think these tell the story.
13 Fawcett Composite Exhibit Number --

14 COMMISSIONER CLARK: It would be Number 11.

15 MR. McLEAN: Thank you, Mr. Fawcett. I have
16 nothing further, Commissioner.

17 COMMISSIONER CLARK: Thank you, Mr. Fawcett.

18 MR. McLEAN: Madam Chairman, I would like to
19 move Exhibit 11 into the record, please.

20 COMMISSIONER CLARK: It will be admitted in the
21 record.

22 (Exhibit 11 marked for identification and
23 entered into the record.)

24 MR. McLEAN: I'm afraid I'm going to have
25 difficulty with this last name. I believe it is Mr. and

1 Mrs. Nick -- it looks like C-A-P-U-T-A, perhaps. Let give
2 the address, too. 1337 Davenport Drive.

3 COMMISSIONER CLARK: I think someone is
4 responding.

5 MR. McLEAN: Great.

6 MR. AND MRS. NICK CAPUTO
7 was called as a witness on behalf of the Citizens of the State
8 of Florida and, having been duly sworn, testified as follows:

9 DIRECT STATEMENT

10 MR. CAPUTO: Yes. My name is Nick Caputo, and
11 he gave you the address, and that is in Chelsea Place.

12 COMMISSIONER CLARK: Call you spell your last
13 name?

14 MR. CAPUTO: C-A-P-U-T-O. We moved into Chelsea
15 October of '98, and immediately had problems with the
16 water. The house was approximately six years old at that
17 time. We called Aloha, and they did send someone out who
18 gives you a handout and says it is not our problem. Of
19 course, like most people, we spent a lot of money for our
20 house and have never taken a bath in it and don't expect
21 we ever will be able to.

22 We do have a water softener. Aloha did say that
23 you should change the rod to an aluminum rod in the
24 softener. We changed that, and no difference. We had
25 them out again about two months ago when the water was

1 similar to many of these that are here, looking like tea.
2 And again they looked at it and it is not their problem.
3 Which it seems like it never is.

4 In addition, my daughter just moved to Thousand
5 Oaks, a brand new house. She put a whole house filter in
6 with a filter cartridge. Three weeks in the house, took
7 the cartridge out and it looked more like a tea bag.
8 That's all I have.

9 COMMISSIONER CLARK: Thank you, Mr. Caputo.
10 Wait a minute and we will see if there are questions. Mr.
11 McLean.

12 MR. McLEAN: Yes, sir. You referenced your
13 daughter, what subdivision does she live in?

14 MR. CAPUTO: She has moved into Thousand Oaks,
15 which is off of Trinity Oaks.

16 MR. McLEAN: That is also served by Aloha, isn't
17 it?

18 MR. CAPUTO: Yes, it is.

19 MR. McLEAN: Would you give her name so that we
20 can --

21 MR. CAPUTO: The name is MacKinnon, Alisa
22 MacKinnon, M-A-C-K-I-N-N-O-N, and it's 8530 Orsey Court
23 (phonetic).

24 MR. McLEAN: Now, the water -- you mentioned
25 that you sometimes get water in your house that looks like

1 tea, just like some of these examples on the table?

2 MR. CAPUTO: Yes, I do.

3 MR. McLEAN: Is it typical for to you receive
4 that kind of water, or is it atypical, or how would you
5 characterize it?

6 MR. CAPUTO: It is more typical in the tub than
7 in the sink. There have been occasions -- my wife turned
8 the bathroom faucet on to brush her teeth and put the
9 toothbrush underneath and it got so black the toothbrush
10 went in the garbage and it's time to get another one. I
11 would say that is atypical.

12 Most of the problems appear in the tub, and I
13 think part of that is a volume issue. When the rather is
14 running you don't see it as much as if you let it sit in a
15 jar or fill the sink. If you will fill the sink you will
16 see it more, if you fill the tub you will see it more.

17 MR. McLEAN: You said that you have a water
18 softener?

19 MR. CAPUTO: Yes, I do.

20 MR. McLEAN: Did you use the water in the house
21 at all before there was a water softener installed?

22 MR. CAPUTO: No, it was put in right at the time
23 we moved in.

24 MR. McLEAN: I see. And all the water in your
25 house, I take it, passes through that water softener?

1 MR. CAPUTO: Yes.

2 MR. McLEAN: Thank you, sir. I have nothing
3 further.

4 COMMISSIONER CLARK: Mr. Deterding.

5 MR. DETERDING: I only have one. Do you have
6 any other filtering device other than the softener, or is
7 that it?

8 MR. CAPUTO: I have a reverse osmosis for the
9 drinking water.

10 MR. DETERDING: Just for the kitchen sink?

11 MR. CAPUTO: Just for the kitchen sink.

12 MR. DETERDING: Thank you.

13 MR. JAEGER: No questions.

14 COMMISSIONER CLARK: Commissioners.

15 COMMISSIONER JABER: Mr. Caputo?

16 MR. CAPUTO: Yes.

17 COMMISSIONER JABER: Do you have the black water
18 with hot or cold water?

19 MR. CAPUTO: Yes. It is predominately hot, but
20 it does come with both hot and cold.

21 COMMISSIONER JABER: Thank you.

22 COMMISSIONER CLARK: Thank you, Mr. Caputo.

23 MR. McLEAN: The citizens call Robert L.

24 Wickett, please. The gentleman's address is 8106

25 T-A-N-T-A-L-L-O-N Way in Trinity Oaks.

1 ROBERT L. WICKETT

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

4 DIRECT STATEMENT

5 MR. WICKETT: That is correct, I am Robert L.
6 Wickett. I live in Trinity Oaks, 8106 Tantallon Way.

7 COMMISSIONER CLARK: Spell your last name,
8 please.

9 MR. WICKETT: W-I-C-K-E-T-T, Robert L.

10 COMMISSIONER CLARK: Thank you.

11 MR. WICKETT: Okay. I came to New Port Richey
12 in 1958. I lived with my parents, we had an older home on
13 -- I forgot the name of the street -- downtown New Port
14 Richey for four years. Older home, copper pipe. No
15 problems. In fact, I never believed that people would
16 have water problems. That's how naive I was. But anyway,
17 in 1964 we bought a new home on Wyoming Avenue in
18 New Port Richey with copper pipe, a brand new home, and we
19 lived there 27 years. We have never had a problem with the
20 water. It never even entered our minds to think that there
21 could be a problem. But we had New Port Richey water.

22 So I was wondering when this thing came up about copper
23 pipes, and I went to the meeting downtown New Port Richey at
24 the library when they had the meeting with Mike Fasano and the
25 group of people and some of you gentlemen here. And I told

1 the same story. I said why can New Port Richey deliver good
2 water and Aloha can't? And they said that is a good question.
3 But all of a sudden it fell on deaf ears and they are still
4 back to the copper pipe. So we lived 27 years there.

5 Okay. We moved out to Trinity in 1994, and we have
6 been there these six and a half, seven years, and we have a
7 water conditioner. We do not have a area softener. We have a
8 water conditioner from Williams Conditioning Service in
9 Clearwater. We, I must say, must be an exception to the rule.
10 We have only very few times had a water problem. I do not
11 know why. Maybe it is the street we are on. We live on
12 Tantallon Way, but we had -- about nine months ago we had
13 black water in the tub, that is the only time we have ever had
14 the black water in the tub where it was so black that we could
15 run our finger on it and see it.

16 And occasionally we would have the water in the sink,
17 but it seemed to be sporadic, not very often and not very
18 much. We do not buy bottled water, we do not have anything on
19 the system for drinking water, and basically I cannot complain
20 about the water.

21 My complaint is about the rates, which keep going up,
22 and the complaint about the copper pipe. And I can't see how
23 Aloha cannot provide good water like the City of New Port
24 Richey can at a reasonable cost. So that is my story. And we
25 are happy in Trinity Oaks.

1 COMMISSIONER CLARK: Thank you, Mr. Wickett.

2 Any questions, Mr. McLean?

3 MR. McLEAN: No, ma'am. Thank you, sir.

4 COMMISSIONER CLARK: Mr. Deterding.

5 MR. DETERDING: None.

6 COMMISSIONER CLARK: Staff.

7 MR. JAEGER: None.

8 COMMISSIONER CLARK: Commissioners. Thank you,

9 Mr. Wickett.

10 MR. WICKETT: Thank you very much.

11 MR. McLEAN: Robert and Helen Wortz, W-O-R-T-Z,

12 770 Craighurst Loop.

13 ROBERT WORTZ

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

16 DIRECT STATEMENT

17 MR. WORTZ: My name is Robert Wortz, W-O-R-T-Z,
18 and it is 7704 Craighurst Loop in Wyndgate. We have lived
19 in New Port Richey 13 years, or in Pasco County, I'm
20 sorry, and we have never experienced a problem with the
21 county water. November of last year, which was '99, we
22 moved into Wyndgate in a newly constructed home. We get
23 dirty water in our guest bath. Coming here today, I
24 drained water out of my hot water heater. This is what I
25 received. Now, to describe it, I would say it looks like

1 liquid tar. That's about all I can describe.

2 I have heard an awful lot about and I have read
3 an awful lot about the condition of the water from Aloha.
4 I am now experiencing it, and I am not happy with the
5 condition of the water. I have a water softener, it is an
6 on-demand water softener, which means when it needs to be
7 backwashed it does it itself, I don't tell it. I still
8 get on occasion in the guest bath black water. Not as bad
9 as this, but you would not use it to take a bath in. Any
10 questions? That's all I have to say.

11 COMMISSIONER CLARK: Thank you, Mr. Wortz. Just
12 a minute and we will see if there are questions.

13 Mr. McLean.

14 MR. McLEAN: Thank you, Commissioner. The jug
15 of water you just brought, now where did you draw that
16 from?

17 MR. WORTZ: I drew it from my hot water heater.

18 MR. McLEAN: I see. And you say your guest
19 bedroom has water that is occasionally this bad or not
20 quite this bad?

21 MR. WORTZ: Not quite this bad, but you wouldn't
22 take a bath.

23 MR. McLEAN: Yes, sir. What prompted you to
24 drain your hot water heater to get the water out of there?

25 MR. WORTZ: Because when I lived north in Pasco

1 County, I would occasionally drain my hot water heater in
2 my house where we lived before. It was all the way north
3 in Pasco County, and the only thing that I would ever get
4 out of it was occasionally I would get sand, sediment in
5 the bottom.

6 Now, when I'm looking at this, I probably will
7 have to drain my water tank, hot water heater tank on a
8 monthly basis, because this is accumulating and I have
9 only lived there since November.

10 MR. McLEAN: Yes, sir. And all the water in
11 your house goes through the water softener, doesn't it?

12 MR. WORTZ: Yes.

13 MR. McLEAN: Did you have a water softener when
14 you lived in north Pasco?

15 MR. WORTZ: Yes, I have. I have always had a
16 water softener in Florida.

17 MR. McLEAN: Do you know whether you had copper
18 or PVC piping?

19 MR. WORTZ: It was copper pipe in Pasco County.

20 MR. McLEAN: in north Pasco County where you
21 lived before?

22 MR. WORTZ: Yes.

23 MR. McLEAN: And it is copper pipe now?

24 MR. WORTZ: I have copper pipe coming into the
25 house from the ground.

1 MR. McLEAN: Do you know anything that would
2 explain why you didn't get black water in north Pasco
3 County and that you do here?

4 MR. WORTZ: It was a different water company.
5 We had county water, and I would venture to say that I
6 have never heard a complaint from Pasco County water
7 system. That is the only thing I could say.

8 MR. McLEAN: Have you complained to the utility?

9 MR. WORTZ: No, I haven't been there long enough
10 to complain. But believe me I will be complaining. Now,
11 they do come out through Wyndgate Subdivision and turn the
12 fire hydrants on and flush them out, and they run them for
13 a good period of time.

14 Now, it isn't to see whether they can waste
15 water, I'm sure. It has to be that they are trying to
16 clean out their system through the fire hydrants. I have
17 no other reason for them doing it.

18 MR. McLEAN: How often do you see that happen?

19 MR. WORTZ: Well, when I first moved there it
20 was quite often, weekly. Now they seem to have cut it
21 down.

22 COMMISSIONER CLARK: Mr. Wortz, would you come
23 close to the table and speak into the microphone. Thank
24 you.

25 MR. WORTZ: Sorry.

1 COMMISSIONER CLARK: That's fine.

2 MR. McLEAN: You were telling me, sir, how often
3 you see them flush the line.

4 MR. WORTZ: They seemed to be coming out, when
5 we first moved there, on a frequent basis. I would see
6 them out there on a weekly basis. Now I very, very seldom
7 see them coming out there. Now, maybe I missed them. I
8 don't know. But I haven't seen them do it for awhile.

9 MR. McLEAN: Yes, sir. Thank you very much. I
10 have no further questions.

11 MR. WORTZ: I'm going to leave this. My name,
12 address, and everything is on here.

13 COMMISSIONER CLARK: Mr. Wortz, hang on. There
14 may be other questions. Mr. Deterding, do you have a
15 question?

16 MR. DETERDING: Yes, I have a couple. You
17 said -- you were talking about seeing black water in your
18 guest bath. What about your main bath, do you see
19 discolored water --

20 MR. WORTZ: No, it seems to build up in pipes
21 that aren't being used continuously. Now, the guest bath
22 is very infrequently used. The master bath is used every
23 day, two times a day. We do not take baths, I don't even
24 have a bathtub in the master bath. And to fill a tub, I
25 don't know what it would look like. So I'm guessing.

1 Now, we have filled the tub in the guest bathroom. It has
2 a tub, and it will be cloudy water coming out. But it
3 doesn't get used that frequently.

4 MR. DETERDING: Thank you.

5 COMMISSIONER CLARK: Staff.

6 MR. JAEGER: No questions.

7 COMMISSIONER CLARK: Commissioners. Thank you,
8 Mr. Wortz.

9 MR. WORTZ: Thank you.

10 MR. McLEAN: Mr. Wayne Forehand, please. The
11 address is 1216 Arlinbrook, A-R-L-I-N-B-R-O-O-K, Drive.

12 WAYNE FOREHAND

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

15 DIRECT STATEMENT

16 MR. FOREHAND: Good evening. Wayne Forehand,
17 and that is F-O-R-E-H-A-N-D, 1216 Arlinbrook Drive, that
18 is in Trinity Oaks. We won't drink the water. We use it
19 for cooking, however. And so what we do is we put it
20 through a Brita filter. As you know, a Brita filter is a
21 little one gallon jug that has got a nice white filter in
22 it, and probably ones a week when we are filling this
23 Brita we get this black, gray flush comes through, and it
24 goes away, so we dump it out and flush everything out and
25 start over. We go ahead and fill it up then. This is

1 probably once a week this happens.

2 The toilet tanks. Number two, that toilet tanks
3 turn absolutely black inside. They are not copper, they
4 are ceramic. The water sometimes has a very foul smell.
5 Not always. Sometimes it just absolutely stinks.

6 Now, I'm sure a lot of people here remember
7 Doctor Garrity, the former head of the DEP, he told us he
8 would not drink the water. Now, we didn't get any help
9 because of it, but we won't drink the water, either.

10 When the water is not used for awhile when we
11 are aware for a few days, we have to flush all the water
12 in the whole house. It is wasting a lot of water when we
13 have to do this. But, we have an emergency water
14 restriction here and we have to waste the water anyhow.
15 Pasco, by the way, is in the center of an emergency water
16 situation. And I feel badly about wasting all of this
17 water, but I'm sure not going to shower in it when it has
18 got this gray -- I haven't seen mine this bad, but it is
19 like this.

20 This black water does not originate in our
21 homes. I have seen this terrible black water being
22 flushed from fire hydrants. They come up and flush this
23 black water into the street, it lays in the curb and the
24 guy leaves it run until it finally clears up. He pulls
25 out his little sampler and takes a test, and says, gee,

1 it's good.

2 Now, I think it becomes very apparent that this
3 black water is forming in the fire hydrants. That is why
4 they come out and flush it. Now, I think if we understand
5 the hydraulics of water, we know as the water flows by it
6 is just natural that it picks up some of these little
7 pockets of that black water that is formed there and
8 carries it into our homes. The water is caustic in some
9 way to react with these fire hydrants.

10 Yes, flushing of these fire hydrants is sure
11 wasting a lot of the water during these times of emergency
12 water restrictions that we are under. I can't wash my
13 car. But Aloha can come out, because they don't provide
14 good quality water, and flush their fire hydrants trying
15 to make them not look so black all over the neighborhood.

16 Number 8, the pressure is very low, particularly
17 on watering days. We are restricted to watering on just
18 one day now. And I look out while we are watering and I
19 see the sprinklers just blub, blub, blub. I can't even
20 get enough water out on that one day. I don't know what
21 the fire department is going to do if they have got to
22 come out and put a fire out on these water restricted
23 days.

24 Now, the next thing, Number 9, I see Aloha
25 wasting lots of recycled water with some elaborate array

1 of sprinklers up at the corner of County Road 54 and
2 Little Road. We went out to dinner last night and we
3 drove by going north, they have put in this big elaborate
4 array running, I don't know, maybe 60 or 80 sprinklers.
5 Lots of them anyhow. I won't be pinned down to the
6 number.

7 When I come back from dinner an hour and a half
8 later, they are still out there dumping water out in the
9 cow field. I thought we were under emergency water
10 restrictions. The same money they spend to build this
11 elaborate array of sprinklers and pumping system surely
12 could have been used to put water into the subdivision so
13 we could use it for our lawns.

14 Number 10. This is all from a private utility
15 owner, who as I read in the paper, lent themselves some
16 money at a 12 percent interest rate. I wish I could get
17 12 percent guaranteed on my returns. Mine aren't that
18 good. Some of the risky stuff in the stock market has
19 been pretty good, but nothing is pretty solid. And this
20 is all from a private utility that hires family members
21 for part-time jobs at over \$100,000 a year salary.

22 In summary, the water is terrible, the pressure
23 is low. Number two, Aloha causes us to waste a whole lot
24 of water, even in these times of emergency water
25 restrictions. Number three, the black water is clearly

1 not caused by the copper pipes in my new home. All this
2 bad water is sold in the county -- all of this is sold in
3 the same county which is the home of Zephyrhills.
4 Zephyrhills bottles water, and it is one of the premier
5 bottled waters in the whole US of A. And I live in the
6 say county and can't get water that I can even drink. We
7 are being held captive by this monopoly. I request that
8 Aloha be denied any rate increase and that they be ordered
9 to fix the water problem. This means provide water that I
10 can drink. Thank you.

11 COMMISSIONER CLARK: Thank you, Mr. Forehand.
12 Just a minute.

13 MR. McLEAN: Mr. Forehand, tell the Commission
14 more about the -- I'm here. Tell the Commission more, if
15 you will, about what you have observed with respect to --
16 I'm sorry, main water fire hydrant flushing. Do you see
17 that occasionally, do you see it frequently? How would
18 you characterize it?

19 MR. FOREHAND: Well, I'm not out and about the
20 neighborhood a whole lot. But I have been out and I have
21 walked up to the corner and I have seen the guy pull up.
22 And he puts a pipe on the end so it flows it out towards
23 the street and gets it out of people's lawns and this kind
24 of thing, and he turns it on and it flows into the gutter.
25 And it is just absolutely black. I mean, black forms in

1 the gutter and sits there.

2 Now, finally, like I said, after a period of
3 time the black turns clear and he takes a sample and he
4 checks it with however he checks it. And I said, how is
5 the water? He said, hey, it's good.

6 MR. McLEAN: Do you see this exclusively during
7 working hours, them out there flushing hydrants?

8 MR. FOREHAND: This most certainly was in the
9 daytime, yes.

10 MR. McLEAN: If I have your theory correctly, it
11 is how -- if the house, if the water is turning black
12 inside your house, how could it get out there to the fire
13 hydrant, is that your theory?

14 MR. FOREHAND: Well, it must flow from my house
15 obviously, because I have copper pipes. I do have another
16 theory that I really would like to share, if I could.

17 MR. McLEAN: I wish you would state it.

18 MR. FOREHAND: Aloha has a number of wells.
19 Apparently two of these wells were put in more recently
20 than some of the others, okay. These two newest wells,
21 it's seems as though about the time these two wells went
22 in is when most of these problems started cropping up.
23 And I think it somehow related to these two wells. I
24 think in some parts of Aloha water district, I think they
25 provide better water than they do in other places.

1 I know that some of the streets in our
2 subdivision aren't as bad as others, some are worse. We
3 don't get any of this. We periodically get some of this.
4 And I heard Mr. Wickett up here a little earlier saying,
5 well, it has been about nine months since he has really
6 had any bad water. So it varies across the Aloha
7 district. The whole Aloha district probably does not have
8 bad water. That's why you don't have 8,000 people in this
9 room.

10 MR. McLEAN: Yes, sir. Now, when you said that
11 your water is not like this, but is like this, the court
12 report is not going to be able to tell what that looks
13 like, so describe --

14 MR. FOREHAND: Okay. This is the black tar, ice
15 tea, coffee, whatever you call it. Mine gets a silver
16 gray.

17 MR. McLEAN: Would you call a clouded silver
18 gray?

19 MR. FOREHAND: Yes. It is absolutely clouded.
20 When I look at it in the Brita pitcher, it is absolutely
21 clouded, and I just have to dump it out and run the water
22 a little while and start all over. Yes, I'm wasting
23 our -- even though we have emergency restrictions here.

