

State of Florida



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**Public Service Commission** FPSC

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TALLAHASSEE, FLORIDA 32399-0850

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COMMISSION  
CLERK

**DATE:** August 3, 2006

**TO:** Division of ~~the~~ Commission Clerk and Administrative Services

**FROM:** Ralph R. Jaeger, Senior Attorney, Office of the General Counsel

**RE:** Docket No. 060449-WS - Complaint No. 666231W against Aloha Utilities, Inc., concerning service availability charges in Pasco County by Broedell Plumbing Supply, Inc.

Please place in the docket file the attached documents consisting of: (1) copies of the customer complaint file in Complaint No. 666231W, (2) the utility's Service Availability Policy (copies of tariff sheets 26.0 through 26.26); and (3) the originals of the utilities' letters dated April 19, 2006 and June 20, 2006.

RRJ/jb

cc: Division of Economic Regulation (Hudson)  
Division of Regulatory Compliance and Consumer Assistance (Pena, K. Smith)

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- COM \_\_\_\_\_
- CTR \_\_\_\_\_
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FPSC-COMMISSION CLERK

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April 19, 2006  
VIA HAND DELIVERY

Ralph Jaeger, Esq.  
Office of General Counsel  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

Re: FPSC Inquiry No. 666231-W  
Our File No. 26038.01

Dear Mr. Jaeger:

As a follow up to our telephone conversation today concerning the above referenced complaint and inquiry, I am writing to you to formally outline my concerns that were relayed to you by phone previously and again today:

1. This case was resolved in October. As I stated to you and other members of the staff, we received a letter dated October 20, 2005 from the Commission staff proposing resolution of this dispute. Approximately three weeks later without having seen Mr. Broedell's response (which I now have), I was told that he had agreed to the staff's proposed resolution. On November 14, 2005, Aloha filed its response to the staff's proposed resolution reiterating our understanding of that resolution proposal and the tariff filing requirement that would result from implementing that resolution and our understanding that nothing else was required to resolve this case. Our letter specifically states:

"It is our understanding that this constitutes the only proposed change required and that otherwise the staff proposed resolution to this matter recognizes that we have properly applied our Service Availability Policy in this case. Based upon this understanding of the staff proposed disposition of this case, we are in agreement and have attached revised tariff sheets for our tariff hereto."

We were never told that our understanding of the resolution of this case was in error, and in fact, our tariff filing was processed through and approved and finalized in the months which followed. Recently we were informed that Mr. Broedell was renewing his complaint and that the staff wished to have an informal conference.

As I noted, I believe this is unreasonable and unfair. The staff proposed a resolution,

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GENERAL COUNSEL

Mr. Broedell and the Utility accepted that resolution and in fact the Utility, in reliance upon that agreed to resolution, filed revised tariff sheets that were processed by the Public Service Commission. Those revisions to the Utility tariffs were specifically and unequivocally premised upon their being for the purpose of resolving this case, as stated in the Utility's letter dated November 14, 2005 to the staff. At no time during the processing of those revised tariffs or after the filing of the Utility's letter, did anyone suggest that this matter would remain open for further demands for relief by Broedell Plumbing. On this basis alone, this case should be closed.

2. Commission Rule 25-22.032 on customer complaints. At the beginning of our telephone conference today, I expressed my concern that under the terms of the Commission's own rule for processing customer complaints, this informal conference should not be held and this case should be closed. I was told by you this was not the informal conference envisioned by the rule. However, I was never told under what process we are operating, if we are not operating under the process envisioned in the rule. I was told that Ms. Pena had distributed a letter outlining procedures and unresolved issues for this conference. However, I had not seen that until after our telephone conference. Having now obtained a copy of it, it clearly indicates that the informal conference which we participated in today, is the one envisioned by Rule 25-22.032(8) as specifically stated in Ms. Pena's list of procedures and list of unresolved issues. Commission's Rule 25-22.032(7) specifically provides as follows:

“(7) Process Review Team.

(a) If the customer or the company is not in agreement with Commission staff's proposed resolution, the Division of Regulatory Compliance and Consumer Assistance will refer the complaint to a Process Review Team consisting of staff from the Office of the General Counsel, the Division of Regulatory Compliance and Consumer Assistance, and the appropriate technical division. This Process Review Team will review the complaint file to determine further handling of the complaint.

(b) If the Process Review Team finds that the subject matter of the complaint may be within the Commission's jurisdiction, that the relief sought can possibly be granted by the Commission, that the basis of the complaint is not an objection to current...company tariff..., and that a violation of an applicable...company tariff...may have occurred, the Division of Regulatory Compliance and Consumer Assistance shall schedule an informal conference. The fact that an informal conference is scheduled shall not preclude any participant or Commission staff from later taking a position that the complaint does not fall into one or more of the above categories.

(c) The Process Review Team will recommend that the Office of General Counsel send a closure letter to participants if the team finds that:...

3. The basis of the complaint is an objection to current...company tariffs...

4. It does not appear that a violation of applicable...company tariffs...occurred.

(d) Once the closure letter has been sent, the case will be closed.”

The Commission staff letter of October 20, 2005 specifically found that the Utility was operating in accordance with its tariff. Based upon a plain reading of the requirements of this rule, this case should not have come to this point, even if the Commission staff maintains that the complaint was not resolved last fall, as noted

Ralph Jaeger, Esq.  
April 19, 2006  
Page 3

above. In addition, the informal conference today, should not have occurred. Now that it has occurred, it is still the responsibility of the Process Review Team to recommend to the Office of General Counsel that a closure letter be sent to the participants and this case should be closed in compliance with the Commission rule.

If we are not operating under the requirements of Rule 25-22.032 for processing of this customer complaint, then please tell me under what rule or what procedures we are currently operating, and what the next step is.

Those customer complaint rules and the requirements that they be closed under the circumstances that we find ourselves in with this case, are clearly for a good purpose. A customer complaint is not the proper forum for a customer to claim that a utility's 30 year old and consistently applied tariff should be revised, or to propose revisions to a company's tariff. The Commission staff clearly stated in their October 20, 2005 letters that the Utility is operating within the requirements of its tariff in this case and as such, based upon not only the requirements of the rule but common sense in processing a customer complaint, this case must be closed.

Certainly this case is about more than just procedure. However, if we do not address the procedural issues first and ensure that the appropriate procedure is being utilized, then we can never get to the substantive issue. Therefore, we believe this case should have been closed in October and even if not that it should be closed now under the requirements of the rule. To the extent we are required to move forward on the substantive issue despite our objection, we must know the procedure that will be utilized and we must be provided the opportunity to meet with the staff and address those substantive issues. The Utility believes that the methodology and treatment outlined in the Utility's tariff is the appropriate one and must continue to be followed in this case and all future cases, in order for the Utility to provide fair, equitable and non-discriminatory service to all of its customers.

Please get back with me as quickly as you can and let me know the procedure that we will be following in the future in processing this matter and what the next steps will be.

If you have any questions in this regard, please let me know.

Sincerely,

ROSE, SUNDSTROM & BENTLEY



F. Marshall Deterding  
For The Firm

FMD/tms

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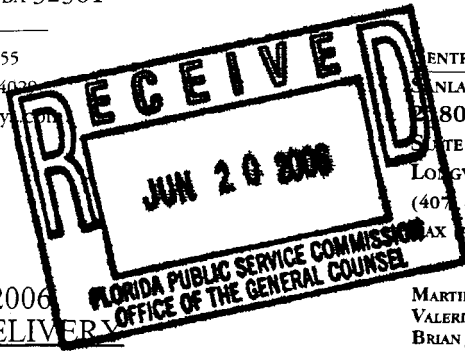
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June 20, 2006  
VIA HAND DELIVERY

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2540 Shumard Oak Boulevard  
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Re: Aloha Utilities, Inc.; PSC Docket No. 060449-WS - Complaint by Broedell Plumbing Supply, Inc.  
Our File No. 26038.01

Dear Mr. Jaeger:

I am writing to you to outline Aloha's position with regard not only to the procedural matters in the above-referenced complaint, but also as to the substantive matters. As you will recall, I sent you a letter on April 19, 2006 delineating our concerns with the procedure and method by which this complaint was being handled, which in our opinion deviates substantially from not only the requirements of the Commission's own rule, but also from the agreement reached last October, on which the Utility has relied to its detriment.

I have reiterated below many of the concerns that I expressed to you in my April 19, 2006 letter, in substantial part because those are key to our position with regard to this case, even before reaching the substantive issue. I have also outlined herein several additional procedural concerns. In addition, I have enclosed a memorandum prepared by the Utility and its engineering, accounting and legal consultants, concerning the reasons why the modification of service availability charges as proposed in this case is contrary, not only to establish Commission practice, but also to good utility regulatory policy:

1. This case was resolved in October. As I stated to you and other members of the staff, we received a letter dated October 20, 2005 from the Commission staff proposing resolution of this dispute. Approximately three weeks later without having seen Mr. Broedell's response (which I now have), I was told that he had agreed to the staff's proposed resolution. On November 14, 2005, Aloha filed its response to the staff's proposed resolution reiterating our understanding of that resolution proposal and the tariff filing requirement that would result from implementing that resolution and our understanding that nothing else was required to resolve this case. Our letter specifically states:

"It is our understanding that this constitutes the only proposed change required and that otherwise the staff proposed resolution to this matter recognizes that we

have properly applied our Service Availability Policy in this case. Based upon this understanding of the staff proposed disposition of this case, we are in agreement and have attached revised tariff sheets for our tariff hereto.”

We were never told that our understanding of the resolution of this case was in error, and in fact, our tariff filing was processed through and approved and finalized in the months which followed. Recently we were informed that Mr. Broedell was renewing his complaint and that the staff wished to have an informal conference.

As I noted, I believe this is unreasonable and unfair. The staff proposed a resolution, Mr. Broedell and the Utility accepted that resolution and in fact the Utility, in reliance upon that agreed to resolution, filed revised tariff sheets that were processed by the Public Service Commission. Those revisions to the Utility tariffs were specifically and unequivocally premised upon their being for the purpose of resolving this case, as stated in the Utility’s letter dated November 14, 2005 to the staff. At no time during the processing of those revised tariffs or after the filing of the Utility’s letter, did anyone suggest that this matter would remain open for further demands for relief by Broedell Plumbing. On this basis alone, this case should be closed.

2. Commission Rule 25-22.032 on customer complaints. At the beginning of our telephone conference held on April 19, 2006, I expressed my concern that under the terms of the Commission’s own rule for processing customer complaints, this informal conference should not be held and this case should be closed. I was told by you this was not the informal conference envisioned by the rule. However, I was never told under what process we are operating, if we are not operating under the process envisioned in the rule. I was told that Ms. Pena had distributed a letter outlining procedures and unresolved issues for this conference. However, I had not seen that until after our telephone conference. Having now obtained a copy of it, it clearly indicates that the informal conference which we participated in on April 19, 2006, is the one envisioned by Rule 25-22.032(8) as specifically stated in Ms. Pena’s list of procedures and list of unresolved issues. Commission’s Rule 25-22.032(7) specifically provides as follows:

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(b) If the Process Review Team finds that the subject matter of the complaint may be within the Commission’s jurisdiction, that the relief sought can possibly be granted by the Commission, that the basis of the complaint is not an objection to current...company tariff..., and that a violation of an applicable...company tariff...may have occurred, the Division of Regulatory Compliance and Consumer Assistance shall schedule an informal conference. The fact that an informal conference is scheduled shall not preclude any participant or Commission staff from

later taking a position that the complaint does not fall into one or more of the above categories.

(c) The Process Review Team will recommend that the Office of General Counsel send a closure letter to participants if the team finds that:...

3. The basis of the complaint is an objection to current...company tariffs...

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(d) Once the closure letter has been sent, the case will be closed.”

The Commission staff letter of October 20, 2005 specifically found that the Utility was operating in accordance with its tariff. Based upon a plain reading of the requirements of this rule, this case should not have come to this point, even if the Commission staff maintains that the complaint was not resolved last fall, as noted above. In addition, the informal conference on April 19, 2006, should not have occurred. Now that it has occurred, it is still the responsibility of the Process Review Team to recommend to the Office of General Counsel that a closure letter be sent to the participants and this case should be closed in compliance with the Commission rule.

If we are not operating under the requirements of Rule 25-22.032 for processing of this customer complaint, then please tell me under what rule or what procedures we are currently operating, and what the next step is.

Those customer complaint rules and the requirements that they be closed under the circumstances that we find ourselves in with this case, are clearly for a good purpose. A customer complaint is not the proper forum for a customer to claim that a utility's 30 year old and consistently applied tariff should be revised, or to propose revisions to a company's tariff. The Commission staff clearly stated in their October 20, 2005 letters that the Utility is operating within the requirements of its tariff in this case and as such, based upon not only the requirements of the rule but common sense in processing a customer complaint, this case must be closed.

3. Generic Review of Tariffs. It is my understanding that the staff has determined that several utilities have language similar to that contained within Aloha's tariff which they believe authorized the Utility to reassess a customer for service availability charges long after the initial connection, if actual flows indicate a higher demand than those initially estimated. If the Commission is to review an approved policy outlined in numerous utilities' tariffs, it needs to do so in some proceeding, docket or case outside of a customer complaint. This intention is clearly enumerated in the provisions of the customer complaint rule as quoted above in that the rule requires closing a complaint where the Utility's actions are in compliance with their tariff.
4. Specific Requirements of Aloha's Tariff - The basis for the complaint brought by Broedell is their concern that the customer should be allowed to demonstrate, at some future time, that his demand is less than the uniform charges outlined in the Utility's tariff, and in Appendix B to the Utility's tariff. Specifically, that contention appears to be based on a concern that the Utility's tariff allows the Utility to come back and reassess such charges if experienced demand is higher than that upon which the service availability charges were initially determined and assessed. There appears

to be some sentiment among the Staff that to the extent the Utility is authorized to review and reassess charges under such circumstances if demand is higher, that there should be a similar requirement in cases where actual demand is lower than initially assessed. This appears to be based on a belief that the Utility's tariff authorizes such reassessment at a later date, even when there is no "change in character of service" on the customer's side of the meter. During my recent conversations with Troy Rendell, I have requested that he review the requirements of Paragraphs 7.3 and 7.4 as well as any other applicable provisions of the Utility's tariffs, which address this issue. While the tariffs do authorize the Utility some leeway in assessing the initial charge, to the extent that the Utility's experience suggests similar types of customers suggest a demand outside that envisioned in Appendix B of the tariff, we believe it does not specifically authorize the Utility to reassess that demand at a later date, except in situations where there is a "change in character of service." I have suggested to Mr. Rendell that perhaps including a simple sentence indicating that intention would be sufficient to clarify this issue and to resolve what appears to be the Staff's major concern with not only Aloha's, but other Utility's tariff language.

5. Standing. What the complaintant, Broedell Plumbing, is proposing in this case is that the Utility be required at some future date (undelineated) to reassess the service availability charge the Utility imposes upon them of the initiation of service if Broedell shows at that time that lower usage than for which they were assessed has actually occurred for some undelineated period of time. Broedell has not claimed that he has been injured by some action of the Utility, much less one that either violates Commission rule, policy, much less the Utility's tariff. He is simply asking that the Commission act, in advance of any showing of any harm, that he be given special treatment above and beyond that of any other customer in the Utility's history. Therefore, Broedell completely lacks standing to bring any type of customer complaint or any action at the PSC related to these issues.

We believe that each one of these procedural issues (much less all of them combined) clearly should dispose of this case short of addressing the substantive issue or the potential modification of service availability charges in this specific case. However, to the extent the substantive question is of such modification is to be addressed, I have attached hereto a five page memorandum which addresses Aloha's concerns with this customer's specific proposal for modification of service availability charges, based upon empirical evidence. We believe a thorough review of the points outlined in this memorandum will convince the Commission, and its staff, of the inappropriateness and inequity which will result from the customer's requested relief in this case.

If you have any questions with regard to the points outlined herein or with regard to the attached memo, please do not hesitate to contact me.

Sincerely,  
ROSE, SUNDSTROM & BENTLEY



F. Marshall Deterding  
For The Firm

FMD/tms



# A Discussion on the Modification of Service Availability Charges Based on Empirical Experience

## Introduction

Service Availability Charges (SAC) are charges paid by a user to reserve the maximum service capacity they identify and have it permanently available when it is needed to support his or her project. SAC are charged by utility companies to assist in the funding of existing and planned capital projects and to determine to what extent and when future capital projects will be needed. Capital project planning is based on the anticipated demands that are to be placed on the utility's physical plant over a 5-year planning period. These anticipated demands are developed by summing the known current and allocated demands for service and adding to those forecasted demands based on statistical analysis of historical demand data.

Allocated demands, although they are not currently contributing to the experienced service demands, must none-the-less be considered to be service capacity that is no longer available for assignment to any other customer and in planning for the demands expected from similarly situated customers in the future. The demand set-aside for each allocated demand was utilized to size the existing utility physical plant. Therefore it is imperative that when a customer requests capacity that will be connected to the system over time that utility companies reserve the physical plant needed to provide each customer the capacity previously allocated. To accomplish this, the utility plans-for, designs, constructs and operates their physical plant accordingly.

## Effect of Changes in Allocated Capacity Over Time

As stated earlier, when a customer requests a capacity reservation, the customer is in essence requesting that the utility construct physical plant so as to be able to provide the customer with all the capacity requested.

If the customer requests capacity that is eventually shown to be less than the actual capacity required to meet his/her needs, then the share of the cost of the construction of the physical plant paid by the customer (in Service Availability Charges) is not equal to that which should have been paid and such customer should theoretically not be able to get access to the utility's limited capacity for which he has not paid, much less do so in priority over people who have paid the appropriate capacity fees for the demand they place on the system. To do otherwise encourages all customers to underestimate their capacity demands and places the utility in a position of having to police, in great detail, each application for service to a general service customer. In this case, the remaining customers of the utility will pay more Service Availability Charges than their fair share to fund the construction of the physical plant needed to serve all users. In this case, the first customer should be made to pay for the increased capacity actually demanded over that which he/she originally requested.

If the customer requests capacity that is eventually shown to be greater than the actual capacity required to meet his/her needs, then the share of the cost of the construction of the physical plant paid by the customer (in Service Availability Charges) is none-the-less equal to the capacity which has been **reserved** on his/her behalf. Once the customer's request for capacity allocation has been made and accepted by the utility, it will be utilized in sizing future physical plant

upgrades. If later, after additional physical plant has been constructed, the customer realizes that he/she over estimated the demand for service he/she requested previously, this does not lessen the costs incurred by the utility in constructing the physical plant sized to include a reserve capacity for this customer. Here the term "Service Availability" literally refers to the fee which the customer paid to allow the utility to accommodate the impact that his operations were expected to have on the utility and its facilities in the judgement of the utility and also often in the judgment of the customer and his engineer. Just because the actual capacity needed by the customer is later found to be less than originally requested, the impact on the utility is not lessened and the cost of constructing the larger sized facilities can not be recovered.

If the utility were to refund this customer that portion of the Service Availability Charges paid, this would require that all other customers of the utility pay a disproportionate share of the construction and operating costs for the physical plant actually constructed, either, or both, through increased share of Service Availability Charges or increased rates to the general body of ratepayers.

It is essentially impossible to envision how a utility could practically, technically and cost effectively implement a policy whereby, commercial, institutional and large project customers could be refunded a portion of the capacity charges paid as some date in the future should they feel that they did not actually require the capacity they originally requested. First, as stated earlier, once capacity for a project has been reserved, how would the utility determine if the actual capacity needed is less than that originally contracted for? Simply reviewing the actual use of a project for a limited time period (say 12 months) would not take into account the fact that there is no way to determine if the lessened capacity needs were based on a permanent reduction in capacity need, or, just a temporary reduction. For instance, in the case of a strip mall, how would the utility determine if the mall was fully occupied during the entire period used for accessing actual demand or how would the utility determine if the tenants during the 12 month capacity assessment period were typical, much less maximum, of all future tenants? If the utility were to agree that the current capacity needs were less than originally contracted for and refund part of the capacity charges, what would the utility do if next month or next year the capacity needs of the strip mall were much greater due to a change in the tenant mix? What would the strip mall operator do if the capacity given up last year was no longer available (had been re-allocated to another user) and it he would have to limit his tenants use of services until new capacity could be allocated (and possibly new facilities constructed)? How would this policy be fairly and equitably applied to all users? For instance, how would the policy be applied to a large service user if his facility were to burn down or be demolished during a hurricane and no longer need any services? What would happen when this customer decided to rebuild or just change the use of his property and again wanted capacity? The amount of resources (administrative, clerical, technical and accounting) that the utility would have to expend to implement such a policy would be enormous. It would not be prudent for a utility to monitor or attempt to adjust the allocation of capacity charges to all its commercial, institutional and larger service users.

## **Types of Changes that May Possibly Arise**

Basically, there are two classes of customers that a utility such as Aloha services and each of these classes exhibit different characteristics.

Residential customers, largely single family residential customers, often do not demand the exact quantity of service (water and wastewater) outlined in the Tariff. In fact, today it is not uncommon for some customers with large homes and affluent lifestyles to demand substantially greater levels of service than the Tariff envisions. However, there are some customers that

demand lower levels of service (smaller homes with one or two persons living in the home) than the Tariff envisions. It is hoped that the mixture of these residential users overall present service demands that are consistent with the Tariff on-the-whole. Due to the overall administrative, clerical and accounting burden that it would place on a utility, it is not prudent for a utility to monitor or attempt to adjust the allocation of capacity charges to individual users in this group. It just would not be cost effective. If a utility finds that its capacity charge allocation procedures as outlined in its Tariff are not sufficient or reasonable, it can request that these provisions of its Tariff be modified by the PSC.

