

ORIGINAL

V. Abraham Kurien, M.D.
1822 Orchardgrove Avenue,
NEW PORT RICHEY, FL 34655
Tel: 727-376-9747

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Blanca Bayo, Director
Division of the Commission Clerk
And Administrative Services
Florida Public Service Commission
2540 Shumard Oak Blvd
TALLAHASSEE, FL 32399-0850

050018-WL

January 22, 2005

Dear Ms Bayo,

I have been instructed by Counsel for the Citizens, Office of Public Counsel, that I must submit a more formal application as a Petition to Intervene and to be accorded a full party status in Docket 050018-WS, even though I had previously sent in a simple letter for that purpose.

Therefore I am enclosing a more appropriate Petition to Intervene.

Yours sincerely,

V. Abraham Kurien
V. Abraham Kurien, M.D

cc. Atty. Charles Beck
Office of Public Counsel

- CMP _____
- COM _____
- CTR _____
- ECR _____
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- SEC 1
- OTH Kurien

DOCUMENT NUMBER-DATE

00924 JAN 26 05

FPSC-COMMISSION CLERK

ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Initiation of proceedings against)
Aloha Utilities, Inc. for failure to provide)
sufficient water service consistent with)
the reasonable and proper operation of)
the utility system in the public interest,)
in violation of Section 367.111(2), Florida)
Statutes)

050018-WU
DOCKET NO. ~~050118-WS~~ 46
Filed: January 6, 2005

Petition to Intervene

V. Abraham Kurien, pursuant to Rules 25-22.039 and 28-106.205, Florida Administrative Code, hereby file his Petition to Intervene in this docket and in support thereof state:

1. The name, address and telephone number of the petitioner is:

V. Abraham Kurien, 1822 Orchardgrove Avenue,
New Port Richey, FL 34655
727-376-9747

2. Petitioner V. Abraham Kurien is a residential customer of Aloha Utilities Inc. taking service from Aloha Utilities at the address listed in paragraph 1.

Drinkable water is an essential to the sustenance of life. The quality of water in the domestic plumbing supplied by the aforesaid utility becomes unsatisfactory intermittently. All efforts to improve water quality by direct contact with the utility have been ineffective. Actions taken by the Public Service Commission in this docket will significantly affect the quality of life of the petitioner.

3. Statement of Affected Interests Actions taken by the Commission whether deletion is approved or not will have a major impact on the quality and cost of the potable water that the petitioner will receive in the future.

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4. The purpose of the proceeding is to evaluate whether Aloha has failed to provide sufficient water service consistent with the reasonable and proper operation of the utility. The Utility has maintained that it has always provided water that meets all State and Federal Standards. The Public Service Commission has repeatedly found service to be unsatisfactory. This has resulted so far in an impasse and domestic water quality has continued to be poor intermittently.

5. Disputed issues of Material Facts Petitioner anticipates that there will be many disputed issues of material facts. Such disputed issues of material fact will conclude, but are not be limited, to the following:

A. Did the Utility exercise due diligence to establish that the processing method it used was appropriate to produce drinkable water taking into consideration the characteristics of its source water?

B. Did the Utility having had reason to know that the method was inadequate continue with the same method willfully?

C. Did the utility ensure that its facilities were adequate to effectively implement the processing method it was employing?

D. Did the Utility maintain its facilities in proper functioning order?

E. Did the Utility exercise adequate process control by updating its monitoring devices?

F. Did the Utility fail to provide adequate information to its customers and regulatory agencies to make informed decisions about the need to upgrade facilities?

G. Did the Utility appropriately cooperate with the Citizens' Advisory Committee mandated by the PSC to provide expedient and compatible solutions to water quality issues?

H. Did the Utility attempt to collect increased water rates from its customers to offset financial losses it has suffered through its failure to collect appropriate charges for water connections?

I. Did the Utility willfully underreport the incidence of water quality problems such that intervention by regulatory agencies was delayed?

6. Disputed legal issues

A. Does a monopoly water utility have to provide quality of product and cost that are comparable to neighboring utilities and meet a "community standard" on the principle that "regulation must be a close substitute for competition"?

B. Does the PSC have the jurisdiction to order deletion of territory as a logical solution to the inability, unwillingness or refusal of the Utility to provide service which is less safe, less efficient or less sufficient than is consistent with the approved engineering design of the system and the reasonable and proper operation of the utility in the public interest?

7. Statement of Ultimate Facts Alleged Ultimate facts include,
but are not limited to, the following:

A. The poor water quality that the petitioner experiences intermittently is due to poor quality control of the utility's processing methods

B. Aloha must demonstrate that there are no antecedent factors in the delivered water that is responsible for deterioration of quality during normal usage as long as materials of standard quality were used in the construction of domestic plumbing.

C. Aloha failed to notify all builders in its service area of the incompatibility between its processed water and certain plumbing materials as soon as the Utility became aware of such incompatibility.

D. Aloha failed to undertake all reasonable and prudent measures to make appropriate changes in the water chemistry of delivered water, which could have improved water quality.

WHEREFORE, I, V. Abraham Kurien request that the Florida Public

Service Commission grants my Petition to Intervene and accord me full party status in this docket.

January 22, 2005

V. Abraham Kurien

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