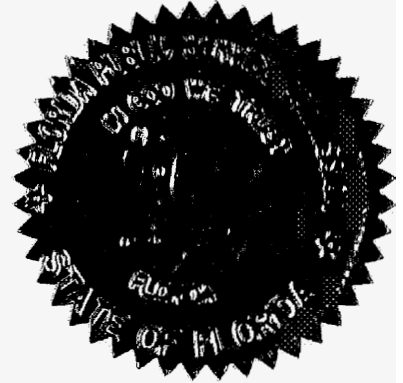


BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 021256-WU

In the Matter of
APPLICATION FOR CERTIFICATE
TO PROVIDE WATER SERVICE IN
VOLUSIA AND BREVARD COUNTIES
BY FARMTON WATER RESOURCES,
LLC.



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PROCEEDINGS: SERVICE HEARING
BEFORE: COMMISSIONER J. TERRY DEASON
COMMISSIONER LILA A. JABER
COMMISSIONER RUDOLPH "RUDY" BRADLEY
DATE TAKEN: Thursday, May 13, 2004
TIME: Commenced at: 6:00 P.M.
Concluded at: 6:17 P.M.
PLACE: City Council Chambers
New Smyrna Beach City Hall
210 Sams Avenue
New Smyrna Beach, FLORIDA
REPORTED BY: PATRICIA A. McCALL, RPR
COURT REPORTER AND NOTARY PUBLIC

ORIGINAL

DOCUMENT NUMBER: 05862

1 APPEARANCES:

2 DANIEL J. MCBREEN, ESQUIRE, de la Parte Law
3 Firm, P.O. Box 2350, Tampa, Florida 33601-2350 and the
4 City of Titusville, 555 South Washington Avenue,
5 Titusville, Florida 32796-3584, appearing on behalf of
6 the City of Titusville.

7 F. MARSHALL DETERDING, ESQUIRE, Rose Law Firm,
8 2548 Blairstone Pines Dr., Tallahassee, Florida 32301,
9 Farmton Management, LLC, 410 North Michigan Avenue, Rm.
10 590, Chicago, Illinois 60011, and Farmton Water
11 Resources, LLC, 1625 Maytown Road, Osteen, Florida
12 32764, appearing on behalf of Farmton Water Resources
13 and Farmton Management.

14 KATHERINE FLEMING, ESQUIRE, FPSC General
15 Counsel's Office, 2540 Shumard Oak Boulevard,
16 Tallahassee, Florida 32399-0850, appearing on behalf of
17 Commission Staff.

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I N D E X

WITNESSES

NAME:

PAGE NO.

MIKE THOMAS

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P R O C E E D I N G S

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MR. DEASON: Call the hearing to order.

Is this microphone working? Can you hear me okay?

Very well.

Can we have the notice read, please?

MS. FLEMING: Pursuant to notice issued April 19th, 2004, by the Clerk of the Commission, this date and time has been scheduled for a customer service hearing in Docket No. 021256-WU.

MR. DEASON: Thank you.

Take appearances.

MR. DETERDING: F. Marshall Deterding of Rose, Sundstrom & Bentley law firm here on behalf of Farmton Water Resources, LLC. And with me is Earl Underhill with Farmton.

MR. MCBREEN: I'm Dan McBreen. I'm with the law firm of de la Parte & Gilbert. We're here on behalf of the City of Titusville.

MS. FLEMING: Katherine Fleming with the Public Service Commission.

MR. DANIEL: I'm Patti Daniel with the Florida Public Service Commission.

MR. RIEGER: And I'm Stanley Rieger with the Public Service Submission.

1 MR. DEASON: Let me take this opportunity to
2 introduce myself. I'm Terry Deason, a member of
3 the Public Service Commission. I'll be chairing
4 the hearing this evening.

5 Seated to my right is Commissioner Lila Jaber
6 and seated to my left is Commissioner Rudy Bradley.

7 We will constitute the panel of Commissioners
8 which will be hearing this matter this evening and
9 we'll be hearing the matter for the technical phase
10 of the hearings which will be held in Tallahassee,
11 when?

12 MS. FLEMING: June 22nd through the 24th.

13 MR. DEASON: June 22nd through the 24th.

14 Let me take this opportunity to welcome
15 everyone out to the hearing this evening. We're
16 here in the matter of an application which has been
17 filed by Farmton Water Resources for a certificate
18 to provide water service in an area of South
19 Volusia County and Northern Brevard County.