Commercial, institutional and large facility customers (apartment complexes, etc.) are different. These customers are often not prepared to definitively state what their service demand level will be at the planning stages of their projects. Therefore, as part of their planning process, it is the developer and his engineer's responsibility to determine what level of service they will require. This determination must be based on a large number of factors, none of which the utility is privy to. The developer and his engineer decide what level of risk they wish to assume in developing an estimate of the level of utility services they will need to make their project viable. If they wish to "play it safe," then they may decide to accept the standard equivalents in the utility's tariff if there are such guidelines (as there are with Aloha). Or they may decide to have their engineer estimate demand based upon the highest expected demand level to be sure that their project will not be held-up if sales are very good. Conversely, the developer may choose to have their engineer estimate its demand for utility services at some minimum level that will hopefully provide it with just enough service capacity to meet its sales demands and at the same time lower its up-front costs of development (capacity charges). This method, however, will require scrutiny of the utility's engineer and agreement with the estimate. Both of these choices carry risk for the Developer, however that is the nature of development business. This risk should NOT be passed on to the utility and its customers however! Unlike residential customers who individually have little impact on the risk and costs of the utility, developers pose major risk and potentially major cost for the utility. As discussed earlier in this report, a utility must be able to recover from a developer the true cost of his operations to the utility in connection charges whether the developer estimated high or low initially.

The temporal pattern of service demand for many types of commercial users is very complex and not-predictable. For instance, it is not uncommon for a strip mall to take a year or two before the tenant mix has established itself. Even then, it may take several more years (if ever) for full occupancy of the strip mall to occur. In such cases, it would not be prudent to attempt to determine what the actual demand for services is early on or except during times of extended full occupancy. For tomorrow, next week, next month or next year the demands could not only be restored to the higher levels, but may actually be surpassed as new tenants occupy the facilities. It would be impossible for a utility to set a standard time period to evaluate each and every type of commercial user to determine when an accurate assessment of maximum service demand could be undertaken.

Also, another consideration that must be taken into consideration is that of FDEP rules and capacity assessment. Some larger projects require separate permitting by the FDEP which include the setting of capacity for that project. Once that capacity has been allocated to that project, FDEP would expect that utility to be have this capacity available for this project. We am not aware of any mechanism that would allow the utility to modify the conditions of a permit issued by the FDEP or the capacity which DEP marks as reserved thereby.

## **Accounting Treatment**

Under the provisions of the NARUC Uniform System of Accounts (1996 version) Balance Sheet Accounts, Contributions-In-Aid-of-Construction specifically states that "The credits to this account shall not be transferred to any other account without approval of the Commission." It is a longstanding policy that a utility is not authorized to make any adjustments to the CIAC account to remove items from it once those entries are made. Under the proposed methodology for adjustment in service availability charges proposed by Broedell, the utility could conceivably almost daily be making such changes. Not only would this violate the requirements of the Uniform System of Accounts (and therefore is indicative that that is not the intention, either in the industry as a whole or with regard to PSC regulated systems), but it would be yet another indication that additional staffing would be required to monitor, oversee and assess requests for changes in service availability charges and modifications that must be made not only from the customer's, but also from the utility's perspective.

## **Uniformity and Nondiscrimination**

The utility industry and specifically Aloha, has utilized the provisions of its tariff and the requirements of Appendix B (Sheet 22.26 to its sewer tariff and 26.26 to its water tariff) for at least 25 years. Customers have consistently been charged based upon this schedule, not only on behalf of Aloha, but on behalf of many other utilities with similar or identical schedules for calculating individual commercial customer's service availability charges. Rule 7.0 on Page 26.7 of the water tariff and 22.7 of the sewer tariff clearly delineate the intention of these charges to bring uniformity of service availability charges among contributors as a primary goal of the specification of the applicable charges and to avoid inequities and discriminatory practices. To change that methodology now, on a going forward basis, would be unreasonable and unfair and discriminatory toward all of the other customers of the utility.

Broedell's commercial connection involves warehouse space combined with a strip center which may house any number of variable usage establishments. Those establishments can change from month to month and year to year and therefore, there likely can never be a "uniform" demand imposed by Broedell's business. Therefore, he is the most likely type of customer to need a uniform charge based upon an estimate of flows for similar situations. Under the policy proposed by Broedell, what would keep any commercial customer from claiming discrimination and demanding a refund several years after the initial connection during a low usage cycle?

This is similar to asking for different rates for each customer because the actual cost of service may vary from customer to customer, depending on how far that customer is away from the treatment facilities. As with the Commission's establishment of service rates, service availability policy has always been set with uniformity as a primary goal in order to prevent discrimination between customers and between customer classes, even though actual cost of service to each customer may vary significantly. The Commission long ago recognized that attempting to differentiate between customers to this extent was counter-productive and unreasonably burdensome. The flows contained in Appendix B have stood the test of time and were developed by the AWWA are based on calculations by the AWWA after many years of investigation.

## Commission Precedent

In the Public Service Commission's case in Docket No. 921293-SU involving an Application for Rate Increase for Mid-County Services, Inc., the Commission agreed in its Order No. PSC-94-1042-FOF-SU, issued on August 24, 1994, with the utility's witness statement that:

“When service availability guideline rules were being promulgated, the Commission considered and adopted a Service Availability Policy that would **fix charges for** the individual, residential and **commercial applicants**, and allow some flexibility for negotiating charges between developers and utilities. As long as those negotiated charges are consistent with the utility's tariff and do not cause the utility as a whole to violate the guidelines, they are allowable under Rule 25-30.585.” (emphasis supplied)

Thus, as Mr. Rendell noted in his prefiled testimony in Docket No. 980992-WS, the Commission established that service availability charges will be determined based upon fixed average gallonage per day, except in the cases of “developers” (see Page 6 of testimony where he makes this same point related to residential service). Therefore, the Commission has longstanding and upheld on appeal policies which specifically state that it is the intention that residential and commercial individual customers are to have their service availability charges fixed, based upon the requirements of the tariff, and that service availability charges imposed on developers are negotiable, as long as they are consistent with the tariff and the Commission's rule.

## Conclusion

It is the duty of a customer and his engineer to properly develop utility system capacity allocation requests. Once this allocation request has been accepted by the utility, it will be used in planning for additional physical plant needed to meet this demand.

If the actual demand is found to be greater than the capacity requested, then the customer should be required to pay for the actual portion of the capacity of the physical plant utilized. If the customer does not pay for his actual capacity use, then the remaining customers of the utility (especially the residential customer) must fund a disproportionate share of the costs to construct and operate the physical plant.

Even if the capacity actually utilized is found to consistently be less than that originally reserved, the capacity reserved on his/her behalf does not change and, therefore, the customer is not due any return of Service Availability Charges paid. If the customer were to receive a rebate on a portion of the Service Availability Charges, then the remaining customers of the utility (especially the residential customers) would again have funded a disproportionate share of the costs to construct and operate the physical plant.

FIRST REVISED SHEET 26.0  
CANCELS ORIGINAL SHEET NO. 26.0

water

Attachment to Certificate  
No. 136-W and 97-S  
Water

SERVICE AVAILABILITY POLICY

ALOHA UTILITIES, INC.

CERTIFICATE NOS. 136-W and 97-S

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APPROVED  
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1.0

DIRECTOR WATER & SEWER DEPT.

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DIRECTOR OF WATER & SEWER SERVICE

APPENDIX "A"  
 APPENDIX "B"

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Aloha Utilities, Inc.

Original Sheet No.

1.0 PURPOSE

The Utility hereby establishes this Policy for the purpose of creating a uniform method of determining the contribution-in-aid-of-construction (hereinafter "CIAC") to be borne by property owners, builders or developers (hereinafter sometimes referred to as "Contributor") within the certificated area of the Utility.

1.1 General Policy

The Utility adopts and incorporates herein by reference part IX, Chapter 25-10, Florida Administrative Code ("F.A.C.") concerning Service Availability for Water and Sewer System, of the Florida Public Service Commission. Utility will make available service and extensions of service under said Rules, subject to matters of economic feasibility, as defined in Rule No. 25-10.121, F.A.C.

The word "person" as used in Rule 25-10.121(5), F.A.C., shall mean and include "political subdivision" as defined in Subsection 1.01(9), Florida Statutes.

2.0 AVAILABILITY

The provisions of this Policy are available to property owners, builders and developers throughout the certificated area subject only to matters of economic feasibility.

2.1 Service Outside Certificated Area

Owners, builders or developers being potential consumers whose property lies outside the Utility's certificated area, may apply to the Utility for the extension of water distribution and/or sewage collection mains to said property.

Providing service outside the utility's territory involves formal notice and formal proceedings before the Florida Public Service Commission and, therefore, entails engineering administrative and legal expenses in addition to cost incurred by the utility in providing service within its territory. Therefore, the utility will not be obligated to provide its services outside the territory unless the contributor agrees, in advance, to defray those additional expenses and pay to the utility the estimated cost thereof. The advance payment will be adjusted to conform with the actual expenses after the proceedings have been concluded. The utility will further make such extensions outside the territory only if the extensions and treatment plant reservation or expansion to service such extensions are economically feasible as defined by Rule 25-10.191(9), F.A.C.

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The Utility will not extend its facilities in situations where the extensions will result in the service to existing customers to suffer either as a result of reduction of capacity to provide its service to customers, or diminishment of economic capability of the utility to meet its financial commitments. (Section 367.061; 367.121(2), Florida Statutes)

The Utility will proceed with due diligence to make application to the Florida Public Service Commission for an extension of its certificated area to include the Property outside the certificated area. The contributor agrees to fully cooperate with the Utility in making and processing this application. In this connection, contributor will execute any and all documents or instruments reasonably necessary for the successful prosecution of the application for extension. In the event a public hearing is held by the Public Service Commission, contributor shall participate to the extent reasonably necessary to render any testimony or evidence requested or deemed pertinent by the Utility's counsel in connection with the application.

### 3.0 DEFINITIONS

Terms not specifically defined herein or elsewhere in the Service Availability Rules are considered to have their commonly understood meaning. Otherwise, for the purpose of this policy, the definitions in Rule 25-10.15, F.A.C. and in Appendix A to this policy shall apply.

### 4.0 OBLIGATIONS TO UTILITY

Utility shall maintain copies of this policy available for the inspection by any property owner, developer, builder or prospective consumer desiring information regarding all elements of the cost of connecting to the water and/or sewer facilities of the utility and such copies shall be maintained at its general office.

Utility shall maintain "as-built" information on its water and/or sewer facilities in its office or in the office of its designated representatives for the purpose of providing reasonable information concerning the location of its water and/or sewer facilities.

Utility shall provide or install all meters upon the request prospective consumers providing that the total contributions-in-aid-of-construction as set forth below have been paid in accordance with the provisions of this Policy or the Utility's Tariff.

President

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In instances where Utility undertakes the installation of water distribution and sewage collection lines, at the cost and expense of developer in lieu of developer's installation of such facilities, Utility will provide laterals for water and sewer service to developer's lot line ready for plumber's "hook-up" and the installation of meters.

#### 5.0 OBLIGATIONS OF DEVELOPER

All contributors shall furnish to the Utility accurate information with regard to matters of engineering, construction of buildings and dwellings and proposed densities.

Contributors who increase their density factors and/or consumption requirements during the course of construction of the project are liable for an adjustment in their hydraulic share for off-site facilities and/or an increase in total contributions-in-aid-of-construction applicable to developer's project. Contributor responsible for errors or changes in engineering information furnished to Utility when such error or change results in increased cost to Utility for any construction which Utility may undertake in connection with installing water distribution or sewage collection facilities or which would necessitate a new design or redesign of water distribution or sewage collection plans.

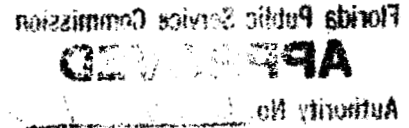
#### 5.1 Utility's Right to Provide Service

Contributor agrees that it will grant and give to the Utility its successors and assigns, the exclusive right or privilege so long as the Utility shall continue to provide service in accordance with the Rules and Regulations of Public Agencies, to serve the property, and the exclusive right to construct, maintain, and operate said facilities in, the present and future streets, roads, easements, reserved utility strips and utility sites and any public place in the property dedicated to public use in recorded plats or as provided for in independent agreements, dedications, or grants. Contributor agrees that all facilities used, useful or held for use in connection with providing service to the Property, shall at all times remain in the sole, complete and exclusive ownership of the utility, its successors and assigns.

#### 5.2 Exclusive Rights of Utility

Contributor agrees that it or its successors and assigns, shall not (the words "shall not" being used in a mandatory definition) provide water or sewer services to the property during the period of time that the Utility, its successors and assigns, provide water and sewer service to said property, it being the intention of the parties that Utility shall have the sole and exclusive right and privilege to provide water and sewer services to the customers.

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President



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### 5.3 Developer's Agreement

The utility shall require that the provisions for extensions of service and service availability be made pursuant to a written "Developer's Agreement," which shall set forth such reasonable provision governing developer and utility responsibility pertaining but not limited to the installation of service facilities; the interconnection of plumber's lines with the facilities of Utility; the manner and method of payment of contributions-in-aid-of-construction; matters of exclusive service rights by Utility; standards of construction or specifications; time commitments to "take and use water and sewer services", engineering errors and omissions; rules, regulations and procedures of Utility; prohibitions against improper use of Utility's facilities and other matters normally associated with and contained in developer agreements. A sample contract is available for review. Such agreement will be consistent with the provisions of this Policy and in conformity with the rules promulgated and revised time to time by the Commission.

The Utility may require that the contributor, in addition to the contributions set forth herein, bear the cost of preparation of developer agreement by independent counsel or persons qualified to draft and prepare such agreements. Said charges shall not exceed that amount normally to be contemplated for such service. (25-10.137, F.A.C., 25-10.139, F.A.C.)

Contributors are encouraged to obtain consulting engineers to represent them in obtaining utility service and for securing the above approvals. The Utility prefers not to represent both contributor and utility and normally will be responsible for design and construction for plant work and major extensions or system improvements benefitting several contributors. The utility will co-operate and assist developers and their engineers in planning and design of the development and construction standards. Utility approval of plans & lines will be required.

### 6.0 REQUIREMENT FOR PAYMENT OF CONTRIBUTIONS-IN-AID-OF-CONSTRUCT

The Utility requires the payment of contributions-in-aid-of-construction either by cash payments or through transfer of water distribution and sewage collection facilities and appurtenances thereto which have been installed by the contributor or through a combination of both cash payments and a transfer of such facilities to the Utility.

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President

For the purpose of this Policy, the term contributions-in-aid-of-construction shall include the on-site water distribution and sewage collection system contributed in cash or in kind; payments to defray, in part or in total, the cost of the off-site lines and related facilities; and payments to defray in part the cost of the treatment facilities. (See Appendix "A").

7.0 CONTRIBUTIONS-IN-AID-OF-CONSTRUCTION---TREATMENT FACILITIES

Utility requires that all Contributors pay contributions based in part on a pro rata share of the cost of treatment plant facilities, whether or not the facilities have been constructed or may be constructed to continue to render service. Such payments are herein defined as contributions-in-aid-of-construction and shall be made to all Contributors upon approval of the governmental agency having jurisdiction of this Policy, where water or sewer service is available or agreed to be made available in the territory.

Utility further declares that these contributions shall be uniform among Contributors notwithstanding provisions of prior developers agreements or the practices and procedures pertaining to such charges as established prior to the adopting of part IX, Chapter 25-10, F.A.C.

It is the further purpose of this Section to resolve the inequities and discriminatory practices regarding contributions by placing all owners, builders, and developers on parity with regard to such charges.

7.1 SCHEDULE FOR "CIAC" FOR TREATMENT FACILITIES

The following is a schedule of "CIAC" for treatment facilities to be paid prior to commencement of water and/or sewer services as a prerequisite for such service. The amounts are based on an equivalent residential connection.

<u>Residential</u>	<u>East of US 19</u>	<u>West of US 19</u>
Water Plant Capacity	\$1,000.00 per ERC	\$126.86 per ERC
Sewage Plant Capacity	\$1,650.00 per ERC	\$117.06 per ERC

Non-Residential

Water	\$3.333 per gallon	\$.470 per gallon
Sewer	\$12.79 per gallon	\$.434 per gallon

EFFECTIVE DATE: November 27, 2002

STEPHEN G. WATFORD  
ISSUING OFFICER

TYPE OF FILING: Service Availability Case

PRESIDENT  
TITLE



Thus when the utility shall demonstrate to the developer that its records and experience show, for example, that a connection which the contributor proposes to build places a demand during certain times of the year which is different than those specifically alleged by the developer, then the charges per gallon demand set forth in Paragraph 7.1 of this policy shall be multiplied by the utility's estimate of demand. In no event shall the utility be required to build or accept plans, specifications, contributions-in-aid-of-construction or agreements predicated upon demand for water service less than 270 gallons per single family residential equivalent or sewer of less than 270 gallons per residential equivalent per day.

7.5 CIAC Based on Sewage Strength

All CIAC as outlined above are based on normal domestic sewage defined herein as containing not more than 200 parts per million ("PPM") bio-chemical oxygen demand ("BOD") or 200 ppm suspended solids. Whenever actual or estimated waste which contains more than these amounts is to be admitted to the sewers, the company and pollution control agencies must specifically agree to the connection. The CIAC for treatment facilities will be calculated in direct proportion to strength for each ppm of either BOD or SS over 200 ppm. All such connections shall provide for a suitable point for the waste to be sampled by the company or the regulatory agencies.

8.0 CONTRIBUTIONS-IN-AID-OF-CONSTRUCTION "OFF-SITE" FACILITIES

The location, size or proposed density of developer's property may make service to such property dependent upon the extension of "off-site" water distribution and/or sewage collection facilities.

For the purpose of this Policy, the term "off-site" shall be defined as those main water transmission lines, sewage collection lines, sewage force mains and/or pumping stations necessary to connect developer's property with facilities of Utility adequate in size to transmit to developer's property, an adequate quantity of water under adequate pressure and/or transmit the sewage collected on developer's property to the treatment plant or disposal site of Utility.

Since each developer draws from the hydraulic capacity of such lines based on engineering design, Utility will require that developer pay his property's hydraulic share of the cost of the "off-site" main transmission and collection facilities through which service is rendered to developer's property.

Stephen G. Watford  
ISSUING OFFICER

President  
TITLE

This pro-rata share is referred to as developer's hydraulic share of off-site facilities.

Whenever use of such off-site facilities is necessary to render adequate service, the Contributor must pay in advance the total cost of the hydraulic share of all off-site facilities necessary to provide service to the property to be served or the total cost of the off-site facilities in accordance with Rule 17.0 of this Policy.

It is the policy of the Utility to apportion the cost of "off-site" facilities as hereinafter defined, pro rata against the properties receiving service from and through such facilities.

It is further declared and established that the determination of the hydraulic share will be computed using the average daily flows in gallons then in use or as calculated by the utility; provided, however, that the Utility may adjust the estimated average daily flows based upon reasonable engineering judgement that includes consideration of (a) the quantum area to be developed; (b) the development trends in the surrounding territory; and, (c) the consumer density and (d) the estimated use of service by the proposed development. The charge for the hydraulic share of off-site facilities is applicable whether or not the facilities have been previously constructed or are necessary to be constructed to serve Contributor.

It is the intent of this section to apportion the cost of main transmission lines and pumping stations on a fair share basis irrespective of whether such transmission lines and pumping stations have been previously constructed or are proposed to be constructed.

8.1 Construction of Oversized Facilities - "Off-Site"

Utility may require the installation of oversized off-site lines and facilities to provide service for other properties in accordance with the master plan of Utility. In this event, Contributor may be required to advance the entire cost and the balance of the cost in excess of the cost to serve Contributor may then be the subject of a refundable advance agreement, as hereinafter provided.

9.0 CONTRIBUTIONS-IN-AID-OF-CONSTRUCTION "ON"-SITE" FACILITIES

Each contributor shall be responsible for the design, installation, inspection and testing of the complete water distribution and sewage collection system located in the street or streets adjoining or within the boundaries of

President



developer's property. The provisions of this Rule may be waived by the Utility at its sole option in situations involving single or individual connections to readily accessible utility mains or equipment. Utility shall have the right of inspection on all works.

An "on-site" water distribution system is defined to include all component parts of a water distribution system, including valves, fittings, laterals, hydrants and all appurtenances as shown upon the approved design of such water distribution system. An "on-site" sewer collection system is defined to include all collection lines, man-holes, force mains, lift or pumping stations, including the site for same, and all other appurtenances as shown upon the approved design for the installation of such sewage collection system.

The Contributor shall pay all expenses of any nature related to the on-site project, such as, but not limited to, fees for permits and costs incurred in connection with inspection, installation, analysis, testing, insurance, legal work, administration or engineering. Utility shall have the right of inspection on all works.

#### 9.1 Transfer of On-Site Facilities

Contributor shall be responsible for financing of the on-site facilities in such a manner as to permit transfer of ownership and control of the facilities to Utility free and clear of any impediment to the continuous unfettered enjoyment by the Utility. All transfers of on-site facilities shall be in form reasonably satisfactory to the Utility's attorney and shall be accompanied by satisfactory evidence of ownership free and clear of any liens and encumbrances as provided for in Rule 14.0 of this Policy.