24 MR. McLEAN: Yes, sir. And I don't think you
25 were able to answer my question, were you, about how

1 frequently they flush the water mains?

2 MR. FOREHAND: I couldn't tell you. I'm not out
3 and about the neighborhood that much. And I asked the guy
4 at the time and he said, oh, yes, we do it every month.

5 MR. McLEAN: Do you have a water softener at
6 your house?

7 MR. FOREHAND: I have one now. We didn't have
8 one initially. When we first moved in we were there for
9 awhile, several years, and my wife just complained about
10 the water, and we didn't drink it, because it was bad.
11 And finally after 18 months, two years, something of this
12 type, I finally decided, look, I've got to do something.
13 This water, we just can't have this kind of stuff coming
14 out of our faucets.

15 So I started shopping around. I went to Sears,
16 I went to Home Depot. I started reading, I went into
17 Consumers Report trying to find out what kind of systems
18 we should get. It looked like the best advice I could get
19 was at Home Depot, where they recommended a charcoal
20 filter system. And I put this in, and like I said, it was
21 after 18 months to two years in the house, something like
22 this. And I've got to tell you it really hasn't helped
23 like I hoped it would. I hoped that it would clear up my
24 water problems, but the installation of a water purifier
25 did not do the job. Running the water through the Brita

1 filter, it kind of improves the taste and makes it so I
2 can make coffee with it.

3 MR. McLEAN: Yes, sir. I have nothing further.
4 Thank you, sir.

5 COMMISSIONER CLARK: Mr. Deterding.

6 MR. DETERDING: Do you have a water softener on
7 your home at all?

8 MR. FOREHAND: I think I kind went through that.
9 Were you listening?

10 MR. DETERDING: I heard you talking about a
11 filtration system.

12 COMMISSIONER CLARK: Just a minute. Mr.
13 Deterding, I think they are trying to clarify that there
14 are things like a charcoal filter and there is a water
15 softener, and they want to clarify which one you have.

16 MR. FOREHAND: Yes. The system that we put in
17 is called a Bossman, if I recall it. It is Home Depot's
18 best. It includes charcoal filters and a water softener.
19 They are both included there. And like I say, putting it
20 in really hasn't improved it like I expected.

21 MR. DETERDING: And this is something you
22 recently put in, is that right?

23 MR. FOREHAND: No, I have been there six years
24 now, and I said it was after about 18 months.

25 MR. DETERDING: I apologize. And have you ever

1 complained of discolored water to Aloha Utilities?

2 MR. FOREHAND: I have called Aloha Utilities and
3 I have just been put off. I have complained about
4 discolored water, I have complained about the fact that I
5 couldn't have a second meter for my lawn watering so that
6 I didn't have to pay the sewer charge on the water I use
7 for my lawn, like I was able to get up in Michigan. Yes,
8 and I got put off on that, too. I just get put off by
9 Aloha.

10 MR. DETERDING: When did you complain about
11 discolored water from Aloha?

12 MR. FOREHAND: Probably five and a half years
13 ago.

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

15 COMMISSIONER CLARK: Staff.

16 MR. JAEGER: I'm sorry, you say you asked about
17 an irrigation meter?

18 MR. FOREHAND: Yes. Up in Michigan what we were
19 able to do, we were able to have a second water meter
20 installed. What it did, it metered the water to the lawn
21 separate than the water -- and you didn't have to pay the
22 sewage charge. And that is kind of reasonable, I think.

23 MR. JAEGER: And who at the utility said you
24 couldn't have one of those, do you know?

25 MR. FOREHAND: The gal right at the front desk.

1 I walked in there personally, and I don't know her name.
2 She just said no, we can't do that. You don't do that
3 here. Really curt.

4 MR. JAEGER: Okay. I think staff will look into
5 that, Commissioners.

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

8 MR. McLEAN: Yes, ma'am. Donald Mann, please.

9 DONALD MANN

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

12 DIRECT STATEMENT

13 MR. MANN: Good evening. My name is Mann,
14 M-A-N-N. I'm a former resident of Wood Trail Village
15 subdivision. I moved out of there about a year ago after
16 a divorce and had to sell my home. I now live in Port
17 Richey. By the way, I don't have any water problems in
18 Port Richey. I moved there about I think was April of
19 last year. While I lived in Wood Trail Village, I moved
20 in there in 1987, in December, and somewhere within the
21 next two years, and I apologize that I can't tell you
22 exactly when, the first problem that I noticed was in one
23 of my toilet tanks where the thing got stuck, you know,
24 and you lift the cover off and you go in to take a look at
25 what the problem is. And lo and behold, there is all of

1 this black stuff down in the bottom.

2 And I'm the type of person that always has to
3 figure out what is going on. And there was a black ball
4 that moves out of the way to allow the water to come in
5 and it is rubber, a rubber-looking material. And so I
6 felt of it and all of this black crud came off, and boy,
7 my hand was all black. And I thought, well, this thing is
8 disintegrating, that is what the problem is. And I
9 checked my other toilet and it is the same way, and I
10 thought, gee, I wonder how long these have been here. I
11 will have to replace them.

12 And I went out and I bought new balls and I put
13 them in there. And this is not going to be chronological
14 now, because I want to stay on the black ball thing for a
15 second. Probably, I don't know, two years later I had the
16 same problem. And, again, I attributed it to the black
17 balls and thought, boy, that is a lousy manufacturing job.
18 And so I replaced the black balls again.

19 Well, lo and behold, not long after that, or
20 before, I'm not the sure which, and I apologize for not
21 having good enough notes for a good chronology of my
22 problems. But I did turn on the faucet in one of my
23 bathrooms one day and I got black water out. I mean, look
24 at these bottles and see what I got. Well, let's just
25 call it silver gray as the other gentleman did. It was

1 black. And when you let it settle -- one day I put some
2 in a jar, because it happened many times. And one day I
3 put some in a jar, and I said, "Well, I've got to take
4 this to somebody." And when it settled in the bottom it
5 definitely was black. It was not brown, it was not muddy,
6 it was B-L-A-C-K.

7 MR. DETERDING: Mr. Mann, pardon me for
8 interrupting you. Where did you live, where did you used
9 to live when you were in Aloha's service territory?

10 MR. MANN: Woodtrail Village.

11 MR. DETERDING: Do you have an address?

12 MR. MANN: 4316 Royal Oak Lane.

13 MR. DETERDING: Thank you.

14 MR. MANN: You're welcome. Over the years that
15 I lived there, and as I said it was from 1987 until last
16 year, 1999, at various times I had this problem. And I
17 did call Aloha. I apologize, I don't have the dates.
18 They would send someone out. And by the time they got
19 there, they would check it outside and they would find the
20 water clear, and say, "Sorry, Mr. Mann, don't know what
21 the problem is. It must be your hot water tank."

22 Well, I knew better because even the cold water
23 had the problem. And that fell on deaf ears, by the way.
24 So, as time progressed I did, by the way, replace my water
25 heater. That only happened about two or three years ago,

1 and it did not make one iota of difference. And I didn't
2 have the same problem -- I have a theory that I am going
3 to give you, and I gave it when I filled out my survey
4 while I was living there, I put this on my survey, too.

5 But I'm appalled to see what the poor folks down
6 in Chelsea Place and Trinity are bringing in here. I am
7 not surprised, I'm just appalled. I didn't have as severe
8 a problem as this daily thing that seems to be happening,
9 or even weekly. I had it probably monthly. And my theory
10 was that somehow or other some black substance was getting
11 into Aloha's water system. Where, of course, I wouldn't
12 know. And it would start passing on, let's say it got in
13 maybe 20,000 gallons, for example, and it started rushing
14 on down the streets and the highways and the byways and
15 whatnot. And if it passed by a building that did not have
16 the water turned on at that moment, then no black water
17 would go into that building. So those people would have
18 no complaint, would they, because they wouldn't get the
19 black water. Or if they got it, they would get it like I
20 did, on occasion. And I think this happened a lot.

21 And on those days when I got black water it is
22 when that 10 or 20,000 gallons happened to be passing by
23 my house, and I had my faucets on, and bingo, I got black
24 water. That was my theory. And now I have to -- after
25 seeing this, I have to believe that one of the gentlemen

1 stated that different wells put out a different amount,
2 and I'm going to say a definite amount of black water.

3 I have in my lifetime, I spent 20 years in the
4 Air Force, I traveled throughout the world. I spent a
5 year in Viet Nam, where the water system there at my place
6 in Pleiku up in the central highlands, that water system
7 was built by the French back in the '50s, and it was it
8 was rinkydink. Water came from a lake and went up into a
9 water tower where it would sit, they had to leave it sit
10 there for like four hours after they put the chlorine in
11 it and then they would let us have access to it. I spent
12 a year there, and I'm sorry, I never saw black water. Not
13 once, okay.

14 Any of the places I have ever lived, and
15 throughout my life, and I'm 66 years old, all of my water,
16 and I think every person in this room knows it, has come
17 through some manner of copper pipes. And, I'm sorry, I
18 can honestly say I have never, ever until I was in Aloha's
19 water district experienced any black water. And there is
20 enough evidence around here, there has been enough
21 evidence around here over the past years, I'm shocked that
22 the PSC has been allowing it. They have been allowing
23 themselves to be run over by Aloha Utilities. I'm shocked
24 that we don't have anything in the newspapers or any kind
25 of reports from the public health system. Where are they?

1 I don't see them here tonight. I don't see anything about
2 the public health.

3 Bear with me, I've got some notes here, and I
4 want to make sure that I have covered the things that I
5 wanted to cover. I have got several articles that have
6 been in the Suncoast News over the years, and some of the
7 things that have been stated by Aloha is just incredible.
8 And there is a report I do want to state something from
9 that comes out of a September 1997 Water News put out by
10 Aloha Water, Aloha Utilities. And in one portion they say
11 on the left-hand -- on Page Number 2, "It is important --"
12 this is a quote. "It is important to note that our water
13 contains no copper or sulfide when it enters your home."
14 On Page 3, "The PSC required us to study methods of
15 removing sulfide from our raw water." Good grief, if
16 there is no sulfide in our water --

17 (Audience response.)

18 I have gone to bottle water myself, by the way,
19 and I think it is a shame. I think it is sinful that we
20 have to do that. We can't drink the water in our homes.

21 Another issue, when I was moving out of
22 Woodtrail Village, I looked seriously at a really nice
23 condo behind -- it would be east of K-Mart on Little Road
24 there just north of Highway 54. A real nice condo that
25 was for lease or sale. And I considered leasing for

1 possible future sale, and it really would fit my needs
2 just perfectly.

3 And I stood in that place and I wanted to bite
4 on it so bad. And I thought I can't stay in Aloha Water
5 District, I just can't do it. I have had cancer, I lost
6 my left kidney, and the ureter tube all the way down to my
7 bladder, and a portion of my bladder in 1996, and -- well,
8 I just wonder how F. Lee Bailey would feel about if I
9 went to talk to him and maybe tell him about the problems
10 with the water that I was drinking over several years
11 while I lived there.

12 And I wonder how many -- in fact, this is
13 something for the PSC to look into, I would think, or the
14 health department. What about a survey of all of the
15 people living in any portion, because it may cost too much
16 to do the whole district, I don't know how big Aloha's
17 district is, but how about taking a portion of it like
18 Woodtrail Village, for example, and survey all of the
19 people that have lived there, say, in the past ten years
20 and find out how many of them have had cancer problems
21 like I have. I'm real fortunate that I survived it, and I
22 thank God for that.

23 COMMISSIONER CLARK: Thank you, Mr. Mann.

24 MR. MANN: I'm not sure I'm finished. I want to
25 check my notes, please. Thank you. By the way, I have

1 about a year and half -- please don't hold me to the time,
2 but somewhere between a year and a half and three years
3 after I moved into the home I had installed a water
4 conditioner. And at the same time they put a carbon
5 filter under the sink and I changed that filter
6 faithfully.

7 First of all, the water conditioner didn't seem
8 to change the problems that I was having with the black
9 water. Secondly, if you go to that house now, unless the
10 lady who purchased the home has put a new ice cube tray in
11 the freezer, you will find black in the bottom of the ice
12 cube tray that I could not get out. And not just in the
13 tray that holds the actual ice cubes as they are freezing,
14 but also in the larger tray that holds the frozen ice
15 cubes. And that thing is smooth inside and yet there is
16 black in there that I couldn't get out.

17 In the times that I called Aloha and they would
18 come out and check, by the way, each time they would say
19 it was my hot water tank. I think I covered that. I told
20 you I replaced the hot water tank. I wanted to ask, too,
21 and I'll leave the question open to be answered later if
22 you like, but whatever, I wonder has the water actually
23 been analyzed as far as has it been determined what this
24 black stuff is exactly? I wonder. And if not, somebody
25 is not doing right by the citizens of this area.

1 I want to read something else. This is a
2 bulletin and it is very short. This as I bulletin from
3 Woodtrail Village Civic Association dated sometime in
4 1995. I won't take the time to look, unless you insist. I
5 will be happy to show it to anybody that wants to see it.
6 In that bulletin it says, "Aloha Utility's response to
7 State Representative Mike Fasano concerning Woodtrail
8 Village. We have researched records back to January 1 of
9 1997 active accounts, we had three complaints." I'm
10 talking awful fast, you can copy off this afterwards if
11 you need to. "When reps checked all three had clear clean
12 water." Well, that is the same thing I had. By the time
13 they would get out to the house to check I had clear clean
14 water. It sounds like the fire hydrant situation. They
15 had no complaints regarding water pressure from this
16 Woodtrail Village. Complaints are logged and sent to
17 field for checking ASAP. We suggest if residents truly
18 want remedies they contact the utility directly so we may
19 solve it.

20 That hasn't done a bit of good. This started in
21 1993 it says right here in this newspaper article. That
22 is seven years ago. A lot of good it has done to contact
23 Aloha.

24 And then another paragraph, our Woodtrail
25 Village Civic Association note, many residents -- many,

1 they underlined it -- have complained of dirty, filthy
2 water and low pressure. The letter to Representative
3 Fasano was from Steven G. Watford, Vice President of
4 Aloha, and it gives us his Holiday and his telephone
5 number. Woodtrail Village has 390 homesites. Mr. Watford
6 states 197 active accounts. How much more do we need?
7 How many more evidence do you folks need? Why are we here
8 in the year 2000 still hassling with this?

9 Come on, Tallahassee, get with the program.

10 COMMISSIONER CLARK: Mr. Mann, have you
11 completed your testimony?

12 MR. MANN: Yes, I think I have. Thank you.

13 COMMISSIONER CLARK: Mr. McLean.

14 MR. McLEAN: No questions.

15 COMMISSIONER CLARK: Mr. Deterding.

16 MR. DETERDING: You stated that you had -- that
17 you during your period of time at this address, Royal Oak
18 Trail, that you did complain to Aloha?

19 MR. MANN: Yes, sir, I did. I never did it in
20 writing, I did it on the telephone and they could come out
21 each time and check and give me a cock and bull story.

22 MR. DETERDING: And give you a what?

23 MR. MANN: Cock and bull story. You know, it
24 was my water heater, it was my copper pipes, it was my
25 this or my that.

1 MR. DETERDING: But I believe you said that when
2 they would come out there they would find the water
3 running clean and clear?

4 MR. MANN: Yes. They would check it outside the
5 house and find it running clean and clear.

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

7 MR. MANN: That's why I came up with the theory
8 about the black water passing by, you know.

9 MR. DETERDING: Right.

10 COMMISSIONER CLARK: Staff.

11 MR. JAEGER: No questions .

12 COMMISSIONER CLARK: Commissioners. Thank you,
13 Mr. Mann.

14 MR. MANN: Thank you.

15 COMMISSIONER CLARK: We are going to take one
16 more witness and then we are going to take a break.

17 MR. McLEAN: Mr. Jim Bower, please.

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1 JIM BOWER

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

4 DIRECT STATEMENT

5 MR. BOWER: My name is Jim Bower. I live at
6 1221 Hoversham in Wyndtree Subdivision, New Port Richey,
7 Florida.

8 COMMISSIONER CLARK: Mr. Bower, spell your last
9 name.

10 MR. BOWER: B-O-W-E-R. We have lived there
11 since the first part of June last year. Prior to that we
12 lived in Veterans Village. We built the house in 1985 in
13 Veterans Village, and did not live in it until December of
14 '94. So we lived in Veterans Village December of -- yes,
15 December of '94 until the first of June last year.

16 When we lived in Veterans Village, never -- and
17 were under Aloha, never did we experience anything like
18 this. Once in a great while we had some of the water that
19 gave out an odor. It was not offensive because it
20 happened so seldom. Then we moved to Wyndtree and it is
21 unbelievable what we are experiencing there.

22 I just cannot imagine a water system putting out
23 what they say is drinkable water, water that a person can
24 bathe in and cook in and it looks like this garbage here.
25 I look in this booklet here, and they say that if they put

1 up these three water treatment plants, or programs, or
2 whatever they want to call them, it is going to increase
3 our rates by 398 percent. I also read that in the paper.

4 Nowhere have I ever heard or read a dollar
5 amount that these three treatment plants are going to
6 cost. I think the public would probably be interested in
7 knowing that. I ask the Commissioners, if you grant them
8 this permission to do this, are you going to ask them for
9 a guarantee that this water is going to come back clear,
10 drinkable?

11 COMMISSIONER CLARK: We haven't made a decision
12 at all.

13 MR. BOWER: I know you haven't. I'm saying if
14 you do.

15 COMMISSIONER CLARK: No, there is not a
16 guarantee of a return on investment. It has to be shown
17 that it has been prudent to do it, and we have not found
18 that it is prudent to do that.

19 MR. BOWER: Prudent means what a reasonable
20 would do under similar circumstances. By being prudent,
21 then, it tells me that Aloha really doesn't know if it is
22 going to work or not. And we are talking about spending
23 millions and millions and millions of dollars.

24 COMMISSIONER CLARK: No, we have not made a
25 decision to do that. In fact, I think we specifically

1 rejected that.

2 MR. BOWER: I know, ma'am. Ms. Clark, with all
3 due respect, I know a decision has not been made. I'm
4 just saying if we spend those kinds of dollars, are you
5 going to ask for a guarantee?

6 COMMISSIONER CLARK: I certainly would think
7 before we agree to let that amount of money be spent we
8 need to be absolutely certain that it will solve the
9 problem.

10 MR. BOWER: Okay, thank you. We have on
11 Hoversham, like we did in Veterans Village, copper tubing.
12 We are experiencing the same kind of water that everybody
13 is presenting here. I have my bottle here, but there is
14 no point in bringing it out. You have got plenty of
15 testimony. I have also got a paper towel that my wife
16 wiped out the bathtub on that is absolutely black.

17 You know, whenever we have guests, we pray. We
18 pray that they shower and not take a bath. Because when
19 you shower the black water doesn't show up quite as well.
20 It is just very, very embarrassing. One of the things you
21 have to tell your guests is, every time, you may
22 experience some black water. Well, what does that mean,
23 can we drink it? No, you you can't drink it. We don't
24 drink our water.

25 We have a water softener, we have a filtering

1 system in the kitchen that comes out of a little spigot
2 and runs to the refrigerator, also. That is the only
3 water we will drink.

4 I was born and raised in Quincy, Illinois on the
5 muddy Mississippi. But I will tell you we had damn good
6 drinking water. Very good drinking water. It was clear,
7 and very tastable. And I just don't understand what Aloha
8 is trying do to all of these people here year, after year,
9 after year.

10 Commissioners, and PSC staff, with all due
11 respect, please understand. The evening is going on and
12 I'm sure you are going to get thirsty. We would all
13 invite you to come up and grab one of these jars and take
14 a drink. Would you do it? No, I don't think so. And I
15 don't blame you, I don't blame you one bit. Not at all.

16 I think the thing that the gentleman brought up
17 awhile ago about the irrigation meter is certainly a very
18 good idea. Because everybody who has a water sprinkler
19 for their lawn uses a lot of water and we are being
20 charged for it on our sewer. I think it is a very good
21 idea that they should definitely look into. So other than
22 that, I have no other comments to make.

23 COMMISSIONER CLARK: Thank you, Mr. Bower.

24 Mr. McLean.

25 MR. McLEAN: Yes, sir. I understand that you

1 have a water softener, is that correct?

2 MR. BOWER: I have a water softener, yes.

3 MR. McLEAN: Did you use the water at your house
4 before you had the softener in place?

5 MR. BOWER: Did I do what, now?

6 MR. McLEAN: Did you use the water -- you moved
7 into your house on what date?

8 MR. BOWER: About the first of June of last
9 year.

10 MR. McLEAN: Was the water softener in place
11 then?

12 MR. BOWER: Yes, the water soft softener was
13 there.

14 MR. McLEAN: So you have never experienced the
15 water in your house without the softener being there?

16 MR. BOWER: The water softener was there, yes.

17 MR. McLEAN: I just want to make that point
18 clear.

19 MR. BOWER: Right.

20 MR. McLEAN: I have nothing further.

21 COMMISSIONER CLARK: Mr. Deterding.

22 MR. DETERDING: Mr. Bower, did you -- are you
23 through, Harold?

24 MR. McLEAN: Yes, Marty.

25 MR. DETERDING: I'm sorry. Did you have a water

1 softener of any type at your old place at Veterans
2 Village?

