

PETITION FOR RELIEF

Pursuant to our rights, we, the residents of the Wedgefield Community (hereinafter known as Wedgefield), do hereby petition the Public Service Commission (hereinafter known as PSC) for relief in the matter of Docket No. 9914337-WU, Wedgefield Utilities, Inc., a subsidiary of Utilities, Inc. (hereinafter known as Utility), regarding the application filed by the Utility for an increase in water rates. Notice was received by Wedgefield and the ensuing petition is in response to the aforementioned application.

Let it be known, through this document, Wedgefield's reasons for refuting the Utility's request for said increases. Let it also be known that this petition is based on documented complaints from Wedgefield regarding the quality of water and multiple issues regarding the water service from the Utility. It is Wedgefield's understanding that, in accordance with Florida Statutes, the PSC will consider all complaints when making its final decision. It is also Wedgefield's understanding that the current complaint is being processed under the PSC's "Proposed Agency Action" (PAA) procedure and will not be set for a formal PSC hearing unless a timely protest to the PSC proposed action is filed. It is our further intent, through this petition, to lay the groundwork for such a protest in the event that the PSC should find for the Utility.

Therefore, Wedgefield now enters into the complaint portion of the petition and submits the following data to the PSC for serious consideration and review.

Wedgefield finds it ludicrous when reading the Utility's reasons for requesting the rate increase, namely and foremost in their request, "...not generating enough revenue to provide any return on its investment." Let it be known that at the time of the Utility's request for 'cost' or 'basis,' the PSC granted the Utility a 'fair market' basis of \$2.8 million in deference to a 'cost of acquisition' basis of \$540,000 resulting in an amount more than five (5) times the actual value, thereby giving the Utility a higher range for figuring "...any return on its investment."

Wedgefield further finds it ludicrous that additional reasons stated by the Utility for the rate increases are referred to as, "...major water plant improvements in recent months." The Utility, in its application, states these improvements include "...replacement of an underground diesel fuel storage tank, modification of the water softeners, and the acquisition of a parcel of land for the current water treatment plant which will benefit customers of the Utility." Though Wedgefield cannot speak to the underground diesel fuel storage tank replacement, it can indeed speak to the

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other two issues. Though it is not relevant to the water rate increase issue, let it be known now, and for future reference, that the parcel of land acquired for the current treatment plant expansion was purchased by the Utility for \$12,000. This needs to be noted now in the event the Utility seeks an untimely 'cost' or 'fair market value' reassessment on the water treatment plant acquisition.

Be it further known that the condition of the water, its effect on the structures within the homes, the lack of pressure, the effect on the health of the residents, the necessity of installing water softeners in homes (which are ineffective at best), the purchase of bottled water for both human and animal consumption, and the astronomical costs of usage, have placed an economic burden on Wedgefield. This necessitated renters (who originally planned to purchase a home in the subdivision) to purchase elsewhere in Orange County, reluctance on homeowners to refer the subdivision to future buyers, and the consideration, if not necessity of current homeowners to place their homes on the market due to their inability to maintain the high cost of water and sewer, a necessity for living not a luxury. These current homeowners fear a market value loss because of the water and sewer situation existing here. Resale and new construction growth are being inhibited by the water situation in the Wedgefield Subdivision.

Let it be further known that Wedgefield has data noting that the Utility has been and still remains in noncompliance regarding the copper level in the water. It is presently being required by Department of Environmental Testing to test its water for copper on a six-month basis. To-date, the level is still out of compliance. It is our understanding that this copper level is a corrosive factor in our water. The DEP requires notification of each participant whose samples exceeded the action level of 1.3 mg/L for copper. The DEP in correspondence to the Utility noted as follows: "Note: The Department received copies of letters mailed to the customers who exceeded the 1.3 mg/L copper action level. However, these letters incorrectly state 'Sample results for the system indicated that our water meets federal and state requirements for lead and copper content....' Correct the public notice and resubmit with the Public Education Report." Wedgefield would have never known of this occurrence without delving into the DEP reports of water quality and actions regarding same. In a letter to the residents, it states "The table shows that our system continues to have a problem with copper in tap water. We want you to understand that this copper is not in the water supply when we pump it to your home but occurs due to leaching from the copper lines in household plumbing...." How can the copper not be in our water supply when it is in the samples being taken. In water

testing for the DEP, where are the samples taken from and when are they taken. It is our understanding that samples should be taken on first turn-on of kitchen faucets at the beginning of the day. However, the Utility does not have anyone available before 8:00 a.m. to do this testing. It further confirms to Wedgefield that the consumers living here are being “duped” at every possible turn in the road. This is an unfair practice and leads Wedgefield to question other notices from the Utility including, but not limited to, meter readings, accuracy of meters, quality of water, corrections and improvements made, etc. Based on the Utility’s request for a fair market value of \$2.8 million in deference to the cost of acquisition of \$540,000 (see above) and the PSC granting of same, it seems that the Utility has been successful in “duping” the PSC as well.