As evidence of said transfer of title and upon the completion of the installation and prior to the rendering of service by utility Contributor shall convey to utility by bill of sale, and/or quitclaim deed the complete on-site water distribution and/or sewage collection system as provided in Rule 14.0 of this Policy.

Upon transfer, grant and/or conveyance, as aforesaid, all property, rights and interests transferred, granted and/or conveyed shall constitute part of the Facilities.

Subsequent to the transfer and acceptance of the on-site systems and facilities, utility agrees that the acceptance shall constitute the assumption of responsibility by utility for the continuous operation and maintenance by the systems conveyed and utility agrees to continuously operate and maintain such systems in good order and repair that date forward.

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President

9.2 Construction of Oversized Facilities

Utility may require the installation of oversized lines or facilities on Contributor's property to provide service to other properties in accordance with the plan of Utility. In this event, Contributor will be required to advance the entire cost, and the balance of the cost in excess of the cost to serve the Contributor may then be the subject of a refundable advance agreement as hereinafter provided in Rule 17.0 of this Policy.

Because of the limited size of Contributor's property, for which service has been requested, Utility may decide to design and install the water distribution and sewage collection system. In such event, Utility reserves the right to compute the estimated cost of such extension and to require Contributor to pay such cost of construction in lieu of Contributor's installation of the water distribution and/or sewage collection system.

10.0 DESIGN AND CONSTRUCTION OF "ON-SITE" FACILITIES

Utility may design and install on-site facilities and shall require Contributors to pay the actual cost of design and construction, including all necessary permit fees. In the alternative, Utility may permit Contributor to design and/or construct the on-site facilities provided, however, such design, installation and construction shall be subject to the prior approval of the Utility.

10.1 Design by Independent Engineers

Utility shall recognize the design of water and sewer facilities prepared by a registered professional engineer regularly engaged in the field of sanitary engineering, covering the design of developer's on-site water distribution and/or sewage collection system. The plans and specifications shall be submitted to the Utility's engineer for written approval prior to the commencement of construction. The Utility's engineer shall have fifteen (15) days from the date of said submittal within which to approve or state his written objections to such plans and specifications and failure to do so within said fifteen (15) day period shall constitute approval. The approval required by the Utility's engineer shall not be unreasonably withheld or delayed, but no construction of facilities shall commence until the Utility's engineer has approved such plans in writing. Provided, however, that such design shall conform in all respects to the criteria of Utility governing the installation of utility facilities ultimately to be accepted by Utility for ownership, operation and maintenance.



Florida Public Service Commission  
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 Authority No.

10.3 Warranties by Contributors

Contributor agrees to assign to the utility any and all warranties which obtains from any contractor constructing the systems, and the rights to enforce the warranties. If the Developer does NOT obtain such written warranty from its Contractor and deliver same to the Utility, then, Developer will agree to indemnify and save harmless the utility for any loss, damages, costs, claims, suits, debts or demands by reason of latent defects in the systems, for a period of one year from the date of acceptance by the utility of on-site systems.

All warranties will be for a minimum of one (1) years.

11.0 METER INSTALLATION FEE

The cost of meters, boxes and service pipes is on-site work to by paid by the Developer. The Utility determines the size, location and make of meter that will be used. The utility must own the system up to and including the meter and will not be responsible for piping beyond the meter. The Utility prefers individual or meters 2" or less in size. Fire flows should be routed in 6" and 8" pipes with hydrants in dedicated easements and individual buildings metered. Meter cost will be at actual cost, in accordance with the following schedule provided, however, that requests to exchange meters for meters of a larger size will result in a charge to the prospective consumer of the difference between the existing smaller size meter and the requested larger size meter.

<u>Meter Size</u>	<u>Meter Contribution</u>
5/8" x 3/4"	\$50
1"	at actual cost (\$111.61)
1 - 1/2"	at actual cost (\$178.34)
2" & above	At Actual Cost

President

In addition to the above meter charge, the utility requires the installation of meter boxes in certain of the subdivisions served by it. Where such meter boxes are required, the contributor will pay an additional cost for such boxes as follows:

Single Meter Box  
Double Meter Box

\$at cost

\$ 53

Meter fees for 2-inch and above meters will be based upon the estimated actual cost of the meter or meters plus the cost of installation. Where actual costs differ from estimates the difference will be refunded by the Utility if the total cost was less than the estimate, or paid by the contributor prior to initiation of water service if the actual cost exceed the estimated cost. The contributor will be furnished a copy of the invoice at the time of installation, or as soon thereafter as possible, upon request.

12.0 CONNECTION FEES - MAIN TAPPING

The amount of contribution to reflect the cost of tapping into the main and as defined in Appendix "A" will not exceed the actual cost of tapping into the main line and extending a service pipe from the main to the customer's installation. This contribution will not be imposed jointly with Main Extension Charges as discussed in Rule 8.0 and 8.1 of this Policy. (25-10.120(22), F.A.C.)

13.0 WATER SERVICE ONLY - SEWER SERVICE ONLY

In any instance where either water or sewer service only is furnished without the companion service, then the connection charge shall be computed for that service only.

14.0 TRANSFER OF CONTRIBUTED PROPERTY - BILLS OF SALE

Should events occur wherein the Utility agrees to accept systems built by others, each contributor who has constructed portions of a water distribution and/or sewage collection system shall convey such component parts of the water distribution and/or sewage collection system to Utility by bill of sale, in form satisfactory to Utility's attorney, together with an affidavit to the effect that there are no liens, actual or pending on the systems installed by Developer by reason of work performed or services rendered in connection with the installation of the systems.

President

A mortgagee, if any, holding prior liens on the property, shall be required to release such liens, subordinate their position or join in the grant or dedication of easements or rights of way given or to be given by Developer hereunder or in the alternative, Developer shall obtain from said mortgagee assurance by way of a "non-cut-off agreement", that in the event of foreclosure, the mortgagee would continue to recognize the easement rights of the Utility as long as the Utility complies with the terms of this Agreement.

IT IS FURTHER PROVIDED HOWEVER, THAT AT ALL TIMES:

14.1 Consumer's Installation

Any facilities in the category of consumer's installation as defined in Appendix "A" shall not be transferred to Utility and shall remain the property of individual consumers, their successors or assigns.

14.2 Acceptance of Lines

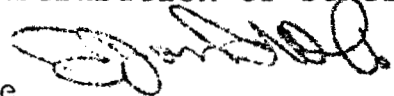
Utility shall not be required to accept title, provide service, nor connect its systems to any component part of the water distribution or sewage collection system until Utility's engineer has inspected and accepted as satisfactory all utility construction work performed by the Developer. Such approval shall not be unreasonably withheld. In connection with the inspection and approval, Developer's contractor or engineer shall have hydrostatically tested the water lines under prescribed engineering methods for adequate water pressure, and the lines shall have been adequately flushed, chlorinated and negative bacteriological sample results shall have been obtained, submitted to and approved by the Utility. The hydrostatic testing and bacteriological sampling be performed in the presence of Utility personnel.

14.3 Cost Records and "As-Built" Plans

Contributor shall maintain accurate cost records establishing the construction costs of all utility facilities including mains, lines, laterals, treatment plants, lift stations and other utility facilities by the contributors or its contractor. Such cost information shall be furnished to Utility concurrently with the bill of sale and such cost information shall be a prerequisite for the acceptance by Utility of the portion of the water distribution and sewage collection system constructed by the contributor. The Utility shall have reasonable access to any "back-up" documents to verify such costs, including, but not limited to, construction contracts, paid bills, invoices, etc.

APPROVED

Contributor shall also supply to the Utility a complete copy of "as-built" plans certified by the engineer responsible for construction, and the supplying of such plans will be a prerequisite for the acceptance by the Utility of the portion of the water distribution or sewer collection system constructed.



14.4 Right to Refuse Connection and Service

DIRECTOR WATER & SEWER DEPT.

The Utility agrees that the acceptance of the systems installed by the Developer, as above provided, shall constitute the assumption of responsibility by the Utility for the continuous operation and maintenance of such systems from the date of acceptance.

However, reserves the right to refuse connection and to deny the commencement of service to any consumer seeking to be connected to portions of the water distribution and sewage collection system until such time as the provisions of Sections 14.0, 14.1 and 14.2 and 14.3, 14.4 a) have been fully met.

= a) Application for Service:

A customer, user or any owner or occupant of any dwelling scheduled to receive utility service shall not be entitled to receive water or sewer services until formal written application has been made to the utility by said user or prospective user of the service, in accordance with the then effective rules and regulations of the utility; payment of the charges then in effect for service availability are made, and approval of such connection has been granted.

b) Connections

The responsibility for installing and connecting customer plumbing lines that is, lines within or under premises and connection to meter, is that of the customer or entity other than the utility.

The costs of expenses of constructing all Installations and all costs and expenses of operating repairing and maintaining any customer installation shall that of other than Service Company. With reference to such connections, the inspection provisions of Rule 16.1 of this Policy shall apply.

President

APPROVED  
DIRECTOR OF PUBLIC SERVICE COMMISSION  
Authority No.

15.0 EASEMENTS & RIGHTS-OF-WAY

As a prerequisite to the construction of any water distribution and/or sewage collection system proposed to be connected to the facilities of Utility, Contributor shall be responsible for obtaining permanent easements or rights-of-way as required by the utility for the installation, maintenance and operation of the water and sewer facilities required within the property.

Where possible, all water distribution and sewage collection lines shall be installed within the easements of rights-of-way established as provided herein, if not located within platted or dedicated roads or rights-of-way. Such easements shall be free and clear of all liens and encumbrances and in form proper for recordings as approved by counsel for the utility and shall cover such rights-of-way and areas as shall be designated by the utility in order to best serve the property, including rights of ingress and egress. Such easements rights shall be for such period of time as the utility or its successors or assigns require in the construction, ownership, maintenance, operation or expansion of the said water and sewer facilities and shall be made without cost to utility. Utility reserves the right to require such easement or right-of-way to the point at which the meter is proposed to be installed or at the "point of delivery of service", being the point at which the utility's facilities join with consumers installation.

In the event utility is required or desires to install any of its Facilities in lands within the property lying outside the streets and easement areas described above, then contributor shall grant to utility the necessary easement or easements for such "private property" installation provided that all such "private property" installation by utility shall be made in such a manner as not to interfere with the then primary use of such property. Utility will use due diligence in ascertaining all easement locations, but provided further that should utility install any of its facilities outside a dedicated easement area, the contributor, the successor and assigns will not require utility to move or relocate any facilities lying outside a dedicated easement area so long as the facilities do not interfere with the then or proposed use of the area in which the facilities have been installed.

President



Utility agrees that all easement grants will be utilized in accordance with the established and generally accepted installation of the water and the sewage industry with respect to the installation of all its facilities in any of the easement areas. Developers or its successors or assigns shall have the right to grant exclusive or non-exclusive rights, privileges and easements to other persons, firms or corporations to provide to the Property any utility services other than services to be provided by utility so long as such grant does not interfere with the use by utility.

The Developer will furnish to the utility at least one copy of any final plans or engineering drawings showing the location of any proposed buried power cables (if applicable), telephone or television cables and gas lines.

#### 16.0 INSPECTIONS

The Utility shall have, at all times during the construction, the right to inspect the construction of the water and/or sewer facilities being built by the contributor, or his agents or employees, as set forth in this Policy and receive payment of fees referred to therein. (25-10.123, F.A.C.)

The Utility shall be notified of commencement of construction and shall be kept informed of the progress of construction to permit to opportunity of inspection by utility personnel.

Such inspection is designed to assure utility that water and sewer lines and/or lift stations are installed in accordance with approved designs and are further consistent with the criteria and specifications governing the kind and quality of such installation. Utility further reserves the right to require and be present at tests of component parts of water distribution or sewage collection systems for the purpose of determining that the system, as constructed, conforms to Utility criteria for exfiltration, infiltration, pressure testing, line and grade. Such tests will be performed by developer or developer's contractor, but only under the direct supervision of utility engineer or authorized inspector.

#### 16.1 Inspection of Plumber's Hook-Up

It shall be the responsibility of the developer or its plumbing contractor to connect developer's or customers plumbing installation with the water distribution and sewage collection system. The Utility reserves the right to inspect all such connections to be assured that the same are properly made in accordance with the Utility's rules governing such connections.

APPROVED

The developer shall notify the utility of any proposed interconnection with the facilities of the utility and connection may be made without the presence of utility inspector. However, such connection shall remain open until inspection by the utility and until notice of the approval of such connection is furnished to the developer in accordance with the practices and procedures of the utility. Any connection covered without the benefit of inspection will result in subsequent inspection. If the utility fails to inspect the connection within 48 hours after written notice that the same is ready to inspect, the connection shall be deemed approved by the utility. (25-10.123, F.A.C.) In the event that the utility is unable to inspect the connection or the connection fails inspection, the utility will charge for re-inspection.

17.0 REFUNDABLE ADVANCES

Developer shall always be responsible for his "hydraulic share" of the cost of off-site facilities. However, occasions may arise when, for sound engineering reasons relating to Utility's master plan, it is necessary to serve a developer with facilities greater in size than the facilities related to the developer's pro rata share.

Therefore, the utility may require, in addition to the contributions set forth herein, a refundable advance by developer to temporarily defray the cost of any off-site extension of water and/or sewer mains, pumping stations, and other facilities necessary to connect the developer's property with the then proper point of interconnection with the utility's existing water and/or sewer facilities, in size needed to provide service to the subject property.

In the event that the utility requires the developer to advance to the utility additional main extension charges based upon the anticipated hydraulic load requirements of the undeveloped property in order that such facilities may be constructed to serve both the developer's property and the immediately surrounding area in accordance with the utility's master plan for service, charges paid by the developer over and above the developer's hydraulic share of the off-site facilities, shall be refunded to the developer in accordance with the terms and conditions of a refunding agreement which the utility will execute with the contributor. Notwithstanding the provisions of

President

this Section, the utility may limit the life of the refund agreement to a term of not longer than five years, after which time the portion of the refund not made to the developer by the terms and conditions of the refund agreement will be cancelled. In no event shall a developer recover an amount greater than the difference between the capitalized cost of such improvements and the developer's own hydraulic share of such improvement. The utility will not include any interest upon the refund of the developer's advance. (25-10.121(20), F.A.C.)

#### 18.0 OPERATING EXPENSE DEPOSIT AND/OR GUARANTEED REVENUE

In the event that utility believes it necessary to insure its continued financial integrity, it shall guarantee revenue charge to the contributor for the purpose of paying for certain fixed charges relating to the water and sewer systems, including but not limited to debt service, taxes, depreciation and maintenance, an operating expense deposit or a guaranteed revenue.

In the alternative, at the option of the utility or not less than ten (10) days before the day on which developer's on-site systems are accepted by Utility, and on each anniversary thereof, until all plant capacity reserved for the developer is serving a consumer, developer shall pay to utility a sum of money which is equal to the minimum rate for water and sewer service for each equivalent residential connection to be served for a period of one (1) calendar year in advance. As consumers, as defined by Rule 2.0 of this Policy, are added to the system, the appropriate guaranteed revenue charge will be deducted from the amount paid by the developer and refunded by utility to the developer at the end of one year from the date of payment of the guaranteed revenue deposit.

If the developer shall fail or refuse to pay the money required by this paragraph, the agreement for reservation of plant capacity by the utility for the developer shall be void and no capacity reservation shall be reserved for such developer.

#### 19.0 ACTION BY GOVERNMENTAL AUTHORITY

Pursuant to requirements by appropriate governmental authority to limit or curtail utility services, such as irrigation, motoriums, the utility may restrict the use of utility service. Contributors and customers obtain reservation for service or service itself subject to notice of this limitation.

**APPROVED**

Authority No.

20.0 ADJUSTMENT PROVISIONS

Governmental Authority: The rules and chapters set forth in this Policy are subject to adjustment by appropriate action of the governmental agency having jurisdiction of this Policy, either by action of the governmental agency or by request of the utility. (25-10.141, F.A.C.)

20.1 Escalation by Application to the Public Service Commission

Utility may file with the Florida Public Service Commission a higher contribution schedule alleging, in support thereof, the reasons requiring such increased contributions. Such reasons may include and be related to increasing standards of service or increasing degrees or sophistication required in treatment plant facilities; inadequate or incorrect estimates of the total anticipated contributions vs. the actual investment levels required by utility to provide water and sewer treatment facilities and water distribution and sewage collection systems; actual experience with regard to matters of service area density having a direct bearing upon contributions received vs. the cost of construction of plant and system facilities; matters of net utility investment bearing upon rates and charges required of customers necessary to provide reasonable rates of return upon such investments and/or such other matters which may reasonably bear upon the needs, necessities or considerations requiring such change.

Further, utility may file with the Commission a higher contribution schedule in accordance with Rule 25-10.141, F.A.C. based on actual construction cost records and construction cost index as published in Handy-Whitman for water, and the Environmental Protection Agency for sewer.

Any such change in contribution schedule by application to the Commission shall be in accordance with the then existing rules and regulations of the Commission, and if such rules and regulations shall require public hearing, then, in that event, such increase shall not be effective until approved by the Commission.

21.0 WATER AUTHORITY PROVISIONS

A substantial portion of the water supplied is obtained from Pasco Water Authority, Inc., (Authority) which is undertaking a program to enhance the continuity and reliability of water

President

supply by a system of increased storage, pump and new water source acquisition which will require additional funding. In order to mitigate the impact of this program on water service rates, the Authority has adopted a system of financing by which the necessary fund which shall be obtained primarily through CIAC as outlined hereinafter.

CIAC charges for the capital improvements constructed or to be constructed by the Authority are based on the best engineering cost estimates available as of the 2nd quarter, 1978. The Authority may well seek to increase such charges by making proper application to the Florida Public Service Commission in a manner similar to that set forth in Section 19.1 of this Policy.

Should the increased charges be approved by the Commission such increased charges will be applied to all outstanding developer's agreements of the utility effective the date of approval.

#### 21.1 Water Capacity Charge

— A charge of forty cents (\$.40) per gallon of water capacity demand as determined pursuant to the specifications set forth on Appendix "B" of this Policy will be charged to each new customer except as follows:

- 21.1(a) The charges required by 20.1 will apply to new commercial customers who request water service from the utility on and after September 1, 1977.
- 21.1(b) The charge required by the paragraph 20.1 shall apply to new residential customers who request the availability of water service from the utility on and after January 1, 1979, unless the request is made prior to January 1, 1979, for connection and availability of water service on and after September 1, 1979.

#### 21.2 Escrow Arrangements

Payment of money required pursuant to the provisions of paragraphs 20.1 hereof will be made to the Escrow Agent for Pasco Water Authority, Inc., in accordance with the provisions of the escrow agreement, a copy of which is maintained by the utility and the Authority in their respective offices for inspection by any contributor or prospective contributor during the regular business hours of the said offices.

President

APPENDIX "A"DEFINITION OF TERMS

Florida Public Service Commission

**APPROVED**

Authority No. \_\_\_\_\_

CUSTOMER CONNECTION FEES - The term applied to the charge imposed by the utility to defray the cost of installing the connection between the customer's property and the utility's main water and sewer lines (including the cost of meters and piping). This service is generally performed by the customer's plumbing contractor. Total customer connection fee will consist of the following where appropriate:

MAIN TAPPING FEE - The fee imposed by the utility to defray the cost of tapping into the main and extending a service pipe from the main to the customer installation.

CUSTOMER INSTALLATION - All facilities on the customer's side of the point of delivery.

EQUIVALENT RESIDENTIAL CONNECTION (ERC) - A determination of the average daily flow of a specific classification of water and/or sewer service customers, and comparing that flow with the normal average daily flow of a single residential unit (270 gallons per day) to determine the equivalence of that water and/or sewer service customer to a normal single residential unit.

GENERAL UTILITY STANDARDS - The term used in connection with any act or duty of Service Company hereunder shall mean the lawful standards generally applied and used by other companies in the State of Florida when performing like or similar acts or duties.

HYDRAULIC SHARE - The pro rata share of the capabilities of facilities to be available to the contributor, which pro-rata share is multiplied by the unit cost (per gallon) of constructing such facilities to determine the proportional share of the cost thereof to be borne by the contributor.

OFF-SITE FACILITIES - The sewage collector trunk mains (including manholes), sewage force mains and sewage pumping stations, also water transmission mains, the purpose of which is to transport potable water for domestic consumption and commercial use to several properties within the service territory of the Utility, or for the collection of sewage received from the several properties within said territory.

President

DEC 16 1980

ON-SITE FACILITIES - The portion of the water distribution system and/or sewage collection system and/or trunk line facilities which has been or is to be located wholly within the property which is the subject of the extension agreement. In the event that a trunk main crossed the property of contributor, the on-site facilities shall be considered the water distribution system and/or sewage collection system that is located on the contributor's property but outside of the easement containing said trunk line facilities.

**APPROVED**

*[Handwritten signature]*

SERVICE AVAILABILITY - The readiness and ability on the part of utility to furnish utility service meeting prescribed quantity and quality standards through water distribution and/or sewage collection lines abutting the property proposed to be served.

USER - The tenant or owner or user of space in the subdivision except that if a portion of the property is not occupied or used by a tenant or sub-tenant, "customer" as to that portion shall include the Developer.