3 MR. BOWER: No. No, we did not. We really
4 didn't feel it was needed.

5 MR. DETERDING: And you didn't have black water
6 or any other --

7 MR. BOWER: Didn't have any black water at all,
8 but we were under the Aloha system. Now, you haven't
9 asked the question, so I'm going ask it for you. Did I
10 ever complain to Aloha since we moved into our new
11 address. And the answer is officially I did not. I asked
12 them to come out one day and check the pressure and I was
13 talking to the young gentleman who came out, and I asked
14 him why the water was so black. And this is their exact
15 comment, "That is Aloha. It is something you have to live
16 with."

17 COMMISSIONER CLARK: Mr. Deterding.

18 MR. DETERDING: You didn't experience any
19 discolored water at Veterans Village before you moved?

20 MR. BOWER: No, absolutely not. See, this is
21 what is so puzzling to me. We had no black water over
22 there at all, ever. Once in a great while we had a little
23 bit of an odor. The same system. Why is the water so
24 different where we live two miles south?

25 COMMISSIONER CLARK: Mr. Bower, when did you

1 move from Veterans Village into the --

2 MR. BOWER: It was about somewhere around the
3 first of June of 1999.

4 COMMISSIONER CLARK: Okay. And before that you
5 were in Veterans Village and you only occasionally had
6 that problem with the odor?

7 MR. BOWER: We had no black water ever.

8 COMMISSIONER CLARK: But only occasionally --

9 MR. BOWER: Very sporadically we had an odor in
10 the water, not very often at all.

11 COMMISSIONER CLARK: When did you live in --
12 when did you live in Veterans Village, '94?

13 MR. BOWER: We built the house in '85, we moved
14 into it in December of '94.

15 COMMISSIONER CLARK: All right.

16 COMMISSIONER JACOBS: Mr. Bower, have you seen a
17 problem with your water pressure?

18 MR. BOWER: No, not since they came out and
19 checked it.

20 COMMISSIONER JACOBS: When was that?

21 MR. BOWER: Shortly after we moved in. They
22 were very responsive in that. They came out right away
23 and found no problem. But I found the problem myself.

24 COMMISSIONER JACOBS: What was that?

25 MR. BOWER: They had installed some water savers

1 in the shower, little rubber water savers in the head of
2 the shower which cut down on the amount of water that came
3 out. I not only found one, I found two. We have had no
4 problem since with pressure.

5 COMMISSIONER JACOBS: Thank you.

6 COMMISSIONER CLARK: Mr. Deterding.

7 MR. DETERDING: No.

8 COMMISSIONER CLARK: Mr. Jaeger.

9 MR. JAEGER: No questions.

10 COMMISSIONER CLARK: Commissioners.

11 COMMISSIONER JABER: When you lived in Veterans
12 Village, you had copper piping?

13 MR. BOWER: Yes, ma'am.

14 COMMISSIONER JABER: Did you have a water
15 softener?

16 MR. BOWER: No.

17 COMMISSIONER JABER: Thank you.

18 COMMISSIONER CLARK: Mr. Deterding, when did
19 wells 8 and 9 come in, do you remember? I think it is in
20 the testimony somewhere, but --

21 MR. DETERDING: Early '95. Let me ask you this,
22 can you pinpoint when you might have had an odor in the
23 Veterans Village?

24 MR. BOWER: No, there is no way. We lived there
25 for a little over four years.

1 COMMISSIONER CLARK: That's fine.

2 MR. JAEGER: Marty, I know you said early '95,
3 but it was my recollection that it was late '95 or early
4 '96.

5 COMMISSIONER CLARK: We will find out that
6 information. I would appreciate it if you can indicate
7 when those wells came on-line. Thank you, Mr. Bower.

8 MR. BOWER: You're welcome.

9 COMMISSIONER CLARK: We are going to take a
10 break. We are going to take a break until a quarter till
11 8:00.

12 (Recess.)

13 COMMISSIONER CLARK: We are going to call the
14 hearing back to order. I would like to start up again
15 because I know there are a number of people left who would
16 like to testify. I believe Commission Jacobs will be up
17 here in just a minute. I think he was just trying to
18 check into the hotel. He didn't have an opportunity to do
19 that earlier, and I expect him up here shortly.

20 Go ahead, Mr. McLean.

21 MR. McLEAN: The Citizens call Mr. Eric Horne,
22 please.

23

24

25

ERIC HORNE

was called as a witness on behalf of the

1 Citizens of the State of Florida and, having been
2 duly sworn, testified as follows:

3 DIRECT STATEMENT

4 MR. HORNE: Hi, everybody. My name is Eric
5 Horne. My last name is spelled H-O-R-N-E. My address is
6 7606 Albacore Drive, and it is in Wyndtree.

7 MR. McLEAN: Mr. Horne, would you speak into the
8 microphone a little better, please, sir.

9 MR. HORNE: Yes, I will.

10 MR. McLEAN: Thank you, sir.

11 MR. HORNE: My wife and I bought our home in
12 Wyndtree 15 months ago, and we had no idea that the water
13 was anything than any other water that we have ever
14 experienced in our life. And, you know, come to find out
15 that -- I guess if I had to describe our water, gray,
16 cloudy, sometimes a little bit darker. I know this
17 doesn't describe it, but gray and cloudy.

18 I guess I am certainly hoping that the
19 Commissioners can help all of the residents resolve our
20 problems. It certainly seems to be a problem with lots of
21 testimony that we have heard so far. We do have a water
22 softener in our house. We do not have a filtration
23 system. That's about all I can really think of.

24 MR. McLEAN: Thank you, Mr. Horne.

25 Mr. McLean, do you have any questions?

1 MR. McLEAN: Yes, ma'am. Mr. Horne, the water
2 softener was there in the house from the time you moved
3 in?

4 MR. HORNE: Yes. When we purchased the home it
5 was existing in the house.

6 MR. McLEAN: I see. Thank you, sir. No further
7 questions.

8 COMMISSIONER CLARK: Mr. Deterding.

9 MR. DETERDING: Mr. Horne, have you ever
10 complained to Aloha of the discolored water?

11 MR. HORNE: No, I have not.

12 MR. DETERDING: That's all I have.

13 MR. JAEGER: No questions.

14 COMMISSIONER CLARK: Thank you, Mr. Horne.

15 MR. HORNE: Thank you very much.

16 MR. McLEAN: Mr. McCloskey, please.

17 MR. MCCLOSKEY

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

20 DIRECT STATEMENT

21 MR. MCCLOSKEY: My name is McCloskey,

22 M-C-C-L-O-S-K-E-Y. The address is 7136 Fallbrook Court.

23 That is in the Wyndtree Subdivision. My wife Linda and I

24 purchased this house around Labor Day of 1999. Within two

25 weeks we discovered some serious discoloration of the

1 water. The gentleman has been describing it as shadowy
2 gray, I think that is appropriate.

3 We called Aloha Water at that time, and a
4 technician did visit the house, confirmed that the water
5 was in the condition that we reported, and attributed that
6 to the existence of either problems with the hot water
7 tank or with the copper plumbing.

8 We took his advice, ran the water, which we paid
9 for and paid sewer charges on until we got what passed for
10 clear water. We called in a plumber to flush the hot
11 water tank. And in the process of doing that, he
12 suggested to us that we may want to replace the -- I
13 believe it is called the anode rod, but please don't hold
14 me to that, and that that would improve the performance of
15 the hot water tank.

16 And to quote the gentleman, when he removed the
17 old anode rod, "Oh, my God." He explained to me, and,
18 again, please don't hold me to this, but the diameter of a
19 typical anode rod should be somewhere equivalent to the
20 diameter of a nickel, or of a dime, a quarter, somewhere
21 in that vicinity. This is the anode rod that he removed
22 from a hot water tank that was installed brand new in
23 October of 1991. And it is probably the diameter of the
24 lead that would be in a number two pencil. Certainly far
25 from the diameter of a nickel or a quarter.

1 I have heard a great deal of testimony tonight
2 from a number of people who have talked about occasional
3 circumstances of problems with their water. And to be
4 frank, I think it is unconscionable that a public agency
5 would tolerate occasional problems. With some of these
6 people it is constant. That is simply beyond the realm of
7 realization. I cannot understand how the Commission can
8 tolerate the existence of a monopoly that presents service
9 levels to the degree that you have this percentage of
10 consumers that are making themselves present to issue
11 complaints.

12 I would suggest that the percentage of Aloha's
13 customers that have entered complaints either in public or
14 in private is significantly larger than that which is
15 typical of a consumer complaint. I would also suggest to
16 the people in this room, since the Aloha representatives
17 feel that there is an issue as to whether or not
18 complaints are made, that we start making complaints. And
19 that every single time black water runs, we pick up the
20 phone and we call. And if that is several times a week,
21 then so be it. And it may be to the point that they get
22 so tired of sending technicians out to address the
23 problems that exist, that they will do something about it
24 to prevent those problems from occurring.

25 There is also a great deal of discussion

1 relating to this copper plumbing issue. I mentioned that
2 had our home was built in October of '91. There are
3 people here from Veterans Village, from Chelsea Place,
4 from some other communities in the area, and I find it
5 hard to believe that the builders of all of these homes in
6 all of these developments would have entered into some
7 kind of conspiracy with a single supplier to provide
8 substandard copper plumbing. That is unimaginable.

9 I would also suggest that the communities of
10 Wyndtree, Chelsea Place, Veterans Village, and the like
11 that were built in this same time frame were not the only
12 homes that were built in Pasco County or in Pinellas
13 County. Why aren't these same problems existing with the
14 copper plumbing in those homes?

15 I am concerned, being a very, very short-term
16 resident of Florida, with what is going to happen to the
17 resale value of my home once it is found out that I am an
18 Aloha Water customer. So now all of a sudden this is
19 affecting me currently in terms of the cost that I am
20 experiencing in trying to flush the water throughout the
21 house; it is going -- it has the potential to cost me in
22 the future as far as resale of the home is concerned. And
23 I hear little being done to address the situation,
24 especially in light of newsletter which I believe the
25 initial hearing on this was held four years ago, or three

1 and a half years. That is mind boggling. I.

2 Would also be curious, and this is a rhetorical
3 question at this time, as to whether or not there are any
4 officers of Aloha Water or members of the board of
5 director of Aloha Water who, in fact, are Aloha Water
6 customers. That's it. That concludes my testimony.

7 COMMISSIONER CLARK: Thank you, Mr. McCloskey.

8 Any questions, Mr. McLean?

9 MR. McLEAN: None. Thank you, ma'am.

10 COMMISSIONER CLARK: Mr. Deterding.

11 MR. DETERDING: I just wanted to find out
12 whether or not you had a home softening unit in your home?

13 MR. McCLOSKEY: At the time we purchased the
14 home there is what is referred to as a complete house
15 filtration system and a water softener.

16 We have since installed I believe it is called
17 an osmosis system at the kitchen sink, which is the only
18 tap from which we will drink.

19 MR. DETERDING: Thank you.

20 COMMISSIONER CLARK: Staff.

21 MR. JAEGER: No questions.

22 COMMISSIONER CLARK: Commissioners. Thank you,
23 Mr. McCloskey.

24 MR. McCLOSKEY: Thank you.

25 MR. McLEAN: We call Mr. and Mrs. Ronald R. -- I

1 believe the last name is B-O-W-S, perhaps. The address is
2 2622 Lake Heron Drive.

3 RONALD BOUSE

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

6 DIRECT STATEMENT

7 MR. BOUSE: I really didn't know I was doing it
8 that badly. My name is Ronald Bouse, B as in boy,
9 O-U-S-E, and the address is 2622 Lake Haven Drive, New
10 Port Richey. We are in Countryplace Village.

11 I don't have copper pipe. After seeing some of
12 the samples of the water that you have here tonight, I
13 don't have that kind of a problem, thank God. We do have
14 occasional cloudy water. We have smelly, stinky water.
15 It probably will get to the black shortly. We have only
16 lived in this house since last April.

17 They originally were coming out and flushing the
18 fire hydrants near our home quite regularly, then they
19 seemed to have disappeared for awhile. The bad smell of
20 the water started about roughly three months ago. My wife
21 finally got mad enough to call Aloha. They responded very
22 rapidly. They came out the same day. Unfortunately, my
23 wife told them that she had a doctor appointment and could
24 not be there, so she never got to talk to them. She asked
25 if they come back a little bit later or on a different

1 day, and they said, no, they would be out then because
2 they had somebody in the neighborhood. So we never got to
3 talk to them, but we do know that they did flush the water
4 main because the neighbor told us. We still have the
5 stinky water.

6 I went into the house the other night and turned
7 on all the water in all the spigots, shut off the water
8 heater, drained everything completely. Started it up
9 again and it did help. The smell is not as bad. And was
10 probably, I think, two days that we didn't really have a
11 smell and then it started again and now it is back.

12 As I said before, I don't have the black water
13 yet, but I guess it's working its way up to us. That's
14 all I have to say now. I just wish that something could
15 be done, that they could get this cleared up and not be
16 charging the people to pay for things that we don't get.

17 COMMISSIONER CLARK: Mr. Bouse, can I ask you,
18 is your house a new house?

19 MR. BOUSE: Pardon?

20 COMMISSIONER CLARK: Did you move into a new
21 house?

22 MR. BOUSE: Brand new.

23 COMMISSIONER CLARK: And what year was that,
24 when did you move in?

25 MR. BOUSE: Last April. About the end of April.

1 We had our settlement on April 15th, I can remember that
2 because it is tax day.

3 COMMISSIONER CLARK: Okay. Thank you.

4 Mr. McLean.

5 MR. McLEAN: Yes, sir. You mentioned that -- I
6 am just here. You mentioned that there was some hydrant
7 flushing, the people came out, Aloha came out and flushed
8 a hydrant, did you say?

9 MR. BOUSE: Yes. We have a hydrant that is
10 probably within 150 feet of our home.

11 MR. McLEAN: Do you live at the end of a street,
12 a cul-de-sac, or something of that sort, or do you live --
13 describe the place where you live, if you can, in those
14 terms.

15 MR. BOUSE: Okay. I'm in Countryplace Village,
16 which are all manufactured homes in there. And I'm about
17 the middle of the row as far as the street of Lake Haven
18 is concerned. We are just about the middle. And I know
19 where you are coming on the -- before we moved in here, if
20 I can regress just a moment, we lived in Park Lake
21 Estates, and there we called Aloha several times. Because
22 there we lived at the third house from the end of a line
23 before they opened up Trouble Creek Road. We had no water
24 pressure on days that you water lawns. You couldn't even
25 pop a sprinkler head. So we had to cheat and do our

1 watering on days we weren't supposed to, as did about four
2 or five other neighbors that lived there. We had cloudy
3 water, we had smelly water. We called them, complained
4 about the pressure. They would always come out on a
5 Thursday or Friday at noontime when nobody was watering
6 and then check the pressure. Never one time did they come
7 out during the time that the waters were running. I
8 thought I had got away from that. The pressure is fine
9 where I live now, but the smell is terrible.

10 MR. McLEAN: Do you have a water softener at
11 your home?

12 MR. BOUSE: I certainly do. I put it in before
13 moving into the house. Well, that's not true. We put it
14 in about a month after moving into the house.

15 MR. McLEAN: Did you notice a change in the
16 water from the time before you put it in until after you
17 put it in?

18 MR. BOUSE: No.

19 MR. McLEAN: It was the same, particularly the
20 odor was the same?

21 MR. BOUSE: The only thing we do is get more
22 soap suds.

23 MR. McLEAN: No further questions.

24 COMMISSIONER CLARK: Mr. Deterding.

25 MR. DETERDING: You mentioned your primary

1 concern now is the smell?

2 MR. BOUSE: That and what it is doing to our
3 bodies as we drink it.

4 MR. DETERDING: Okay. Would you describe this
5 smell as the hydrogen sulfide/rotten egg smell or the
6 chlorine smell?

7 MR. BOUSE: No, not a chlorine.

8 MR. DETERDING: Is it the rotten egg smell as it
9 is referred to?

10 MR. BOUSE: Correct.

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

12 COMMISSIONER CLARK: Staff.

13 MR. JAEGER: No questions.

14 COMMISSIONER CLARK: Commissioners. Thank you,
15 Mr. Bouse.

16 MR. BOUSE: Thank you.

17 MR. McLEAN: Mr. and Mrs. Edward Stein.

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1 GAYLE AND EDWARD STEIN

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

4 DIRECT STATEMENT

5 MRS. STEIN: My name is Gayle Stein, I live
6 at -- that is S-T-E-I-N. I live at 1447 Stroud Court, New
7 Port Richey, and I have lived there for seven years. My
8 house was new when I bought it. In fact, I live right
9 next door to the Claytons.

10 Before I say anything, I would like to ask the
11 representatives from Aloha if this fire hydrant that is
12 pumping out dirty, filthy water has copper piping and a
13 water filter on it? It really sounds to me like you are
14 trying to blame your water problems on our filters, our
15 filters and our copper pipes. Is there such a thing in
16 these hydrants? No answer? I didn't think there would
17 be.

18 COMMISSIONER CLARK: Mrs. Stein, they are not
19 yet under oath, or I believe they are under oath. You did
20 stand and raise your right hand.

21 Mr. Porter, if that is all right, can you go
22 ahead and answer that question. And use the microphone.

23 MR. PORTER: Would you like to answer --

24 COMMISSIONER CLARK: She would like to know is
25 there any copper or is the water treated by a softener

1 prior to going into the hydrant.

2 MR. PORTER: The water that they can see that is
3 black is coming from the bottom of the fire hydrant.

4 COMMISSIONER CLARK: You need to use the
5 microphone. And please just answer my question. Is there
6 coping piping that goes into the hydrant?

7 MR. PORTER: No.

8 COMMISSIONER CLARK: Okay. Is the water treated
9 by a softener or anything like that prior --

10 MR. PORTER: Not a softener, no.

11 COMMISSIONER CLARK: Okay. Thank you.

12 MRS. STEIN: Obviously by that answer the water
13 problem is not because we have filters or copper pipes. I
14 mean, that is the way I see it. I was here four years
15 ago. I believe it was four years ago. Not here, but we
16 were in a different place, but it is the same problem with
17 the same disgusting water. I personally had not as much
18 black water as I do have swamp water as I called it.

19 As far as calling Aloha, I made a very, very big
20 pest of myself, my husband and I both. We had them out
21 there and they kept pumping, and pumping, and pumping the
22 fire hydrants that have no copper and no filtration system
23 to get our water to stop stinking. And that is the only
24 way -- I mean the whole house smelled from it.

25 I still on occasion get my swampy water. I

1 still on occasion get my black water. I cannot say I get
2 it as open as I did before because I really -- I work all
3 the time and I'm not home all the time to experience it.
4 But just the other night, I wanted to make pasta and my
5 water was brown/black, so we ate something else because
6 you couldn't use the water to cook with.

7 The smell goes from swamp to now I think they
8 are doing something new with it, they are putting a
9 tremendous amount of chlorine, or Clorox, or bleach, or
10 something in the water so you don't smell the swamp. But
11 to be honest with you, if I wanted chlorine I would jump
12 into my pool. I don't have to have it that when I put my
13 faucet on the water is just -- you can smell the chlorine
14 in it.

15 And I really feel that we were all here four
16 years ago. Some of the faces are the same, some of the
17 faces are different. But this is not a conspiracy on our
18 part. We legitimately have a problem, and we legitimately
19 had that same problem four years ago. I had that problem
20 seven years ago. It is there; it is not going away; and
21 nothing has been done for us except Aloha would like to
22 spend, what do they say, 398 percent, they would like to
23 give us a raise of 398 percent to make things better.
24 This was not our fault to begin with. This was their
25 fault. This is something that they are doing wrong and we

1 shouldn't have to pay for their mistakes. It is not fair.

2 COMMISSIONER CLARK: Mrs. Stein, you moved in
3 seven years ago. Was that at a new home then?

4 MRS. STEIN: Brand new. I was second people --
5 we were the second owners to move in. The original
6 owners, the second people to move into our development.

7 COMMISSIONER CLARK: Did you immediately
8 experience water that smelled bad?

9 MR. STEIN: Now that the boss is finished, I
10 guess I can answer some questions.

11 COMMISSIONER CLARK: Okay, Mr. Stein. Go ahead.

12 MRS. STEIN: As soon as we moved into our new
13 home we experienced problems. I immediately went to Aloha
14 in person.

15 COMMISSIONER CLARK: Let me ask, did it smell
16 and was it discolored?

17 MR. STEIN: It was both.

18 COMMISSIONER CLARK: Okay.

19 MR. STEIN: The best way to describe the odor is
20 many years ago in college I tended bar and I used to serve
21 a lot of farmers who used to drink a lot of beer and eat
22 hard boiled eggs. We all know what that smell is like.
23 The color was atrocious.

24 I was told by a young lady at the counter at
25 Aloha at that time, "Well, maybe if you got some sort of a

1 water softener system or a filtration system it might
2 help." We all know that Florida has very hard water and
3 water problems. We went out and we purchased a water
4 softener. One gentleman said all it did was give us a lot
5 more suds, that is true.

6 I called them again, and I went back again in
7 person, and another young lady at Aloha said to me, oh, it
8 is probably the fault of your water softener, it is taking
9 all the chlorine out. Then I had people come to the
10 house, again, made pests of. I even had one gentleman
11 from the State of Florida, I believe the environmental
12 control come to the house.

13 Everyone who comes to the house says we cannot
14 go into your house to test the water, we have to test it
15 outside. I don't go outside to drink water, I don't go
16 outside to bathe. It is in the house. So therefore why
17 don't you come in the house and see what the water is.
18 No, that didn't help.

