

TOM LEE
President



Harold McLean
Public Counsel

ORIGINAL

STATE OF FLORIDA
OFFICE OF PUBLIC COUNSEL

c/o THE FLORIDA LEGISLATURE
111 WEST MADISON ST.
ROOM 812
TALLAHASSEE, FLORIDA 32399-1400
850-488-9330

EMAIL: OPC_WEBSITE@LEG.STATE.FL.US
WWW.FLORIDAOPC.GOV

ALLEN BENSE
Speaker



Charles J. Beck
Deputy Public Counsel

February 15, 2005

Blanca S. Bayo, Director
Division of Commission Clerk and
Administrative Services
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

COMMISSION
CLERK

05 FEB 15 AM 11:17

RECEIVED-PPSC

Re: Docket No. 010503-WU

Dear Ms. Bayo:

Enclosed for filing in the above-referenced docket are the original and 15 copies of the Joint Prehearing Statement of V. Abraham Kurien, MD, Harry Hawcroft, Ed Wood, and Citizens of Florida. A diskette in Word format is also submitted.

Please indicate the time and date of receipt on the enclosed duplicate of this letter and return it to our office.

Sincerely,

Charles J. Beck
Deputy Public Counsel

- CMP _____
- COM 5
- CTR _____
- ECR _____
- GCL _____
- OPC _____
- MMS _____ CJB:bsr
- RCA _____ cc: all parties of record
- SCR _____
- SEC 1
- OTH _____

RECEIVED & FILED

FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

01546 FEB 15 05

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for Increase in Water) Docket 010503-WU
Rates for Seven Springs System in)
Pasco County by Aloha Utilities, Inc.) Filed February 15, 2005
_____)

**JOINT PREHEARING STATEMENT OF V. ABRAHAM KURIEN, MD,
HARRY HAWCROFT, ED WOOD, AND CITIZENS OF FLORIDA**

Pursuant to Commission orders PSC-04-0728-WS issued July 27, 2004, PSC-04-1217-WS issued December 9, 2004, and PSC-05-0069-PCO-WU issued January 19, 2005, V. Abraham Kurien, MD, Harry Hawcroft, Ed Wood, and the Citizens of Florida (collectively "Customers") file this Prehearing Statement.

Witnesses

V. Abraham Kurien, MD, filed direct testimony and will be filing rebuttal testimony in this proceeding.

Exhibits

<u>Exhibit Name</u>	<u>Ex. No.</u>
No Objection Statement from Aloha Utilities Citizens Advisory Committee, July 21, 2003	VAK-1
Letter to Marshall Willis from Atty. Steve Burgess, JULY 23, 2003	VAK-2

Letter from V. ABRAHAM KURIEN, M.D. to Atty. Steve Burgess of OPC, June 13, 2004, Submitted by reference to PSC on June 16, 2004	VAK-3
PSC Memorandum, June 17, 2004 – Page 19	VAK-4
Phase II Audit Report by Dr. Audrey A. Levine, Page iv	VAK-5
Letter from Mr. David Porter to Mr. Douglas Bramlett, September 11, 1997	VAK-6
“Oxidation Coupled With Filtration For Removal of Hydrogen Sulfide From Groundwater” by Dr. Audrey A. Levine, Blake J. Raymer, Johna Jahn, Arnold Becken, American Water Works Association, Water Quality Technology Conference, 2003	VAK-7
Monthly Operating Reports submitted by Aloha to DEP	VAK-8
“Turbidity Formation During Hydrogen Sulfide Chlorination”, Troy Lyn et al. American Water Works Association Proceedings 1993, Water Quality Technology Conference, Miami 1993, Part II, Pages 981, 984 and 985	VAK-9
FPSC Vote Sheet, June 29, 2004	VAK-10
Memorandum from Mr. Devlin to Dr. Mary Bane	VAK-11
E-mail correspondence between Dr. Kurien and Mr. Devlin	VAK-12
Letter to PSC Chairman Baez from V. Abraham Kurien, July 6, 2004	VAK-13
Letter to OPC Atty. Charles Beck	

from V. Abraham Kurien, August 22, 2004 for transmission to PSC Atty. Rosanne Gervasi	VAK-14
Letter from Mr. Tom Walden to Dr. Christine Owen of TBW for clarification for TBWA standards, September 1, 2004	VAK-15
Comments on Feasibility of Monitoring for Hydrogen Sulfide at Customer Meters: Report from Mr. David Porter to Mr. Stephen Watford, forwarded to PSC, September 3, 2004	VAK-16
Presentation before the PSC Hearing, April 8, 2004, by Dr. V. Abraham Kurien	VAK-17
Filing before the PSC, August 10, 2004: Petition Requesting Hearing and Protest of Proposed Agency Action	VAK-18
Aloha's own records of Flushing Reports in the year 1999 with an analysis of the findings by Dr. Kurien	VAK-19
The Pasco County Black Water Study, submitted by Van Hoofnagle, August 9, 1999 and an analysis of the findings by Dr. Kurien	VAK-20
Phase II Audit Report by Dr. Levine, Pages 27-32	VAK-21
Scanning Electron Micrograph, Figures 31, Phase II Report	VAK-22
Phase II Report, Page 20, Figure 14b	VAK-23
Phase I Report, Page 20	VAK-24