APPENDIX "B"SCHEDULE OF DAILY RATED GALLONAGE  
FOR VARIOUS OCCUPANCYTypes of Building Usages

Apartments.....	250	gpd
Bars & Cocktail Lounges.....	5	gpcd (1)
Boarding Schools (Students and Staff).....	75	gpcd
Bowling Alleys (toilet wastes only), per lane.....	100	gpd (2)
Country Clubs, per member.....	25	gpcd
Day Schools (Students and Staff).....	10	gpcd
Drive-in Theatres (per car space).....	5	gpd
Factories, with showers (toilet wastes only).....	30	gpcd
Factories, no showers (toilet wastes only).....	10	gpd/100 sq. ft.
Hospitals, with laundry.....	250	gpd/bed
Hospitals, no laundry.....	200	gpd/bed
Hotels and Motels.....	200	gpd/room & unit
Laundromat.....	225	gpd/washing machine
Mobile Home Parks.....	300	gpd/trailer
Movie Theatres, Auditoriums, Churches (per seat).....	3	gpd
Multiple Dwelling Units.....	193	gpd
Nursing Homes.....	150	gpd/100 sq. ft.
Office Buildings.....	10	gpd/100 sq. ft.
Public Institutions (other than those listed herein)...	75	gpcd
Restaurants (per seat) (see surcharge Section 7.5).....	50	gpcd
Single Family Residential		
Water - 3/4" x 5/8" Meter.....	270	gpd
1" Meter.....	600	gpd
1 1/2" Meter.....	1150	gpd
Sewer.....	270	gpd
Townhouse Residence.....	193	gpd
Stadiums, Frontons, Ball Parks, etc. (per seat).....	3	gpd
Stores, without kitchen wastes, shopping centers.....	15	gpd/100 sq. ft.
Speculative Buildings.....	30	gpd, plus 10 gpd/100 sq. ft.
Warehouses.....	30	gpd, plus 10 gpd/1000 sq. ft.

- (1) gpcd - gallons per capita per day  
(2) gpd - gallons per day

NOTE: Sewage gallonage refers to sanitary sewage flow on unit basis for average daily flow in gallons per day.



*Jo. Allorney R. Jeger Rm 126, Betty Tarkey*

Request No. 666231W

Name JOHN F. BROEDEL

Business Name BROEDEL PLUMBING SUPPLY INC

**Consumer Information**

Name: JOHN F. BROEDEL

Business Name: BROEDEL PLUMBING SUPPLY INC

Svc Address: 1601 COMMERCE LANE SUITE 100

Phone: (561)-747-8000

Can Be Reached: (561)-747-8000

City/Zip: Jupiter / 33458-

Date Transferred to BCO: 11/21/2005

Date Received by BCO: 11/21/2005

Suspense Date: 12/28/2005

Sent to Agenda:

Conf. Agenda Date: / /

Form X Date Sent: 02/24/2006

Form X Date Due: 03/13/2006

Form X Received Late:

**Florida Public Service  
Commission - Consumer Request  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399  
850-413-6100**

Review Settlement Deadline: / /

Review Analyst: JOHN PLESCOW

Pre. Conf. Sett. Amount: 0.00

Pre. Conf. Settlement:

Informal Conference Deadline: / /

Informal Conf. Sch.: Y Conference Analyst: KATE SMITH

Date of Informal Conference: 04/19/2006

Informal Conf. Sett. Amount: 0.00 Informal Conf. Settlement:

Informal Conf. Resolve: Conf. Closed Date: / /

Post Conf. Sett. Amount: 0.00

Post Conf. Settlement:

**Utility Information**

Company Code: WS001

Company: ALOHA UTILITIES, INC.

Attn. Pamela Yacobelli677591W

Customer is building a new building for his company and when he sent the water impact documents to Aloha they told him that they will charge him by the square foot. Customer disagrees with the way Aloha is calculating the impact cost and would like for the PSC to review Aloha's method of calculating impact fees.

Customer will fax in documents for review.

09/16/05 - Customer correspondence received via U.S. mail; forwarded to XKerr. /ewe

9/21/2005 Case will be forwarded to ECR for further handling. rmchargue

9/22/2005 - Case was forwarded to Marshall Willis for handling.

Request No. 666231W

Name JOHN F. BROEDEL

Business Name BROEDEL PLUMBING SUPPLY INC

11/21/2005 Case reassigned to RCA. Per Rhonda Hicks case forwarded to the Process Review Team for handling.  
rmchargue

11/21/05: Converted from 666231C to 666231W on this date. RRoland

\* \* \* \* \* PROCESS REVIEW TEAM STATUS \* \* \* \* \*

November 21, 2005: We received an e-mail at approximately 1:45 p.m. indicating that this case had been assigned to the Process Review Team. The case is closed. Copy of the e-mail has been placed in the case file. Carmen Peña - Supervisor Process Review Group (BCR/RCA)

November 21, 2005: FAXED TO THE COMPANY: THE CUSTOMER'S CASE HAS BEEN REASSIGNED TO THE PROCESS REVIEW TEAM. PLEASE DO NOT TAKE COLLECTION ACTION ON THE CUSTOMER'S ACCOUNT FOR ANY DISPUTED AMOUNT, IF APPLICABLE, REGARDING THE CASE, PENDING THE OUTCOME OF THE PROCESS REVIEW. A member of the PSC's Process Review Group will be following up with the company regarding this case. Carmen Peña - Supervisor Process Review Group (BCR/RCA)

The above message was faxed to the company at approximately 2:05 p.m. Copy of the fax log report has been placed in the case file.

The RCA staff in charge of reviewing this case is John Plescow. Carmen Peña - Supervisor Process Review Group (BCR/RCA)

02/20/06: After reviewing the case, I agree with the opinion of Troy Rendell, Supervisor at the WAW division. I will meet with my supervisor in regards to the case. I believe an informal conference is warranted./ JPlescow.

February 21, 2006: John met with me and explained why he is of the opinion that this case should go to an informal conference. After further review I concur. The consumer will be forwarded a dispute resolution form which will be followed-up with an informal conference. Carmen Peña - Supervisor Process Review Group (BCR/RCA)

February 24, 2006: A cover letter and a dispute resolution form have been forwarded to the consumer via certified and regular mail. The completed dispute resolution form is to be postmarked no later than March 13, 2006. A copy has been faxed to the company and copy of the documentation has been placed in the case file.  
Carmen Peña - Supervisor Process Review Group (BCR/RCA)

March 6, 2006: 10:15 a.m. I called Mr. Broedell to determine whether or not he received the regular mail copy of our Dispute Resolution letter. He was not available so I left a message. 1:10 p.m. I called again. He was not available so I obtained his extension (200) and agreed to call back again. 1:30 p.m. I called again and left a voice message explaining the reason for my call and asking for a return call.

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Request No. 666231W Name JOHN F. BROEDELL Business Name BROEDELL PLUMBING SUPPLY INC

2:15 p.m I received a call from Mr. Miran Mears. He advised me that he was handling the complaint. I explained the reason for my call. He said that he had not received our letter. I promised to resend it and extend the due date. He asked me just to fax it and gave me his fax number of 561-747-8007. He asked me about the procedure so i explained how the informal conference would work. He advised me that he believed he could not win his case. He was very familiar with Aloha's tariff. He wanted to be sure the conference would be recorded. I assured him it would be. Then he asked if there were anyone at the Commission with whom he could speak in advance. I told him neither legal nor technical staff had been assigned yet. He asked me if Marshall Willis still worked her and I assured him that Mr. Willis was still with us. He indicated that he may call Mr. Willis to get some pointers. I advised him that would not be appropriate since we do not yet know who will be assigned from technical.

Mr. Mears asked me to predict how the conference would go. I advised him that I would be the moderator and, as a professional person, I could not take sides or offer advice. He said he understood. I then asked him what his goal for the conference would be. He said that he would like Aloha to agree to re-evaluate their demand for impact fee in 1.5 to 2 years and refund any monies beyond what is actually used by the company. Mr. Mears told me that this was already presented to the company, but Aloha declined the offer. Kate

March 8, 2006: Mr. Mears left me a voice message. It appears that the company accepted staff's proposed recommendation of October 20, 2005. Mr. Mears was wondering what Aloha's position is on the recommendation. It appears staff recommended that the case be re-evaluated in 12 months after actual usage has been established. Mr. Mears requested a copy of Aloha's response. He asked that we fax him a copy of the response to 561-747-8007. Kate

March 8, 2006: At approximately 3:49 p.m. we received the completed dispute resolution. This form will be accepted because due to a clerical error, the original dispute resolution certified letter and regular one were mailed to another address. The returned letters have been placed in the case file. Carmen Peña - Supervisor Process Review Group (BCR/RCA)

March 10, 2006: A copy of the completed dispute resolution has been faxed to the company. Copy of the fax log report has been placed in the case file.

A copy of the case file has been forwarded to Regulatory Consultant Kate Smith. She will be representing RCA in the informal conference.

Kate will contact the company to request it choose a date for the informal conference. The dates offered are April 12 or April 19. As soon as the company chooses the date the informal conference will be scheduled. Carmen Peña - Supervisor Process Review Group (BCR/RCA)

March 10, 2006: I called Aloha to ask about dates for the informal conference. Ms. Yacobelli was not available. I left a message asking her to select either April 12 or 19th for the informal and to call me back Monday, March 13, with her decision. Kate

March 13, 2006: I called Aloha about the informal conference dates. Ms. Yacobelli said the company would prefer April 19th. We then discussed the question, "Why had Aloha turned down the proposal by staff to re-evaluate the case in 1.5 to 2 years?" I pointed out that it could be in Aloha's favor. She said she would check on it and call me. I told her if Aloha accepts the proposed resolution, we can close the case with a settlement agreement. Kate.

March 13, 2006: The toll free number to call in on the day of the informal conference is 877 - 651-3473. Copy of the e-mail received from dms.myflorida.com has been placed in the case file. Carmen Peña - Supervisor Process Review Group (BCR/RCA)

March 14, 2006: We have received a second copy of the completed dispute resolution form. It has been placed in the case file. Carmen Peña - Supervisor Process Review Group (BCR/RCA)

March 15, 2005: A letter has been forwarded to the consumer indicating to him that the informal conference has been scheduled for Wednesday, April 19, 2006, beginning at 9:30 a.m. Copy of the letter has been faxed to the company.

An e-mail has been forwarded to bureau chief Rhonda Hicks requesting an attorney from General Counsel's office be assigned to this informal conference as well as staff from the water technical division. The Regulatory Consultant representing RCA is Kate Smith. Copy of the case file has been made and forwarded to her. Copy of the e-mail has been placed in the case file. Carmen Peña - Supervisor Process Review Group (BCR/RCA)

March 17, 2006: An e-mail has been received from Troy Rendell indicating that Shannon Hudson will be representing WAW in the informal conference. Copy of the e-mail has been placed in the case file. A copy of the case file will be forwarded to Ms. Hudson. Carmen Peña - Supervisor Process Review Group (BCR/RCA)

ORIGINAL

Request No. 666231W

Name JOHN F. BROEDEL

Business Name BROEDEL PLUMBING SUPPLY INC

PAGE NO: 4

**Carmen Pena**


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**From:** Carmen Pena  
**Sent:** Friday, March 17, 2006 3:57 PM  
**To:** Troy Rendell  
**Cc:** Carmen Pena; Rhonda Hicks  
**Subject:** RE: Broedell Plumbing Supply Inc. (John F. Broedell) Vs. Aloha Utilities, Inc.  
**Importance:** High

Troy:

We will forward Shannon a copy of the case file on Monday.

Thank you for your cooperation.

**ORIGINAL**

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**From:** Troy Rendell  
**Sent:** Friday, March 17, 2006 1:31 PM  
**To:** Rhonda Hicks  
**Cc:** Connie Kummer; Marshall Willis; Wanda Terrell; Tim Devlin; Shannon Hudson; Bart Fletcher; Kate Smith; Carmen Pena  
**Subject:** RE: Broedell Plumbing Supply Inc. (John F. Broedell) Vs. Aloha Utilities, Inc.

This is the one that Bart and I both worked on the original complaint. Therefore, please assign Shannon Hudson to the informal conference.

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**From:** Marshall Willis  
**Sent:** Friday, March 17, 2006 1:16 PM  
**To:** Tim Devlin; Rhonda Hicks; Wanda Terrell; Connie Kummer  
**Cc:** Troy Rendell  
**Subject:** RE: Broedell Plumbing Supply Inc. (John F. Broedell) Vs. Aloha Utilities, Inc.

Troy Rendell or one of his staff.

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**From:** Tim Devlin  
**Sent:** Friday, March 17, 2006 1:15 PM  
**To:** Rhonda Hicks; Wanda Terrell; Marshall Willis; Connie Kummer  
**Subject:** RE: Broedell Plumbing Supply Inc. (John F. Broedell) Vs. Aloha Utilities, Inc.

Connie and Marshall: who should be on this call regarding impact fees?

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**From:** Rhonda Hicks  
**Sent:** Friday, March 17, 2006 8:12 AM  
**To:** Wanda Terrell; Tim Devlin  
**Subject:** FW: Broedell Plumbing Supply Inc. (John F. Broedell) Vs. Aloha Utilities, Inc.

Can you assign a staff person to attend this informal conference?

Tim,

Generally all of the informal conferences have been handled by Connie or one of her staff because the

cases have be electric. I don't know who makes the assignments for water and wastewater cases.

Thanks,  
Rhonda L. Hicks  
(850) 413-6449

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**From:** Carmen Pena  
**Sent:** Wednesday, March 15, 2006 10:09 AM  
**To:** Rhonda Hicks  
**Cc:** Carmen Pena; Kate Smith  
**Subject:** Broedell Plumbing Supply Inc. (John F. Broedell) Vs. Aloha Utilities, Inc.

Rhonda:

An informal conference has been scheduled for Case Number 666231W:

**BRODELL PLUMBING SUPPLY, INC.** (John F. Broedell)  
Vs. Aloha Utilities, Inc.  
Date: Wednesday, April 19, 2006  
Time: 9:30 a.m.  
Via: Phone  
Utility: Water

ORIGINAL

Dispute:

Consumer is requesting a provision for a refund of overcharged impact fees.

\*Note\* The consumer alleges that Aloha should agree to look back after a year or two and refund the excess impact fees paid due to an over-estimate on its part of the future water usage.

Amount in Dispute: \$32,000.00 (overcharged)

An attorney from General Counsel's office and technical staff need to be assigned to the informal conference.

Kate Smith will be representing RCA.

Thank you for your cooperation.

*CARMENCITA*



COMMISSIONERS:  
LISA POLAK EDGAR, CHAIRMAN  
J. TERRY DEASON  
ISILIO ARRIAGA  
MATTHEW M. CARTER II  
KATRINA J. TEW

STATE OF FLORIDA



DIVISION OF REGULATORY  
COMPLIANCE AND  
CONSUMER ASSISTANCE  
DANIEL HOPPE, DIRECTOR  
(850) 413-6480  
TOLL FREE 1-800-342-3552

## Public Service Commission

March 15, 2006

*Certified and Regular Mail*

Mr. John F. Broedell  
Mr. Miran Mears  
Broedell Plumbing, Inc.  
14601 Commerce Lane, Suite 100  
Jupiter, FL 33458

**Re: FPSC Inquiry No. 666231W**

Dear Mr. Broedell & Mr. Mears:

Thank you for contacting the Florida Public Service Commission (PSC) about Aloha Utilities, Inc. We are moving to the next step in the process review. Your informal conference will be held by telephone on **Wednesday, April 19, 2006, at 9:30 a.m.**

On the day of the conference, please call us at (877-651-3473) . The utility will also call in on this number. Once we are all connected, we will begin the informal conference.

I wish to emphasize that this process is informal and the PSC's staff will only act as a facilitator to the discussion. I hope that both sides will participate fully and reach a fair settlement. Both parties have a chance to participate in the decision and outcome of the complaint. For your convenience, I have attached a list of unresolved issues which was taken from the Dispute Resolution form you filled out for us. An explanation of the procedures to be followed at the informal conference is attached for your review. Please be sure to have both the attachments to this letter with you when you call us.

Sincerely,

A handwritten signature in cursive script that reads "C. Peña".

Carmen Peña  
Regulatory Program Administrator  
Process Review Group  
BCR/RCA

c: Aloha Utilities, Inc.

## UNRESOLVED ISSUES

Broedell Plumbing Vs. Aloha Utilities, Inc.

666231W

In accordance with Rule 25-22.032(8)(e) F.A.C., we are sending you a written notice of the unresolved issues from the above-referenced complaint. These are the only issues which will be open for discussion at the informal conference. Please be sure to have the list on hand for easy reference.

1. The customer would like the company to agree to staff's October 20, 2005, proposed resolution.
2. The customer would like Aloha Utilities to agree to review the impact fees assess to Broedell Plumbing in one to two years.
3. Broedell Plumbing wants the utility's response to be recorded for any possible future action.
4. Broedell Plumbing would like to hear why Aloha opposes the staff's recommendation, if it still holds that position.
5. Disputed amount: \$32,000.



PROCEDURES  
TO BE FOLLOWED  
AT THE INFORMAL CONFERENCE

1. Per Rule 25-22.032(8)(f), the informal conference will be tape-recorded. Copies of the tape are available at \$2 each. Parties may contact the Division of the Commission Clerk and Administration in writing to request copies. Parties will be responsible for transcribing the tape.
2. The customer will be asked to make an introduction and to introduce any parties present with him/her.
3. The company will be asked to make a similar introduction.
4. PSC staff will also introduce all persons present at the conference.
5. Introductions should include the name, who they represent, and the reason for attending the informal conference.
6. All parties must address their comments directly to the PSC moderator and not to each other.
7. All parties will be given an opportunity to speak and rebut comments made by opposing parties. The parties will each be given 5 minutes at a time to present their concerns or rebuttal.
8. Statements should be limited to issues from the original complaint which were identified on the customer's Dispute Resolution Form.
9. Statements by the customer should not raise any new issues not addressed in the initial complaint.

---

<u>Identification</u>	<u>Result</u>	<u>Pages</u>	<u>Type</u>	<u>Date</u>	<u>Time</u>	<u>Duration</u>	<u>Diagnostic</u>
617273722677	OK	04	Sent	Mar-15	11:29A	00:01:19	002582030022

---

COMMISSIONERS:  
LISA POLAK EDGAR, CHAIRMAN  
J. TERRY DEASON  
ISILIO ARRIAGA  
MATTHEW M. CARTER II  
KATRINA J. TEW

STATE OF FLORIDA



DIVISION OF REGULATORY  
COMPLIANCE AND CONSUMER  
ASSISTANCE  
DANIEL M. HOPPE, DIRECTOR  
(850) 413-6480

Public Service Commission

FACSIMILE TRANSMITTAL COVER SHEET

RE: Inquiry No. 666 2310

DATE: March 15, 2006  
TO: Pam Yacobelli  
UTILITY/BUSINESS: Aloha Utilities, Inc  
FAX NUMBER: (727) 372-2677

CARMEN PEÑA  
DIVISION OF REGULATORY COMPLIANCE  
AND CONSUMER ASSISTANCE  
BUREAU OF COMPLAINT RESOLUTION  
FAX NUMBER (850) 413-6110

COMMENTS: Customer: John F. Broedell  
Broedell Plumbing, Inc.

Informal Conference scheduled  
letter. FYI.

Note: Should you have any questions  
or concerns, please contact Kate  
Smith at (850) 413-6105.

Thank You-  
C. Peña

NUMBER OF PAGES, INCLUDING THIS COVER SHEET: \_\_\_\_\_

**Carmen Pena**

---

**From:** Carmen Pena  
**Sent:** Wednesday, March 15, 2006 10:09 AM  
**To:** Rhonda Hicks  
**Cc:** Carmen Pena; Kate Smith  
**Subject:** Broedell Plumbing Supply Inc. (John F. Broedell) Vs. Aloha Utilities, Inc.

Rhonda:

An informal conference has been scheduled for Case Number 666231W:

**BROEDEL PLUMBING SUPPLY, INC. (John F. Broedell)**  
Vs. Aloha Utilities, Inc.  
Date: Wednesday, April 19, 2006  
Time: 9:30 a.m.  
Via: Phone  
Utility: Water

Dispute:

Consumer is requesting a provision for a refund of overcharged impact fees.

\*Note: The consumer alleges that Aloha should agree to look back after a year or two and refund the excess impact fees paid due to an over-estimate on its part of the future water usage.

Amount in Dispute: \$32,000.00 (overcharged)

An attorney from General Counsel's office and technical staff need to be assigned to the informal conference.

Kate Smith will be representing RCA.

Thank you for your cooperation.

*CARMENCITA*







FLORIDA PUBLIC SERVICE COMMISSION  
DISPUTE RESOLUTION FORM

FPSC Complaint Number: 666231W

Utility: Aloha Utilities, Inc.

Consumer's Name: Mr. John F. Broedell  
Address/Apartment: Broedell Plumbing Supply, Inc.  
1601 Commerce Lane, Suite 100  
Jupiter, FL 33458

RECEIVED

MAR 13 2006

Florida PUBLIC SERVICE COMMISSION  
Division of RCA

Daytime Telephone Number: (561) 747-8000 Home: (561) 746-0053

FAX: (561) 747-8007

E-mail address: jbroedell@broedell.com

Authorized Representative (if applicable): J. Miram Mears

Utility to provide the following information:

Account Holder: \_\_\_\_\_

Utility Contact Person: \_\_\_\_\_

Telephone Number: \_\_\_\_\_ FAX: \_\_\_\_\_

E-mail address: \_\_\_\_\_

Please address the following statements using additional pages if necessary.