19 I was told it is because we live on a
20 cul-de-sac. We are all intelligent people here. Can I
21 ask a question? In the United States, in this huge
22 country of ours there are millions and millions of
23 cul-de-sacs. How come only Aloha says that there is a
24 problem because you live on a cul-de-sac? I have never
25 heard of anything like that. That is utter ridiculous

1 nonsense, and I take offense to have my intelligence
2 questioned.

3 COMMISSIONER CLARK: Would you say the problem
4 with your water has been -- is there times when it has
5 gotten worst, that it has gotten better, is it --

6 MR. STEIN: Over the years, because I guess we
7 made so much of a pest of ourselves, so many people from
8 Aloha have come and gone to that -- we don't really have
9 the hydrant, so to speak, that there is some sort of thing
10 in the sidewalk that they open up and they tap the water
11 out of that, and they drain and they flush it out of that
12 washing all of our grass and everything away.

13 And at one point, I would say, approximately
14 three years ago, I believe, they were there almost were
15 day. Now, my wife and I both work. But I would imagine
16 them from what I hear from the Claytons and my other
17 neighbors they are there probably anywhere from two to
18 four times a week and they are flushing that water.

19 Aloha says to us that they're willing to go
20 through a program of putting up these towers to correct
21 the problem. Now, that is telling me that they know there
22 is a problem. Why should we have to pay for something
23 that we have not been getting satisfied? If I buy
24 something in a store and it is no good in Publix, I will
25 bring it back, and they will either refund my money or

1 give me a new product. Do I tell Aloha right now for the
2 last seven years I want my money back?

3 COMMISSIONER CLARK: I'm sorry, I interrupted
4 you. Do you have any more testimony, Mr. or Mrs. Stein?

5 MR. STEIN: I beg your pardon?

6 COMMISSIONER CLARK: I interrupted you and I
7 wanted to make sure you didn't have any other testimony
8 you wanted to give.

9 MR. STEIN: No, I guess that is about it. I
10 will answer any question you will kindly give me.

11 COMMISSIONER CLARK: Mr. McLean.

12 MR. McLEAN: No questions. Thank you.

13 COMMISSIONER CLARK: Mr. Deterding.

14 MR. DETERDING: Did I understand that you have a
15 water softener at your home?

16 MRS. STEIN: Yes, we do.

17 MR. STEIN: Yes, I installed it at the bequest
18 of one of your personnel saying that it would solve the
19 problem.

20 MR. DETERDING: When did you install that?

21 MR. STEIN: That was approximately two months
22 after I moved in. I have lived there since 1992.

23 COMMISSIONER CLARK: Staff.

24 MR. JAEGER: Yes. You moved in at the end of
25 1992, and you say you started experiencing black water

1 immediately?

2 MR. STEIN: Immediately. And the funny thing is
3 the other thing that they said was that was because of
4 corrosion in pipes. How can pipes in a brand new house be
5 corroded?

6 MR. JAEGER: I just wanted to make sure it was
7 black water and not discolored or something else.

8 MR. STEIN: It was black, it was smelly, and we
9 still have the problems in the tank. It is just ditto of
10 whatever one else has explained over the course of the
11 evening.

12 MR. JAEGER: There was some thought that Wells 8
13 and 9 might have contributed to this, and they were put in
14 in, I think, early '96. Did you notice like it got
15 significantly worse in '96?

16 MR. STEIN: In all honesty it has been on and
17 off so much over the years, I just kind of lost track.

18 MR. JAEGER: Okay. Thank you, sir. No further
19 questions.

20 COMMISSIONER CLARK: I have one other question.
21 As more houses were developed and people using the water,
22 can you attribute any change in the quality of your water
23 as more homes came on?

24 MR. STEIN: There was never any rhyme nor reason
25 as to the amount. Sometimes it would be good for a week

1 or two and sometimes it would be atrocious. There was
2 never any consistency.

3 COMMISSIONER CLARK: Thank you. Any other
4 questions? Commissioner Jacobs has a question.

5 COMMISSIONER JACOBS: How about the pressure,
6 water pressure concerns, have you had those?

7 MRS. STEIN: Yes, just the other day. It is
8 also sporadic, but, of course, it is always at the time
9 when you are doing your dishes at night and you will
10 complain, oh, God, you don't have enough pressure. Or, of
11 course, when you are going to take a shower then you don't
12 have the pressure, either.

13 It is just -- I can't say it happens all the
14 time, because I would be lying. It doesn't happen all the
15 time. But it happens enough to bring me back here for a
16 second time to sit up here with you people.

17 The complaints that other people have, we all
18 have the same complaints. You can open up my toilet at
19 any given time, the back part of the toilet, and there is
20 black slimy stuff in it. And we all know it is from the
21 water. You know, thank goodness we don't drink out of the
22 toilet. God only knows what would happen to us. But it
23 is an on-going problem and it just continues and continues
24 and continues. And there just seems to be no help for us.
25 And I guess that is what brought me back here.

1 I don't call Aloha any more and complain because
2 I don't get anywhere by complaining. It just -- it seems
3 that it doesn't do me any good. And I guess I'm wrong for
4 not complaining, because maybe if I complained more maybe
5 they would do more. I sincerely doubt that. They haven't
6 done anything for us on their own in the past seven years.
7 My complaints I don't think are going to do anything.
8 They are going to need something from people like you to
9 make them do the right thing for these people, all of us
10 who have been living with this condition for all of these
11 years.

12 COMMISSIONER CLARK: Thank you, Mrs. Stein.

13 MR. McLEAN: Patricia and Richard Renwick,
14 please.

15 COMMISSIONER CLARK: Mr. McLean, I think they
16 might have left. They are going to file something on-line
17 or file a written comment.

18 MR. McLEAN: Okay. Thank you, Commissioner.
19 Mark, and the last name is S-E-B-A-C-H-E-R.

20 COMMISSIONER CLARK: He is coming.
21
22
23
24
25

1 MARK SEBACHER

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

4 DIRECT STATEMENT

5 MR. SEBACHER: Good evening. Yes, this isn't
6 Coca-cola, it is Aloha water.

7 COMMISSIONER CLARK: Would you give us your
8 name, and give us your --

9 MR. SEBACHER: My name is Mark, M-A-R-K, last
10 name Sebacher, S-E-B-A-C-H-E-R. I live at 1875 Kinsmere
11 Drive, Trinity Oaks.

12 COMMISSIONER CLARK: Thank you. Go ahead.

13 MR. SEBACHER: We moved into that house in
14 October of '93. And when we were negotiating the builder
15 said, "You probably will need a water softener." We lived
16 in St. Pete for about 30 years, and we couldn't believe we
17 needed anything to treat the municipal water. So we
18 didn't have one installed. We lived there about six
19 months, and the sink and the clothes that came out of the
20 washing machine started turning yellow, and the water
21 itself, of course, was a yellowish cast. And so we said,
22 well, maybe the builder was right. So we installed a
23 Kinetco water softener.

24 Since then, in order to get water that we felt
25 we could drink, we have installed a five-stage reverse

1 osmosis system. And behind that I have another carbon
2 filter, and this is the water we drink and make rather
3 decent coffee from.

4 The water that is used in the rest of the house
5 for bathing and the like goes through a whole house
6 filter, which is installed just as the comes into the
7 house, and then that water also goes through the water
8 softener.

9 The water resulting from those two filtrations
10 is the color that you see in this jug, approximately the
11 color of Coca-cola. It isn't like that every day of the
12 week, it is like that maybe three or four times a week.
13 And sometimes it is a great deal blacker than that,
14 sometimes it is a grayish color, and it is almost always,
15 and unfortunately in our shower, too, the smell of rotten
16 eggs. It is a definite hydrogen sulfide odor.

17 Insofar as copper tubing is concerned, we lived
18 in St. Pete for 30 years and we had copper tubing and we
19 had very nice water. St. Pete has very good drinkable
20 water. And we did not have a water softener there, we
21 didn't need one.

22 We had a water heater there which we replaced
23 after about 20 years because it developed a leak. We have
24 been in this house now for a little better than six years
25 and we have replaced the water heater because the anode

1 rod was completely dissipated.

2 We called Aloha a couple of times early on to
3 complain about the water and they would send a
4 representative out and he would say that he would flush
5 the mains, which I assume he did, because then the water
6 would clear up for a day, or two, or three, or sometimes
7 as much as a week. But then again it would start the same
8 old black water, brown water.

9 So I assumed at that time that it was the water
10 that was causing the problem. So I took -- rather fearful
11 of drinking the water, I took some over to the health
12 department to have it analyzed. And there the resulting
13 analysis was that -- well, this is the way it was said to
14 me by the gentleman there. He said, "Where do you live?"
15 And I told him. And he said, "I believe that is in the
16 Aloha system." And I said, "Yes, it is." And he said,
17 "Well, that is going to be your problem. The problem is
18 the location of their wells. Their water has a very high
19 tannic acid and hydrogen sulfide content." And he said,
20 "That is going to be a condition of your water if you live
21 in that district. It is fit to drink, it doesn't have any
22 of the life-threatening elements in it."

23 So we bought all of these filtration systems
24 that I mentioned earlier in order to give ourselves
25 sweet-tasting water and water that you can make tea and

1 coffee from. And we are just suffering along with the
2 smelly water and the discolored water in the rest of the
3 house.

4 It would seem perhaps that if this problem
5 resulting from the location of their wells per the health
6 department, if some filtration system were in the water,
7 Aloha's system, that they could eliminate a lot of this
8 problem before it got to the house rather than forcing the
9 customers to eliminate it after it arrived at the house.
10 Thank you.

11 COMMISSIONER CLARK: Thank you, Mr. Sebacher.
12 If you would just wait a minute, we will see if anyone has
13 any questions. Mr. McLean.

14 MR. McLEAN: No questions.

15 COMMISSIONER CLARK: Mr. Deterding.

16 MR. DETERDING: Do you know who it was at the
17 health department you talked to?

18 MR. PORTER: You know, I knew you were going to
19 ask that. It was about a year or so after we had moved
20 in, which was about four years ago, and I didn't keep the
21 report.

22 MR. DETERDING: Okay. Thank you.

23 COMMISSIONER CLARK: Staff.

24 MR. JAEGER: Mr. Sebacher, I will ask you the
25 same question I asked Mr. Stein. Wells 8 and 9, they came

1 on-line in about late '95 or early '96. Did you notice
2 any significant deterioration, or has it always been this
3 way? I think you said you have been there since October
4 of '93, is that correct?

5 MR. PORTER: No, I really haven't noticed any
6 change.

7 MR. JAEGER: And it has been that way since
8 October of '93 since you moved in?

9 MR. PORTER: It has, yes.

10 MR. JAEGER: Thank you.

11 COMMISSIONER CLARK: Thank you, Mr. Sebacher.

12 MR. McLEAN: Madam Chairman, the next witness
13 who signed up, I have reason to believe is not a customer.
14 I don't know. We technically sponsor customer testimony
15 at this point, I'm speaking of the Office of Public
16 Counsel, and I don't know what this gentleman is going to
17 talk about. I don't know if he is a utility witness, or a
18 staff witness, or who he is. But I don't believe he is a
19 customer of the utility. And he has been very patiently a
20 long time to be heard from, and I have no objection to
21 hearing his testimony, but I may well strike it if it
22 turns out not to be our witness.

23 If it is a utility witness, he owes us prefiled
24 testimony and the opportunity to discover and so forth. I
25 don't know who he is. And I have very serious

1 reservations about sponsoring his testimony. I'm more
2 than happy to call him up as an administrative
3 convenience, but I'm not going to sponsor him until I know
4 who he is and what he is going to say.

5 COMMISSIONER CLARK: That's fine. Will you
6 please call his name.

7 MR. McLEAN: Yes, ma'am. The gentleman's name
8 is Mr. Bill B-L-O-U-G-H.

9 COMMISSIONER CLARK: Would you pronounce your
10 name and spell it for us?

11 MR. BLOUGH: It is Bill Blough, B-L-O-U-G-H.

12 COMMISSIONER CLARK: Are you a customer of
13 Aloha?

14 MR. BLOUGH: I am not a customer of Aloha.

15 COMMISSIONER CLARK: And what is the purpose of
16 your testimony?

17 MR. BLOUGH: The reason why I came up, I was
18 involved or became apprised of this situation. What had
19 happened was I had found out that there was a black water
20 problem with some homeowners. And there was a situation
21 where we replumbed the house of a select homeowner that
22 was having a black water problem.

23 COMMISSIONER CLARK: Was it Mr. Vinto?

24 MR. BLOUGH: Yes.

25 COMMISSIONER CLARK: So you are the plumber that

1 came in to replumb it?

2 MR. BLOUGH: I'm not a plumber. I'm the
3 manufacturer of the piping system.

4 COMMISSIONER CLARK: I see. And it is for that
5 reason you don't want to sponsor his testimony?

6 MR. McLEAN: I don't know who -- and I might be
7 able to clear it up with a question or two with respect to
8 who is sponsoring this gentleman. If he is a volunteer, I
9 have no problem with that.

10 COMMISSIONER CLARK: Okay. Go ahead. I will
11 allow you to question him.

12 MR. McLEAN: Yes, sir. Who prompted your
13 appearance tonight, who suggested that you be here?

14 MR. BLOUGH: I got notified --

15 MR. McLEAN: By whom, sir?

16 MR. BLOUGH: -- that there was a public hearing
17 on this situation.

18 MR. McLEAN: By whom were you notified?

19 MR. JAEGER: Commissioner Clark, I believe staff
20 notified him. We were aware that he had replumbed Mr.
21 Vinto's -- and so I think he was notified by staff. And
22 we didn't prefile testimony with him. But I think if he
23 has something to add to this, I think him having redone
24 Mr. Vinto's home, his testimony would be helpful.

25 MR. McLEAN: Well, I hate to isolate staff or

1 the Commission from any information at all. But I would
2 have liked to know what the gentleman was going to say
3 long before the hearing and been able to apprise my expert
4 and so forth.

5 Given that, let's hear his testimony. We won't
6 sponsor him, and I may have a motion with respect to his
7 testimony. But he has come a long ways and been very
8 patient. So what I would like to do, I suppose, is simply
9 reserve any reservation I might have either to the
10 conclusion of his testimony or to the beginning of the
11 technical hearing.

12 COMMISSIONER CLARK: Okay. Mr. Blough, you were
13 sworn in? Did you stand up and --

14 MR. BLOUGH: Yes.

15 COMMISSIONER CLARK: Okay. If you would go
16 ahead and give us your testimony. You might tell us who
17 you are representing.

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

21 DIRECT STATEMENT

22 MR. BLOUGH: Okay. My name is Bill Blough, like
23 I said, and I live in actually Cleveland, Ohio. I
24 originally was in the Tampa area prior to a promotion up
25 to Cleveland. I'm a representative from the BF Goodrich

1 Company. And, you know, first and foremost I do feel for
2 the homeowners in this situation. If this were coming out
3 of my home, I would be one of the first people up here to
4 complain, as well.

5 We did hear about the situation, that there was
6 a black water problem. What we did, we sponsored --

7 COMMISSIONER CLARK: Mr. Blough, if you could
8 come close to the microphone.

9 MR. BLOUGH: What we did was we actually -- we
10 sell CPVC plumbing pipe. And what we did just to -- we
11 sponsored a gentleman, and we said that we would -- at our
12 cost we would repipe the house for this gentleman just for
13 a test case to see what had happened to this gentleman's
14 house.

15 What I will say is the CPVC plumbing pipe from
16 the owner, or from the homeowner, we never heard any other
17 problems with his house. He was experiencing the black
18 water prior to us repiping the home. After we repiped the
19 home, I haven't heard any other problems. I followed up
20 with the homeowner probably six months after we did it,
21 and still haven't heard any complaints.

22 What I will say about the CPVC plumbing system,
23 it actually is NSF certified where it does go through a
24 testing.

25 COMMISSIONER CLARK: What is NSF?

1 MR. BLOUGH: NSF is the National Sanitation
2 Foundation, and what the test does is it actually tests
3 water. It goes through our plumbing system and then is
4 tested again and nothing leaches from the piping system
5 into that water.

6 So all I am testifying is that there was a
7 situation where BF Goodrich did sponsor the repipe of this
8 house, and it did fix the problem. Am I here to say that
9 if we repiped everyone's house, would that fix the
10 problem? I can't be here to say that.

11 COMMISSIONER CLARK: Thank you, Mr. Blough.

12 MR. McLEAN: We will have no objection to the
13 gentleman's testimony, and I have no questions.

14 COMMISSIONER CLARK: Mr. Deterding.

15 (Audience response.)

16 COMMISSIONER CLARK: Excuse me. If you would
17 come forward and ask Mr. McLean to ask that question, it
18 would be helpful, because we can't hear it on the machine.
19 And while you are coming up, I'm going to have Mr.
20 Deterding ask his questions. Go ahead.

21 MR. DETERDING: I will get that information. Do
22 you know what subdivision Mr. Vinto lived in?

23 MR. BLOUGH: I think it was Chelsea Place.

24 MR. DETERDING: Do you know whether or not Mr.
25 Vinto had softening equipment on his system?

1 MR. BLOUGH: I'm not sure about that.

2 MR. DETERDING: I don't have anything else.

3 COMMISSIONER CLARK: Staff.

4 MR. JAEGER: PVC won't do anything to get rid of
5 the odor, though, will it?

6 MR. BLOUGH: No. Water that you put into that
7 system is through the NSF Certification Standard 61 is
8 what water you get out. So, you know, by no means is it a
9 filtered system or anything. You will get what kind of
10 water -- whatever water goes in one end will come out the
11 other end.

12 MR. JAEGER: No further questions.

13 MR. BLOUGH: The actual term is CPVC for water
14 pipe.

15 MR. JAEGER: Okay.

16 COMMISSIONER CLARK: Just a minute, Mr. Blough.

17 COMMISSIONER JACOBS: Did you perform any
18 chemical analysis when you did this?

19 MR. BLOUGH: No.

20 COMMISSIONER JACOBS: Are you familiar with the
21 work that was done by the Florida DEP in this community
22 looking at the homes that were experiencing the problem?

23 MR. BLOUGH: I can't say I was, no.

24 COMMISSIONER JACOBS: And the gentleman whose
25 home you did, I'm not sure that I know where he lives.

1 Where does he live?

2 MR. BLOUGH: Chelsea Place.

3 COMMISSIONER JACOBS: He lives in Chelsea? His
4 prior experience had been pretty much consistent with what
5 we have heard tonight, consistent black water, odor?

6 MR. BLOUGH: I don't remember exactly on the
7 odor. I remember specifically what he would say was he
8 had a guest bathroom that wasn't used quite often and that
9 was the worst area that would happen. After awhile he
10 would turn that on and that is where he really experienced
11 the black water problem.

12 COMMISSIONER JACOBS: And walk me through,
13 again, exactly what you did as concisely as you can.

14 MR. BLOUGH: We basically did an experiment
15 where we took the copper piping out of the house and
16 replaced it with CPVC. And from that point he didn't have
17 a problem with black water after that, after the pipe was
18 put in.

19 And to take out the piping, too. There was, you
20 know, we had to cut walls and everything else to get the
21 pipe in there.

22 COMMISSIONER JACOBS: Okay. Thank you. Any
23 other questions? Commissioner Jaber.

24 UNIDENTIFIED SPEAKER: Is there any way I could
25 add something to this or --

1 COMMISSIONER CLARK: You can testify and ask Mr.
2 McLean if he would ask your question.

3 UNIDENTIFIED SPEAKER: I could request him to
4 ask him a question.

5 COMMISSIONER CLARK: Yes.

6 UNIDENTIFIED SPEAKER: Thank you.

7 COMMISSIONER JABER: Mr. Blough, me ask you a
8 couple of questions. What was the cost, can you give me a
9 guesstimate or an actual cost for replumbing Mr. Vinto's
10 house with the CPVC piping?

11 MR. BLOUGH: I'm a material manufacturer, so the
12 cost and the labor can vary, but generally they are around
13 somewhere between 3 and \$5,000.

14 COMMISSIONER JABER: Okay. And if you would
15 have replumbed the house using copper piping again, is
16 there any sort of evidence that would indicate that Mr.
17 Vinto wouldn't have had a problem going forward? In other
18 words, do you have evidence that would indicate that it is
19 actually the piping that caused the black water problem?

20 MR. BLOUGH: The sole reason why we put the CPVC
21 in was to see what happened. And what happened was the
22 problem went away. Can I tell you exactly that if you
23 repiped it with copper again? I can't tell you exactly
24 what would happen, I could assume what could happen.

25 COMMISSIONER JABER: Okay. In your experience

1 --

2 (Audience response.)

3 COMMISSIONER CLARK: Excuse me, the court
4 reporter cannot hear the witnesses when there are people
5 talking out there. I would appreciate it if you have a
6 question you want asked, please come see Mr. McLean. Or
7 if you are going to testify later, then it would be
8 appropriate to make comments.

9 COMMISSIONER JABER: In your experience, why
10 would a brand new home with copper piping still experience
11 problems with black water?

12 MR. BLOUGH: There are multiple theories on
13 corrosion of copper and problems with the system. In
14 fact, there is different areas all over the country, and
15 especially in Florida, that have problems where the water
16 may be corrosive to the copper piping. However, it will
17 still meet the standards of the state.

18 COMMISSIONER JABER: That's all.

19 COMMISSIONER CLARK: You can't say why in a new
20 house, though, you would experience that problem
21 immediately?

22 MR. BLOUGH: I don't think there is anyone here
23 that could tell you exactly why this is happening. You
24 know, I think that is why everyone is together.