20 This particular hearing this evening is to
21 permit the Commission to get input from the public,
22 customers, potential customers, concerned citizens,
23 about the application which is pending before the
24 Commission.

25 We have provided a special report, which there

1 are copies at the -- as you entered the hearing
2 room. If you have not obtained one, I would
3 encourage you to do so. It contains a lot of
4 background information not only concerning this
5 matter but the Public Service Commission in
6 general.

7 There are also contained here contact
8 information that permits the public to contact the
9 Commission about this or other matters under our
10 jurisdiction. I would encourage you to avail
11 yourself of that opportunity.

12 I would also point to your attention the last
13 page of this handout, it is actually designed to be
14 detached, and this is for those individuals who do
15 not wish to make a formal statement here tonight
16 but, nevertheless, wish to provide some comments to
17 the Commission. You may use this page, write the
18 comments, fold it and mail it to the Public Service
19 Commission.

20 I'd like to review just a moment the procedure
21 that we're going to follow this evening.

22 Ms. Fleming, do we -- are we going to have any
23 type of opening statements; do you know?

24 MS. FLEMING: If any of the parties request
25 opening statements, it's at your discretion to

1 allow --

2 MR. DEASON: Mr. Deterding, do you --

3 MR. DETERDING: We had not planned on it,
4 Commissioner, but we'll be glad to give one if you
5 prefer.

6 MR. DEASON: No, I'm not invite -- I'm just
7 kind of wanting to know if any of the parties wish
8 to make any type of opening statement.

9 MR. MCBREEN: No, sir.

10 MR. DEASON: Very well.

11 Staff, do you wish to make any type of...

12 MS. FLEMING: No, we do not. Thank you.

13 MR. DEASON: Okay. Very well.

14 Let me review, for just a moment, the
15 procedure we are going to follow. We are not going
16 to have opening statements. And, in just a moment,
17 any member of the public who wish to testify, I'm
18 going to ask you that stand and raise your right
19 hand, put you under oath. This is just so that
20 your testimony can become part of the record in
21 this proceeding.

22 We have a court reporter here with us this
23 evening who will be taking down the hearing and --
24 and transcribing it for the benefit of the record
25 and for the parties.

1 After witnesses are sworn in, I'll ask staff
2 counsel, Ms. Fleming, to call the people that have
3 signed up by name. We ask that you come forward.

4 Are we wanting the witnesses to come down at
5 the very front or use the podium? Does the court
6 reporter have a preference?

7 THE COURT REPORTER: As long as I can hear
8 them, no.

9 MR. DEASON: Okay. Do we know if this
10 microphone is activated?

11 UNIDENTIFIED SPEAKER: They are.

12 MR. DEASON: They are.

13 UNIDENTIFIED SPEAKER: They all are.

14 MR. DEASON: Okay. We'd ask that you come
15 down to the very front and you can be seated or use
16 the microphone, however is most convenient. If you
17 prefer to stand and if that microphone is
18 activated, you're welcome to do that. We just
19 wanted to make this as convenient for you as
20 possible. But it is important that you be at an
21 active microphone so that the court reporter can
22 take down what you have to say and so that the
23 Commissioners can ask questions, and things of that
24 nature, if there are any.

25 We ask that you give us your name, your

1 address. If you think it would be helpful to the
2 court reporter, you may wish to spell your name so
3 that it's recorded accurately in the record and
4 then you may give us your statement. And we ask
5 that you wait for a moment at the conclusion of
6 your statement and if there are any type of
7 clarifying questions that we, from here, that the
8 Commission may have or any -- any of the counsel
9 here present today that may have some questions.

10 Ms. Fleming, is there anything else that I
11 need to cover?

12 MS. FLEMING: No, that just about covers it.

13 MR. DEASON: Okay. Well, at this point, I'm
14 going to ask that if there are -- those members of
15 the public who have come and wish to testify this
16 evening, if you would just please stand and raise
17 your right hand.

18 (Mr. Deason swears witness.)

19 MR. DEASON: Okay. We usually swear in --
20 usually at these hearing we have numerous witnesses
21 and we just swear everybody in at one time.
22 Apparently there's only one person who has signed
23 up at this point.

24 Ms. Fleming, if you could call that
25 individual's name?

1 MS. FLEMING: Mike Thomas.

2 MR. THOMAS: Can y'all all hear me?

3 MR. DEASON: As long as the court reporter can
4 hear you, that's the main thing.

5 MR. THOMAS: Okay. My name is Mike Thomas,
6 T-H-O-M-A-S. My address is 1721 Royal Palm Drive,
7 Edgewater, Florida 32132.

