

DOCKET NO.: 020071-WS - Application for rate increase in Marion, Orange, Pasco, Pinellas, and Seminole Counties by Utilities, Inc. of Florida.

WITNESS: **Direct Testimony of Dwight T. Jenkins,**
Appearing on Behalf of the Staff of the Florida
Public Service Commission.

DATE FILED: June 16, 2003

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FPSC-COMMISSION CLERK

1 DIRECT TESTIMONY OF DWIGHT T. JENKINS

2 Q. Would you please state your name and business address?

3 A. My name is Dwight T. Jenkins. My business address is 4049 Reid Street,
4 Palatka, Florida.

5 Q. By whom and in what capacity are you employed? ..

6 A. I am employed by the St. Johns River Water Management District as the
7 Director of the Division of Water Use Regulation.

8 Q. Would you please summarize your educational and professional experience?

9 A. I graduated from the University of Florida in 1981 with a Bachelor of
10 Science degree in Geology. I received my Masters of Science degree in Geology
11 from the University of Florida 1983, and my Juris Doctor degree in 1994 from
12 the University of Florida College of Law. I am a licensed Florida
13 Professional Geologist and a member of The Florida Bar.

14 I began my professional employment as a hydrogeological consultant in
15 1984, and in 1986 I was employed by the St. Johns River Water Management
16 District as the Manager of the District's Orlando office. In this capacity,
17 I was responsible for overseeing that office's water use and
18 compliance/enforcement programs. In 1997, I became Director of the District's
19 Division of Water Use Regulation. My responsibilities include managing the
20 District's water use water well regulatory programs which includes specific
21 responsibilities for overseeing the District's water use permitting and
22 compliance programs, formulation of District water use, compliance,
23 enforcement and water shortage policies, directing staff reviews and
24 processing of consumptive use water well permit applications, coordination
25 with local government and the regulated public utilities, and testifying as

1 | an expert witness in administrative hearings.

2 | Q. Would you please summarize you testimony?

3 | A. The purpose of my testimony is to:

- 4 | (a) identify the District's priority water resource caution areas,
- 5 | (b) discuss the status of the utility's compliance with their
6 | consumptive use permits,
- 7 | (c) present the District's views on bi-monthly verses monthly billing,
8 | and
- 9 | (d) discuss whether conservation-oriented rate structures should be
10 | applied to the utility systems within the District's jurisdiction.

11 | Q. Have you attached any exhibits to your testimony?

12 | A. Yes. I have attached three exhibits to my testimony:

- 13 | (a) Exhibit DTJ-1 contains my professional resume.
- 14 | (b) Exhibit DTJ-2 presents a map of the District's 1998 priority water
15 | resource caution area boundaries,
- 16 | (c) Exhibit DTJ-3 presents a map of the District's 2003 priority water
17 | resource caution areas.

18 | Q. Would you please describe a priority water resource caution area?

19 | A. A priority water resource caution area is identified based on a
20 | comparison of water resource constraints to the results of assessments of
21 | hydrologic impacts due to projected 2025 demands. These are areas within which
22 | anticipated sources of water and conservation efforts are determined to be not
23 | adequate to supply water for all existing uses and reasonably anticipated
24 | future needs and to sustain the water resources and related natural systems
25 | through 2025.

1 Within these identified priority water resource caution areas, the
2 impacts of current or projected demands exceed the water resource constraints
3 for natural systems and/or groundwater quality. These priority water resource
4 caution areas cover approximately 40% of the District and include all or parts
5 of Alachua, Brevard, Flagler, Lake, Marion, Orange, Osceola, Seminole,
6 St. Johns, Putnam, and Volusia counties. The 2003 boundaries of the priority
7 water resource caution areas include areas that were not within the 1998
8 boundaries. These additional areas include portions of Alachua, Marion, and
9 Putnam counties, and northeastern Volusia county.

10 Q. Are any of the utility's systems in Seminole or Orange counties located
11 in priority water resource caution areas?

12 A. Yes, all of the utility's systems in Seminole and Orange counties are
13 located within priority water resource caution areas.

14 Q. Turning now to the next area of your testimony, would you please
15 summarize the utility's compliance with its consumptive use permits?

16 A. Of the Utilities, Inc. of Florida systems under consideration in this
17 case which are within the District's jurisdiction, all are currently in
18 compliance with their consumptive use permits.

19 Q. Would you please present the District's views on bi-monthly billing
20 verses monthly billing for the utility's water customers?

21 A. The District prefers that a utility bill their customers on a monthly
22 basis. This provides water users with more current information regarding
23 their water use and allows the customer to spot waste and leaks if they exist
24 and to adjust water use appropriately.