25 COMMISSIONER CLARK: Thank you. Mr. McLean.

1 MR. McLEAN: Yes, sir. I wanted to address the
2 level of confidence you have that it cured the problem.
3 What was the date that you all did the retrofit, or the
4 replumbing?

5 MR. BLOUGH: I don't have the dates.

6 MR. McLEAN: You can give me a ballpark figure.

7 MR. BLOUGH: It was probably two to three years
8 ago.

9 MR. McLEAN: And then you checked back with him
10 six months after that?

11 MR. BLOUGH: After the repipe.

12 MR. McLEAN: Now, did you check with him in
13 person?

14 MR. BLOUGH: No, over the phone.

15 MR. McLEAN: Did you call from Ohio, then?

16 MR. BLOUGH: No, I was living in Tampa at the
17 time.

18 MR. McLEAN: In Tampa. And you spoke with him
19 on the phone. And what did he tell you then?

20 MR. BLOUGH: He said so far so good. No
21 problems.

22 MR. McLEAN: So far so good. And he was
23 addressing the kind of problems that he had to begin with,
24 right?

25 MR. BLOUGH: That's correct.

1 MR. McLEAN: All right. Now, you said, I
2 believe, that he didn't discuss odor with you?

3 MR. BLOUGH: I don't remember that part.

4 MR. McLEAN: The problem that he was talking
5 about that you were trying to cure was black water, is
6 that right?

7 MR. BLOUGH: Right.

8 MR. McLEAN: Or discolored water as the case may
9 be. Now, did you check with him -- six months after that
10 would have been, what, two years, six months ago?

11 MR. BLOUGH: That would have been six months
12 after the repipe.

13 MR. McLEAN: Okay. Have you checked with him
14 any since then?

15 MR. BLOUGH: No.

16 MR. McLEAN: What was the approximate cost of --
17 or let me ask you to estimate if you feel that you can,
18 what would be the cost if a person had to do that retail,
19 to replumb a place just like that gentleman's house? That
20 was Mr. Vinto's house, is that correct? Do I have that
21 correct?

22 MR. BLOUGH: I don't know if he wants -- I don't
23 know if -- we did a house in Chelsea Place.

24 MR. McLEAN: Okay. Now, if it were one similar
25 to that, if you feel qualified to do so, please estimate

1 the cost that one would incur in having that done on their
2 own?

3 MR. BLOUGH: A ballpark figure?

4 MR. McLEAN: Yes, sir, of course.

5 MR. BLOUGH: And labors change, plus situations
6 in houses change where different things will have to be
7 done. I would guesstimate between three and \$5,000.

8 MR. McLEAN: How did you deal -- that home was
9 built on a slab, is it? Do you recall?

10 MR. BLOUGH: Yes.

11 MR. McLEAN: How did you deal with replumbing
12 the slab itself?

13 MR. BLOUGH: We piped it overhead or through the
14 walls.

15 MR. McLEAN: But you didn't have to dig up the
16 slab or anything like that?

17 MR. BLOUGH: No, sir.

18 MR. McLEAN: Now, you interviewed him six months
19 after you did the job. Have you talked to him at any time
20 since that point?

21 MR. BLOUGH: No.

22 MR. McLEAN: I'm interested in why BF
23 Goodrich -- is this a company-sponsored trip? Are you
24 being paid for your expenses and your salary and so forth?

25 MR. BLOUGH: Yes.

1 MR. McLEAN: Is BF Goodrich interested in
2 selling more CPVC to these customers so that they can
3 replumb their house? Is that what you are doing here?

4 MR. BLOUGH: All I am doing is reporting on the
5 situation that happened.

6 MR. McLEAN: Why is BF Goodrich -- and I assume
7 if BF Goodrich is paying your way they are interested in
8 the issue in some respect. Wouldn't you think as much?

9 MR. BLOUGH: I don't understand your question.

10 MR. McLEAN: You are not on vacation, right?

11 MR. BLOUGH: No, I'm not.

12 MR. McLEAN: And you are being paid by BF
13 Goodrich?

14 MR. BLOUGH: Yes.

15 MR. McLEAN: Tell the Commission why BF Goodrich
16 is willing to pay you to be here?

17 MR. BLOUGH: I was asked to give my testimony.

18 MR. McLEAN: By whom?

19 MR. BLOUGH: By the Florida Public Service
20 Commission.

21 MR. McLEAN: Let's return then to your level of
22 confidence. When you talked to them -- you have not
23 talked to the customer since that six-month interview, you
24 said that I believe, correct?

25 MR. BLOUGH: Right.

1 MR. McLEAN: Is there any other customer in the
2 system that you all have done this for?

3 MR. BLOUGH: No.

4 MR. McLEAN: Was there any discussion when you
5 discussed -- or was there any discussion when you were
6 talking with the customer about any yellow stains of any
7 sort?

8 MR. BLOUGH: I don't remember any yellow stains.

9 MR. McLEAN: Okay. So let me see if I have the
10 right impression. Six months after you did the job you
11 talked to this customer and this customer was satisfied.
12 The words he used were so far so good, and you took that
13 to mean -- you indicated yes just then, right?

14 MR. BLOUGH: Yes, I did talk to the customer.
15 However, I have also heard from other parties that
16 everything has been fine since.

17 MR. McLEAN: What other parties would those be?

18 MR. BLOUGH: Just from different people that
19 were involved in it.

20 MR. McLEAN: Who else was involved in it?

21 MR. BLOUGH: I talked to -- Dave Porter is who I
22 talked to.

23 MR. McLEAN: Mr. Porter. He is the engineer for
24 utility, is that correct?

25 MR. BLOUGH: Yes.

1 MR. McLEAN: How many times have you spoken with
2 Mr. Porter on this issue?

3 MR. BLOUGH: Since then?

4 MR. McLEAN: No, sir, at any time.

5 MR. BLOUGH: I couldn't give you a number. I
6 have seen him at different functions.

7 MR. McLEAN: What sort of functions, Mr. Blough?

8 MR. BLOUGH: State functions.

9 MR. McLEAN: What kind of state functions?

10 MR. BLOUGH: State code functions.

11 MR. McLEAN: Do you all -- were you an employee
12 of BF Goodrich at that time?

13 MR. BLOUGH: Yes.

14 MR. McLEAN: Did the utility have any voice in
15 sending you here to testify, bringing you here to testify?

16 MR. BLOUGH: No.

17 MR. McLEAN: Did Mr. Porter know you were going
18 to testify here? Do you have reason to believe that he
19 knew?

20 MR. BLOUGH: I don't know if he did or not.

21 MR. McLEAN: Have you ever discussed your
22 possible testimony with Mr. Porter?

23 MR. BLOUGH: No.

24 MR. McLEAN: Now, I want to ask you each one of
25 those questions with respect to Mr. Crouch. Have you

1 discussed your potential testimony here with Mr. Crouch?

2 MR. BLOUGH: Yes.

3 MR. McLEAN: First of all, do you know who
4 Mr. Couch is?

5 MR. BLOUGH: Right. That's how I heard about
6 this.

7 MR. McLEAN: You see Mr. Couch here, right?

8 MR. BLOUGH: I don't know Mr. Crouch. I talked
9 to him on the phone.

10 MR. McLEAN: Did he initiate the call or did
11 you?

12 MR. BLOUGH: He did.

13 MR. McLEAN: What did he say when he called?

14 MR. BLOUGH: He just notified me about this.

15 MR. McLEAN: This is what we should be doing in
16 discovery.

17 COMMISSIONER CLARK: I agree, Mr. McLean.

18 MR. McLEAN: And I have not had an opportunity
19 to depose the witness. Obviously there may be some mixed
20 motives here, which I would like to go into, basically. I
21 don't know what he is doing calling the utility engineer
22 or what the utility engineer is doing talking to him, if
23 it had anything to do with this case or not.

24 Earlier I said I don't object to his testimony,
25 but I'm beginning to rethink that. I don't know whose

1 witness he is. I know he is not mine. So I don't want to
2 object in such a way to isolate the Commission from
3 information that it wants and needs. And I believe this
4 gentleman can tell you what goes on, and how much it cost,
5 and how much labor intensive it is, and so forth. But I
6 honestly don't know whose drum he is marching to. And I
7 don't mean that as any pejorative treatment of the witness
8 himself, but I don't know who he is working for.

9 MR. JAEGER: Commissioner Clark, when we
10 first -- I have never talked -- I didn't even know he was
11 going to be here, either. Staff did not advise me that he
12 was going to be here until I think sometime today. But
13 why we wanted him here was to talk to staff. Because we
14 have a line of questioning about the financing of this,
15 and we were going to have him on the side and talk to him
16 on the side about, you know, like you did, the cost, the
17 three to 5,000 and whether the utility would do the loans
18 or do anything to that effect.

19 And so we had not planned to put him on the
20 stand. And we just asked him to be here. And that's what
21 I'm told. I didn't ask him. And then I didn't know he
22 was going to testify.

23 COMMISSIONER CLARK: Mr. McLean, at this point
24 are you going to make a motion at all with respect to this
25 testimony?

1 I tell you what, let's leave it pending at this
2 time, and we will take it up tomorrow morning.

3 MR. McLEAN: I have been approached by at least
4 five customers who know the customer whose place was
5 replumbed. They have a fundamentally different view of
6 how happy that customer is. And I believe we ought to let
7 those people speak to the issue.

8 COMMISSIONER CLARK: I would agree. And I did
9 go to Mr. Vinto's home after it was replumbed. I don't
10 know if he would be available to tell us his experience.
11 I appreciate that. But I'm concerned right now about the
12 testimony. Let me just ask are there further questions of
13 this witness?

14 MR. JAEGER: None from staff.

15 COMMISSIONER CLARK: What I would like to do is,
16 Mr. Jaeger, Mr. McLean, and Mr. Deterding, you need to get
17 together with respect to this testimony. If there are
18 motions to strike it, or other motions, I will entertain
19 those tomorrow. At this point are there any further
20 questions?

21 MR. JAEGER: None.

22 COMMISSIONER CLARK: Thank you, Mr. Blough.

23 MR. McLEAN: The citizens call Nora Donaldson.

24 (Off the record briefly.)

25 COMMISSIONER CLARK: All right. We are ready

1 now, Mr. McLean.

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1 NORA DONALDSON

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

4 DIRECT STATEMENT

5 MS. DONALDSON: My name is Nora Donaldson. I
6 live at 1559 Jutland Drive in New Port Richey in Trinity
7 Oaks. And I will say that I feel like I was just on one
8 of those info commercials, and I really think that. And
9 this doesn't have anything to do with it, what I want to
10 say, but it benefits Aloha a lot to have somebody like
11 that. So somehow he must be -- I'm sorry, somehow he must
12 be interlinked with Mr. Aloha himself. Because a private
13 company would have a lot to benefit from something like
14 that.

15 But, anyway, I live in Trinity Oaks, as I said.
16 We bought our -- I'm going to take care of some background
17 for you all. We have lived in our house just less than a
18 year. Our house just had its fourth birthday. We have a
19 Kinetco water filtration system on our house. We have
20 whatever everyone calls with the osmosis in the kitchen
21 sink. I have schlepped bottled water from the grocery
22 store for a long time. Even with this, we had our water
23 softener checked to make sure it was functioning properly
24 and everything was good. It recirculates on its own.

25 I have two dogs that I was schlepping the

1 bottled water for because they really consume water. Can
2 you imagine what I think for us?

3 Now I will get to my little cards, which is very
4 to the point. The only logical explanation for not
5 deeming acceptable water quality to be absolutely required
6 of a utility company can only be power and money. Pretty
7 lame excuses and certainly morally unacceptable. Aloha
8 has skirted by without any accountability for too long.
9 It is inexcusable, irresponsible, and never should be
10 legally tolerated.

11 If electric or chemical companies cause unsafe
12 and/or pollutant conditions, they are held solely
13 responsible. Regulations force them to correct any and
14 all such occurrences. And if compliance is not met
15 within a specified time frame, fines are incurred. It is
16 that simple. Any city or county water facility being
17 public in nature and falling under the specifications set
18 by city and state guidelines are not in it for profit to
19 one person. That would corrupt it all. And they seem --
20 it seems that private companies must not have the same
21 guidelines that this kind of nonsense goes on.

22 These utilities are -- the public utilities are
23 accountable and do fix problems they are responsible for.
24 I have experienced it. So then why is it that a private
25 water company is even permitted to exist and for the sole

1 benefit of one man's bank account when it only shows its
2 inability over and over again to measure up to standards
3 set everywhere else in this world.

4 There are thousands of household within Aloha's
5 reach that have long cried out for help. And where were
6 those powers to be that could fix it all; and where are
7 they now; and what will happen from this evening? How
8 many people must be affected for action to take place?
9 The answer, the correct answer is one person, one
10 household when the provider is holding the blame totally.

11 Money is certainly talking when the talk should
12 be only water quality. This is only about water. That's
13 it. I have been on this Earth awhile now. I have lived
14 in four states, I have resided in Florida for 27 years. I
15 have never encountered such atrocities as I have in this
16 last year as a new Pasco resident in Trinity Oaks.

17 Black water in toilet tanks, black sludge, which
18 is what I call it evident, discolored smelly water exuding
19 from faucets not used daily are big problems and they
20 belong to Aloha, the provider. The direct cause for the
21 problems, not the customer. The customer is not
22 responsible for a 398 percent increase. Aloha needs to
23 know how to do their business or go into another line of
24 work.

25 We personally have experienced, and we have a

1 new one here that no one has had. All our water looks
2 like all of these colors at any given time. It is
3 disgusting. We have experienced what I called and named
4 sludge hunks in our washing machine. Fortunately, it was
5 a load of rag towels. My husband had to remove the outer
6 casing of the agitator and physically chisel away the
7 buildup so that -- as much as he could, as much as
8 possible. And anyone from Aloha, or the Public Service
9 Commission, or anyone can come and we will take the outer
10 casing. We are just regular people, we couldn't remove
11 all of this. It was absolutely disgusting. Pieces of
12 sludge. I felt like I was in the movies, the Blob or
13 something. Just absolutely disgusting.

14 And with our house being four years old, what is
15 that? It is common sense that once the situation causes
16 our washer to break, that it should be Aloha's expense to
17 repair and then ultimately replace the machine since it is
18 a direct result of what is being supplied to us.

19 And they have been given the information years
20 ago and are refusing to act on it since the powers that be
21 are giving this company free rein, whoever that may be.
22 This is absolutely disgusting. It is certainly
23 disgraceful that we even need to have a meeting to beg for
24 our problems to be fixed. When, in fact, it should be
25 illegal for it to continue.

1 Those who are responsible for allowing Aloha to
2 do this over these years need to be investigated probably
3 as much as the problem needs to be corrected. Someone
4 needs to be accountable. We can't just be pushing the
5 finger around. Somebody needs to stand up and say let's
6 just do something. We need some action.

7 UNIDENTIFIED SPEAKER: A class action suit.

8 MS. DONALDSON: I'm sorry.

9 COMMISSIONER CLARK: No, go ahead.

10 MS. DONALDSON: No one should be forced to incur
11 costs for expensive water filtration systems, which by the
12 way, are only capable of filtering out the big hunks, or
13 replacing appliances from sludge buildup ruining them, or
14 having to incur plumbing bills to take care of this, or
15 having to scrub out toilet tanks with environmentally
16 unfriendly chemicals just to accommodate one person, one
17 company's needs for more and more money --

18 COMMISSIONER CLARK: Ms. Donaldson, slow down
19 just a little bit.

20 MS. DONALDSON: I'm sorry I'm so emotional. I
21 can't help it. I live with it, and I won't drink it. Or
22 having to scrub out toilet tanks with environmentally
23 unfriendly chemicals just to accommodate a person, a man,
24 a company's needs for more and more money at the expense
25 of thousands of people.

1 And it seems that all of the money that Aloha
2 has been paid for this disgusting water would be more than
3 ample for that 398 percent. It should take care of it.
4 And if Aloha was professional and had true people that
5 knew what they were doing, they would know if this
6 correction would fix it, this 398 percent thing.

7 It does not take a rocket scientist to determine
8 that Aloha is totally inept, obviously unqualified, and
9 way too irresponsible to provide water by today's
10 standards. Certainly Pasco County isn't backward or
11 countrified and we won't sit back and just allow this to
12 happen. The business of water needs to be awarded to the
13 county or city, not to a private company. The county or
14 city both have the necessary expertise, intelligence, and
15 experience to provide normal service. Plus, both
16 obviously operate under stricter guidelines and comply.
17 It must be that private companies don't have those same
18 guidelines and they are not as accountable to the state.

19 Water service cannot be properly provided by
20 proper companies as is clearly evidenced here by Aloha.
21 We are all entitled to an adequate and intelligent
22 explanation for why this matter has been tolerated at all,
23 and been so mishandled to date, as well as a plan outlined
24 for us with next steps toward a quick resolution. If this
25 request cannot be met, then the news media and federal

1 government need to become involved. And just imagine how
2 hard Pasco can be hurt if its growth suddenly stagnates as
3 this becomes more public.

4 Aloha doesn't even have the ability or knowledge
5 to provide adequate water pressure, so how could it even
6 have a clue about how to fix a graver problem like this.
7 And as far as pressure, my husband gets up at 4:30 in the
8 morning and showers before sprinklers, and he hardly has
9 hair. Imagine what I go through. And it takes him
10 forever to rinse the soap off of him. It is absolutely
11 unbelievable. And I have done dishes where I have added a
12 minute amount of chlorine to my dishwasher because I was
13 smelling what was coming out of that faucet, and it wasn't
14 good enough for my dishes.

15 We are ingesting this water, cooking with it,
16 bathing with it, brushing our teeth. That is the good
17 part, you can't get away from that. Unattended to it will
18 have severe ramifications on all of us one day. I guess a
19 baby needs to die. I don't know what needs to happen. I
20 question what steps would already be in place if the
21 members of the Public Service Commission, if Aloha's
22 attorneys, if Mr. Aloha in his mansion where I pass it and
23 it is disgusting, you know, what kinds of steps would have
24 already been taken to be fixed if it was any of the
25 important people that have this problem.

1 And I guess I can conclude with do you want your
2 child coming to my house tonight and having a glass of
3 water? And that was what I planned to do. If I would
4 have known that Tantallon wasn't getting black water,
5 Tantallon was one of the speakers, and he doesn't have
6 black water, I wouldn't have moved on Jutland Drive. I
7 didn't know -- all of my life I have always asked city or
8 county, I wanted to know what kind of water. And for some
9 reason I didn't ask. I assumed. And we know what assume
10 means. I assumed it would be city or county, because in
11 my life, which is not -- didn't start yesterday, I have
12 never heard of private utilities. There is nothing for
13 the consumer, there is nothing for the community that
14 could possibly benefit from private.

15 And the copper pipes, my goodness. I was raised
16 in Philadelphia. They didn't even invent PVC piping then.
17 PVC piping wasn't a thing. I mean, there was no such
18 thing as that. It is not from the copper pipes and there
19 is no copper pipes in the fire hydrants. That isn't it.
20 They are giving us awful water that is absolutely
21 disgraceful and it has got to be dangerous. And, you
22 know, they just don't have the right.

23 That guy is obviously -- his company is being
24 paid off. Probably he is in the pocket of Mr. Aloha
25 because he has everything to gain. Not the guy, he is

1 doing what he is told to do. He is just one of their
2 puppets. Probably one of many. And why wasn't the
3 homeowner himself here is what I know. I mean, what is he
4 doing representing somebody else. And a sample size of
5 one may as well not have happened. It does not count. I
6 am a marketing research analyst, and it just counts for
7 bipcus (phonetic). It has no weight whatsoever. It is an
8 isolated thing. And he is coming to report for the
9 homeowner? I don't buy it. I don't buy it. There is
10 something be covered up or something being funny.

11 But it's a no brainer. It is really easy.
12 Aloha just should go into another line of work and in some
13 other state, too.

14 COMMISSIONER CLARK: Mr. McLean.

15 MR. McLEAN: Not me, thank you.

16 COMMISSIONER CLARK: Mr. Deterding.

17 MR. DETERDING: You mentioned a couple of times
18 your belief that for some reason that this representative
19 of BF Goodrich was brought here by Aloha. On what basis
20 do you draw that conclusion?

21 MS. DONALDSON: Because I felt like I was
22 watching television. I felt like it was a subliminal
23 message, because I didn't come in the morning mail,
24 because I have an IQ I don't trip when I walk out the
25 door. I'm sorry.

1 THE COURT REPORTER: Excuse me?

2 MS. DONALDSON: I didn't come in the morning
3 mail; I have an IQ I don't trip over on my way out the
4 door; because I have been on this Earth long enough;
5 because I'm not stupid. You are not going to insult my
6 intelligence.

7 MR. DETERDING: So you don't have any concrete
8 evidence why you think that Aloha has somehow conspired
9 with Mr. Blough or his employer, BF Goodrich?

10 MS. DONALDSON: He sure knows you all, doesn't
11 he?

12 MR. DETERDING: Excuse me?

13 MS. DONALDSON: He sure seems to know you all.
14 This is my feeling from not being a stupid person. You
15 don't live in my neighborhood in my house. You don't
16 know. You are being paid big bucks by Mr. Aloha to say
17 all the things that you do. And you have a degree for it.
18 And it is a shame that everyone needs fair representation,
19 but I really feel sorry for you. I wonder how you look at
20 your reflection at night.