Phase I Report, Page 10	VAK-25
Tampa Bay Water Exhibit D, Action Level Notes	VAK-26
Docket No. 020896-WS, PSC letter dated March 29, 2004 Staff Data Request Data submission by Aloha Utilities, Inc.	VAK-27

Statement of Basic Position

Order No. PSC-02-0593-FOF-WU was issued in April 2002 for the specific purpose of significantly reducing the incidence of “black water” and related complaints. That Order required removal of 98% of hydrogen sulfide from raw water in Aloha’s wells from which underground water is pumped and processed using chlorination as the sole method. On October 18, 2002 Aloha requested modification of the Order, because it felt that achieving the 98% removal standard was at best very expensive and at worst impossible. On July 23, 2003 OPC submitted a letter stating that the “Citizens agree that the 98% removal standard should be replaced with other standards”. The letter suggested the use of the regional standard that the Tampa Bay Water Authority (TBW) uses of a total sulfide level of 0.1mg/L . The same letter noted, “Additional standards may also be appropriate depending on the final audit report findings”.

On June 9, 2004 Aloha requested that the “fourth ordering paragraph of Order No PSC-02-0593-FOF-WU be revised to read as follows:

“Ordered that Aloha Utilities, Inc. shall make improvements to its wells 8 and 9 and then to all of its wells as needed to

meet a goal of 0.1mg/l of sulfides in its finished water as that water leaves the treatment facilities of the utility. Compliance with such requirement shall be determined based upon samples taken at least annually from a point of connection just after all treatment systems and before entry of such water into the transmission and distribution system of the Utility. Aloha should implement this standard no later than February 12, 2005". (underlining added).

This change distorts the Tampa Bay Water Standard. The TBW standard states "Water supplied from the Authority's System shall be sampled annually at a minimum at the Point(s) of Connection for the following parameters". TBW supplies water to its member customers and the water is sampled at the point of connection into the customer's pipes. Instead, Aloha wants the sampling to be done "after all treatment systems and before entry of such water into the transmission and distribution system of the Utility", which is well before (in some cases miles away) it reaches the point of connection with its customer's pipes.

This is a major departure from the TBW standard. TBW maintains its standard to the point of connection with its customer's pipes and not at its treatment facility. If the intent of the Commission is to ensure that Aloha adopts the same standard as the TBWA, which the Citizens agreed to on July 23, 2003, then the language of the modification must be different from that suggested by Aloha and adopted by the Commission in its vote on June 29, 2004.

A report prepared by Dr. Audrey Levine in February 2004 states that a "trace amount of hydrogen sulfide was detected in the influent to the main plant (0.12mg/L) during the November sampling". The main plant receives its influent from treated water from wells 1,2, 3 and 4 . On November 12, 2003 the samples that were taken after the

treatment facilities from these wells showed the levels of hydrogen sulfide to be less than 0.01 mg/L at all wells. Yet the hydrogen sulfide level in the influent into the main plant had risen to 0.12 mg/L during the transmission from the wells into the main plant reservoir. This strongly indicates re-formation of hydrogen sulfide is occurring within Aloha's transmission or distribution system, before the water reaches the customer's pipes. This will cause black water. Therefore, a standard of 0.1mg/L maintained at "treatment systems and before entry of such water into the transmission and distribution system of the Utility" (the modification of TBW standard recommended by Aloha and voted upon by the Commission) is no guarantee to the customers that such low levels will be maintained to the point of connection with the customer's pipes. Aloha Utility must be held responsible for the quality of its water throughout its transmission and distribution system to the point of connection with its customer's pipes, the domestic side of the meter, as TBW holds itself responsible. Since re-formation of hydrogen sulfide is considered to be the major reason for corrosion of pipes and formation of black water, the standard should be maintained to the point of connection with the customer's pipes – the domestic meter.

Since Aloha does not have a central treatment plant and water from different wells are pumped into the distribution manifold there is a possibility that hydrogen sulfide levels are variable in different parts of Aloha's transmission and distribution system. Therefore it is important to check hydrogen sulfide levels at different sites, at the domestic meter on a rotational basis. Since hydrogen sulfide levels fluctuate seasonally, monthly tests are also necessary for ensuring compliance to the standard. Once a year sampling is not adequate for process control.