25 Q. The utility has requested that all counties be allowed to continue the

1 | standard base facility charge/uniform gallonage charge rate structure. Does
2 | the District agree with this?

3 | A. The District, pursuant to our rules, will require the utility to
4 | implement a conservation rate structure. Such structures are generally three
5 | or four tier inclining rate structures. However, the District does allow
6 | single or two tiered structures so long as the rates are sufficiently high as
7 | to promote conservation. For example, a single tiered structure that charges
8 | \$3.00 per 1000 gallons meets the District's requirements for a conservation
9 | rate structure.

10 | Q. What is the maximum percentage of fixed costs that the District would
11 | like to see in the base facility charge?

12 | A. The maximum percentage of fixed costs that the District would like to
13 | see in the BFC is 40%. The reason for this limit is that the District wants
14 | to have at least 60% of the cost tied to actual water use (gallonage charge)
15 | since charge for the actual amount of water used promotes conservation.

16 | Q. Does the District recommend that the utility's rate structures be
17 | changed in this proceeding to be consistent with the District's requirements?

18 | A. Yes. Since the District's rules require that utilities implement
19 | conservation rate structures, the District recommends that it is more
20 | efficient to change the utilities' systems rate structures as necessary in
21 | this proceeding to be consistent with District requirements. In this way, UIF
22 | will more timely comply with the District's rate structure requirements.

23 | Q. Does that conclude your testimony?

24 | A. Yes.

25 |

Dwight T. Jenkins, Esq., P.G.

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EDUCATION

University of Florida, College of Law
Juris Doctor
Graduated May 1994

University of Florida
Master of Science, Major in Geology
Graduated June 1983

University of Florida
Bachelor of Science, Major in Geology
Graduated June 1981

University of Central Florida
Associate of Arts
Graduated June 1979

TECHNICAL EMPLOYMENT

Director, Division of Water Use Regulation,
St. Johns River Water Management District,
Palatka, Florida; 1997 to present

Manage District's water use and water well construction regulatory programs. Responsibilities include: programmatic oversight and development of water use permitting and compliance/enforcement program, water well construction program, and well contractor licensing program; management of 36+ member professional staff located in four service centers; formulation and drafting of District water use, compliance, water well construction, contractor licensing, and water shortage rules, regulatory policies, and technical requirements; and directing staff review and processing of consumptive use and water well construction permit applications. Duties also include water supply management planning, assisting with the setting of minimum flows and levels, coordination with local government and the regulated public, and testifying as expert witness in administrative hearings.

Hydrologist IV

St. Johns River Water Management District
Orlando, Florida; 1986 - 1991, 1994 - 1995

Manage Water Use Regulatory, and compliance/enforcement, programs for the District's Orlando Office. Participated in the formulation and drafting of District rules, regulatory policies and technical requirements. Reviewed District water use and surface water management permit applications, comprehensive plans, development of regional impact plans, performed special project research and hydrogeologic modeling, and testified as an expert witness in hydrogeology.

Geologist

**Florida Sinkhole Research Institute
University of Central Florida
Orlando, Florida; 1984 - 1986**

Performed hydrogeologic research on Florida's karst geology, focusing on sinkhole phenomenon. Developed and implemented field and office studies. Published scientific publications.

Hydrogeologic Consultant

Orlando, Florida; 1984 - 1986

Contracted as a hydrogeologic consultant on an industrial ground water contamination project located in Bainbridge, Georgia. Duties included ground water sampling, quality analysis, and determination of contaminant concentration and plume extent.

**LEGAL
EMPLOYMENT**

Attorney, Office of Counsel

**South Florida Water Management District
West Palm Beach, Florida; 1995 to 1997**

Position is District Water Resource Program Attorney within the Office of Counsel's Regulatory and Planning Section. Duties associated with this position appertain to general program support of the District's Regulatory Department, particularly the Water Use Division, and the District's Planning Department. Support of the District's Water Use Division includes: review of water use staff reports; research, analysis, and drafting of legal opinions, on a variety of legal issues associated with regulatory and water use projects; conducting rulemaking, assisting with policy development; treating with regulated public; and conducting water use related administrative litigation. Support of the District's Planning Department includes: attendance at intergovernmental coordination meetings; support of the District's Upper District water supply planning initiatives; review of District planning documents; and general support of staff.

Legal Intern, Office of Counsel

**South Florida Water Management District
West Palm Beach, Florida; Summer 1993**

Performed legal research and other tasks related to the management and regulation of Florida's water resources. Tasks included summarizing changes to environmental laws and rules; rewriting District regulations for revision; helping with rulemaking; and working on current litigation projects.