21 MR. DETERDING: I'm sorry --

22 COMMISSIONER CLARK: Mr. Deterding, anything
23 else?

24 MR. DETERDING: -- I would like an answer to my
25 question.

1 MS. DONALDSON: I'm sorry, I couldn't hear you.

2 COMMISSIONER CLARK: Ms. Donaldson, Mr.

3 Deterding is going to ask you the question again, if you
4 would just answer it.

5 MS. DONALDSON: Okay.

6 COMMISSIONER CLARK: Go ahead.

7 MR. DETERDING: Do you have any evidence to
8 demonstrate the accusation that you have made that Aloha
9 has somehow conspired to --

10 MS. DONALDSON: No, I have no evidence, just it
11 is common sense.

12 MR. DETERDING: Have you ever made a complaint
13 to Aloha Utilities of either the low pressure that you
14 complain of or the discolored water?

15 MS. DONALDSON: Okay. I haven't. What I did in
16 the beginning is I canvased my neighborhood. I walk about
17 six miles a day. So I really know many, many of my
18 neighbors in Trinity Oaks. And I asked, and they were
19 very -- my house wasn't even built when they attended the
20 last set of hearings. And they were adamant and they did
21 everything. And two doors down, he was very involved and
22 they have a file so thick on this, and nothing even
23 happened. And they all, without any difference of
24 opinion, said nothing will happen because of it. Nothing
25 will come from it.

1 So I have been waiting for this day. I have
2 been waiting for my time. I never had the benefit of a
3 survey or anything. I have never that. I have never
4 lived in a place where a place had to drain fire hydrants
5 to get the black sludge out, either. It really scares me.
6 We are not going to continue to live in Pasco County
7 because of it. I would rather going to Clearwater, at
8 least they are normal.

9 COMMISSIONER CLARK: Thank you. Any other
10 questions? Staff.

11 MR. JAEGER: No questions.

12 MS. DONALDSON: Am I excused?

13 COMMISSIONER CLARK: Yes, Ms. Donaldson, you are
14 excused. Thank you.

15 MS. DONALDSON: Thank you all for hearing me.

16 COMMISSIONER CLARK: Mr. McLean, how many more
17 people do you have signed up?

18 MR. McLEAN: I would say eight.

19 COMMISSIONER CLARK: We are going to go ahead
20 and take another short break. I hate to do it, but we
21 have had our court reporter doing this all day long and
22 she does need a break. We are just going to take ten
23 minutes until 9:15, and we will reconvene promptly at
24 9:15.

25 (Recess.)

1 COMMISSIONER CLARK: We are ready to go back on
2 the record, I think. Mr. McLean.

3 MR. McLEAN: Yes, ma'am.

4 Charles R. Rifkin, please.

5 CHARLES R. RIFKIN

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

8 DIRECT STATEMENT

9 MR. RIFKIN: My names is Charles Rifkin. I live
10 at 1416 Davenport Drive in New Port Richey. I am also
11 Vice President of Chelsea Place Homeowners Association.
12 I'm also a director on the Board of CONA, that is the
13 Council of Neighborhood Associations. We now have 105
14 different homeowner associations, and also condominiums.
15 I work under Mel Phillips, who is President of CONA.

16 I have been here before. This is my fifth
17 meeting. I went to Tallahassee when you had them. I went
18 to two of them up there. I have been having problems with
19 my water. And as you can see, I'm still having problems
20 with my water. Nothing has been done. I had people from
21 Aloha come out when I called, they came out once, then
22 they came out twice, and I still had the same problem. So
23 they said, well, what you have to do is write down and
24 send Mr. Watford a letter at Aloha, and he would be right
25 out to take care of your problem. Four years ago I have

1 been writing to him. He still hasn't come out to my
2 house. If you look at every one of my bills. When I pay
3 my bill every month on the back of it it says, "Dear Mr.
4 Watford, thank you very much for having me pay for dirty,
5 smelly water."

6 I had Dave Porter, which is his engineer sitting
7 right here, he came out to my house. They disconnected
8 the piping from my meter on the street side, which means
9 that the water is not going into my house. They told me
10 there is nothing wrong with my water. But before they
11 took a test of it, they ran a pipe into the street and ran
12 it for half an hour to 45 minutes, then took a sample and
13 said, oh, it is perfect. And that was Dave Porter, he was
14 there, and also another engineer with him.

15 Do you remember me?

16 MR. PORTER: Yes.

17 MR. RIFKIN: Oh, yes. I was also on Channel 28.
18 They came out to my house. And I gave a copy to the
19 Public Service Commission at Spartan Manor, and I never
20 heard from anybody. They took the video of my house, and
21 I had Bill Coogan's house two doors from me. We both went
22 and talked to them and showed them our water at our house
23 and they took the pictures. Still nothing has happened.
24 We haven't heard from nobody.

25 They say there is nothing wrong with my water.

1 But yet when I walked into Aloha's office and I asked
2 everybody in there would they like a drink of water,
3 nobody would take a drink of my water. I asked Dave
4 Porter. No, he wouldn't take a drink of it. Then at
5 another meeting, all of a sudden he shows up with 12
6 bottles of water, I think is what it was, but it is pure.
7 I mean, you could tell it must have been from Zephyrhills
8 or somewhere. He said, "Look, I will drink it." And as
9 he started to drink it somebody hollered out, hurry up,
10 dial 911, he is drinking Aloha water. And everybody had a
11 big laugh about that.

12 If anybody has any questions they want to ask
13 me, I could tell you more. I had a clipboard with me.
14 But I rode with somebody else and the clipboard is out in
15 the car. You want to go get it? They might not have time
16 for it. Well, anyway inside that clipboard in the little
17 package I have, I also have a problem with my copper
18 tubing. I have holes in it. Now, they said if I had
19 reverse osmosis, or if I had a water softener that was
20 probably what was causing it. Well, I now have reverse
21 osmosis, but I don't have a water softener. But that is
22 not where the problem came from. This copper tubing is
23 coming right from outside into the house. In other words,
24 it is right from the beginning of Aloha water. And Kilty
25 Plumbing (phonetic), the plumber told me that is dirty

1 black Aloha water you are using, no wonder you've got
2 holes in your pipes. He said I already changed seven
3 pipes around this neighborhood already. Everybody is
4 having problems in our neighborhood with copper tubing.
5 All of a sudden they all start leaking. We have two or
6 three of them that are real bad.

7 Now you also want to know about Steve Vinto?
8 Steve Vinto's house is on the other side of the pond from
9 my house. He doesn't have black water no more because
10 they changed all of his pipes. Now he has yellow, orange,
11 dirty, smelling water. You want to know how good the pipe
12 is? Well, that's what happens when you put out three to
13 \$5,000 for new piping. It would be much easier if Aloha
14 did something about their water problems and hired
15 somebody that knew what they were doing there.

16 They want to build a new water treatment plant.
17 If there is nothing wrong with the water, why do they have
18 to build a new treatment plant? That's what I couldn't
19 never understand. I spent over \$500 because of one little
20 pipe that is only about that big that had holes in it, but
21 it is coming right from outside into the house. Kilty
22 Plumbing is the one that changed it, he is the one that
23 says it is from the dirty black Aloha water is what is
24 causing it.

25 Turn it around, and he says I have to look to

1 find out where your leak is at. My rug is soaking wet in
2 the bedroom and the master bedroom closet. He says I
3 can't tell you exactly where it is at. I said, "What are
4 you talking about? Look at the wall, it is soaking wet
5 right there. The water is coming out from underneath of
6 it." He said, "Well, I can't do nothing about that." So
7 then all of a sudden he said, "Wait a minute." He knocked
8 a hole through the wall. He said, "Do you mind if I knock
9 a hole through the wall inside instead of outside?" I
10 said, "You can knock it either way. But you can knock it
11 inside if you want to." So he turned it around, he
12 knocked a hole through the plaster inside my closet. And
13 in there the water is dripping, starting to drip.

14 All of a sudden he says, oh, I can't exactly
15 tell you exactly where it is coming from, you will have to
16 have Ultravision (phonetic), it is called. Ultravision
17 turns around and comes out and tells me that I have to
18 sign a paper before he will even look at it. So I signed
19 the paper. Then he says, now you have to give me a check
20 for \$250 before I even start, because I have to have
21 special equipment to locate that leak. I said, "What are
22 you talking about? Look right there. The water is
23 shooting out of the damn wall right there. What do you
24 mean you need special equipment? "Well, you don't sign
25 the paper, you don't pay me the \$250, we won't fix your

1 leak." I said, "I will get another plumber to do it." He
2 said, "You can't, because we are working with your
3 insurance company."

4 He turned around and knocked another little hole
5 in the wall. He said, "Oh, yes, that's right, that's
6 where it's at." I said, "That is exactly what I told the
7 plumber, that is where it is at. Now you are telling me
8 the same thing, but now it is going to cost me \$450 for
9 the plumber to change that little pipe, \$250 for
10 Ultravision to tell me where the leak was when I already
11 knew where it was." And this is what I have to put up
12 with. This dirty black stinking water. And that is all I
13 have to say right now.

14 COMMISSIONER CLARK: Mr. McLean.

15 MR. McLEAN: How do you know about Mr. Vinto's
16 situation, you live across the pond from him you said?

17 MR. RIFKIN: I not only live across the pond
18 from him, but I'm also Vice President of the association
19 in Chelsea Place, and I talk to him every other morning
20 when I walk the dog around.

21 MR. McLEAN: And you all have discussed the
22 condition of his water --

23 MR. RIFKIN: I tell him, I says, I heard that
24 you are doing pretty good now. You changed the pipe. He
25 said no, it is orange colored and it is smelly. It smells

1 like rotten eggs.

2 MR. McLEAN: How long ago did that conversation
3 take place?

4 MR. RIFKIN: I think yesterday I was talking to
5 him, and about a week before I was talking to him again.
6 But I believe, if I remember correctly, in our Chelsea
7 flier I think he had already sent a note in about it and
8 we put into the Chelsea flier.

9 MR. McLEAN: All right, sir. I have nothing
10 further. Thank you.

11 COMMISSIONER CLARK: Mr. Deterding.

12 MR. DETERDING: I have no questions.

13 COMMISSIONER CLARK: Staff.

14 MR. JAEGER: No questions.

15 COMMISSIONER CLARK: Commissioners. Thank you,
16 Mr. Rifkin.

17 MR. RIFKIN: Thank you.

18 MR. McLEAN: Mr. and Mrs. David Hennessy.

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1 DAVE AND JODY HENNESSY

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

4 DIRECT STATEMENT

5 MR. HENNESSY: My name is Dave Hennessy, that is
6 H-E-N-N-E-S-S-Y. We live at 1448 Haverhill Drive in
7 Chelsea Place. And my wife, Jody Hennessy.

8 COMMISSIONER CLARK: I'm sorry, what was her
9 name?

10 MR. HENNESSY: Jody, J-O-D-Y.

11 COMMISSIONER CLARK: Thank you.

12 MR. HENNESSY: We also brought in a sample we
13 took tonight of our water from our master bathroom, which
14 is a brownish color. And there is some sediment at the
15 bottom at this point in time. I would like to hit up on a
16 few points regarding Steve Vinto. I just called on my
17 mobile phone to my neighbor, Tony, which Steve lives two
18 doors down from me. And he is experiencing foul smelling
19 water, worse than it was before.

20 COMMISSIONER CLARK: This is Mr. Vinto?

21 MR. HENNESSY: Yes, it was. About an hour ago
22 when the other gentleman was up talking from BF Goodrich.
23 So I thought I would give him a call and just find out
24 what the whole story is there. What we have noticed -- we
25 bought our house in 1996, we moved in in June. At that

1 time it was approximately three years old. So the house
2 now is right around seven years old. And at that time we
3 were experiencing brown, blackish water coming out of our
4 master bathroom, our pool bathroom, and more predominately
5 in the master bathroom from faucets that haven't been used
6 on a regular basis.

7 We have also -- let me hit up on a couple of
8 different points besides that. At various points in time
9 we have noticed extreme chlorine levels, very high in our
10 water. I did a test on the chlorine, and the chlorine
11 levels were higher than my pool. And that was a scary
12 thought about having my kids, you know, brush their teeth,
13 drink the water, which we use for our coffee. We do have
14 a filter on our refrigerator, we don't have reverse
15 osmosis and we don't have a water softener.

16 And for the record I have filed a complaint with
17 the PSC via Internet and the EPA. And I have called Aloha
18 Utilities regarding my problem.

19 MRS. HENNESSY: With no resolution from anybody.

20 MR. HENNESSY: Right. We haven't had anything
21 resolved at this point. But the purpose of my complaints
22 have been we have had numerous amounts of leaks in our
23 copper piping. We have had approximately, at this point
24 in time during the last year, nine leaks in our copper
25 tubing. About a year and a half. We have experienced

1 three in my kids' bedroom, three in the garage, one
2 outside, two in my hallway. We have had our carpets
3 replaced in the house.

4 MRS. HENNESSY: The first two leaks we filed
5 with our homeowner's insurance, we had a \$500 deductible
6 each time because of carpeting ruined, wallpaper ruined
7 from knocking holes in walls. Our policy came up for
8 renewal just a few months later, and we no longer qualify
9 to have our homeowners there. So now our homeowners
10 rate -- we are with a new company, but the rates went
11 higher, so we don't dare with each of these leaks file a
12 claim. Our last one was just outside, and we just lost
13 two of our hedges. My husband went out and dug up the
14 ground himself.

15 MR. HENNESSY: Yes. The meter, where it is
16 hooked up to the meter, it runs a PVC line up to the
17 house. Then there is a copper line that comes up to the
18 main run that goes into the house. Up to the copper I
19 haven't experienced any leaks on the PVC side. I have
20 only experienced restrictions in bending in the line on
21 the cold water side of my house. It seems to be more
22 prominent in the sections that get the most water travel
23 in the lines, because I'm getting pinhole leaks from the
24 inside out.

25 I already called a plumber today, in fact, to

1 come out and replumb my house. And they are going to be
2 making arrangements with me tomorrow to replumb it. And
3 that is at my expense, not Aloha's, because I haven't had
4 any response from the PSC, Consumer Protection, or Aloha
5 regarding this.

6 COMMISSIONER JABER: Before you leave that
7 point, let me make sure I understand, because other
8 customers have testified that it seems the occurrence of
9 the discolored water appears to happen most in areas where
10 the faucets are -- or generally where the faucets are not
11 used a lot. But I what I hear you say is that it is
12 happening in your master bedroom more.

13 MRS. HENNESSY: Our bathtub. We don't use the
14 bathtub. We shower. I can't stand using the bathtub.
15 Every time I try to fill the bathtub we get the dirty
16 water, and I'm tired, forget it, I will take a shower. So
17 in almost four years that we have lived there, I have
18 taken maybe five baths in our garden tub. So it is -- the
19 black water is mostly in the areas not used as often.

20 The pinhole leaks, we have other problems, the
21 other problem. The pinhole leaks are in the pipes that
22 get a lot of water travel.

23 COMMISSIONER JABER: I understand. Thank you.

24 MR. HENNESSY: Yes. I want to reiterate on a
25 couple of other points. We still are experiencing the

1 black sediment in our toilet areas. We do have to flush
2 out -- before my kids take a bath or a shower, we have to
3 let our lines run. It's only on the hot side. I haven't
4 seen any blackish, brown water from my cold side.

5 MRS. HENNESSY: So when we run the kids bath, we
6 don't run just the hot water, we have to make sure it is
7 lukewarm when we start it, otherwise it will turn black on
8 them.

9 MR. HENNESSY: Right. But, on the other hand,
10 on the cold water is where I am experiencing all my leaks.
11 I have not had one leak on my hot water side. And I have
12 eight leaks so far.

13 MRS. HENNESSY: No, nine.

14 MR. HENNESSY: Nine leaks. I lost count after a
15 little while. We can't keep track of it.

16 MRS. HENNESSY: We just keep track of how many
17 if the kids bedroom, how many in the hallway.

18 COMMISSIONER CLARK: Anything else?

19 MR. HENNESSY: The only thing I really got back
20 when I did make claim, they sent me a package on copper
21 sulfide, some information on that, which really didn't do
22 me much good. I mean, I can't correct that situation.
23 The only thing that really is concerning that with my kids
24 that, you know, they are ingesting this.

25 We don't use it for drinking water, we drink

1 bottled water in our house. But, you know, through my
2 kids, if they come in and they get a drink of water from
3 our refrigerator, which has a small filter on it, but it
4 is really kind of inadequate for our drinking needs. And
5 just from what they are ingesting, I don't know what
6 ramifications it's going to have on them over a period of
7 time. I was told it is good drinking water. Obviously
8 you can see that, by looking at this it is not. And it is
9 very concerning, you know.

10 And what I'm really appalled about is this has
11 been an on-going issue for the last, what, four or five,
12 six or seven years, and there is nothing that has been
13 done about it. And you definitely can see my concerns
14 where I have to put out a serious expense to have my house
15 replumbed. I had plumbers out of my house numerous
16 occasions. I fixed my plumbing leaks on numerous
17 occasions. I had my insurance canceled because of my
18 claims for the plumbing leaks.

19 And then the ramifications of what will happen
20 with my children over time, which is not really -- there
21 is no evidence at this point in time or study that has
22 been done to it, but something like that there should be.

23 MRS. HENNESSY: And, no, we don't have a water
24 softener.

25 COMMISSIONER CLARK: Thank you, Mr. and

1 Mrs. Hennessy.

2 Mr. McLean, do you have questions?

3 MR. McLEAN: No, ma'am. Thank you.

4 COMMISSIONER CLARK: Mr. Deterding.

5 MR. DETERDING: Just a couple. You said you
6 don't have a water softener?

7 MRS. HENNESSY: Uh-huh.

8 MR. DETERDING: You said you are about to have
9 your house repiped, is that correct?

10 MR. HENNESSY: Yes, that's correct.

11 MR. DETERDING: With what?

12 MR. HENNESSY: I'm going to put in CPVC.

13 MRS. HENNESSY: It won't improve our water
14 quality, but we're hoping it will stop the leaks. Our
15 carpet has been soaked many times now. We can't file
16 another insurance policy for this. We have a child with
17 allergies. And we are hoping that mildew doesn't grow
18 under this carpeting now.

19 We tear it up each time, we dry it out, we spray
20 it with disinfectant. Once it dries we lay it back down.
21 My son is allergic to allergies and he has asthma that is
22 triggered by it. So now we are going to wait and see if
23 mildew grows under there. But the CPVC we are hoping will
24 not get the pinhole leaks every two months.

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

1 COMMISSIONER CLARK: Staff.

2 MR. JAEGER: In electing to go with CPVC, what
3 was the main influence, or can you tell me why you chose
4 the change from copper to --

5 MR. HENNESSY: Well, I'm builder by trade, I
6 work in the purchasing department for Ryland Homes
7 (phonetic), and that is all we presently put in our
8 houses. And we have not experienced any plumbing leaks,
9 you know, with the CPVC. But we also haven't experienced
10 any plumbing leaks with copper in prior subdivisions, but
11 we haven't done copper in a few years.

12 MRS. HENNESSY: Yes, but they don't have Aloha
13 water.

14 MR. HENNESSY: But they don't have Aloha water.

15 MR. JAEGER: Thank you, that is all the
16 questions I have.

17 COMMISSIONER CLARK: Commissioners. Thank you
18 very much.

19 MR. McLEAN: Ms. and Mrs. Joseph L. Sharpe.

20 COMMISSIONER CLARK: I don't see anyone stepping
21 forward.

22 MR. McLEAN: Louis Corona.
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1 constantly complaining to Aloha Water, every single time
2 we had a problem calling Aloha Water. Having people come
3 out from Aloha water telling us it is the copper pipes, it
4 is the water softener, it's this, it's you are on the end
5 of the street, it's that. And dumping water into the
6 street from fire hydrants and nothing changes. It is
7 continual.

8 It may not happen and it may not come out of
9 every faucet in my house like this 24 hours a day. But
10 even if it comes out of my faucet once a week like this,
11 that is too much. That is more than what I'm paying for.
12 I'm paying for water, not sediment. That is extra. I
13 don't want it. I want it out of my water.

14 Aloha Water is saying that they need to build
15 new treatment facilities, they need to build new plants.
16 I don't even know what they need to build, but they are
17 asking that they need an increase in whatever it is. They
18 are saying 398 percent would be the increase in the
19 customers' rates. Well, my proposal would be I put a
20 water softener on, I put a filtration system in, we buy
21 bottled water, how about if I go ahead and save the
22 receipts from that and every month I deduct that from my
23 water bill. My home is my plant, okay.

24 Just like everybody said tonight, the toilet
25 tanks, you can open it up and you can take your finger and

1 basically dig a little trench at the bottom of it. The
2 bath water comes out, at times it is black like that, at
3 times it is kind of like that. The sink water is the
4 same. If you put on too many faucets at the same time it
5 all comes out like that, black. Okay.

6 The only other thing that I have to say is at
7 the first meeting that we had like this, my anger was
8 directed at Aloha Water. Because in this country I
9 believe we have the technology and the ability to have
10 clean water delivered to every home, especially if we are
11 paying for it. But we weren't getting it. And we
12 demanded it. And we came forward to the Commissioners.
13 And in four years time nothing has been done.

14 So now I place the blame with Aloha Water and
15 the Commissioners. And I know the Commissioners are
16 appointed by our Governor. And I guess it's time for the
17 people instead of just joking about it and coming forward
18 and making statements to constantly go to our Governor,
19 our state representatives and say it is time, we are done,
20 we don't want to have these meetings any more, we want
21 action.