8 Give you a little background on myself. I was
9 a Florida Wildlife Officer for, let's see, 28 and a
10 half years. I started in 1972 and retired in 2001.
11 During that period of time, I saw the need for some
12 quality hunting in Southeast Volusia. And I was
13 very fortunate to take over the Miami Corporation,
14 which is -- or you're calling them Farmton, and we
15 started the Miami Tract Hunt Club.

16 We also -- in -- in the rules and regulations
17 of my club, I made it a family club. We have 261
18 members. In that membership, their family, their
19 wife or spouse or children, are allowed to hunt on
20 their membership. And we have meetings, just like
21 you do, periodically to improve the quality of hunt
22 to get the suggestions from the hunters.

23 And after the initial 2001 season, it was a
24 very important voice from my hunt club members for
25 the need of drinking water out in the woods. It's

1 52,000 acres. And not only do they have dogs and
2 other type of animals and, you know, washing and
3 cooking, but we needed some drinking water.

4 Because if you're familiar with hunting you know
5 you have to take water to the woods. And it's a
6 very important commodity out in the woods,
7 especially to the family about cooking and making
8 ice tea and stuff like that in the woods and the
9 camping. And so the members felt like to have a
10 quality hunt, they asked me to approach the land
11 manager, which is Mr. Underhill, to try to get some
12 wells drilled out there so they wouldn't have to
13 travel as far.

14 So I approached Mr. Underhill by way of
15 letter, and I think he had to get in touch with his
16 supervisors, and they agreed to drill us some wells
17 at strategic locations throughout the area to
18 provide us drinking water. And he told me at that
19 point, he says, You know, we're going to have to
20 charge you for this, you know.

21 And I went back to the hunt club members and,
22 you know, told them that -- you know, what was
23 happening. And they agreed that a little bit more
24 money would be very well spent to have this very
25 important commodity, drinking water, out in the

1 woods where they wouldn't have to go back to
2 Titusville or back to Edgewater or New Smyrna to
3 get that, you know. And so they agreed on that.

4 And so Earl -- Mr. Underhill agreed to drill
5 us five wells at different locations throughout the
6 area which -- which made it very convenient. Like
7 two at the campgrounds and three at each one of our
8 check stations. We -- at our check station, we do
9 quality deer management. I saw that you're a
10 hunter, too. So we take very -- they have to list
11 the weight and the size of deer and we're not
12 letting them -- we're doing three on one side, if
13 you know what I mean. But, anyway --

14 MR. DEASON: I know what QDMA is and I'm
15 getting -- I've been educating Commissioner Jaber
16 about that.

17 MR. THOMAS: Okay. Well, we're -- we're not
18 doing trophy deer management, we're doing quality
19 deer management hopefully to get the trophy deer
20 management some day.

21 But, anyway, he was very, you know, willing to
22 do this and he did this for us and drilled us five
23 wells, which -- which came out very nicely. I
24 mean, they're located from the north end of the
25 property to the south end of the property and are

1 very convenient and two in our campground, so...

2 This is my board of directors back here. I
3 could have had 261 members, but I didn't see that
4 need. If you would like to talk to them or if they
5 would like to speak, but they asked me to speak,
6 and I think they're going to tell you the same
7 thing I am. But we're just very, very happy to
8 have this water commodity out there, you know.

9 MR. DEASON: Does that conclude your
10 statement?

11 MR. THOMAS: Yes, sir.

12 MR. DEASON: I'm going to open it up to
13 questions at this point, and I'm going to start it
14 off.

15 How long have the wells been in place?

16 MR. THOMAS: I think -- let's see, one year.
17 One year? Not quite one year.

18 MR. UNDERHILL: They were drilled three or
19 four months ago.

20 MR. THOMAS: Okay.

21 MR. DEASON: Okay. It's fairly recent, then?

22 MR. THOMAS: Yes, sir. This -- this last
23 hunting -- we had them this last hunting season,
24 didn't we? Yeah.

25 MR. DEASON: Okay. Do you -- do you have a

1 position on the application that has been filed by
2 Farmton with the Commission? Do you -- are you in
3 support of it? Opposed to it? Neutral?

4 I assume you want -- your main concern is that
5 you have obtained water service and you want to see
6 it continued.

7 MR. THOMAS: Yes, sir.

8 MR. DEASON: Okay. But you don't have any
9 particular position on the -- on the application
10 that's been filed with the Commission?