Wedgefield will now place before you our complaints. These are in random order as it is very difficult to determine order of importance (with the exception of personal health which will be dealt with at the end of the complaints).

The Utility is not only less than concerned, but arrogant in their response to individual Wedgefield complaints, questions, or issues. The Utility “acts” as if it is being imposed upon when receiving a phone call, is non-caring regarding either incorrect or improper water bills, unwilling to negotiate any kind of resolution on issues, but **QUICK** to send a ‘shut-off’ notice when either a disagreement is in process or when someone has met adversity and requests a payment provision from the Utility. In addition, many homeowners have been subjects of improper billing. They have noted, and informed the Utility of their absence from the home with recordings from the Utility of water usage. There have been inaccurate readings well over the “normal consumption” with one reading being 29,000 gallons and the homeowner being told it was accurate. She promptly filed a complaint with the PSC. She was told by the Utility to get a plumber because the usage was obviously a leak. This required her to lose income from time at work to meet the plumber who informed her there was no leak. They then required her to be present for a meter test which provided an erroneous reading because the meter was turning too rapidly. Could not the Utility have checked for a leak themselves by checking the meter when nothing was running instead of putting the burden of proof on the homeowner. This same homeowner, a single parent of two, sought refund of the overage of the outrageous and unbelievable \$600 water bill she received for two months usage. She was promptly given a ridiculous credit of \$145 as well as notice that if the bill was not paid, they would shut her water off. When contacting the PSC regarding her complaint and the threat of the

Utility, she was informed that the Utility had informed the PSC that the matter had been resolved. This was accepted as truth with no contact with the complainant to see if it indeed had been resolved. Though this case may be extreme, it is just one of the many horror stories told by Wedgefield in their dealings with the Utility. Homeowners have received the same bill, showing exact same gallons of usage for two months in a row or more. This is an impossibility, at best. There are other substantiated inaccuracies that indicate 'a meter bleed' or meter inaccuracy. What assurance does Wedgefield have that there are not inaccuracies, whatever the amount, on all of the meters? From the attitude of the Utility, Wedgefield cannot be assured that anything stated by the Utility is indeed truth. Meter inaccuracy, obviously, is a major source of income for the Utility.

The Utility continues to supply Wedgefield with 'potable' water according to the Utility's definition. However, Wedgefield has been subjected to the following over the past years by the Utility with no improvement, and, most definitely, with a continuing decline and a decrease in service which is hard to achieve since their service is less than minimal and their attitudes are condescending. The following are some of the complaints documented by Wedgefield:

1. Water is not drinkable and on more occasions than not, has a foul smell and a sickening taste. This cannot be considered water that meets state and federal guidelines.
2. On many occasions, 'potable' water is less than clear, sometimes having a yellowish, greenish, or brownish hue and particles are seen floating when a clean glass is filled from the faucet.
3. Laundry is severely affected by the quality of the water. Rust is found on clothes washed in an otherwise 'rust-free' washer, colors are faded, whites are grey, and no amount of additional washing can restore their original appearance. In addition, on many occasions, clean clothes coming from the washer and dryer have a sour odor and must be re-washed to be wearable. In addition, extra soap must be used to get any kind of cleaning power.
4. Dishwashers contain rust and yellow stains that no amount of cleaning will remove and dishes come from the dishwasher after cleaning with a grey haze on everything, dishes have unremovable rust stains, and flatware is spotted, and eventually becomes pitted. Similar reactions occur when washing dishes, glasses, and flatware with tap

water in the sink. Dishwashers have to be replaced for corrosion rather than mechanical failure. Stainless steel kitchen sinks are clouded with a film that is only removable by polishing with a stainless steel cleaner, the smell of which in itself is abominable.