Describe the facts that gave rise to the complaint and the reason why it appears to be a violation of applicable statutes, rules, company tariffs, and/or orders of the Commission. **Statements should not raise any new issues not addressed in the initial complaint. Any new issues will be considered as a separate complaint.**

\_\_\_\_\_

Public Service Commission staff stated in its letter of 10-20-05 it believes our request for a provision for a refund of overcharged impact fees was a reasonable request. Staff also finds this reasonable request is allowed by Aloha's tariff.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

ORIGINAL

Identify the Issue(s) to be resolved. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

We request that Aloha agree to look back after a year or two and refund excess impact fees paid due to their over-estimate of our future water usage.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Identify any specific dollar amount in dispute, if applicable. We believe we were overcharged about \$32,000.00.

Provide a suggested resolution or the relief sought. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

We request that Aloha provide for a refund of excess impact fees if justified after looking back. If Aloha refuses what staff has stated as being our reasonable request we want it clearly stated on the record. We want their justification for being unreasonable on the record so we may proceed to secure our reasonable request or expose this injustice to the fullest extent possible.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**NOTICE:** This form must be postmarked by March 13, 2006.

PSC/CIAF 010 (New 01/04)

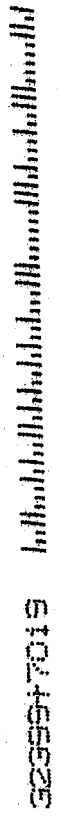
**ORIGINAL**

**BROEDEL**  
**PLUMBING SUPPLY, INC.**  
1601 COMMERCE LANE • JUPITER, FL 33458

WEST PALM BEACH, FLORIDA  
FL 334 \* TWA  
10 MAR 2006 PM 5:14 PM  
1698 \$ 00.390 MAR 10 2006  
8435 MAILED FROM ZIP CODE 33458

Kate Smith  
Division of Regulatory Compliance  
& Consumer Assistance  
Capital Circle Office Center  
2540 Shumard Oak Blvd  
Tallahassee, FL 32399 -0850

ORIGINAL

323997019 

Case: 642316  
Completed Dispute Resolution Form



**Margarita Valdez**

---

**From:** Gregory, Jane [Jane.Gregory@dms.myflorida.com]

**Sent:** Monday, March 13, 2006 2:29 PM

**To:** Margarita Valdez

***your mmcc for 4/19  
9:30-11 am  
30 lines  
phone 850/413-9245  
sc 293-9245  
toll free 877/651-3473***

***THANKS,  
Jane Gregory  
Voice Conference Services  
Enterprise Information Technology Services  
4030 Esplanade Way  
Tallahassee, Florida 32399-0950  
850/922-9912  
SC 292-9912  
Fax 850 487 2329 Sc 277 2329***

**RIGINA**

**Carmen Pena**

---

**From:** Carmen Pena  
**Sent:** Monday, March 13, 2006 2:23 PM  
**To:** Margarita Valdez  
**Cc:** Carmen Pena; Kate Smith  
**Subject:** A toll free number is needed....  
**Importance:** High

Margarita:

I need a toll free number for April 19, 2006 to hold an informal conference.

Please see if you can get it for 9:30 a.m.

Thank you for your cooperation.

*CARMENCITA*

ORIGINAL

**Carmen Pena**

---

**From:** Kate Smith  
**Sent:** Monday, March 13, 2006 1:39 PM  
**To:** Carmen Pena  
**Subject:** Aloha vs Broedell Informal

Pam Yacobelli and I discussed this case. She would like to have the conference on 4/19. I asked her to check and see why the company turned down the proposed resolution of re-evaluating the case in 1.5 to 2 years. She'll call me back on that.

OK?

Kate Smith



ORIGINAL

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<u>Identification</u>	<u>Result</u>	<u>Pages</u>	<u>Type</u>	<u>Date</u>	<u>Time</u>	<u>Duration</u>	<u>Diagnostic</u>
617273722677	OK	03	Sent	Mar-10	08:45A	00:01:05	002582030022

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1.3.0 2.8

ORIGINAL

Faxed to company  
the completed dispute  
resolution -  
Case 666231W

COMMISSIONERS:  
LISA POLAK EDGAR, CHAIRMAN  
J. TERRY DEASON  
ISILIO ARRIAGA  
MATTHEW M. CARTER II  
KATRINA J. TEW

STATE OF FLORIDA



DIVISION OF REGULATORY  
COMPLIANCE AND CONSUMER  
ASSISTANCE  
DANIEL M. HOPPE, DIRECTOR  
(850) 413-6480

Public Service Commission

FACSIMILE TRANSMITTAL COVER SHEET

RE: Inquiry No. 666231W

DATE: March 10, 2006  
TO: Pamela Yacobelli  
UTILITY/BUSINESS: Aloha Utilities  
FAX NUMBER: 6-1 (727) 372-2677

CARMEN PEÑA  
DIVISION OF REGULATORY COMPLIANCE  
AND CONSUMER ASSISTANCE  
BUREAU OF COMPLAINT RESOLUTION  
FAX NUMBER (850) 413-6110

ORIGINAL

COMMENTS: Customer - Broedell Plumbing Supply,  
Inc. ( Mr. John F. Broedell )

A copy of the consumer's completed  
dispute resolution for your records  
is included.

The Regulatory Consultant in charge  
of the informal conference is Kate Smith.  
You can contact her should you have any  
concerns or question at (850) 413-6105.

NUMBER OF PAGES, INCLUDING THIS COVER SHEET: 3

STATE OF FLORIDA



COMMISSIONERS:  
RUDOLPH "RUDY" BRADLEY,  
CHAIRMAN  
J. TERRY DEASON  
BRAULIO L. BAEZ  
LISA POLAK EDGAR  
ISILIO ARRIAGA

DIVISION OF REGULATORY  
COMPLIANCE AND CONSUMER  
ASSISTANCE  
DANIEL M. HOPPE, DIRECTOR  
(850) 413-6480

# Public Service Commission

## FAX TRANSMITTAL

Inquiry No. 666231W

Date: March 6, 2006  
To: Mr. J. Miran Mears  
Utility/Business: Broedell Plumbing, Inc.  
Fax Number: 561-747-8007

**Kate Smith**  
**Division of Regulatory Compliance**  
**And Consumer Assistance**  
**Bureau of Complaint Resolution**  
**1-850-413-6105 voice**  
**1-850-413-6106 fax**

Comments: Dispute Resolution Letter and Form. Please fax by or return post-marked March 13, 2006

Number of Pages, including this coversheet. 4

STATE OF FLORIDA

COMMISSIONERS:  
LISA POLAK EDGAR, CHAIRMAN  
J. TERRY DEASON  
ISILIO ARRIAGA  
MATTHEW M. CARTER II  
KATRINA J. TEW



DIVISION OF REGULATORY  
COMPLIANCE AND CONSUMER  
ASSISTANCE  
DANIEL M. HOPPE, DIRECTOR  
(850) 413-6480

## Public Service Commission

February 24, 2006

*Certified and Regular Mail*

Mr. John F. Broedell  
Broedell Plumbing Supply, Inc.  
1601 Commerce Lane, Suite 100  
Jupiter, FL 33458

**Re: Informal Conference Request  
PSC Inquiry No. 666231W**

Dear Mr. Broedell:

Thank you for contacting the Florida Public Service Commission (PSC) about Aloha Utilities, Inc. We appreciate the opportunity to help you.

In accordance with Commission Rule 25-22.032(8), Florida Administrative Code, you must complete the attached Dispute Resolution Form PSC/CAF10, and return it to the Commission within 15 days from the date of this letter. **If the completed form is not postmarked by March 13, 2006, which is 15 working days from the date of this letter, your complaint will be closed at this point.**

I hope this information is helpful. If you have any questions, please contact me at 1-800-342-3552, by toll-free fax at 1-800-511-0809, or by e-mail at [cpena@psc.state.fl.us](mailto:cpena@psc.state.fl.us).

Sincerely,

A handwritten signature in cursive script that reads "C. Peña".

Carmen R. Peña  
Regulatory Program Administrator  
Process Review Group  
BCR/RCA

CRP:mvg  
Attachment  
c: Aloha Utilities, Inc.







Identification	Result	Pages	Type	Date	Time	Duration	Diagnostic
617273722677	OK	04	Sent	Feb-24	02:53P	00:01:13	002582030022

---

*faxed to Pamela Jacobelli  
666231 W  
Broedell Plumbing Supply is Aloha Utilities  
Inf. Conference ack. letter + DRF*

ORIGINAL

COMMISSIONERS:  
LISA POLAK EDGAR, CHAIRMAN  
J. TERRY DEASON  
ISILIO ARRIAGA  
MATTHEW M. CARTER II  
KATRINA J. TEW

STATE OF FLORIDA



DIVISION OF REGULATORY  
COMPLIANCE AND CONSUMER  
ASSISTANCE  
DANIEL M. HOPPE, DIRECTOR  
(850) 413-6480

Public Service Commission

FACSIMILE TRANSMITTAL COVER SHEET

RE: Inquiry No. 666231W

DATE: Feb. 24, 2006  
TO: Pamela Yacobelli  
UTILITY/BUSINESS: Aloha Utilities, Inc.  
FAX NUMBER: (727) 372-2677

CARMEN PEÑA  
DIVISION OF REGULATORY COMPLIANCE  
AND CONSUMER ASSISTANCE  
BUREAU OF COMPLAINT RESOLUTION  
FAX NUMBER (850) 413-6110

ORIGINAL

COMMENTS: Customer: Broedell Plumbing Supply, Inc (John Broedell)

Informal Conference acknowledgment letter  
+ DRF.

Margarita Valdez for Carmen Peña

NUMBER OF PAGES, INCLUDING THIS COVER SHEET: 4

COMMISSIONERS:  
RUDOLPH "RUDY" BRADLEY, CHAIRMAN  
J. TERRY DEASON  
BRAULIO L. BAEZ  
LISA POLAK EDGAR  
ISILIO ARRIAGA

STATE OF FLORIDA



DIVISION OF REGULATORY  
COMPLIANCE AND CONSUMER  
ASSISTANCE  
DANIEL M. HOPPE, DIRECTOR  
(850) 413-6480

# Public Service Commission

December 15, 2005

Mr. John F. Broedell, President  
Broedell Plumbing Supply, Inc.  
1601 Commerce Lane, Suite 100  
Jupiter, FL 33458

**Re: FPSC Inquiry No. 666231W**

Dear Mr. Broedell:

Thank you for contacting the Florida Public Service Commission (PSC) about Aloha Utilities. We appreciate the opportunity to help you.

Your complaint has been escalated to the Process Review Group. Mr. John Plescow has been assigned to perform a full review of your complaint. During our investigation, we may request additional information or documentation from you. If you fail to respond to our request within 15 calendar days, your complaint may be closed without resolution.

I hope this information is helpful. If you have any concerns or questions, please contact Mr. Plescow at (850) 413-6115, by fax at (850) 413-6116, or by e-mail at [jplescow@psc.state.fl.us](mailto:jplescow@psc.state.fl.us).

Sincerely,

A handwritten signature in cursive script that reads "C. Peña".

Carmen Peña  
Regulatory Program Administrator  
Process Review Group  
BCR/RCCA

CP:kes

COMMISSIONERS:  
BRAULIO L. BAEZ, CHAIRMAN  
J. TERRY DEASON  
RUDOLPH "RUDY" BRADLEY  
LISA POLAK EDGAR  
ISILIO ARRIAGA

STATE OF FLORIDA



DIVISION OF REGULATORY  
COMPLIANCE AND CONSUMER  
ASSISTANCE  
DANIEL M. HOPPE, DIRECTOR  
(850) 413-6480

Public Service Commission

12-14-05

November 22, 2005

*Kate,*

*Could you resend  
this letter -*

*Just change  
from Tallahassee*

*to: Jupiter, FL  
33458*

Mr. John F. Broedell, President  
Broedell Plumbing Supply, Inc.  
1601 Commerce Lane, Suite 100  
~~Tallahassee, FL 32309-3458~~  
*Jupiter, FL 33458*  
Re: FPSC Inquiry No. 666231W

Dear Mr. Broedell:

Thank you for contacting the Florida Public Service Commission (PSC) about Aloha Utilities. We appreciate the opportunity to help you.

*Thank  
You*

Your complaint has been escalated to the Process Review Group. Mr. John Plescow has been assigned to perform a full review of your complaint. During our investigation, we may request additional information or documentation from you. If you fail to respond to our request within 15 calendar days, your complaint may be closed without resolution.

I hope this information is helpful. If you have any concerns or questions, please contact Mr. Plescow at (850) 413-6115, by fax at (850) 413-6116, or by e-mail at [jplescow@psc.state.fl.us](mailto:jplescow@psc.state.fl.us).

Sincerely,

*C. Peña*

Carmen Peña  
Regulatory Program Administrator  
Process Review Group  
BCR/RCCA

RECEIVED

CP:kes

DEC 14 2005

Florida Pub.  
Division

COMMISSIONERS:  
BRAULIO L. BAEZ, CHAIRMAN  
J. TERRY DEASON  
RUDOLPH "RUDY" BRADLEY  
LISA POLAK EDGAR  
ISILIO ARRIAGA

STATE OF FLORIDA



DIVISION OF REGULATORY  
COMPLIANCE AND CONSUMER  
ASSISTANCE  
DANIEL M. HOPPE, DIRECTOR  
(850) 413-6480

## Public Service Commission

November 22, 2005

Mr. John F. Broedell, President  
Broedell Plumbing Supply, Inc.  
1601 Commerce Lane, Suite 100  
Tallahassee, FL 32309-3458

Re: FPSC Inquiry No. 666231W

ORIGINAL

Dear Mr. Broedell:

Thank you for contacting the Florida Public Service Commission (PSC) about Aloha Utilities. We appreciate the opportunity to help you.

Your complaint has been escalated to the Process Review Group. Mr. John Plescow has been assigned to perform a full review of your complaint. During our investigation, we may request additional information or documentation from you. If you fail to respond to our request within 15 calendar days, your complaint may be closed without resolution.

I hope this information is helpful. If you have any concerns or questions, please contact Mr. Plescow at (850) 413-6115, by fax at (850) 413-6116, or by e-mail at [jplescow@psc.state.fl.us](mailto:jplescow@psc.state.fl.us).

Sincerely,

A handwritten signature in cursive script that reads "C. Peña".

Carmen Peña  
Regulatory Program Administrator  
Process Review Group  
BCR/RCCA

CP:kes

**Carmen Pena**

---

**From:** Carmen Pena  
**Sent:** Monday, November 21, 2005 11:38 AM  
**To:** John Plescow  
**Cc:** Carmen Pena  
**Subject:** Broedell Plumbing Supply Inc. (John Broedell) Vs. Aloha Utilities - Case(666231C) 666231W

ORIGINAL

John:

The case in the above subject area has been assigned to you for its review.

As soon as the case is transferred to my system, I will begin to work on it.

The pages will be numbered and a copy of the case will be handed to you.

Thank you for your cooperation.

CARMENCITA



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<u>Identification</u>	<u>Result</u>	<u>Pages</u>	<u>Type</u>	<u>Date</u>	<u>Time</u>	<u>Duration</u>	<u>Diagnostic</u>
617273722677	OK	03	Sent	Nov-21	02:03P	00:01:18	002582030022

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1.3.0 2.8

**ORIGINAL**

Case 666231W  
faxed to Aloha Utilities  
Broedell Plumbing



COMMISSIONERS:  
BRAULIO L. BAEZ, CHAIRMAN  
J. TERRY DEASON  
RUDOLPH "RUDY" BRADLEY  
LISA POLAK EDGAR  
ISILIO ARRIAGA

STATE OF FLORIDA



DIVISION OF REGULATORY  
COMPLIANCE AND  
CONSUMER ASSISTANCE  
DANIEL HOPPE, DIRECTOR  
(850) 413-6480

ORIGINAL

## Public Service Commission

### FACSIMILE TRANSMITTAL COVER SHEET

RE: Inquiry No. 666231W (former 666231C)

DATE: November 21, 2005  
TO: Pamela Yacobelli  
UTILITY/BUSINESS: Aloha Utilities  
FAX NUMBER: 6-1-(727)-372-2677

CARMEN PEÑA  
DIVISION OF REGULATORY COMPLIANCE  
AND CONSUMER ASSISTANCE  
BUREAU OF COMPLAINT RESOLUTION  
FAX NUMBER (850) 413-6110

(John F. Broedell)

COMMENTS: Customer: Broedell Plumbing Supply, Inc.

The customer's case has been assigned to the Process Review Team status. Please, do not take collection action on the customer's account, for any disputed amount, if applicable, regarding this case, pending the outcome of the process review. The regulatory consultant in charge of reviewing this case is John Plescow (850) 413-6115.

Should you have any concerns or questions, please call John Plescow. Thank You - C. Peña

NUMBER OF PAGES, INCLUDING THIS COVER SHEET: 2

Request No. 666231W

Name BROEDEL, JOHN MR.

Business Name BROEDEL PLUMBING SUPPLY INC

<p align="center"><b>Consumer Information</b></p> <p>Name:</p> <p>Business Name: BROEDEL PLUMBING SUPPLY INC</p> <p>Svc Address: 1601 COMMERCE LANE SUITE 100</p> <p>County: Palm Beach      Phone: (561)-747-8000 <i>200</i></p> <p>City/Zip: Jupiter                      / 33458-</p> <p>Account Number:</p> <p>Caller's Name: JOHN      BROEDEL</p> <p>Mailing Address: 1601 COMMERCE LANE SUITE 100</p> <p>City/Zip: JUPITER ,FL 33458-</p> <p>Can Be Reached: (561)-747-8000</p> <p>E-Tracking Number:</p>	<p align="center"><b>Florida Public Service</b></p> <p align="center"><b>Commission - Consumer Request</b></p> <p align="center"><b>2540 Shumard Oak Boulevard</b></p> <p align="center"><b>Tallahassee, Florida 32399</b></p> <p align="center"><b>850-413-6100</b></p>	<p align="center"><b>PSC Information</b></p> <p>Assigned To: NEAL FORSMAN</p> <p>Entered By: RR</p> <p>Date: 11/21/2005</p> <p>Time: 13:24</p> <p>Via: PHONE</p> <p>Prelim Type: IMPROPER BILLS</p> <p>PO:</p> <p>Disputed Amt:                      0.00</p> <hr/> <p>Supmntl Rpt Req'd:    /    /</p> <p>Certified Letter Sent:    /    /</p> <p>Certified Letter Rec'd:    /    /</p> <hr/> <p>Closed by:</p> <p>Date:    /    /</p> <p>Closeout Type:</p> <p>Apparent Rule Violation: N</p>
<p align="center"><b>Utility Information</b></p> <p>Company Code: WS001</p> <p>Company: ALOHA UTILITIES, INC.</p> <p>Attn. Pamela Yacobelli677591W</p> <p>Response Needed From Company?    N</p> <p>Date Due: 12/14/2005</p> <p>Fax: 61,727-372-2677                      R</p> <hr/> <p>Interim Report Received:    /    /</p> <p>Reply Received:    /    /</p> <p>Reply Received Timely/Late:</p> <p>Informal Conf.: Y</p>		

Customer is building a new building for his company and when he sent the water impact documents to Aloha they told him that they will charge him by the square foot. Customer disagrees with the way Aloha is calculating the impact cost and would like for the PSC to review Aloha's method of calculating impact fees.

Customer will fax in documents for review.

09/16/05 - Customer correspondence received via U.S. mail; forwarded to XKerr. /ewe

9/21/2005 Case will be forwarded to ECR for further handling. rmchargue

9/22/2005 - Case was forwarded to Marshall Willis for handling.

11/21/2005 Case reassigned to RCA. Per Rhonda Hicks case forwarded to the Process Review Team for handling. rmchargue

**ORIGINAL**

11/21/05: Converted from 666231C to 666231W on this date. RRoland

Request No. 666231W

Name BROEDEL, JOHN MR.

Business Name BROEDEL PLUMBING SUPPLY INC

Request No. 666231C

Name BROEDELL , JOHN MR.

Business: BROEDELL PLUMBING SUPPLY INC

FLORIDA PUBLIC SERVICE COMMISSION  
CONSUMER REQUEST  
2540 SHUMARD OAK BOULEVARD  
TALLAHASSEE, FL. 32399-850  
850-413-6100



# Public Service Commission

PLEASE RETURN THIS FORM  
WITH REPORT OF ACTION TO:

RCA

Name BROEDELL , JOHN MR.

Company ALOHA UTILITIES, INC.

Request No. 666231C

Business Name BROEDELL PLUMBING SUPPLY INC

Company Code WS001

Address 1601 COMMERCE LANE

County \_\_\_\_\_

By RCA Time 09:23 Date 09/08/2005

SUITE 100

Consumer's

Telephone # (561)-747-8000

Type \_\_\_\_\_

Phone PHONE

City/Zip Jupiter

33458-

Can be

Reached \_\_\_\_\_

Account Number \_\_\_\_\_

E-Mail Address \_\_\_\_\_

Outreach \_\_\_\_\_

Date  / /

Public Official \_\_\_\_\_

Customer is building a new building for his company and when he sent the water impact documents to Aloha they told him that they will charge him by the square foot. Customer disagrees with the way Aloha is calculating the impact cost and would like for the PSC to review Aloha's method of calculating impact fees.

Customer will fax in documents for review.

**ORIGINAL**

09/16/05 - Customer correspondence received via U.S. mail; forwarded to XKerr. /ewe

9/21/2005 Case will be forwarded to ECR for further handling. rmchargue

9/22/2005 - Case was forwarded to Marshall Willis for handling.