**TEACHING
EMPLOYMENT**

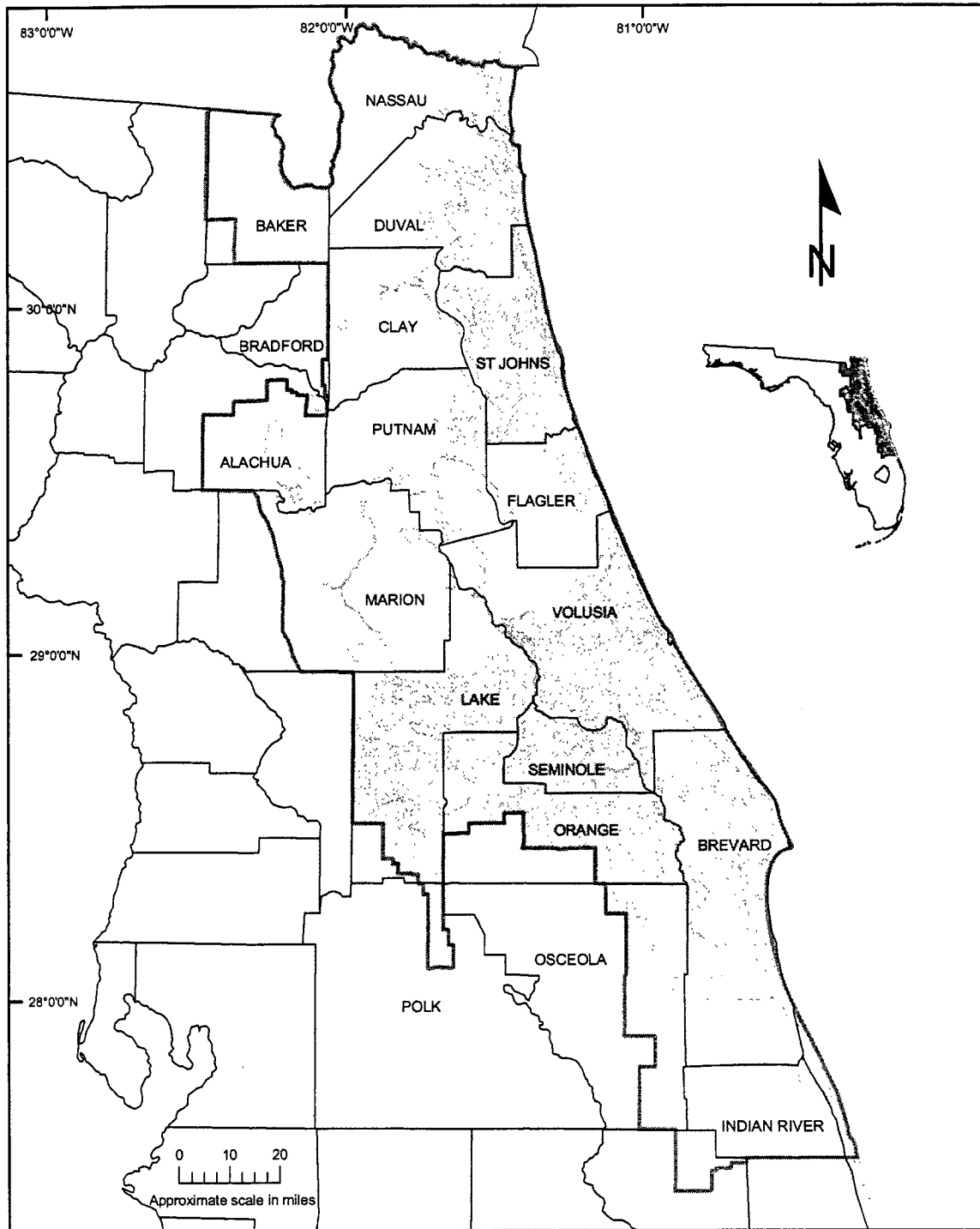
Adjunct Instructor

**University of Central Florida
Orlando, Florida; 1984 - 1991**

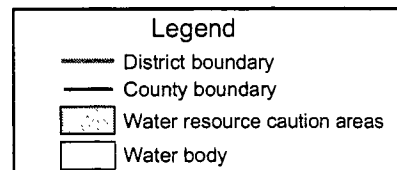
Instructed geology, geography and natural resource management courses as part of the University's College of Engineering.