22 So what my question is is how long do we, the
23 citizens, have to wait after tonight's meeting to find out
24 what the result is, and who is going to inform us? Any
25 answer from the Commissioners or staff?

1 COMMISSIONER JABER: You may have a response
2 Commissioner, but may I ask you a question and offer a
3 comment, as well.

4 MR. CORONA: Well, first answer my question on
5 that issue before I --

6 COMMISSIONER JABER: I think that I will be with
7 this comment. I think I will be answering your question.
8 But those standards you referred to are actually
9 Department of Environmental Protection standards. And one
10 of the suggestions I had, and I look forward to working
11 with you all, as my fellow Commissioners do, on educating
12 DEP, which will be here tomorrow. There is a DEP witness
13 that will be here tomorrow and we fully intend to ask
14 these questions to our sister agency, because we have got
15 concerns about the standards.

16 But with respect to notifying you, it will be at
17 the conclusion of this proceeding. And I can assure you
18 that we work hand-in-hand with the Office of Public
19 Counsel. And the Office of Public Counsel is your
20 counsel. And I'm sure you can call us or call OPC and all
21 of your questions will be answered.

22 But I did want to let you know that those
23 standards are DEP standards. We will have a witness here
24 from DEP. We will be asking the same questions you are
25 asking.

1 MR. CORONA: Okay.

2 COMMISSIONER CLARK: Mr. McLean, any questions?

3 COMMISSIONER JACOBS: Well, there was one part
4 of his question that I wanted -- we need to let him know
5 when the final decision will be made in this docket.

6 COMMISSIONER CLARK: The current scheduling for
7 this case calls for a decision to be made in June.

8 MR. JAEGER: The staff rec due on June 8th for
9 the June 20th agenda conference is when it is scheduled.

10 MR. CORONA: Is there an E-mail address that we
11 can look at at that time to see what the results are?

12 COMMISSIONER CLARK: Yes, it is on that blue
13 sheet. Also, I want to say that our proceedings are on
14 the Internet. I'm not sure if that is always the case,
15 but I know they are on a public access channel. I'm just
16 not sure if you get that down here. But if you will
17 either call or look at the E-mail address, we will get you
18 that information.

19 MR. CORONA: Good enough.

20 COMMISSIONER CLARK: Mr. McLean, do you have any
21 questions?

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

23 COMMISSIONER CLARK: Mr. Deterding.

24 MR. DETERDING: Just a couple. Mr. Corona, you
25 say you do have a softener and some sort of filtration

1 system?

2 MR. CORONA: Right.

3 MR. DETERDING: And this is something you have
4 added since the last proceeding?

5 MR. CORONA: No, this is something that we
6 had -- let me see, did we add the kitchen filtration
7 system after the last meeting? Yes, we did. The one in
8 the kitchen for our drinking water and our cooking water
9 we did add after the last meeting.

10 MR. DETERDING: Just in the kitchen, though?

11 MR. CORONA: Right. The water softener system
12 we have had shortly since after we moved into house.

13 MR. DETERDING: Have you ever filed a water
14 quality complaint in the seven or more years you have been
15 at this utility?

16 MR. CORONA: With?

17 MR. DETERDING: Aloha Utilities.

18 MR. CORONA: Yes. We have called Aloha several
19 times. We have had Aloha come on out to the house. They
20 have gone out and did whatever they were doing in the
21 neighborhood and came back and said problem taken care of.
22 The problem we have is it is so sporadic that you could
23 take and drain water out of the system and then it will be
24 good for a couple of days. It might be good for a couple
25 of days if you don't drain the water out of the system,

1 but it is not something that is consistent. It happens
2 sporadically in our home. And we are told the same thing
3 by all our surrounding neighbors.

4 MR. DETERDING: So what you have experienced and
5 what has been told to you by others is that it is
6 infrequent enough to where when Aloha comes out they don't
7 see it, is that what you are telling me?

8 MR. CORONA: Aloha hasn't come into the house to
9 take a look at it. They don't come in our house. They
10 stand at the door. They don't even come in house because
11 it is a hot day and we say come on in and tell us what is
12 going on. They stand at the door and tell us this is what
13 we are going to go do. We are going to go take care of
14 the problem. What is your problem? And we can show them
15 and say, this came out of our tap. But as far as them
16 coming in and taking a sample out of any faucet in the
17 house, that hasn't happened.

18 MR. DETERDING: When was the last time that you
19 complained about the water quality, if you can estimate?

20 MR. CORONA: I would say within the last year.
21 I couldn't give you an exact date. For awhile there we
22 had a campaign in our neighborhood. The campaign was
23 every single time it happens call. A lot of our people
24 did that. We tried to be real consistent with it, and it
25 didn't do us any good.

1 MR. DETERDING: And your contacts with Aloha
2 have been by telephone call, correct?

3 MR. CORONA: And the person showing up at the
4 house.

5 MR. DETERDING: Yes. I mean, as far as your
6 complaint.

7 MR. CORONA: Right.

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

9 COMMISSIONER CLARK: Staff.

10 MR. JAEGER: Yes. Mr. Corona, you are holding
11 up two or three different jugs there. I think the range
12 of the color is from light gray to a pretty dark gray, is
13 that correct?

14 MR. CORONA: Right. This is the water from our
15 house tonight. If I shake it up and get that sediment,
16 you can see the chunks floating around in there. In fact,
17 when you take ice cubes out of the tray, the ice cubes
18 have chunks of that black in them. So you can have a
19 water filter system to get drinking water, but if you use
20 ice cubes that's what you get.

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

22 COMMISSIONER CLARK: Commissioners.

23 COMMISSIONER JACOBS: Have you experienced
24 either the low water pressure problem or the leaking
25 problems that have been discussed earlier?

1 MR. CORONA: Yes, we have experienced both of
2 those and the smell problem. We have had the leaking
3 pipe, we had one that we came home, my wife and I pulled
4 up and water was coming down the driveway. We opened up
5 the garage door and it was coming out of the house. When
6 we opened the garage door, it looked just like a cartoon.
7 We have a dog and a cat. And the cat was up on the dryer
8 and the dog was over on a piece of the furniture. And we
9 had about four inches of water in almost the entire home.
10 And that was one of the leaks. That was about two years
11 ago, that leak.

12 The most resent leak was a couple of months ago,
13 and that was where the water main comes into the house in
14 the garage and it goes from there out the wall into our
15 water softener. It was in the wall where it was coming in
16 from the house. In both of those situations it was in a
17 bend in the pipe.

18 The water smell we have had, we don't really
19 have the bog smell, the swamp water smell as much as we
20 have every once in awhile an extreme chlorine smell.

21 COMMISSIONER CLARK: Let me ask you a question.
22 When you have the chlorine smell, is the water clear?

23 MR. CORONA: Sure, it's clear. Well, it is
24 clear when it is coming out of the faucet. I don't know,
25 it could be milky white, I don't know. My sink is white.

1 COMMISSIONER CLARK: But when there is chlorine,
2 you don't seem to have the discoloration?

3 MR. CORONA: Right. And then the other part of
4 your question was --

5 COMMISSIONER CLARK: No, I think you answered
6 it.

7 MR. CORONA: He said the smell, the --

8 COMMISSIONER JACOBS: The low pressure.

9 MR. CORONA: Low pressure, yes, we definitely
10 have a low pressure problem. In fact, you can tell in the
11 neighborhood now, since we have the water restriction, and
12 we joke about it, because you can tell when different
13 zones turn on and off and people's sprinkler systems.
14 Because for a split second you will have a burst of water
15 come out of the shower and it will be nice pressure and
16 then it goes back to the small pressure, low pressure.

17 COMMISSIONER JACOBS: Thank you.

18 COMMISSIONER CLARK: Thank you, Mr. Corona.
19 Your next witness.

20 MR. McLEAN: Cheryl Bretz.

21 COMMISSIONER CLARK: Cheryl Bretz. I don't see
22 anyone coming up.

23 MR. McLEAN: Pauline, and I will spell the last
24 name, N-I-G-E-L-S, I believe. 7542 Salamander Drive.

25 COMMISSIONER CLARK: Someone is coming forward.

MR. McLEAN: Great.

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1 PAULINE NIGELS

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

4 DIRECT STATEMENT

5 MS. NIGELS: Hi. My name is Pauline Nigels,
6 N-I-G-E-L-S. I live at 7542 Salamander Drive, that is in
7 Natures Hide-a-Way. We built our home in June of '96,
8 and since then I have had Aloha out one time. And as
9 everyone else has said, they don't in come in the house,
10 but this is my water from my master bathtub that was taken
11 this morning.

12 When I got pregnant in '96, my husband decided
13 we needed a water softener because of this, and I just --
14 nothing has helped. We had the water softener installed
15 in November '97, that didn't help. We had a filter
16 installed under our sink. That didn't help. I have my
17 son take a shower with me because at least you can't see
18 the filth: When I want to take a bath, I have to
19 literally run the tub for 20 minutes then wait for the hot
20 water to hopefully come back and then rerun the tub, and
21 then clean the tub, and then wait for the hot water to
22 come back again so I can at least have hot water to take a
23 bath. And it is just -- it's ridiculous.

24 We built this home -- I was born in Florida,
25 raised in Florida. I lived in Pinellas County for 25

1 years. We moved into Pasco, and it was a joke. It was
2 like you are going to Pasco? Do they even have indoor
3 plumbing? And I said yes, we even have cable. And, you
4 know, it was like I almost wanted to bite my tongue when
5 people come to my house and they see this water.

6 And just like everyone has said, it is in our
7 toilets. We have the filter on our frig, and the ice cube
8 tray, it's the automatic ice. But I dump the ice
9 constantly, and it's just a black film. And you can't
10 even get it off. It's like you have to -- and we tried
11 Clorox to get it off, I can't even use bleach.

12 I have had the chunks -- I forgot to wear it,
13 but I have chunks of black on like five of my shirts. I
14 had no clue what they came from, and it is from our
15 washing machine. We have had to snake our bathroom sink
16 that we use every day. And when my husband takes the
17 drain out, if you get the sludge part on the porcelain
18 sink you can't get it off. The house is brand new. This
19 shouldn't be happening. And whether it is copper pipes or
20 not, I just can't see how Aloha Utilities can be in
21 business. I have never seen anything like this before in
22 my life. And that's all I have to say.

23 COMMISSIONER CLARK: Thank you, Ms. Nigels.

24 Mr. McLean.

25 MR. McLEAN: You added the water softener

1 because this was the kind of water you were getting, is
2 that what you said?

3 MS. NIGELS: Yes, sir.

4 MR. McLEAN: Would you describe the water a
5 little bit, I don't think --

6 MS. NIGELS: Our water is pitch black. It is
7 disgusting.

8 MR. McLEAN: And did the water softener help
9 that condition?

10 MS. NIGELS: It did not help.

11 MR. McLEAN: Did it make it any worse?

12 MS. NIGELS: No.

13 MR. McLEAN: Did you say you had a filtration
14 system of some sort?

15 MS. NIGELS: We have a filter on our water under
16 the sink. It is just a double carbon filter, and then
17 after that I stick it into one of those 2-gallon
18 filtered -- I will actually take that filtered water and I
19 pour it into another filter and put it in my refrigerator.
20 And the only time I can even drink that is if it is cold.
21 And I buy ice from the store.

22 MR. McLEAN: Thank you, ma'am. I have no
23 further questions.

24 COMMISSIONER CLARK: Mr. Deterding.

25 MR. DETERDING: No questions.

1 COMMISSIONER CLARK: Mr. Jaeger.

2 MR. JAEGER: No questions.

3 COMMISSIONER CLARK: Thank you, Ms. Nigels.

4 MS. NIGELS: Thank you.

5 MR. McLEAN: Mr. Joseph Mooney, please.

6 JOSEPH MOONEY

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

9 DIRECT STATEMENT

10 MR. MOONEY: My name is Joseph Mooney,
11 M-O-O-N-E-Y. I live at 1054 Middlesex Drive. That is in
12 the Wyndtree Subdivision. I am the President of the
13 Wyndtree Phase II Homeowners Association.

14 You may detect from my accent that I am not from
15 Florida. I'm actually from Ireland. Born there and lived
16 in this country now for about 37 or 38 years. I can
17 assure you that we don't have water problems in Ireland.
18 It's beautiful. It is inconceivable to me, though, that
19 we are meeting here even tonight and all day today on a
20 problem like this. Inconceivable in the sense of the
21 technology that is available, inconceivable in the
22 standard of living that we have come to expect here in the
23 United States. By the way, I am a citizen. Have been for
24 many years. And inconceivable that we do not have any
25 answers from the various authorities that are involved.

1 We came to the area early '97, so we weren't
2 around at the time of the famous or infamous four-year
3 meetings that took place. So we are relatively new to the
4 area. We had lived in Sarasota for some years and there
5 we had no problems with the water. It was good water. We
6 had copper plumbing in our villas, no problems with that.
7 And I have lived in Michigan, Illinois, and, as I said, in
8 Ireland, and we have never had water problems like this.
9 It is just completely foreign to me that this is the case.

10 Needless to say, when we were buying our home
11 nobody was jumping up and down and telling us, do you
12 realize you are going to have a water problem. But when
13 we moved in we suddenly discovered that we did.

14 We found two things about Aloha Water; one was
15 that it was very poor water. It would be various shades
16 of black and gray, and has been that way all along. I
17 will give you some facts about what we did trying to
18 counter the problem in a moment. And the second thing we
19 discovered was that it was very expensive. Somewhere
20 between two times and three times here the cost of water
21 and sewage treatment than anything we have experienced
22 anywhere else in the country. And so those are with the
23 two jolts that we got when we moved into our home on
24 Middlesex Drive.

25 We did call Aloha, we had them come out. They

1 did the same for us as they have done for everyone else.
2 They worked out there on the street-side. Ran a sample of
3 the water afterwards, held it up to us, and said, "Look,
4 it is clear, is it good. Your problem is in the house.
5 It's either in your hot water heater or it's in your
6 copper piping." And that was the answer we got. We began
7 asking around our neighbors. And, of course, while people
8 are reluctant to talk about their problems, we finally
9 were able to find out that we weren't the only one having
10 the difficulty. And so we decided we had better do
11 something about that.

12 The first thing that we did was to install a
13 water softener, which we have had in our previous homes.
14 The water didn't seem to be too hard here, so we didn't
15 put it in initially. But about a couple of months after
16 we moved in we said, "Let's put it in, perhaps it will
17 help the problem." Well, as many people have said, it
18 created more soap bubbles. And, in fact, did soften the
19 water, but no change in the water, either the odor or on
20 the color. It just more or less stayed the same.

21 So then we said, "Well, we can't certainly drink
22 this, we don't want to use it for cooking in. What shall
23 we do?" And someone recommended that we perhaps should
24 look into using the deep well water that is supplied, I
25 believe, by the county. There is a couple of places up on

1 Little Road (phonetic). So we end up there, and sure
2 enough the water coming out of those deep wells was pure,
3 it was good. That was something we could use. And so we
4 continued to. And so we continued to use that for about a
5 year. I got tired of going up there getting bottles of
6 water. And so we finally installed a reverse osmosis unit
7 that takes care of the water for the faucet that is in the
8 kitchen and also in our refrigerator so that we have both
9 ice and chilled drinking water from the reverse osmosis
10 unit. That water is fine.

11 We continue to have the problems, however, in
12 our bathroom. Maybe it is our heritage, we do like to
13 take baths. And we take them quite regularly. And quite
14 regularly we have black water for a short period followed
15 by gray water. And I think -- I don't believe I have
16 taken a bath in a very clear water since we have come.
17 But since we are only here for six months we sort of put
18 up with it. Then we go back to Michigan and we have very
19 nice water up there.

20 The other thing that we find strange is that our
21 son lives in Fairway Springs, which is not that far from
22 where we are here, and they have really good water. So
23 here we are again in Pasco County just a few miles apart,
24 I believe they have a different water supplier, and -- in
25 fact, I know they do. And so, again, it says that there

1 may be -- there has to be a problem somehow or other in
2 what Aloha Water's people are doing, whatever it might be.

3 I have been here now this morning for some hours
4 and again this evening. And you may be getting tired of
5 hearing the repetition that we are going through, but it
6 is a real problem. I hear the learned people amongst us
7 arguing about standards. I'm a little disappointed there
8 is no one here from the health department, because I
9 really believe it is a health problem in the long-run,
10 something that won't show up today or tomorrow, but can
11 show up years from now both in our children and in
12 ourselves. The DEP standards may be being met, but we
13 still have water that is not suitable for human
14 consumption or even for human use for other reasons.

15 Going back to my original point about the cost,
16 it is inconceivable that a utility company would propose a
17 system, a 400 percent increase, I think, was what they
18 said or thereabouts. At that level I will be paying over
19 \$2,000 per year for water and sewage treatment. Now, I
20 don't believe there is any facility in the country that
21 will be charging that amount of money to correct problems
22 that obviously they should have taken care of themselves.

23 I am concerned about the resale value of our
24 home. Because if asked about this problem I would have to
25 be honest and say, yes, we have a problem. And I don't

1 think it is going to get the price up. I believe the
2 price will go down. And I believe you have heard from
3 others today about the next problem I'm waiting to happen,
4 of course, is the leakages. Because if it is, in fact,
5 attacking the copper piping and leaching it from inside
6 and the pinholes are coming, I guess all of us will be
7 subject to that sooner or later.

8 In fact, I believe -- I haven't asked her
9 specifically, but I know my neighbor three doors down now
10 has had plumbers and builders in for the full week
11 replacing piping that has been leaking in three of their
12 bedrooms. And I believe it is from the same sort of
13 pinhole phenomena that the others have described.

14 So, I just wanted to add that to you, that it is
15 a problem for us. We think we have got it to a point
16 where by spending many dollars of our own in putting in
17 the water softener, putting in the reverse osmosis unit we
18 can live with it, but it certainly isn't the thing that
19 you want to do. I know that my wife is petrified when
20 guests come. And she is always running in running the
21 bath water way before they go in hoping that it won't show
22 up at the time they are there. And then we have to go
23 through that lengthy explanation of having a very nice
24 home, living in a industry nice area, and having the worst
25 water that anybody has ever seen. That's all I have to

1 say.

2 COMMISSIONER CLARK: Thank you, Mr. Mooney.

3 Mr. McLean.

4 MR. McLEAN: No questions.

5 COMMISSIONER CLARK: Mr. Deterding.

6 MR. DETERDING: Just one question, Mr. Mooney.

7 Have you ever contacted Aloha about this problem?

8 MR. MOONEY: Yes, I said that I had them come
9 out once at the very beginning, and they ran the test at
10 the street side.

11 MR. DETERDING: That's right. Thank you, I'm
12 sorry.

13 COMMISSIONER CLARK: Mr. Jaeger.

14 MR. JAEGER: Yes. Mr. Mooney, you said your son
15 lives where?

16 MR. MOONEY: Fairway Springs.

17 COMMISSIONER CLARK: Could you spell that?

18 MR. MOONEY: F-A-I-R-W-A-Y Springs, just like
19 the fairway. Sorry for the accent.

20 MR. JAEGER: And where is Fairway Springs in
21 relationship to Wyndtree or Chelsea?

22 MR. MOONEY: Well, it is off State Road 54, and
23 it is about, oh, half a mile east of Little Road or
24 Highway 1, State Highway 1.

25 MR. JAEGER: No further questions.

1 COMMISSIONER CLARK: Commissioners. Thank you,
2 Mr. Mooney.

3 MR. MOONEY: Okay. Thank you.

4 MR. McLEAN: I have K.S. and I can't quite make
5 out how the last name is spelled, but it is -- it looks
6 like K-N-I-N-A-R.

7 COMMISSIONER CLARK: Do you have an address?

8 MR. McLEAN: Yes. 7725 C-R-A-I-G-H-I-R-S-E,
9 maybe.

10 COMMISSIONER CLARK: I don't see anyone coming
11 forward.

12 MR. McLEAN: Okay. Ron Lipp, please.

13 RON LIPP

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

16 DIRECT STATEMENT

17 MR. LIPP: Good evening. My name is Ron Lipp,
18 1390 Davenport Drive, New Port Richey, at Chelsea Place
19 Subdivision.

20 COMMISSIONER CLARK: Your last name is L-I-P?

21 MR. LIPP: Double P, as in papa.

22 COMMISSIONER CLARK: Okay.

23 MR. LIPP: I used to come to quite a few of
24 these meetings when they started off. When I built in the
25 early '90s, '92 I moved in, Aloha Water was very good. We

1 had good pressure, not a problem with it. Then the
2 pressure started going down, so they are going to switch
3 wells. They are going to do us a favor. This is great.
4 And they did. And when they switched the wells that is
5 when the problems started.

6 So we started having meetings with them. And
7 Steve Watford and his associates, they came and explained
8 to us, well, the reason you are having these problems with
9 black water is because you have water softeners and that
10 is what is doing it to it, and/or your hot water heaters.
11 And they specifically told you over and over the same
12 thing. But that wasn't clarifying the problem.

13 So a long story short, the leaks were starting
14 before they even came into the house. So that eliminates
15 the water softeners, the hot water heaters, et cetera.
16 That right there takes their thing out of the ballpark.
17 So my question is, if I could ask, Mr. Watford, what is
18 the reason we are having black water, please? Can I ask
19 that?