11/21/2005 Case reassigned to RCA. Per Rhonda Hicks case forwarded to the Process Review Team for handling. rmchargue

From: Randy Roland  
Sent: Monday, November 21, 2005 1:45 PM  
To: Carmen Pena

COMPLAINT 666231W IS A INFORMAL CONF. CASE (former 666231C)

Broadell Plumbing Supply, Inc.  
(John F. Broadell)

✓

Aloha Utility

(Case is open <sup>②</sup>) "a"  
& closed <sup>①</sup> "a"

Dona

# **BROEDELL**

**PLUMBING SUPPLY, INC.**

**CORPORATE OFFICE**

1601 Commerce Lane, Suite 100  
Jupiter, FL 33458  
(561) 747-8000 (561) 747-8007 (Fax)

56

05 OCT 31 11 23  
REGISTRATION

October 21, 2005

State of Florida  
Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850  
Attn: Troy Rendell

Re: Inquiry No. 666231C

Dear Mr. Rendell:

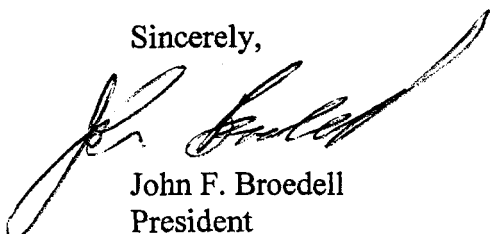
Thank you for your letter of October 20, 2005. We accept staff's proposed resolution and hope Aloha Utilities will also agree to it.

You note that Aloha Utilities may not agree to staff's resolution and they would be within the provision of their tariff. This tariff is unfairly biased towards Aloha as you note in your letter. "There is no reciprocal provision for refunds if actual consumption is less than the estimate".

If Aloha rejects staff's proposed resolution we will request further review by the Commission Process Review Team. We would like to be informed of any and all remedies we may pursue to challenge this inequity.

We appreciate you and your staff's consideration and continued cooperation with us.

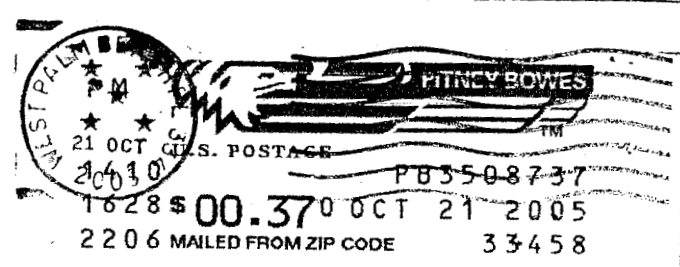
Sincerely,



John F. Broedell  
President

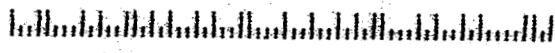
ORIGINAL

**BROEDEL**  
**PLUMBING SUPPLY, INC.**  
1601 COMMERCE LANE • JUPITER, FL 33458



ORIGINAL

State of Florida  
Public Service Commission  
2540 Shumard Oak Blvd  
Tallahassee, FL 32399-0850  
Attn: Troy Rendell

32399-0850 

COMMISSIONERS:  
BRAULIO L. BAEZ, CHAIRMAN  
J. TERRY DEASON  
RUDOLPH "RUDY" BRADLEY  
LISA POLAK EDGAR

STATE OF FLORIDA



TIMOTHY DEVLIN, DIRECTOR  
DIVISION OF ECONOMIC REGULATION  
(850) 413-6900

54

37436 → 54253

## Public Service Commission

October 20, 2005

Mr. John Broedell  
Broedell Plumbing Supply Inc.  
1601 Commerce Lane, Suite 100  
Jupiter, FL 33458

**Re: Inquiry No. 666231C - Broedell Plumbing Supply, Inc.**

Dear Mr. Broedell:

We have received your inquiry concerning the amount of service availability fees assessed by Aloha Utilities, Inc. (Aloha). After thorough review of all documents concerning this inquiry, staff addresses each of your concerns separately below. First, the calculation methodology used by Aloha is consistent with its Commission approved tariff. Pursuant to Section 367.091(3), Florida Statutes, "Each utility's rates, charges, and customer service policies must be contained in a tariff approved by and on file with the commission."

Aloha calculated its proposed service availability charges for Broedell Plumbing Supply Inc. (Broedell) consistent with its Tariff Sheet No. 26.26. This methodology is used throughout the state of Florida by other regulated water and wastewater utilities. As stated in Aloha's letter dated September 8, 2005, the new proposed building in New Port Richey is substantially larger than either of the buildings in Jupiter or Ft. Myers. In addition, the utility states that the building will have eleven different tenants, who have not as yet been identified.

Your second concern involves a potential refund if actual usage is less than Aloha's estimated usage. Specifically, Aloha's letter dated August 3, 2005, states, "Please note that should actual consumption exceed the estimate that additional impact fees may be required." However, there is no reciprocal provision for refunds if actual consumption is less than the estimate. This provision is allowed by Aloha's tariff. It would be within Aloha's discretion to allow a provision for a refund, but it is not required. If Aloha determines that such a provision should be added, the period to be considered should be a minimum of a full twelve-month period, subsequent to all eleven spaces in the warehouse being occupied by tenants in full operation of their respective businesses.

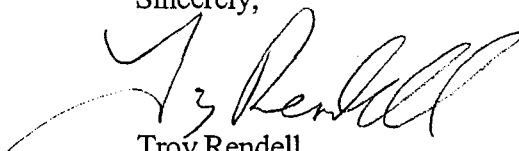
Staff believes this is a reasonable request and has addressed this concern with Aloha. (See attached letter). However, please be aware that under the current provisions of Aloha's tariffs, the utility is not required to do so. If you do not agree with staff's proposed resolution, you may request further review by the Commission's Process Review Team, pursuant to Rule 25-22.032(7), Florida Administrative Code.

Mr. John Broedell  
Page 2  
October 20, 2005

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Further, be advised that the opinions contained in this letter are those of the Commission staff and are in no way binding upon the Commission. If you have any questions, do not hesitate to contact me at (850) 413-6934.

Sincerely,

A handwritten signature in black ink, appearing to read "Troy Rendell". The signature is fluid and cursive, with a large initial "T" and "R".

Troy Rendell  
Public Utilities Supervisor

Enclosure

cc: Ms. Pamela Yacobelli, Aloha Utilities, Inc.  
Bureau of Complaint Resolution (Hicks)  
Division of Economic Regulation ~~(Hicks)~~



COMMISSIONERS:  
BRAULIO L. BAEZ, CHAIRMAN  
J. TERRY DEASON  
RUDOLPH "RUDY" BRADLEY  
LISA POLAK EDGAR

STATE OF FLORIDA



TIMOTHY DEVLIN, DIRECTOR  
DIVISION OF ECONOMIC REGULATION  
(850) 413-6900

52

## Public Service Commission

October 20, 2005

Ms. Pamela Yacobelli  
Aloha Utilities, Inc.  
6915 Perrine Ranch Road  
New Port Richey, FL 34655

**Re: Inquiry No. 666231C - Broedell Plumbing Supply, Inc.**

Dear Ms. Yacobelli:

We have received Inquiry No. 666231C, concerning the amount of service availability fees assessed by Aloha Utilities, Inc. (Aloha) to Broedell Plumbing Supply, Inc. (Broedell). After thorough review of all documents concerning this inquiry, staff addresses each concern separately below. First, staff agrees that the calculation methodology used by Aloha is consistent with its Commission approved tariff. Pursuant to Section 367.091(3), Florida Statutes, "Each utility's rates, charges, and customer service policies must be contained in a tariff approved by and on file with the commission." Therefore, staff agrees that Aloha has calculated its proposed service availability charges for Broedell consistent with its Tariff Sheet No. 26.26.

Broedell's second concern involves a potential refund if actual usage is less than the usage estimated by Aloha. Specifically, Aloha's letter dated August 3, 2005, states, "Please note that should actual consumption exceed the estimate that additional impact fees may be required." However, there is no reciprocal provision for refunds if actual consumption is less than the estimate. This provision is allowed by Aloha's tariff. However, given that Aloha requires additional service availability charges, staff believes it is a reasonable request to allow a reciprocal provision for a refund in this specific instance. Further, staff is aware that under the current provisions of Aloha's tariffs, the utility is not required to do so.

It would be within Aloha's discretion to allow a provision for a refund, but it is not required. If Aloha determines that such a provision should be added, the period to be considered should be a minimum of a full twelve-month period, subsequent to all eleven spaces in the warehouse being occupied by tenants in full operation of their respective businesses.

In your letter dated October 10, 2005, you state that this provision is specifically allowed by Sections 5.0, 7.3, and 7.4 in the Service Availability Policy section contained in Aloha's tariff. Staff has reviewed these sections thoroughly and believes one particular provision requires further clarification and revision. In reference to Section 7.4, the language contained in this section should be revised. Specifically, the tariff references actual versus average use of a single family residence. The reference to single family residence requires immediate revision.

Ms. Pamela Yacobelli  
Page 2  
October 20, 2005

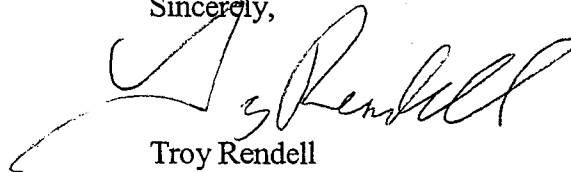
51

This matter has previously been addressed by the Commission in prior orders. Residential customers should not be reassessed service availability charges. For additional information, see Orders Nos.: PSC-94-1042-FOF-SU, issued August 24, 1994 (Commission found that there should be fixed charges for single customers); and PSC-00-0917-SC-WS, issued May 9, 2000 (Residential gallon per day amounts stated in the utility's service availability schedule of fees and charges are fixed amounts set by the Commission).

Staff believes that Aloha should submit revised tariff sheets that specify that any possible reassessments shall only be made to non-residential structures. This particular provision does not affect the complaint by Broedell.

Please be advised that the opinions contained in this letter are those of the Commission staff and are in no way binding upon the Commission. If you do not agree with staff's proposed resolution, you may request further review by the Commission's Process Review Team, pursuant to Rule 25-22.032(7), Florida Administrative Code. If you have any questions, do not hesitate to contact me at (850) 413-6934.

Sincerely,



Troy Rendell  
Public Utilities Supervisor

Enclosure

cc: Mr. John Broedell, Broedell Plumbing Supply, Inc.  
Bureau of Complaint Resolution (Hicks)  
Division of Economic Regulation [REDACTED]

**Bart Fletcher**

**From:** Troy Rendell  
**Sent:** Tuesday, November 15, 2005 8:07 AM  
**To:** Bart Fletcher  
**Cc:** Rhonda Hicks; Marshall Willis; Ellen Plendl  
**Subject:** RE: Inquiry No. 666231C - Broedell Plumbing Supply, Inc.

Ok. We will process the tariff filing. I'm not sure yet if we should try to do it administratively or docket it - so we will have a Commission order on it.

The remaining portion should be sent back to Complaint Resolution to be assigned to a Commission Process Review Team. We will need to give back a complete set of all related correspondence and/or e-mails. We should also keep a copy for ourselves.

---

**From:** Bart Fletcher  
**Sent:** Monday, November 14, 2005 4:56 PM  
**To:** Troy Rendell; Rosanne Gervasi  
**Subject:** Inquiry No. 666231C - Broedell Plumbing Supply, Inc.

Attached is Aloha's response to staff's resolution of the above-referenced complaint. Aloha agrees to change its tariff sheets to remove the true-up language for residential customers, but it does not agree to non-residential impact fee refunds if actual consumption is less than the estimate. In its October 21, 2005 letter to the Commission staff, Broedell requested further review by the Commission Process Review Team, if Aloha rejected staff's proposed resolution regarding the non-residential refund provision.

---

**From:** NET SatisFAXtion  
**Sent:** Monday, November 14, 2005 4:26 PM  
**To:** Bart Fletcher  
**Subject:** 7273722677, 5 page(s)

This is a FAX message received by NET SatisFAXtion

Received: 11/14/2005 4:23 PM  
Total pages: 5  
CSID: 7273722677  
Transfer time: 0:02:03  
Transfer rate: 14400  
Error count: 0  
Port used: Rockwell 56000 External M... #9  
Status: Success

<< File: FAX.TIF >>

**From:** Bart Fletcher  
**Sent:** Monday, November 14, 2005 4:56 PM  
**To:** Troy Rendell; Rosanne Gervasi  
**Subject:** Inquiry No. 666231C - Broedell Plumbing Supply, Inc.

**Attachments:** FAX.TIF

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**From:** NET SatisFAXtion  
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Received: 11/14/2005 4:23 PM  
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Transfer time: 0:02:03  
Transfer rate: 14400  
Error count: 0  
Port used: Rockwell 56000 External M... #9  
Status: Success



FAX.TIF (136  
KB)

# *Aloha Utilities, Inc.*

48

*6915 Perrine Ranch Road  
New Port Richey, FL 34655  
(727) 372-0115 Fax (727) 372-2677  
www.aloha-water.com*

## Facsimile Cover Sheet

**To:** Bart Fletcher **Fax:** 850-413-7018

FPSC

**From:** Pamela Yacobelli **Pages:** 5

**Date:** 11/14/2005 **Time:** 8:00 p.m.

**Comments:** Please find attached the response to Request #666231C – Broedell Plumbing Supply, Inc.

PLEASE CONTACT OUR OFFICE IMMEDIATELY IF THE TRANSMITTED MATERIAL IS  
ILLEGIBLE OR IF YOU DO NOT RECEIVE ALL PAGES OF TRANSMISSION.

# *Aloha Utilities, Inc.*

*6915 Perrine Ranch Road  
New Port Richey, FL 34655*

*(727) 372-0115 Fax (727) 372-2677*

*www.aloha-water.com*

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November 14, 2005

Mr. Troy Rendell  
Division of Economic Regulation  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

VIA FACSIMILE AND REGULAR MAIL

Re: Request #666231C  
Broedell Plumbing Supply, Inc.

Dear Mr. Rendell:

We are in receipt of your letter of October 20, 2005, and have discussed it internally. As we understand your proposed disposition of this matter, we believe Aloha is required to change the provisions of Section 7.4 of our Service Availability Policy in order to remove any contention implied therein that residential service availability charges can be reevaluated based upon changes in demand that are discovered after the original connection. We are aware that the Commission's longstanding policy is that residential service availability charges are not subject to modification and that these charges applicable to residential customers are set at a fixed dollar amount, regardless of anticipated demand.

Therefore, in order to correct the tariff, we have revised them to remove provisions of the second paragraph of Section 7.4 to our Service Availability Policy, so that they no longer make reference to attempts to reassess residential customers for service availability charges.

It is our understanding that this constitutes the only proposed change required and that otherwise the staff's proposed resolution of this matter recognizes that we have properly applied our Service Availability Policy in this case.

Mr. Rendell  
November 14, 2005  
Page 2

46

Based upon this understanding of the staff's proposed disposition of this case, we are in agreement and have attached revised tariff sheets for our tariff hereto.

Please let me know if you have any other questions in this regard.

Sincerely,



Pamela Yacobelli  
Administration Manager

/py

Attachments

c: Bart Fletcher  
F. Marshall Deterding  
Stephen Watford

admin/05psccorr/RendellBrodellPlumbingServiceAvailability

ALOHA UTILITIES, INC.  
WASTEWATER TARIFF

First Revised Sheet No. 22.9  
Cancels Original Sheet No. 22.9

45

Thus when the utility shall demonstrate to the developer that its records and experience show, for example, that a connection which the contributor proposes to build places a demand during certain times of the year which is different than those specifically alleged by the developer, then the charges per gallon demand set forth in Paragraph 7.1 of this policy shall be multiplied by the utility's estimate of demand. In no event shall the utility be required to build or accept plans, specifications, contributions-in-aid-of-construction or agreements predicated upon demand for water service less than 270 gallons per single family residential equivalent or sewer of less than 270 gallons per residential equivalent per day.

#### 7.5 CIAC Based on Sewage Strength

All CIAC as outlined above are based on normal domestic sewage defined herein as containing not more than 200 parts per million ("PPM") bio-chemical oxygen demand ("BOD") or 200 ppm suspended solids. Whenever actual or estimated waste which contains more than these amounts is to be admitted to the sewers, the company and pollution control agencies must specifically agree to the connection. The CIAC for treatment facilities will be calculated in direct proportion to strength for each ppm of either BOD or SS over 200 ppm. All such connections shall provide for a suitable point for the waste to be sampled by the company or the regulatory agencies.

#### 8.0 CONTRIBUTIONS-IN-AID-OF-CONSTRUCTION "OFF-SITE" FACILITIES

The location, size or proposed density of developer's property may make service to such property dependent upon the extension of "off-site" water distribution and/or sewage collection facilities.

For the purpose of this Policy, the term "off-site" shall be defined as those main water transmission lines, sewage collection lines, sewage force mains and/or pumping stations necessary to connect developer's property with facilities of Utility adequate in size to transmit to developer's property, an adequate quantity of water under adequate pressure and/or transmit the sewage collected on developer's property to the treatment plant or disposal site of Utility.

Since each developer draws from the hydraulic capacity of such lines based on engineering design, Utility will require that developer pay his property's hydraulic share of the cost of the "off-site" main transmission and collection facilities through which service is rendered to developer's property.

Stephen G. Watford  
ISSUING OFFICER

President  
TITLE



ALOHA UTILITIES, INC.  
WATER TARIFFFirst Revised Sheet No. 26.9  
Cancels Original Sheet No. 26.9

44

Thus when the utility shall demonstrate to the developer that its records and experience show, for example, that a connection which the contributor proposes to build places a demand during certain times of the year which is different than those specifically alleged by the developer, then the charges per gallon demand set forth in Paragraph 7.1 of this policy shall be multiplied by the utility's estimate of demand. In no event shall the utility be required to build or accept plans, specifications, contributions-in-aid-of-construction or agreements predicated upon demand for water service less than 270 gallons per single family residential equivalent or sewer of less than 270 gallons per residential equivalent per day.

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Since each developer draws from the hydraulic capacity of such lines based on engineering design, Utility will require that developer pay his property's hydraulic share of the cost of the "off-site" main transmission and collection facilities through which service is rendered to developer's property.

Stephen G. Watford  
ISSUING OFFICER

President  
TITLE

**Bart Fletcher**

**From:** Bart Fletcher  
**Sent:** Monday, November 14, 2005 3:56 PM  
**To:** Bart Fletcher  
**Subject:** RE: Inquiry No. 666231C - Broedell Plumbing Supply, Inc.

42  
was  
indexed

## NOTE FOR THE FILE

On 11/14/05 at 3:52 p.m., I called and spoke with Pam regarding the status of the utility's response. Pam stated that their response is almost complete and she will be sending it out in about 20 minutes.

-----Original Message-----

**From:** Pam Yacobelli [mailto:pam@aui.com]  
**Sent:** Thursday, November 10, 2005 4:35 PM  
**To:** Bart Fletcher  
**Subject:** Re: Inquiry No. 666231C - Broedell Plumbing Supply, Inc.

Bart,

We are working on this issue and should have a response to you on Monday.

Pam

Bart Fletcher wrote:

> Good afternoon, Pam. I had left a message for you with Jennifer  
> yesterday. This e-mail is a follow-up to the Commission Staff's  
> proposed resolution to the above-referenced inquiry, as outlined in  
> our letter to Aloha on October 20, 2005. On October 31, 2005, we  
> received a letter from Broedell Plumbing Supply, Inc. (BPSI), in which  
> BPSI accepted staff's proposed resolution. BPSI also stated that, if  
> Aloha opposes staff's proposed resolution, it will request further  
> review by the Commission Process Review Team. Please advise whether  
> staff's proposed resolution is amenable to Aloha. Thanks.

**Inquiry No. 666231C**  
**Broedell Plumbing Supply, Inc.**

**Prepared By: Bart Fletcher**

Staff Notes Regarding Non-Residential Impact Fee Refunds

Originally, staff was contemplating a proposed resolution that would require Aloha to place in effect a reciprocal provision for refunds if actual consumption is less than the estimate. Staff's basis for this was outlined in Order No. PSC-00-0917-SC-WS, issued May 9, 2000, in Dockets Nos. 980992-WS and 981609-WS. However, those dockets ultimately resulted in a settlement which removed the reciprocal refund provision. Also, upon further review, staff discovered that several utilities (Indiantown Company, Inc., Lake Utility Services, Inc., and Marion Utilities, Inc.) have a true-up mechanism with no reciprocal refund provision. Thus, staff indicated that, although Aloha is not required to do so, it would be fair if the utility provided a reciprocal refund provision.

39 Was  
Identical to  
40  
52  
+  
38 to 51

STATE OF FLORIDA



PUBLIC SERVICE COMMISSION

2540 SHUMARD OAK BOULEVARD  
TALLAHASSEE, FL 32399-0850

October 20, 2005

To: Miran Myers

Fax: (561) 747-8007

From: Stephen Bart Fletcher, Professional  
Accountant Specialist

Voice: (850) 413-7017

Fax: (850) 413-7018

No. of Pages (Including Cover): 5

Re: Request No. 666231C - Broedell Plumbing Supply, Inc.

Notes:

Mr. Myers,

Attached is staff's proposed resolution for the above-referenced consumer request.

Thanks,  
Bart

10/20/05 @ 2:21 pm  
Mr. Myers called  
and had questions  
regarding letter.

10/20/05 @ 4:08 p.m.

6-1-561-747-8000 ext. 205

I called Mr. Myers.