5. Disposals are being “eaten through” by rust requiring replacement more often than normal required replacement. Some homeowners, who have lived here 10-15 years, have replaced their disposal at least three times. They need to be replaced because of corrosion rather than mechanical failure.
6. Refrigerator ice makers rust out and require replacement. In order to use the ice from the ice maker in a beverage, a water filter must be placed on the ice maker. Ice cubes are cloudy and have a distinctive odor to them.
7. Hot water tanks are filled with sediment (noted when doing maintenance draining), and rust is eating out the seams, bottom and connections of the tank requiring replacement ahead of the normal replacement time from corrosion rather than mechanical failure.
8. Shower enclosures are “coated” with a scale that cannot be removed with any strength cleaner no matter how much effort is used. Shower tracts and chrome trim are dull, coated and pitting. Even newer homes are now experiencing this pitting on their fixture.
9. Faucets are dull, coated and pitting. Faucet screens form a scale and when removing the faucet head, there is a solid green coating covering the screen severely limiting the little water pressure that is present. In attempting to clean the screen, it becomes damaged and requires replacement as does the faucet.
10. Shower heads are encrusted with deposits that require constant “dipping” to provide usage. Shower heads also need replacing on a regular basis due to pitting and corrosion. Corrosion is so severe, sometimes the shower heads snap off inside the wall requiring major plumbing repairs and wall replacement.
11. Marble sinks have grey water stains, are pitted, and dull. Enamel sinks are pitted and eventually rust. In both instances, the situation warrants sink replacement.
12. Tubs are dull and tiles in bathrooms lose their luster. Spotting occurs which no

amount of cleaning will remove. If abrasive methods of removal are used, then tiles become dull and need replacement. Grout is being eaten away in a rapid manner requiring new grout on a "too often" basis. Caulk cannot survive the water and cracks and peels even with constant replacement.

13. Plumbing has corroded (in several instances requiring almost full house re-plumb), toilet tank equipment is constantly rusting out requiring replacement every year or so to keep the seal with the flapper, the chain hook slips through the rusted lever preventing the cover from dropping properly and allowing water seepage causing increased water bills, much to the pleasure of the Utility. In addition, entire tank inserts need replacement on a regular basis. The water in the toilet tank has caused a dark rust-colored mark inside the tank for the full distance of the water level.
14. Toilets are stained with gray water rings and gray lines from water entrance into the bowl. Rust is present in the bowl and none of these stains can be removed with any cleaners. Abrasive means, such as a pumice stone, cause damage to the porcelain. Some toilets have green stains and refilling water, on many occasions, is discolored.
15. Car washing is prohibitive not only due to present water costs, but due to spotting which cannot be removed unless polish is rubbed vigorously immediately after drying vehicle.
16. Outside faucets break off as a result of internal corrosion of the pipes and must be replaced. When using a hose, the joint to which the faucet is bolted continues to leak needing constant tightening. Eventually, tightening will not stop the leak and the faucet must be replaced.
17. Water pressure, if you can call it that, is minimal at best. At times, it cuts out completely leaving the individual a "captive audience" at whatever task until such time as the pressure returns. It can be seconds and has been as long as three minutes. In the untimely case of fire danger when Wedgefield has been asked to "water down plants and trees and roofs as well as adjacent brush lots," there is insufficient pressure to fill a glass of water coming from the hose. Also, if the outside water is on and inside water is needed, it is non-existent and vice-versa. Pressure has been tested at customers' requests and found to be anywhere from 35 to 45 psi which is

unconscionable for multiple use.

18. Many residents have been forced to install a water softener and purifier in order to be able to “use” the Utility water. In many instances, this is still not sufficient to stop the staining and corrosion that takes place in the home and still does not take away the graying, spotting, etc. In some instances, adults as well as children have skin reactions, i.e., rashes, when showering or bathing in the Utility water. At times, the chlorine is so strong in the water that homeowners have to stop showering as it actually stings the body and cannot be tolerated.
19. For those who cannot afford to install a water purifier at a cost of approximately \$2500, they have been forced to use bottled water for drinking, cooking, or consumption of any kind. This results in an increased cost of \$30-\$50 per month based on the size of the household.
20. Some residents have installed an underground sprinkler system and well at a cost of approximately \$2500 in order to circumvent the abominable cost of keeping the outside landscaping green and not flammable. If outside water usage is to be deemed “reclaimed” and not subject to a sewer charge, even though it does not go through the sewer system, the option of installing a separate meter for outside water usage is available at a cost of approximately \$700 to \$1000. The cost changes each time the Utility is called for a quote and in several instances, homeowners have been informed that the Utility will not permit this to be done.
21. Now to the health complaints that were to be addressed at the end of this section. Many homeowners have been victims of physical pain and discomfort from the use of our ‘potable’ water. Some have complained of body rashes, swelling, severe dryness, and several mothers have experienced swelling of their infant’s faces and rashes on their children’s bodies. These same homeowners have lived elsewhere without any of the above mentioned complaints. Homeowners have complained about abdominal distress at times from drinking the water. Time is an age-old barometer for discovery of illness as a result of absorption or ingestion of certain products. We have all discovered, sometimes too late, of the dangers of certain foods, herbs not controlled by the FDA, and medications. The DEP is the governing