20 COMMISSIONER CLARK: Mr. Lipp, we are going to
21 have testimony from the company tomorrow on that issue.
22 But Mr. Watford and Mr. Porter are under oath. Mr. Porter
23 or Mr. Watford, do you want to answer that question? I
24 think it would be helpful.

25 I understand you have a position on this, and I

1 think it would be fair to give that now.

2 MR. DETERDING: Well, Commissioner, I think it
3 is a very detailed and complicated issue, which is why Mr.
4 Porter and Mr. Watford have provided probably over 100
5 pages on that issue. I mean, I guess he could -- Mr.
6 Porter could give a two-minute synopsis of the key reasons
7 that we believe are causing the problem.

8 COMMISSIONER CLARK: I think that would be
9 helpful with the understanding that a fuller explanation
10 will be given tomorrow, and it is part of the prefiled
11 testimony. Go ahead, Mr. Porter.

12 MR. PORTER: Okay. My name is David Porter, I
13 am the consulting engineer for Aloha Utilities. There are
14 a whole host and myriad number of reasons why a number of
15 the homes are experiencing the copper sulfide phenomenon.
16 As a matter of fact, there is an awful lot of study effort
17 going on into that area right now, and has been for the
18 last couple of years, even on the state and national
19 level.

20 This is not an isolated problem. This problem
21 is seen not only here but in other states and across the
22 State of Florida. There has also been a state-sponsored
23 study group to study the problem across the State of
24 Florida, and there is findings on that.

25 But it basically boils down to a number of

1 issues, all that mix and match. And depending upon how
2 those potential causes come together will determine
3 whether you get the problem or you do not. As I'm sure
4 you are aware, there are some homes near you that don't
5 get the problem. There are other homes that do. One
6 thing that is absolutely sure is that the water is the
7 same going into all the homes. Those homes that don't
8 have the problem get our water get Aloha's water; those
9 that do have the problem get Aloha's water. That is the
10 one thing that is the same in every home.

11 Now, there are conditions in the homes, though,
12 that can have a direct effect on whether that copper
13 sulfide is formed. It can be anything from the way that
14 the electrical system is grounded to your copper piping
15 system, to the type of copper piping you have in your
16 home, to the quality of the copper piping in your home, to
17 what goes on inside your hot water tank which can convert
18 sulfates in your water back to sulfides, and sulfides and
19 copper when they come together form copper sulfide.

20 COMMISSIONER CLARK: And that is the phenomena
21 of the black water, is that correct?

22 MR. PORTER: Yes. But all of those issues
23 contribute to it.

24 MR. LIPP: Excuse me. The question I asked you,
25 this is before it gets into the house you are having the

1 leaks.

2 MR. PORTER: Uh-huh.

3 MR. LIPP: So we were not talking about hot
4 water heaters anymore, anything to do with it. Just your
5 water before it comes into the house is putting holes in
6 pipes.

7 MR. PORTER: Well, remember what I just said,
8 there are also other things that can cause copper
9 corrosion. The way the electrical system is grounded to
10 your piping system, and there has been exhaustive study on
11 that, and there has been a study here in the State of
12 Florida on that very phenomenon. Lightning strikes in
13 your area can have a direct effect on the leaks in your
14 copper piping going into your home. Again, there has been
15 studies by numerous people and published in the literature
16 in Florida on that issue, not just from us, but from many
17 others.

18 So, you know, come back tomorrow and I will be
19 glad to let you listen to the whole thing. But there are
20 numerous sources of potential problems with copper piping
21 in the home that can lead to every one of the problems you
22 are talking about.

23 COMMISSIONER CLARK: Mr. Lipp, I can tell you
24 that Mr. Porter has filed direct and rebuttal testimony.
25 It will be in the transcript, and you can get those

1 transcripts, I believe, via the Internet. There is a way
2 to get it from our website, so you will have the full
3 explanation that we hear tomorrow.

4 MR. LIPP: Thank you.

5 COMMISSIONER CLARK: Mr. Lipp, let's just see if
6 there are any questions of you. Mr. McLean.

7 MR. McLEAN: I have none. Thank you. Mr.
8 Deterding.

9 MR. DETERDING: Just a couple.

10 Mr. Lipp, do you have a home softening unit at
11 your house?

12 MR. LIPP: I dismantled it on your QT quite
13 awhile ago because that was giving me black water. So,
14 no, it doesn't function anymore.

15 MR. DETERDING: And you have black water before
16 and after that softener, is that what you are telling me?

17 MR. LIPP: I have it coming right out of the
18 hose where your water comes into my house, where I have
19 got a spigot, it comes out black.

20 MR. DETERDING: Have you ever filed a complaint
21 with Aloha about the water discoloration?

22 MR. LIPP: No, because I have known what
23 happened and why waste my time. It is as useless as
24 shoveling you know what against the tide.

25 MR. DETERDING: So you have never filed a

1 complaint with Aloha?

2 MR. LIPP: No, but when I send in my bill -- may
3 I answer this, I address it to Black Water Utilities. I
4 can't help it. I know I'm being smug. But I'm just so
5 irate about this, and you guys have been getting away with
6 it for too long.

7 MR. DETERDING: I don't have anything further.

8 COMMISSIONER CLARK: Staff.

9 MR. JAEGER: Yes. Mr. Lipp, you said when they
10 switched wells I think you said that is when the black
11 water problem started?

12 MR. LIPP: I'm sorry, sir, what?

13 MR. JAEGER: I think I heard you testify that
14 when they switched wells that the black water problem
15 started. Can you narrow down when that happened?

16 MR. LIPP: I think that was about '94. Because
17 we were losing the water pressure and they were drilling
18 the well and they were going to give us a new well. And
19 shortly after that that is when everybody in Chelsea Place
20 and the surrounding area started having water problems,
21 yes.

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

24 COMMISSIONER CLARK: Commissioners. Thank you,
25 Mr. Lipp.

1 MR. McLEAN: Commissioner, that was the last
2 customer I have signed up.

3 COMMISSIONER CLARK: Okay. Is there anyone else
4 in the audience that is here to give testimony that we did
5 not call? Do you want to come forward? Were you sworn
6 in?

7 MR. LANDAS: No, I came in late.

8 COMMISSIONER CLARK: I'm going to swear you in
9 and then I'm going to ask you to give your name and
10 address and will you spell your last time.

11 (Witness sworn.)

12 WINNIE LANDAS

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

15 DIRECT STATEMENT

16 COMMISSIONER CLARK: Please have a seat.

17 MR. LANDAS: My name is Winnie Landas,
18 L-A-N-D-A-S. I moved into Chelsea Place, that is 1245
19 Middlesex Drive, four months ago. When we were closing
20 our house and we had a walk-through, we turned on all of
21 our faucets to find out if everything is draining fine,
22 and we saw this black water. And we thought it was coming
23 from the hot water heater.

24 Before we signed to close for the house, we
25 demanded the water heater changed, and they did. And that

1 didn't solve the problem. There is black water coming out
2 of, you know, the faucet outside. The way I found out
3 about it, I had a pool leak and that is how I -- it became
4 like a dye. I found I have a leak in the skimmer, and
5 that's how I find out that, you know -- sorry if I'm --

6 COMMISSIONER CLARK: Let me ask you a question,
7 Mr. Landas. When you had the walk-through in the house,
8 you thought it was the hot water heater. Was that because
9 it only happened when you turned on the hot water?

10 MR. LANDAS: Right. Because what we tried to do
11 was turn on all the faucets and make sure all the drains
12 were good. But when we did that, we saw this black water
13 coming out, and especially coming out of the hot water.

14 COMMISSIONER CLARK: Okay. So that's why you
15 concluded you needed a new water heater and they put one
16 in?

17 MR. LANDAS: Yes, they did. And that didn't
18 solve the problem.

19 COMMISSIONER CLARK: And then you have noticed
20 black water outside of your house?

21 MR. LANDAS: Right. Coming out from the
22 outside. Because I fill the pool with --

23 COMMISSIONER CLARK: With the hose?

24 MR. LANDAS: With the outside water because I
25 didn't want to use conditioned water because it is bad,

1 that's what they told me. And it just, you know, it
2 became like a dye. I saw that it was -- you know, I saw
3 that it was seeping through my skimmer, and that's how I
4 found out there was a hole in my skimmer. I mean, on the
5 side. I patched it.

6 This water is what I got today. And I could
7 have got you a better sample, but I just drained the tub a
8 couple of days before. And I thought I was going to get a
9 better -- the same sample, but I had water like this.

10 COMMISSIONER CLARK: Let me ask you this. You
11 said you didn't want to use conditioned water in your
12 pool. Do you have some sort of water softener or filter
13 in your house?

14 MR. LANDAS: Yes.

15 COMMISSIONER CLARK: Do you know what kind you
16 have?

17 MR. LANDAS: I think it is that Kinetco water.
18 And we had reverse osmosis, too. But prior to that I was
19 living in Greenberg Estates for ten years. And I had the
20 best -- there is no comparison with that water. That was
21 county water, Pasco County water. And if I knew the
22 water, you know, if I knew that I am going to have this
23 problem, I wouldn't even have bought that house. Because
24 it is really disgusting.

25 Even in the tub you have to run it a couple --

1 if you run it you get -- if you haven't used the tub for
2 awhile you run it and you are going to get water like
3 this. Then it will turn lighter. Then when it is not
4 grayish anymore it is kind of greenish, I think.

5 COMMISSIONER CLARK: Does it ever run completely
6 clear?

7 MR. LANDAS: No, I don't think it does. The
8 only place I see it clear is on the reverse osmosis side
9 of it.

10 COMMISSIONER CLARK: And is that in your
11 kitchen?

12 MR. LANDAS: Yes, the kitchen sink. And that
13 feeds the icemaker, also, and the water in the frig.

14 COMMISSIONER JABER: You said you moved in four
15 months ago, but how old is the house?

16 MR. LANDAS: It was built in '91.

17 COMMISSIONER JABER: Thank you.

18 COMMISSIONER CLARK: Anything else, Mr. Landas?

19 MR. LANDAS: That's really it. I'm just
20 concerned about the value of the house, too. And I never
21 really honestly spoke to anybody, you know, in my
22 neighborhood about this until I saw that flier on Chelsea.
23 And even if it was late, I came and try and bring a
24 sample.

25 COMMISSIONER CLARK: Thank you.

1 Mr. McLean, do you have any questions?

2 MR. McLEAN: Yes, ma'am, I do. You just moments
3 ago said sometimes you have water like this, and you
4 picked up a glass. Would you pick that up again.

5 MR. LANDAS: This one.

6 MR. McLEAN: Yes. Now, that has very black
7 water in it, doesn't it?

8 MR. LANDAS: Yes, it has got sediment on it,
9 too. Last week my cold water in my washer, you know, it
10 is doesn't have as much pressure as my hot water, so I
11 pulled -- I pulled the rubbery tube off from the wall and
12 there is a lot of black sediment that is clogging the
13 pipe. I mean, the screen filter coming into the --

14 COMMISSIONER CLARK: The hose to your washing
15 machine, the filter, it has a lot of sediment in it.

16 MR. LANDAS: Right. And after I drained it, I
17 had water like this. On the cold water. I was surprised,
18 the cold water. It is usually in the black. And now with
19 all of what I'm hearing here about the pinholes, you know,
20 I know I have in the master bathroom under the cabinet
21 there, I noticed that there was -- the wood was, you know,
22 kind of warped. So I just made a line with a pen just to
23 make sure if it is it growing or not, or it could have
24 been a previous problem that was fixed before. But
25 hearing all of these pinhole problems, I'm really worried

1 spending \$500 here and there. People knocking my walls
2 down and, you know.

3 COMMISSIONER CLARK: Mr. McLean.

4 MR. McLEAN: Yes, ma'am.

5 Where did you move from, I heard you say another
6 subdivision?

7 MR. LANDAS: Greenberg Estates.

8 MR. McLEAN: How far away is that?

9 MR. LANDAS: Two or three miles.

10 MR. McLEAN: Did you all get a fair share of
11 lightning up there?

12 MR. LANDAS: Oh, yes.

13 MR. McLEAN: And how about did you go ahead and
14 subscribe to the electrical system as long as you had a
15 house? Did you have electricity in your house?

16 MR. LANDAS: Yes.

17 MR. McLEAN: Thank you, sir.

18 Nothing further.

19 COMMISSIONER CLARK: Mr. Deterding.

20 MR. DETERDING: I don't have any questions.

21 COMMISSIONER CLARK: Staff.

22 MR. JAEGER: I've got just a couple of
23 questions. I'm sorry, Commissioner Clark. You said you
24 had a filtration system, and then also an RO system just
25 on like the sink in the kitchen, is that right?

1 MR. LANDAS: No, just the RO on the kitchen.

2 MR. JAEGER: Do you have a regular carbon
3 filtration that is someplace else?

4 MR. LANDAS: I think one of those filters are
5 carbon. I'm afraid to open it up and see what is in
6 there.

7 MR. JAEGER: But the carbon filtration doesn't
8 get rid of the black water?

9 MR. LANDAS: No, we still get the --

10 MR. JAEGER: You still get it with the carbon,
11 but not the RO?

12 MR. LANDAS: In the reverse osmosis, I don't see
13 the black water, because it is probably the reverse
14 osmosis is probably clearing it up. But the water is a
15 little brownish, the water is still brownish. It is
16 mostly on the pool, bath, and the master bedroom. And
17 every time, you know, I got company coming in, you know,
18 like my parents stay in the house, we run the water
19 because we don't want them to see the water.

20 MR. JAEGER: But the RO water is head and
21 shoulders above any of the other water in your house?

22 MR. LANDAS: Excuse me?

23 MR. JAEGER: It is head and shoulders better
24 than any of the other water you get in the house, the
25 water you get through the RO unit?

1 MR. LANDAS: Yes.

2 MR. JAEGER: Thank you. No further questions.

3 COMMISSIONER CLARK: Commissioners.

4 COMMISSIONER JACOBS: Mr. Landas, did you
5 experience the odor, as well?

6 MR. LANDAS: No. What I noticed, though, is the
7 outside faucet that doesn't -- before it goes through my
8 salt water conditioner, you can smell how much chlorine
9 there is in there.

10 COMMISSIONER JACOBS: Okay. So you do get the
11 chlorine smell?

12 MR. LANDAS: Yes. And I think the water that is
13 coming out of there is more -- it is greener and a lot --
14 there is a lot of chlorine, you can smell it. Because
15 sometimes I just wash my car and I could smell the
16 chlorine in there.

17 COMMISSIONER JACOBS: How about your pressure,
18 how is that?

19 MR. LANDAS: The pressure is low. Once in
20 awhile -- lately it has been real low. And I notice -- I
21 leave the house for work at around 8:30, and I see Aloha
22 flUshing the water almost every day this week really, or
23 other every day.

24 COMMISSIONER JACOBS: Okay. So you have
25 observed the flushing of the hydrants, also?

1 MR. LANDAS: Yes.

2 COMMISSIONER JACOBS: Okay. Thank you.

3 MR. LANDAS: You know, I just say to myself, why
4 are they wasting water? Are they clearing something every
5 day before this meeting or something? I don't know.

6 COMMISSIONER CLARK: Thank you, Mr. Landas.

7 MR. LANDAS: You're welcome.

8 MR. McLEAN: I have no more customers. I do
9 need to fulfill a promise or two. A sample of water was
10 dropped off either by the Reverend Terry McKenzie
11 (phonetic) or the Reverend Jason Pounell (phonetic).
12 The sample right here appears to have a bit of sediment in
13 the bottom. Another customer -- and I promised to present
14 that to the Commission and do so now.

15 Another customer, I don't have the person's
16 name, was a lady, the address is 1363 Haverhill Drive.
17 She is a customer of Aloha. She dropped off a sample, as
18 well. It appears to have some sediment in it consistent
19 with the other samples.

20 And lastly, a lady dropped this off. I didn't
21 get her name. I know that she was an Aloha customer. I
22 believe it is the entrails of a deceased coffee pot. And
23 it has some sort of sediment in it, beyond that I can't
24 say. Anyway, I promised that I would tell the Commission
25 what it was and that she dropped it off.

1 COMMISSIONER CLARK: Okay. Is there anyone else
2 here who would like to present some testimony?

3 MR. RIFKIN: Can I come up again?

4 COMMISSIONER CLARK: Briefly, Mr. Rifkin.

5 CHARLES RIFKIN

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

9 DIRECT STATEMENT

10 MR. RIFKIN: It won't take but a couple of
11 seconds. I said I left my bag out in the car, so I went
12 out and got it. But these are two the pipes that the
13 plumbers had to that replace. And the reason I have
14 tissues in either end is because of all the black inside
15 the pipes. These are the pipes that come right outside
16 the meter before they go into house. And this is the ones
17 that were leaking.

18 That's before the reverse osmosis, before a
19 water softener that I don't have. And also the water that
20 I took, this one was taken at -- I think at 6:15 or 6:20
21 tonight. This one was taken at 6:05 tonight. This one
22 was taken at 7:30 on the 15th, and this one was taken
23 around 8:00 o'clock this morning.

24 And that other water sample that I brought in
25 belongs to Bob Francis (phonetic) that lives in Chelsea

1 Place. I don't have his address with me, because I didn't
2 bring that along.

3 First of all, I wrote a letter to Mr. Lowe, and
4 he told me to make sure that I was here tonight to
5 testify. I was going to make it this morning, but I had
6 other things that I had to do. Aloha said they would put
7 an inhibitor in the water and it would clear up the pipes,
8 and then I wouldn't have no more black water. I don't
9 know if they ever put an inhibitor in the water or not,
10 because I never noticed any difference. Dave Porter told
11 me the same thing.

12 This morning a truck from Aloha was outside my
13 house at 8:30. He had just start getting to his car when
14 I seen him, or I should say in his truck. But by the time
15 that I got down to him he had already took off and took
16 out of Chelsea Place. He was headed out the other end.
17 So I don't know if he was on my property and took that
18 sample or not. But then after that I decided to see if I
19 could catch up to him. So I rode around and ended up on
20 Haverhill Street, and come up Haverhill, and there was the
21 young guy there taking a water sample.

22 I sat there for half an hour while he flushed
23 the water out of there. I thought we were on water
24 restrictions. How could they waste all of that water if
25 we are restricted that we can't even water our lawns.

1 After that I left and went all the way up to the
2 end of Davenport Drive, which is the back entrance of
3 Chelsea Place. I stayed there for ten minutes because I
4 had someplace to be. After ten minutes I left. But in
5 the meantime the fire hydrant was still wide open and the
6 water was still coming out when I left. So I don't know
7 how long that guy was going to let it run.

8 Down by the recreation center they opened up
9 another -- it is not a hydrant, it's just a regular pipe
10 that comes out of the ground. They opened that up and let
11 water run out, which they do at three or four different
12 places around Chelsea Place.

13 Every once in awhile I'm walking my dog and I
14 see these guys out there, and I ask them, "Well, what is
15 this for?" Well, this is the only way we can get chlorine
16 into your house. We have to do it at all different
17 locations. This way we get the chlorine to come up into
18 your house and then your water will be okay.

19 The only time I really see the chlorine or smell
20 it my house is any time we are going to have a meeting
21 with the Public Service Commission. They got guys all
22 over the place cleaning pipes out. That's the only time
23 you ever see them. All of a sudden they start dying down
24 like they are not -- maybe they don't have any more people
25 working there, I don't know. Maybe they got tired of

1 working there.

2 But, anyway, maybe I shouldn't even say this,
3 but the reason Steve Vinto is not here tonight, his wife
4 just passed away with cancer. There are six or seven
5 other people in Chelsea Place that have died of cancer.
6 Whether this has anything to do with the water, I do not
7 know, but I wish somebody would find out. There are also
8 at least eight people that have cancer but they are still
9 living yet. And if they keep drinking Aloha water I don't
10 know how much longer they are going to last.

11 So that's all I have to say. Anybody got any
12 questions I will answer them for them.

13 COMMISSIONER CLARK: Thank you, Mr. Rifkin.

14 MR. McLEAN: Thank you.

15 COMMISSIONER CLARK: Thank you. That concludes
16 our customer testimony this evening.

17 For your information, we will be back here at
18 9:00 a.m. tomorrow and we will start the technical portion
19 of the hearing. Thank you all very much.

20 (Thereupon, the hearing adjourned at 10:30 p.m.
21 to reconvene at 9:00 a.m. a.m., Thursday, March 30, 2000
22 at the same address, and the transcript will continued in
23 sequence in Volume 4.)

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25

1 STATE OF FLORIDA)

2 : CERTIFICATE OF REPORTER

3 COUNTY OF LEON)

4

5 I, JANE FAUROT, RPR, Chief, FPSC Bureau of
6 Reporting, Official Commission Reporter, do hereby certify
7 that the Hearing in Docket No. 960545-WS was heard by the
8 Florida Public Service Commission at the time and place
9 herein stated.

7

8 It is further certified that I stenographically
9 reported the said proceedings; that the same has been
10 transcribed under my direct supervision; and that this
11 transcript, consisting of 188 pages, Volume 3 constitutes a
12 true transcription of my notes of said proceedings.

10

11 I FURTHER CERTIFY that I am not a relative,
12 employee, attorney or counsel of any of the parties, nor
13 am I a relative or employee of any of the parties'
14 attorneys or counsel connected with the action, nor am I
15 financially interested in the action.

13

14 DATED THIS 11TH DAY OF APRIL, 2000.

14

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16



JANE FAUROT, RPR
FPSC Division of Records & Reporting
Chief, Bureau of Reporting
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