~~body Senators~~

He'll send a letter accepted ~~the~~ <sup>staff's</sup> proposal.  
If Aloha does not accept staff proposal,  
Broedell will appeal, including getting  
senators involved.

ditto  
temp.  
notes - until impact fees  
are paid.

TRANSMISSION VERIFICATION REPORT

35

TIME : 10/20/2005 14:02

DATE, TIME	10/20 14:00
FAX NO./NAME	615617478007
DURATION	00:01:37
PAGE(S)	05
RESULT	OK
MODE	STANDARD ECM

**Bart Fletcher**

---

**From:** Troy Rendell  
**Sent:** Thursday, October 20, 2005 8:30 AM  
**To:** Bart Fletcher  
**Cc:** Rosanne Gervasi  
**Subject:** Complaint No. 666231C - Aloha  
**Attachments:** Aloha-666231C.ltr.doc; Aloha-666231C-Broedell.ltr.doc

I have revised the letters taking out the provision about revising the tariff to include a provision for refunds.. Apparently, I was wrong, and there are other utilities that allow for this in their tariffs. I'm not saying it is correct, but it is allowed, and without a formal Commission decision through either a hearing, or rulemaking - I don't think we can change it.

However, I am still requiring the change for non-residential versus residential.. I do think that has been ruled upon, and I do think the Mid-County decision - which was ruled upon by the 1st DCA - addresses that. See YELLOW POST-IT NOTE on orders..

I did NOT have time to go through and address Rosanne's concerns or comments on the cited orders on Page two of the Aloha order.

Here are both letters. If you have time you can work on them, if not, it's ok too.... Just let me know.. Thanks Bart...

10/20/2005

Request No. 666231C

Name BROEDEL, JOHN MR.

Business: BROEDEL PLUMBING SUPPLY INC

*10/20/05 @ 8:38 am*  
*Mr. Miran Myers*  
*Fax Number*  
*561-747-8007*  
*wanted update.*



FLORIDA PUBLIC SERVICE COMMISSION  
CONSUMER REQUEST  
2540 SHUMARD OAK BOULEVARD  
TALLAHASSEE, FL. 32399-850  
850-413-6100

PLEASE RETURN THIS FORM  
WITH REPORT OF ACTION TO:

ECR

# Public Service Commission

Name <u>BROEDEL, JOHN MR.</u>	Company <u>ALOHA UTILITIES, INC.</u>	Request No. <u>666231C</u>
Business Name <u>BROEDEL PLUMBING SUPPLY INC</u>	Company Code <u>WS001</u>	
Address <u>1601 COMMERCE LANE</u>	County _____	By <u>ECR</u> Time <u>09:23</u> Date <u>09/08/2005</u>
<u>SUITE 100</u>	Consumer's Telephone # <u>(561)-747-8000</u>	Type _____ Phone <u>PHONE</u>
City/Zip <u>Jupiter</u> <u>33458-</u>	Can be Reached _____	
Account Number _____	E-Mail Address _____	Outreach _____ Date <u>/ /</u>
		Public Official _____

Customer is building a new building for his company and when he sent the water impact documents to Aloha they told him that they will charge him by the square foot. Customer disagrees with the way Aloha is calculating the impact cost and would like for the PSC to review Aloha's method of calculating impact fees.

Customer will fax in documents for review.

- 09/16/05 - Customer correspondence received via U.S. mail; forwarded to XKerr. /ewe
- 9/21/2005 Case will be forwarded to ECR for further handling. rmchargue
- 9/22/2005 - Case was forwarded to Marshall Willis for handling.

*10/18/05 @ 3:49 p.m.*  
*I called Mr. Miers*  
*stated staff would meet*  
*w/ Legal tomorrow*  
*and send letters out*  
*to the parties tomorrow.*

*10/18/05 @ 3:22*  
*Mr. Miers called*  
*regarding*  
*561-747-8000*  
*ext 205*

*10/17/05*  
*@ 1:07 p.m.*  
*left a message*  
*w/ Mr. Miers*

*Mirame Miers called*  
*for John Brodell. Wants an*  
*update on complaint.*  
*561-747-8000*  
*ext 205*

**Bart Fletcher**

---

**From:** NET SatisFAXtion [postmaster]  
**Sent:** Monday, October 10, 2005 4:15 PM  
**To:** Bart Fletcher  
**Subject:** 7273722677, 2 page(s)

**Attachments:** FAX.TIF

This is a FAX message received by **NET SatisFAXtion**

Received: 10/10/2005 4:14 PM  
Total pages: 2  
CSID: 7273722677  
Transfer time: 0:00:51  
Transfer rate: 14400  
Error count: 0  
Port used: Rockwell 56000 External M... #9  
Status: Success



FAX.TIF (38 KB)



# *Aloha Utilities, Inc.*

*6915 Perrine Ranch Road  
New Port Richey, FL 34655  
(727) 372-0115 Fax (727) 372-2677  
[www.aloha-water.com](http://www.aloha-water.com)*

31

## Facsimile Cover Sheet

<b>To:</b> Stephen Bart Fletcher	<b>Fax:</b> (850) 413-7018
Public Service Commission	
<b>From:</b> Pamela Yacobelli	<b>Pages:</b> 2
<b>Date:</b> 10/10/2005	<b>Time:</b> 4:10 p.m.

**Comments:** Request #666231C – Broedell Plumbing Supply, Inc.

PLEASE CONTACT OUR OFFICE IMMEDIATELY IF THE TRANSMITTED MATERIAL IS  
ILLEGIBLE OR IF YOU DO NOT RECEIVE ALL PAGES OF TRANSMISSION.

# Aloha Utilities, Inc.

00 30

6915 Perrine Ranch Road  
 New Port Richey, FL 34655  


---

 (727) 372-0115 Fax (727) 372-2677  
 www.aloha-water.com

October 10, 2005

Mr. Stephen Bart Fletcher  
 Florida Public Service Commission  
 2540 Shumard Oak Boulevard  
 Tallahassee, FL 32399-0850

**VIA FACSIMILE**

RE: Request #666231C  
 Broedell Plumbing Supply, Inc.

Dear Mr. Fletcher:


This letter is in response to Request #666231C. Aloha Utilities was provided a breakdown of the square footage of the building by it's usage. The total square footage was 53,066 with 29,110 sq. ft. warehouse and 23,956 sq. ft. office space. We applied the formulas from Appendix "B" sheet 26.26 of our Florida Public Service Commission approved Tariff to calculate the flows as follows:

Warehouse: 29,110 sq. ft. / 1,000 sq. ft. = 29.11 x 10 gpd = 291.1 gpd + 30 gpd = 321 gpd  
 Office: 23,956 sq. ft. / 100 sq. ft. = 239.56 x 10 gpd = 2,396 gpd  
 Total: Warehouse 321 gpd + Office 2,396 gpd = 2,717 gpd

In response to which tariffs authorizes our statement "should actual consumption exceed the estimate that additional impact fees may be required", please reference our Service Availability Policy, Section 5.0 - Obligations of Developer; Section 7.3 - Treatment Plant Capacity Allocations; Section 7.4 - Contributions-in-aid-of-construction Based on Actual and Experienced Demand.

Should you have any further questions, please do not hesitate to contact our office.

Sincerely,



Pamela Yacobelli  
 Administration Manager

PY/jlw

STATE OF FLORIDA



PUBLIC SERVICE COMMISSION

2540 SHUMARD OAK BOULEVARD  
TALLAHASSEE, FL 32399-0850

September 26, 2005

To: Pam Yacobelli, Administration  
Manager

Fax: (727) 372-2677

From: Stephen Bart Fletcher, Professional  
Accountant Specialist

Voice: (850) 413-7017

Fax: (850) 413-7018

No. of Pages (Including Cover): 20

Re: Request No. 666231C - Broedell Plumbing Supply, Inc.

Notes:

Pam,

The attached complaint was transferred from the Commission's Bureau of Complaint Resolution to the Division of Economic Regulation on September 22, 2005. Please provide a written response by October 7, 2005. In your response, provide Aloha's calculation of the estimated water and wastewater usage of 2,717 gpd reflected in your August 3, 2005-letter to Mr. Alex L. Azan, P.E. Also, in that letter, you stated that "should actual consumption exceed the estimate that additional impact fees may be required." Please state the tariff sheet or sheets that authorizes this true-up and state whether there is a true-up to refund any over-estimated consumption.

Thanks,  
Bart

11/7/05 3:42 pm  
Fed Pam.  
on day Oct 10<sup>th</sup>  
= sparse  
; OK

10/7/05 @ 2:19 p.m.

6-1-727-372-0113 ~~at 2:19~~

I called & left message for Pam.

10/7/05 @ 2:58 p.m.

Pam called and left message

extend it to Monday Oct. 10<sup>th</sup>

can we

11/7/05  
wasn't  
today  
std report  
time

11/28/05

State of Florida



# Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD  
TALLAHASSEE, FLORIDA 32399-0850

**-M-E-M-O-R-A-N-D-U-M-**

**DATE:** September 21, 2005  
**TO:** Tim Devlin, Director, Division of Economic Regulation  
**FROM:** Rhonda Hicks, Chief, Bureau of Complaint Resolution *RH*  
**RE:** Inquiry No. 666231C – Broedell Plumbing Supply Inc

The attached case is being reassigned to:

**Division:** Economic Regulation  
**Subject:** Aloha Utilities, Inc.  
**Reason:** Customer is requesting the PSC review the amount of the impact fee Aloha Utilities is billing him for water service.  
*(Entered in CATS as an Information Request)*  
**NOTE:** **THIS IS A CASE REASSIGNMENT.** The materials attached are ORIGINAL DOCUMENTS associated with this matter.

**NOTE**

Upon closure of the case, return all original documents to the Division of Regulatory Compliance and Consumer Assistance for filing. Thank you.

DIVISION OF  
 ECONOMIC REGULATION  
 05 SEP 22 AM 10:44

Request No. 666231C

Name BROEDELLE ,JOHN MR.

Business: BROEDELLE PLUMBING SUPPLY INC



FLORIDA PUBLIC SERVICE COMMISSION  
CONSUMER REQUEST  
2540 SHUMARD OAK BOULEVARD  
TALLAHASSEE, FL. 32399-850  
850-413-6100

PLEASE RETURN THIS FORM  
WITH REPORT OF ACTION TO:

ECR

# Public Service Commission

Name <u>BROEDELLE , JOHN MR.</u>	Company <u>ALOHA UTILITIES, INC.</u>	Request No. <u>666231C</u>
Business Name <u>BROEDELLE PLUMBING SUPPLY INC</u>	Company Code <u>WS001</u>	By <u>ECR</u> Time <u>09:23</u> Date <u>09/08/2005</u>
Address <u>1601 COMMERCE LANE</u>	County _____	Consumer's Telephone # <u>(561)-747-8000</u>
<u>SUITE 100</u>	Can be Reached _____	Type _____ Phone <u>PHONE</u>
City/Zip <u>Jupiter</u> <u>33458-</u>	Account Number _____	E-Mail Address _____
	Outreach _____	Date <u>/ /</u>
	Public Official _____	

Customer is building a new building for his company and when he sent the water impact documents to Aloha they told him that they will charge him by the square foot. Customer disagrees with the way Aloha is calculating the impact cost and would like for the PSC to review Aloha's method of calculating impact fees.

Customer will fax in documents for review.

- 09/16/05 - Customer correspondence received via U.S. mail; forwarded to XKerr. /ewe
- 9/21/2005 Case will be forwarded to ECR for further handling. rmchargue
- 9/22/2005 - Case was forwarded to Marshall Willis for handling.

27

# Broedell

## PLUMBING SUPPLY, INC.

1601 Commerce Lane, Suite 100  
Jupiter, FL 33458  
(561) 747-8000 (561) 747-8007 Fax

05 SEP 22 AM 10:44

DIVISION OF  
ECONOMIC REGULATION

26

September 13, 2005

SEP 16 2005

Florida Public Service Commission  
2540 Shumard Oak Blvd  
Tallahassee, FL 32399-8050  
Attn: Ms. Kerr

Dear Ms. Kerr:

We are in the process of building in New Port Richey where the water company is a privately owned utility named Aloha Utilities.

When we submitted the application for water service we were told that an impact fee had to be paid. They, in turn, mailed us the impact fee's invoice. We noticed that they figured their impact fees based off the building size and not by the amount of toilets that you have in the facility. It is strange to us that they want to base this off building size instead of the amount of water you use from the toilets and lavatories that you will have in the building. After all it is an impact fee on the use of water.

The problem is that they are determining their fee off of a total amount of water they think we will use per day. The amount they figure is about 4 times the amount we figure we will use. The difference comes to around \$32,000 more than what we think is fair. We submitted evidence from two other buildings that we own and added an allowance for the extra storefronts that this building has to show some kind of comparison.

We also explained that the toilet today uses only 1.6 gallons per flush (GPF). As you can see on the documentation enclosed, our Fort Myers building is 32,500 square feet and has 11 toilets and averages 277 gallons per day.

Our Jupiter building is 35,435 square feet. It has 12 toilets. The average use over the past 18 months is 452 gallons per day. Initially our utility provider in Jupiter, the Town of Jupiter, over-estimated our water usage in computing our impact fees. We appealed to them using the enclosed study for our Ft. Myers building as a basis for the reconsideration. They reduced their water use estimate and our impact fees with the stipulation that if our water use was more than the estimate we would be liable for additional impact fees. We were grateful that they used some discretion and arrived at a reasonable solution fair to both parties. This is all we request from Aloha Utilities.

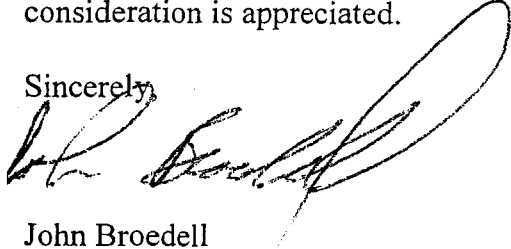
Aloha has estimated our use to be 2,717 gallons per day. This is more than the amount we will use. Where the ultimate injustice arises is that Aloha refuses to look back after a year or two and refund excess impact fees paid due to their over-estimate. This is an unreasonable abuse of their monopolistic position as our only source of water. We feel it is up to you, the Public Service Commission, to intercede on our behalf.

We ask that you review the enclosed evidence of water use we submitted to Aloha. We think you will find Aloha's impact fee to be unreasonable. At a minimum we request that you require Aloha to refund excess impact fees charged after looking at our actual water usage for a year.

The Town of Jupiter showed us how a utility can use discretion and treat us in a fair and reasonable manner. Aloha showed us how a utility can abuse their position and leave us with no recourse but to ask you to intercede.

Please review this information and call us if you have any questions or require further information. Your consideration is appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read "John Broedell". The signature is fluid and cursive, with a large loop at the end.

John Broedell  
Enclosures

# Aloha Utilities, Inc.

24

6915 Perrine Ranch Road  
New Port Richey, FL 34655

(727) 372-0115 Fax (727) 372-2677

[www.aloha-water.com](http://www.aloha-water.com)

SEP 12 2005

September 8, 2005

Mr. John Broedell  
Broedell Plumbing Supply, Inc.  
1601 Commerce Lane, Suite 100  
Jupiter, FL 33458

RE: Broedell Plumbing Supply in Pasco County

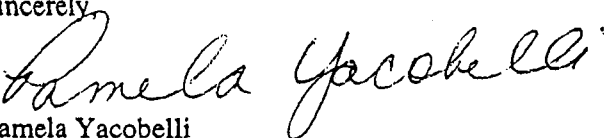
Dear Mr. Broedell:

This letter is in response to your request for our review of the impact fees due for the above-mentioned project. The original fees that were calculated were based upon calculations provided in Appendix "B" of our tariff, please see attached. As stated in our Water Tariff, Section 7.1:

*... Charges to commercial and general service customers pursuant to this Policy are calculated on a cost based upon the estimated demand of the contributor's proposed installation upon the treatment facilities of the Utility and is computed by multiplying the daily rated gallons of demand set forth in Appendix "B" by the respective amount shown above; provided, however, that no user of water and/or sewer service shall pay less than the amount due for one E.R.C.*

I have reviewed the square footage and the previous usage of the Fort Myers building and the Jupiter building. The new building is 17,631 square feet larger than the Jupiter building and 20,566 square feet larger than the Fort Myers building. This new building will have eleven different tenants, which at this time you do not know who or what type of business you will be leasing to now or in the future to compare their usage. Therefore, I find I can not adjust the impact fees. Should you have any further questions, please do not hesitate to contact our office.

Sincerely



Pamela Yacobelli  
Administration Manager

PY/jlw



APPENDIX "B"

SCHEDULE OF DAILY RATED GALLONAGE  
 FOR VARIOUS OCCUPANCY

Types of Building Usages

Apartments.....	250	gpd
Bars & Cocktail Lounges.....	5	gpcd (1)
Boarding Schools (Students and Staff).....	75	gpcd
Bowling Alleys (toilet wastes only), per lane.....	100	gpd (2)
Country Clubs, per member.....	25	gpcd
Day Schools (Students and Staff).....	10	gpcd
Drive-in Theatres (per car space).....	5	gpd
Factories, with showers (toilet wastes only).....	30	gpcd
Factories, no showers (toilet wastes only).....	10	gpd/100 sq. ft.
Hospitals, with laundry.....	250	gpd/bed
Hospitals, no laundry.....	200	gpd/bed
Hotels and Motels.....	200	gpd/room & unit
Laundromat.....	225	gpd/washing machine
Mobile Home Parks.....	300	gpd/trailer
Movie Theatres, Auditoriums, Churches (per seat).....	3	gpd
Multiple Dwelling Units.....	193	gpd
Nursing Homes.....	150	gpd/100 sq. ft.
Office Buildings.....	10	gpd/100 sq. ft.
Public Institutions (other than those listed herein)...	75	gpcd
Restaurants (per seat) (see surcharge Section 7.5).....	50	gpcd
Single Family Residential		
Water - 3/4" x 5/8" Meter.....	270	gpd
1" Meter.....	600	gpd
1 1/2" Meter.....	1150	gpd
Sewer.....	270	gpd
Townhouse Residence.....	193	gpd
Stadiums, Frontons, Ball Parks, etc. (per seat).....	3	gpd
Stores, without kitchen wastes, shopping centers.....	15	gpd/100 sq. ft.
Speculative Buildings.....	30	gpd, plus
	10	gpd/100 sq. ft.
Warehouses.....	30	gpd, plus
	10	gpd/1000 sq. ft.

(1) gpcd - gallons per capita per day

(2) gpd - gallons per day

NOTE: Sewage gallonage refers to sanitary sewage flow on unit basis for average daily flow in gallons per day.



22

**Water Use Analysis**  
For  
**Broedell Plumbing Supply, Inc.**  
Jupiter, Florida

The following analysis the water usage recorded at the Ft. Myers office of Broedell Plumbing based on water bills and projects the water usage for the Jupiter location.

Beginning date & meter reading	8/2/02	427
Ending date & meter reading	6/6/01	310
Number of days	422	
Water Usage	117 (1,000 Gal.) =	117000 Gallons

Compute average daily usage:

117000 Gal. / 422 Days = 277 GPD

Ft. Myers Facility Size: 32500 S.F.

Compute Usage / Square Foot:

277 GPD / 32500 S.F. = 0.85 GPD / 100 S.F.

Ft. Myers Space Allocation:

Office Showroom:	15000 S.F.	46%
Warehouse:	<u>17500</u> S.F.	<u>54%</u>
Total Area:	32500 S.F.	100%

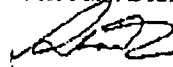
Jupiter Facility:

Office Showroom:	16825 S.F.	47%
Warehouse	<u>18610</u> S.F.	<u>53%</u>
Total Area:	35435 S.F.	100%

Projected Jupiter Water Usage:

35435 S.F. /	32500 S.F. =	109%
0.85 GPD / 100 S.F. x	35435 S.F. =	302 GPD

Prepared By:  
Cunningham Durrance Consulting Engineers, Inc.  
EB No. 4502  
400 Executive Center Drive, Suite 108  
West Palm Beach, Fl. 33401

 September 12, 2002  
Stuart H. Cunningham, PE No. 30896

01-061(B) Broedell Water Usage

CUNNINGHAM & DURRANCE Consulting Engineers, Inc.