body for determining water quality and safety. However, when the Utility continues to exceed the limits on testing, they are given instructions to rectify the problem and submit samples for testing every six months until the problem is corrected. Wedgefield has been subject to continuing exposure to high copper levels for several years, at least, and we have to wait until the Utility brings its plant into compliance. When there is a pollution alert, people are advised to remain indoors and avoid breathing the polluted air until they are notified the pollution level is down. We are not even notified when there is an alert of a high level in our water so we can protect ourselves. Can we do without using the water for several years until it is in compliance. Who is to stand up for Wedgefield and its deplorable water? While this is taking place, how is our health affected and when will we feel the effects of the continued exposure? Where are the samples coming from? What other high level are we unaware of and what is it doing to us? How do we know the samples and results are bona fide when letters are sent to sample site residents indicating that the water meets the state and federal guidelines when indeed this is a lie?

The above listed complaints are being “enjoyed” by the majority of Wedgefield. In some cases, homes are too new to experience the plumbing, scaling, and staining problems. However, **ALL**, without exception, experience the “usage” problems.

Wedgefield finds the Utility’s request for a rate increase a derogation of respect for the homeowners and residents. Major corporations, who do not supply life-providing services, do not take advantage of their customers to this extreme. If this were the sale of a tangible service, the sale would be considered a scam at best and people would be warned to be wary. However, since it is a necessary element of living, Wedgefield is being held captive to this horrendous treatment and deems it to be compounded by the PSC’s willingness to grant the interim increase and to even consider giving the Utility the requested permanent increase. We will no longer be volunteers to serve the Utility’s whims whenever requested. What type of evidence is necessary to prove to the PSC that Wedgefield is a victim? How much do we have to tolerate until our voices are heard? It is no longer just a matter of the rate increase. Wedgefield wishes it was. It is a matter of health concerns. When will we know and will it be too late when we find out exactly how the Utility water is affecting our health? It is also a matter of concern for our property which has been purchased as



shelter for a long time to come, many purchases made with great sacrifice. Are we to just sit back and watch our possessions disintegrate? Be it hereby known, that Wedgefield **WILL NOT DO THAT!** We will do whatever it takes to make certain that we have a utility company that will serve our needs and concerns and maintain a standard that will not adversely affect our lives and our possessions. Orange County Utilities and Orlando Utilities seem to be able to provide their customers with a viable product of 'potable' water at a more than reasonable cost. Something must be done to see that Wedgefield is given the same right.

This Petition for Relief has been prepared from the direct written complaints and input of many residents. These complaints continue to come in as this is being prepared. This documentation is available to the PSC on written request.

The Utility's motto must certainly be "Increase Water Rates, Decrease Service." Be it known by this Petition, that Wedgefield's motto is "We will not rest until we receive safe and clean and usable water at a reasonable cost."

Submitted to the Public Service Commission by Certified Mail, Return Receipt Requested, this 7<sup>th</sup> day of July, 2000 by the residents of the Wedgefield Subdivision.

cc: The Honorable Jeb Bush  
Governor, State of Florida  
The Honorable Frank Brogan  
Lieutenant Governor, State of Florida  
The Honorable Bob Butterworth  
Attorney General, State of Florida  
The Honorable Bob Graham  
Senator, United States Congress  
The Honorable Bill McCollum  
Representative, United States Congress  
The Honorable Tom Feeney  
Representative, Florida House of Representatives  
The Honorable Bill Sublette  
Representative, Florida House of Representatives  
The Honorable Ted Edwards  
Orange County Commissioner  
Mr. Jack Shreve, Esquire  
Public Counsel  
Mr. Joe Garcia, Chairman  
Public Service Commission  
J. Terry Deason, Susan F. Clark, E. Leon Jacobs, Lila A. Jaber  
Public Service Commissioners

cc: Division of Records & Reporting  
Public Service Commission  
Mr. Bob Crouch, Supervisor  
Engineering Section  
Rate Case Division, Public Service Commission  
Mr. Marshall Willis, Bureau Chief  
Rate Case Division, Public Service Commission  
Mr. Daniel M. Hoppe, Director  
Division of Water & Wastewater  
Public Service Commission  
Vivian Garfein, Director  
Central District, Department of Environmental Protection  
Mr. Paul J. Morrison, Environmental Manager  
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Central District, Department of Environmental Protection  
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WESH, Channel 2 News  
Mr. Steven Cooper  
WKMG, Channel News  
Mr. Charles Leader, President  
Wedgfield HomeOwners Association