11 MR. THOMAS: We're in support of it.

12 MR. DEASON: Supportive of it. Then that way
13 you would continue to get your water supply.

14 MR. THOMAS: Yes, sir.

15 MR. DEASON: Okay. Commissioners, any
16 questions? Commissioner Jaber?

17 MS. JABER: No, I sure don't.

18 MR. DEASON: Staff?

19 (No response.)

20 Mr. Deterding?

21 MR. DETERDING: (Shake heads.)

22 MR. DEASON: Titusville?

23 MR. MCBREEN: No, sir.

24 MR. DEASON: Well, thank you for coming.

25 MR. THOMAS: Thank you very much.

1 MR. DEASON: We appreciate you being here.

2 Let me take this opportunity to ask if there
3 are any other members of the public who have come
4 in who wish to make any type of statement to the
5 Commission concerning this application.

6 (No response.)

7 Let the record reflect that there is no one
8 else that wishes to testify.

9 Ms. Fleming, if you could -- I think we --
10 initially we just mentioned that there are going to
11 be some more hearings. If you could review that
12 once again for the members of the public, what the
13 schedule is, what's going to be entailed at those
14 hearings, what we anticipate the procedure would be
15 following the hearings so everyone can understand
16 the process that we would be following.

17 MS. FLEMING: Okay. On Monday, May 17th, we
18 will have a prehearing conference in Tallahassee
19 starting at 1:30 p.m. It has been noticed in the
20 docket file.

21 Following that, the hearing, as stated
22 earlier, will be scheduled June 22nd through
23 June 24th in Tallahassee, Florida.

24 After that point in time, the parties will
25 file their briefs and staff intends to file a

1 recommendation on September 9th to take this item
2 to the September 21st agenda conference where the
3 Commissioners will make a decision.

4 MR. DEASON: And after that agenda conference,
5 the Commission will make a decision and then I
6 think that there will be a 20-day period to
7 actually file an order; is that correct?

8 MS. FLEMING: Yes, that's correct. The final
9 order is scheduled to come out October 11th, 2004.

10 MR. DEASON: So that gives you an idea of what
11 lies ahead. And we would encourage all members of
12 the public, hunt club members, others, to follow
13 the progress of this docket. The Commission tries
14 to make that as easy as possible. We have means
15 for you to contact us through the internet and you
16 can actually look up this particular docket, see
17 what's been filed, see what the progress of the
18 case is.

19 There are going to be technical hearings in
20 Tallahassee. Members of the public are welcome to
21 come. I know it's a long way, but it's an open
22 public meeting. And our agenda conference is an
23 open meeting as well. Anyone who wants to be in
24 attendance there is welcome to do so. Our agenda
25 conferences sometimes are televised on -- is it the

1 Florida channel?

2 MS. FLEMING: Yes, that's correct.

3 MR. DEASON: I would just advise you that you
4 may want to check with your local cable company,
5 whatever, concerning that possibility.

6 Is there anything else to come before the
7 Commission?

8 MS. FLEMING: One thing I'd like to point out.
9 Agenda conferences are also -- you can watch them
10 on the internet or listen to them on the internet.
11 There is a live feed at the time that the agenda
12 conference takes place.

13 MR. DEASON: Okay. So there is a feed on the
14 internet. You don't have to use the Florida
15 channel, there's a feed on the internet. The video
16 quality might not be quite as good, but -- but it
17 is accessible that way and we would encourage
18 anyone or that's interested to -- to avail yourself
19 of that opportunity.

20 Commissioners, anything?

21 (No response.)

22 Thank you all for being here, and this hearing
23 is adjourned.

24 (Whereupon, the proceedings concluded at
25 6:17 p.m.)

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REPORTER'S COURT CERTIFICATE

STATE OF FLORIDA)

COUNTY OF VOLUSIA)

*

I, PATRICIA A. McCALL, RPR, certify that I was authorized to and did stenographically report the foregoing proceedings and that the transcript is a true and accurate record.

I further certify that I am not a relative, employee, attorney, or counsel of any of the parties, nor am I a relative or employee of any of the parties' attorney or counsel connected with the action, nor am I financially interested in the action.

Dated this 19th day of May, 2004.

Patricia A. McCall

PATRICIA A. McCALL, RPR
COURT REPORTER

(This signature not valid unless signed in blue ink.)