Aloha will soon receive water from Pasco County Water utility. Since Pasco County has not agreed to ensure that the water delivered to Aloha will meet the TBW standard, there is a possibility that such water may contain higher concentrations of hydrogen sulfide than the TBW standard. Mixing of water from Pasco County Utility and water from the Aloha wells will take place; without careful blending and further treatment, the mixed water may contain more hydrogen sulfide levels than the TBW water standard. This lack of uniformity of hydrogen sulfide levels in Aloha's distribution system may result in persistence of the pattern of black water distribution now seen in the Seven Springs area.

Since Aloha does not undertake monitoring of hydrogen sulfide levels as part of process control and oxidant levels are manually adjusted, there is always the possibility of a mismatch between the two. An adequate chlorine residual is no guarantee of conversion of all hydrogen sulfide to sulfate. Elemental sulfur is almost always a likely intermediate product. In view of the association between elemental sulfur and black water, recently emphasized by the latest FDEP guidelines, it seems unwise not to include elemental sulfur within the standard in any attempt to reduce the incidence of black water.

Issues and Positions

Issue 1: Should the reference to sulfide in "finished water" in the proposed agency action order be stated as a maximum containment level for total sulfides of 0.1 mg per liter of delivered water at the point of its entry into the domestic system at the domestic meter?

Position: Yes, the reference to sulfide in "finished water" in the proposed agency action order should be stated as a maximum containment level for total sulfides of 0.1 mg per liter of delivered water at the point of its entry into the domestic system at the domestic meter

Issue 2: Should the improvements be such that sulfide present in raw water or generated during treatment and transmission be removed, not converted, to a level not to exceed 0.1 mg/L, in finished water delivered at the point of entry into the domestic system?

Position: Yes, the improvements should be such that sulfide present in raw water or generated during treatment and transmission be removed, not converted, to a level not to exceed 0.1 mg/L, in finished water delivered at the point of entry into the domestic system, if this can be done economically.

Issue 3: Should compliance with such requirements be determined based upon samples taken at least once a month at a minimum of two sites at domestic meters most distant from each of the multiple treatment facilities? Should such sites be rotated to provide the greatest likelihood of detecting any departure from the maximum levels permitted?

Position: Yes, compliance with such requirements should be determined based upon samples taken at least once a month at a minimum of two sites at domestic meters most distant from each of the multiple treatment facilities. Such sites should be

rotated to provide the greatest likelihood of detecting any departure from the maximum levels permitted.

Other Matters

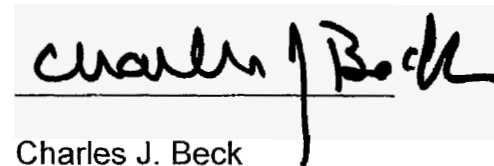
There are no pending motions upon which the customers seek action, customers have no pending requests or claims for confidentiality, there is no requirement contained in the order establishing procedure with which the customers cannot comply, and customers have no objection to the qualification of any witness as an expert.

Respectfully submitted,

V. Abraham Kurien, MD,
1822 Orchardgrove Avenue
New Port Richey, FL 34655

Harry Hawcroft
1612 Boswell Avenue
New Port Richey, FL 34655

Ed Wood
1043 Daleside Lane
New Port Richey, FL 34655

A handwritten signature in black ink on a light gray rectangular background. The signature reads "Charles J. Beck" in a cursive script.

Charles J. Beck
Deputy Public Counsel
Florida Bar no. 217281

Office of Public Counsel
c/o The Florida Legislature
111 W. Madison Street

Room 812
Tallahassee, FL 32399-1400

(850) 488-9330

**DOCKET NO. 010503-WU
CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of the foregoing has been furnished by U.S.

Mail or hand-delivery to the following parties on this 15th day of February, 2005.


Charles J. Beck

Rosanne Gervasi, Esquire
Division of Legal Services
Fla. Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

F. Marshall Deterding, Esquire
John Wharton, Esquire
Rose, Sundstrom and Bentley, LLP
2548 Blairstone Pines Drive
Tallahassee, FL 32301

Mr. Harry Hawcrof
1612 Boswell Avenue
New Port Richey, FL 34655

V. Abraham Kurien, M.D.
1822 Orchardgrove Avenue
New Port Richey, FL 34655

Edward O. Wood
1043 Daleside Lane
New Port Richey, FL 34655

Senator Mike Fasano
8217 Massachusetts Avenue
New Port Richey, FL 34653

Aloha Utilities, Inc.
Mr. Stephen G. Watford
6915 Perrine Ranch Road
New Port Richey, FL 34655-3904

John H. Gaul, Ph.D.
7633 Albacore Drive
New Port Richey, FL 34655

Wayne T. Forehand, Chairman
Citizens' Advisory Committee
1216 Arlinbrook drive
Trinity, FL 34655-4556

James Mitchell, Jr.
Riviera Home Owners Association
5957 Riviera Lane
New Port Richey, FL 34655

Ann Winkler
Riverside Village Estates, Unit 4
4417 Harney Court
New Port Richey, FL 34655

John Parese
Riverside Villas
4029 Casa del Sol Way
New Port Richey, FL 34655