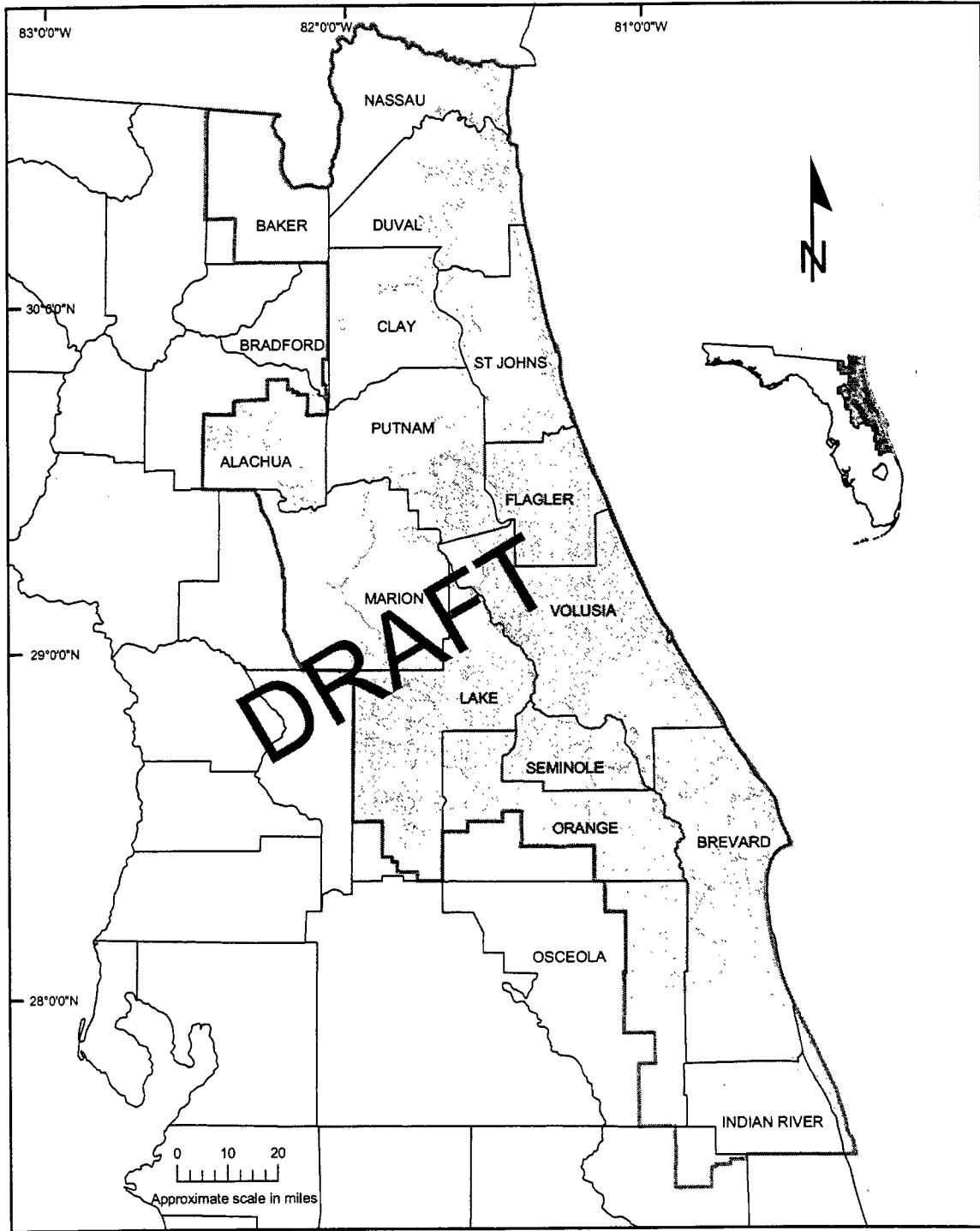
**PROFESSIONAL
LICENSES**

Licensed Florida Professional Geologist (No. 0001072)
Member of The Florida Bar (No. 0008753)



Water resource caution areas in the St. Johns River Water Management District, 1998





Priority water resource caution areas in the St. Johns River Water Management District, 2003

Legend

- District boundary
- County boundary
- ▨ Priority water resource caution areas
- Water body

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for rate
increase in Marion, Orange,
Pasco, Pinellas, and Seminole
Counties by Utilities, Inc. of
Florida.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Direct Testimony of Dwight T. Jenkins has been furnished to **Martin S. Friedman, Esquire**, Rose, Sundstrom & Bentley, LLP, 600 S. North Lake Blvd., Ste. 160, Altamonte Springs, Florida 32701, and **Stephen Burgess, Esquire**, Office of Public Counsel, c/o The Florida Legislature, 111 W. Madison St., Room 812, Tallahassee, Florida 32399-1400, by U.S. Mail, this 16th day of June.


LORENA A. HOLLEY, SENIOR ATTORNEY

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