**TOWN OF JUPITER UTILITIES**

P.O. BOX 8900 - JUPITER, FL 33468-8900

ACCOUNT NUMBER 74801-67958  
CYCLE 08-01  
SERVICE ADDRESS 1601 COMMERCE LN  
SERVICE PERIOD 3/09/05 To 4/11/05 # OF DAYS 33

TEMP - RETURN SERVICE REQUESTED

BILL DATE 4/12/05  
Service Curr Read Prev Read Usage  
W HGAL 3630 3475 15.50  
USAGE FOR 04/04 16.40  
Description Of Charges Amount  
W WATER 47.88  
SW STORMWATER 115.50  
UTILITY TAX 2.87

PRESORTED  
FIRST-CLASS MAIL  
U.S. POSTAGE PAID  
W. PALM BEACH, FL  
PERMIT NO. 1988

TO ENSURE PROPER CREDIT  
TO YOUR ACCOUNT PLEASE  
NOTE YOUR ACCOUNT  
NUMBER ON YOUR CHECK  
AND ENCLOSE THE RETURN  
STUB WITH YOUR PAYMENT.  
WE OFFER FREE BANK  
DRAFTING FOR WORRY FREE  
PAYMENTS. CALL 746-5134

APR 13 2005

TOTAL CURRENT CHARGES	166.25
*SEE REVERSE SIDE * PREVIOUS BALANCE	.00
<b>TOTAL DUE</b>	<b>166.25</b>
DUE DATE	5/09/05

5/09/05

**TOWN OF JUPITER UTILITIES**

P.O. BOX 8900 - JUPITER, FL 33468-8900

ACCOUNT NUMBER 74801-67958  
CYCLE 08-01  
SERVICE ADDRESS 1601 COMMERCE LN  
SERVICE PERIOD 4/11/05 To 5/09/05 # OF DAYS 28

TEMP - RETURN SERVICE REQUESTED

BILL DATE 5/10/05  
Service Curr Read Prev Read Usage  
W HGAL 3763 3630 13.30  
USAGE FOR 05/04 14.30  
Description Of Charges Amount  
W WATER 45.52  
SW STORMWATER 115.50  
UTILITY TAX 2.73

PRESORTED  
FIRST-CLASS MAIL  
U.S. POSTAGE PAID  
W. PALM BEACH, FL  
PERMIT NO. 1988

TO ENSURE PROPER CREDIT  
TO YOUR ACCOUNT PLEASE  
NOTE YOUR ACCOUNT  
NUMBER ON YOUR CHECK  
AND ENCLOSE THE RETURN  
STUB WITH YOUR PAYMENT.  
WE OFFER FREE BANK  
DRAFTING \*\* FOR WORRY  
FREE PAYMENTS  
CALL 746-5134  
\*\*HAVE A GREAT DAY\*\*

MAY 11 2005

TOTAL CURRENT CHARGES	163.75
*SEE REVERSE SIDE * PREVIOUS BALANCE	.00
<b>TOTAL DUE</b>	<b>163.75</b>
DUE DATE	6/06/05

6/06/05

**TOWN OF JUPITER UTILITIES**

P.O. BOX 8900 - JUPITER, FL 33468-8900

ACCOUNT NUMBER 74801-67958  
CYCLE 08-01  
SERVICE ADDRESS 1601 COMMERCE LN  
SERVICE PERIOD 5/09/05 To 6/08/05 # OF DAYS 30

TEMP - RETURN SERVICE REQUESTED

BILL DATE 6/10/05  
Service Curr Read Prev Read Usage  
W HGAL 3913 3763 15  
USAGE FOR 06/04 13  
Description Of Charges Amount  
W WATER 47.98  
SW STORMWATER 115.50  
UTILITY TAX 2.88

PRESORTED  
FIRST-CLASS MAIL  
U.S. POSTAGE PAID  
W. PALM BEACH, FL  
PERMIT NO. 1988

July 4th Weekend 2005  
ABACOA TOWN CENTER  
Saturday July 2 5-10pm  
5pm Main Street Cruise  
7pm music BACK IN TIME  
Sunday July 3 8-10pm  
Movie on the Green  
Chitty Chitty Bang Bang  
Monday July 4 4-10pm  
Childrens Freedom Parade  
DJ Jammin Jim Fabulons  
and Burnt Biscuit  
FIREWORKS AFTER THE GAME

JUN 13 2005

TOTAL CURRENT CHARGES	166.36
*SEE REVERSE SIDE * PREVIOUS BALANCE	.00
<b>TOTAL DUE</b>	<b>166.36</b>
DUE DATE	7/05/05

7/05/05

**TOWN OF JUPITER UTILITIES**

P.O. BOX 8900 - JUPITER, FL 33468-8900

ACCOUNT NUMBER 74801-67958 CYCLE 08-01  
SERVICE ADDRESS 1601 COMMERCE LN  
SERVICE PERIOD 12/08/04 To 1/11/05 # OF DAYS 34

**TEMP - RETURN SERVICE REQUESTED**

BILL DATE 1/12/05  
Service Curr Read Prev Read  
W HGAL 3189 3040  
USAGE FOR 01/04 20.30  
Description Of Charges  
W WATER  
SW STORMWATER  
UTILITY TAX



JAN 13 2005

RENEW, REVIVE, RESTORE.  
AT  
JUPITER JUBILEE  
JANUARY 29, 2005  
NOON TO 6 PM  
AT JUPITER'S TOWN HALL  
& COMMUNITY CENTER  
COME FOR  
GOOD EATS, FUN FEATS,  
COOL TREATS & MORE!  
FOR MORE INFO CALL  
746-5134 OR CHECK OUT  
WWW.JUPITER.FL.US

TOTAL CURRENT CHARGES
*SEE REVERSE SIDE * PREVIOUS BALANCE
TOTAL DUE

DUPLICATE

2

**TOWN OF JUPITER UTILITIES**

P.O. BOX 8900 - JUPITER, FL 33468-8900

ACCOUNT NUMBER 74801-67958 CYCLE 08-01  
SERVICE ADDRESS 1601 COMMERCE LN  
SERVICE PERIOD 1/11/05 To 2/08/05 # OF DAYS 28

**TEMP - RETURN SERVICE REQUESTED**

BILL DATE 2/09/05  
Service Curr Read Prev Read  
W HGAL 3321 3189  
USAGE FOR 02/04 15.20  
Description Of Charges  
W WATER  
SW STORMWATER  
UTILITY TAX



FEB 10 2005

TOWN OF JUPITER  
MUNICIPAL ELECTION  
MARCH 8, 2005  
POLLS OPEN 7 AM TO 7 PM  
COME OUT AND VOTE  
IF A RUN-OFF ELECTION IS  
NECESSARY, IT WILL BE  
HELD MAR 22, 2005  
MUNICIPAL OFFICES WILL  
BE CLOSED FEB 21, 2005  
FOR PRESIDENTS DAY

TOTAL CURRENT CHARGES
*SEE REVERSE SIDE * PREVIOUS BALANCE
TOTAL DUE

DUPLICATE

**TOWN OF JUPITER UTILITIES**

P.O. BOX 8900 - JUPITER, FL 33468-8900

ACCOUNT NUMBER 74801-67958 CYCLE 08-01  
SERVICE ADDRESS 1601 COMMERCE LN  
SERVICE PERIOD 2/08/05 To 3/09/05 # OF DAYS 29

**TEMP - RETURN SERVICE REQUESTED**

BILL DATE 3/10/05  
Service Curr Read Prev Read  
W HGAL 3475 3321  
USAGE FOR 03/04 13.80  
Description Of Charges  
W WATER  
SW STORMWATER  
UTILITY TAX



MAR 11 2005

TO ENSURE PROPER CREDIT  
TO YOUR ACCOUNT PLEASE  
NOTE YOUR ACCOUNT  
NUMBER ON YOUR CHECK  
AND ENCLOSE THE RETURN  
STUB WITH YOUR PAYMENT.  
WE OFFER FREE BANK  
DRAFTING FOR WORRY FREE  
PAYMENTS. CALL 746-5134

TOTAL CURRENT CHARGES
*SEE REVERSE SIDE * PREVIOUS BALANCE
TOTAL DUE

DUPLICATE

**TOWN OF JUPITER UTILITIES**

P.O. BOX 8900 - JUPITER, FL 33468-8900

TEMP - RETURN SERVICE REQUESTED

PRESORTED  
FIRST-CLASS MAIL  
U.S. POSTAGE PAID  
W. PALM BEACH, FL  
PERMIT NO. 1968

ACCOUNT NUMBER 74801-67958 CYCLE 08-01 BILL DATE 10/12/04

SERVICE ADDRESS 1601 COMMERCE LN SERVICE PERIOD 9/10/04 To 10/11/04 # OF DAYS 31

TO ENSURE PROPER CREDIT TO YOUR ACCOUNT PLEASE NOTE YOUR ACCOUNT NUMBER ON YOUR CHECK AND ENCLOSE THE RETURN STUB WITH YOUR PAYMENT WE OFFER FREE BANK DRAFTING FOR WORRY FREE PAYMENTS. CALL 746-5134

Service Curr Read Prev Read Usage	Amount
W HGAL 2900 2700	40.30
USAGE FOR 10/03 21 10	115.50
Description Of Charges	
W WATER	2.52
SW STORMWATER	
UTILITY TAX	

OCT 13 2004

TOTAL CURRENT CHARGES	158.22
*SEE REVERSE SIDE * PREVIOUS BALANCE	00.00
<b>TOTAL DUE</b>	<b>158.22</b>
<b>DUE DATE</b>	<b>11/08/04</b>

**TOWN OF JUPITER UTILITIES**

P.O. BOX 8900 - JUPITER, FL 33468-8900

TEMP - RETURN SERVICE REQUESTED

PRESORTED  
FIRST-CLASS MAIL  
U.S. POSTAGE PAID  
W. PALM BEACH, FL  
PERMIT NO. 1968

ACCOUNT NUMBER 74801-67958 CYCLE 08-01 BILL DATE 11/09/04

SERVICE ADDRESS 1601 COMMERCE LN SERVICE PERIOD 10/11/04 To 11/05/04 # OF DAYS 25

\*\*28TH ANNUAL HOLIDAY \*\* PARADE, SUNDAY DECEMBER 12, 2004 AT 1:00 PM AT ALT A1A & CENTER ST NORTH TO BRIDGE RD. FOR ADD'L INFORMATION OR TO REGISTER, CALL MIKE CESARANO AT 746-1722 OR VISIT THE WWW.JTAA.ORG WEBSITE AND SELECT HOLIDAY PARADE. OUR OFFICES WILL BE CLOSED NOV 25TH & 26TH THANKSGIVING

Service Curr Read Prev Read Usage	Amount
W HGAL 2919 2803	42.78
USAGE FOR 11/03 7.90	115.50
Description Of Charges	
W WATER	2.57
SW STORMWATER	
UTILITY TAX	

NOV 12 2004

TOTAL CURRENT CHARGES	160.85
*SEE REVERSE SIDE * PREVIOUS BALANCE	00.00
<b>TOTAL DUE</b>	<b>160.85</b>
<b>DUE DATE</b>	<b>12/04/04</b>

**TOWN OF JUPITER UTILITIES**

P.O. BOX 8900 - JUPITER, FL 33468-8900

TEMP - RETURN SERVICE REQUESTED

PRESORTED  
FIRST-CLASS MAIL  
U.S. POSTAGE PAID  
W. PALM BEACH, FL  
PERMIT NO. 1968

ACCOUNT NUMBER 74801-67958 CYCLE 08-01 BILL DATE 12/09/04

SERVICE ADDRESS 1601 COMMERCE LN SERVICE PERIOD 11/05/04 To 12/08/04 # OF DAYS 33

\*\*25TH ANNUAL HOLIDAY \*\* PARADE, SUN DEC. 12, 2004 AT 1:00 PM AT ALT A1A & CENTER ST, NORTH TO BRIDGE RD. FOR ADD'L INFO OR TO REGISTER CALL MIKE CESARANO 746-1722 OR VISIT THE WWW.JTAA.ORG WEBSITE AND SELECT HOLIDAY PARADE. OUR OFFICES WILL BE CLOSED DEC. 24th, 27th & 31st FOR THE HOLIDAYS

Service Curr Read Prev Read Usage	Amount
W HGAL 3040 2919	43.44
USAGE FOR 12/03 16	115.50
Description Of Charges	
W WATER	2.61
SW STORMWATER	1.53
UTILITY TAX	
DEPOSIT INTEREST	

DEC 24 2004

TOTAL CURRENT CHARGES	160.02
*SEE REVERSE SIDE * PREVIOUS BALANCE	00.00
<b>TOTAL DUE</b>	<b>160.02</b>
<b>DUE DATE</b>	<b>1/03/05</b>

**TOWN OF JUPITER UTILITIES**

P.O. BOX 8900 - JUPITER, FL 33468-8900

TEMP - RETURN SERVICE REQUESTED

PRESORTED  
FIRST-CLASS MAIL  
U.S. POSTAGE PAID  
W. PALM BEACH, FL  
PERMIT NO. 1968

ACCOUNT NUMBER: 74801-67958 CYCLE: 08-01 BILL DATE: 7/13/04

SERVICE ADDRESS: 1601 COMMERCE LN

SERVICE PERIOD: 6/08/04 To 7/12/04 # OF DAYS: 34

Service	Curr	Read	Prev	Read	Usage
W HQAL	2446		2318		12.80
W WATER					44.35
SW STORMWATER					115.50
UTILITY TAX					2.66

AS A STANDARD UTILITY PRACTICE TO INSURE THE BEST WATER QUALITY, THE TOWN WILL BE TEMPORARILY MODIFYING ITS TREATMENT PROCESS TO USE FREE CHLORINE FROM JULY 12 TO AUGUST 12. IF YOU HAVE ANY QUESTIONS REGARDING THIS PROCESS, PLEASE CALL OUR LAB STAFF AT THE FOLLOWING NUMBERS: 561-741-2603 OR 741-2606

JUL 14 2004

TOTAL CURRENT CHARGES	162.51
*SEE REVERSE SIDE * PREVIOUS BALANCE	00.00
<b>TOTAL DUE</b>	<b>162.51</b>
DUE DATE	8/09/04

**TOWN OF JUPITER UTILITIES**

P.O. BOX 8900 - JUPITER, FL 33468-8900

TEMP - RETURN SERVICE REQUESTED

PRESORTED  
FIRST-CLASS MAIL  
U.S. POSTAGE PAID  
W. PALM BEACH, FL  
PERMIT NO. 1968

ACCOUNT NUMBER: 74801-67958 CYCLE: 08-01 BILL DATE: 8/11/04

SERVICE ADDRESS: 1601 COMMERCE LN

SERVICE PERIOD: 7/12/04 To 8/10/04 # OF DAYS: 29

Service	Curr	Read	Prev	Read	Usage
W HQAL	2558		2428		14.80
W WATER					42.26
SW STORMWATER					115.50
UTILITY TAX					2.54

TOWN OF JUPITER OPEN SPACE PROGRAM "KEEP JUPITER GREEN" VOTE AUGUST 31ST FOR MORE INFORMATION: 746-5134 www.jupiter.fl.us

AUG 12 2004

TOTAL CURRENT CHARGES	160.30
*SEE REVERSE SIDE * PREVIOUS BALANCE	00.00
<b>TOTAL DUE</b>	<b>160.30</b>
DUE DATE	8/09/04

**TOWN OF JUPITER UTILITIES**

P.O. BOX 8900 - JUPITER, FL 33468-8900

TEMP - RETURN SERVICE REQUESTED

PRESORTED  
FIRST-CLASS MAIL  
U.S. POSTAGE PAID  
W. PALM BEACH, FL  
PERMIT NO. 1968

ACCOUNT NUMBER: 74801-67958 CYCLE: 08-01 BILL DATE: 9/13/04

SERVICE ADDRESS: 1601 COMMERCE LN

SERVICE PERIOD: 8/10/04 To 9/10/04 # OF DAYS: 31

Service	Curr	Read	Prev	Read	Usage
W HQAL	2706		2558		14.80
W WATER					47.90
SW STORMWATER					115.50
UTILITY TAX					2.82

TO ENSURE PROPER CREDIT TO YOUR ACCOUNT PLEASE NOTE YOUR ACCOUNT NUMBER ON YOUR CHECK AND ENCLOSE THE RETURN STUB WITH YOUR PAYMENT. WE OFFER FREE BANK DRAFTING FOR WORRY FREE PAYMENTS. CALL 746-5134

SEP 14 2004

TOTAL CURRENT CHARGES	165.29
*SEE REVERSE SIDE * PREVIOUS BALANCE	00.00
<b>TOTAL DUE</b>	<b>165.29</b>
DUE DATE	10/09/04

**TOWN OF JUPITER UTILITIES**

P.O. BOX 8900 - JUPITER, FL 33468-8900

TEMP - RETURN SERVICE REQUESTED

PRESORTED  
FIRST-CLASS MAIL  
U.S. POSTAGE PAID  
W. PALM BEACH, FL  
PERMIT NO. 1968

17

ACCOUNT NUMBER 74801-67958 CYCLE 08-01 BILL DATE 4/12/04

SERVICE ADDRESS 1601 COMMERCE LN  
SERVICE PERIOD 3/09/04 To 4/09/04 31

Description Of Charges	Amount
W. WATER	113.40
SW STORMWATER	2.92
UTILITY TAX	

TO ENSURE PROPER CREDIT TO YOUR ACCOUNT PLEASE NOTE YOUR ACCOUNT NUMBER ON YOUR CHECK AND ENCLOSE THE RETURN STUB WITH YOUR PAYMENT. WE OFFER FREE BANK DRAFTING FOR WORRY FREE PAYMENTS. CALL 746-5134

APR 14 2004

TOTAL CURRENT CHARGES	164.92
SEE REVERSE SIDE * PREVIOUS BALANCE	00.00
<b>TOTAL DUE</b>	<b>164.92</b>
DUE DATE	5/07/04

**TOWN OF JUPITER UTILITIES**

P.O. BOX 8900 - JUPITER, FL 33468-8900

TEMP - RETURN SERVICE REQUESTED

PRESORTED  
FIRST-CLASS MAIL  
U.S. POSTAGE PAID  
W. PALM BEACH, FL  
PERMIT NO. 1968

ACCOUNT NUMBER 74801-67958 CYCLE 08-01 BILL DATE 5/11/04

SERVICE ADDRESS 1601 COMMERCE LN  
SERVICE PERIOD 4/09/04 To 5/07/04 28

Description Of Charges	Amount
W. WATER	46.13
SW STORMWATER	114.68
UTILITY TAX	2.77

TO ENSURE PROPER CREDIT TO YOUR ACCOUNT PLEASE NOTE YOUR ACCOUNT NUMBER ON YOUR CHECK AND ENCLOSE THE RETURN STUB WITH YOUR PAYMENT. WE OFFER FREE BANK DRAFTING FOR WORRY FREE PAYMENTS. CALL 746-5134

MAY 12 2004

TOTAL CURRENT CHARGES	163.58
SEE REVERSE SIDE * PREVIOUS BALANCE	00.00
<b>TOTAL DUE</b>	<b>163.58</b>
DUE DATE	6/07/04

**TOWN OF JUPITER UTILITIES**

P.O. BOX 8900 - JUPITER, FL 33468-8900

TEMP - RETURN SERVICE REQUESTED

PRESORTED  
FIRST-CLASS MAIL  
U.S. POSTAGE PAID  
W. PALM BEACH, FL  
PERMIT NO. 1968

ACCOUNT NUMBER 74801-67958 CYCLE 08-01 BILL DATE 6/10/04

SERVICE ADDRESS 1601 COMMERCE LN  
SERVICE PERIOD 5/07/04 To 6/08/04 32

Description Of Charges	Amount
W. WATER	44.61
SW STORMWATER	115.50
UTILITY TAX	2.68

SPEND JULY 4TH WITH THE TOWN OF JUPITER AN ALL AMERICAN BEACH PARTY 2 PM TO 10 PM ABACOA TOWN CENTER MUSIC\*\*FOOD\*\*FAMILY FUN "SAVE YOUR GREEN" RIDE THE ABACOA TROLLEY TUESDAY 5:30 PM -10:30 P FRIDAY 5:30 PM -11:30 P SATURDAY NOON - 11:30PM

JUN 12 2004

TOTAL CURRENT CHARGES	162.79
SEE REVERSE SIDE * PREVIOUS BALANCE	00.00
<b>TOTAL DUE</b>	<b>162.79</b>
DUE DATE	7/06/04

**TOWN OF JUPITER UTILITIES**

P.O. BOX 8900 - JUPITER, FL 33468-8900

TEMP - RETURN SERVICE REQUESTED

PRESORTED  
FIRST-CLASS MAIL  
U.S. POSTAGE PAID  
W. PALM BEACH, FL  
PERMIT NO. 1988

ACCOUNT NUMBER 74801-67958 CYCLE 08-01 BILL DATE 1/13/04

SERVICE ADDRESS 1601 COMMERCE LN

SERVICE PERIOD 12/09/03 To 1/12/04 34

The JUPITER JUBILEE  
Saturday, Jan. 31st  
12pm to 6pm at Town Hall  
210 Military Trail  
A FUNtastic Family Day!  
Rock wall, bounce house,  
lazer tag, Bands, Food,  
Civic Fair, Town Hall  
displays and MORE!! For  
info call 561-746-5134  
or www.jupiter.fl.us  
Offices closed for Martin  
L. King Jr Day Jan 19.

Description Of Charges	Amount
W HOALS	188.00
W WATER	23.65
SW STORMWATER	113.40
UTILITY TAX	2.22

JAN 15 2004

TOTAL CURRENT CHARGES	170.27
SEE REVERSE SIDE PREVIOUS BALANCE	.00
<b>TOTAL DUE</b>	<b>170.27</b>

DUE DATE

2/09/04

**TOWN OF JUPITER UTILITIES**

P.O. BOX 8900 - JUPITER, FL 33468-8900

TEMP - RETURN SERVICE REQUESTED

PRESORTED  
FIRST-CLASS MAIL  
U.S. POSTAGE PAID  
W. PALM BEACH, FL  
PERMIT NO. 1988

ACCOUNT NUMBER 74801-67958 CYCLE 08-01 BILL DATE 2/11/04

SERVICE ADDRESS 1601 COMMERCE LN

SERVICE PERIOD 1/12/04 To 2/09/04 28

TOWN OF JUPITER  
MUNICIPAL ELECTION  
MARCH 9, 2004  
POLLS OPEN 7AM-7PM  
REGISTER TO VOTE BY  
FEB. 9, COME OUT & VOTE  
IF A RUN-OFF ELECTION IS  
NECESSARY, IT WILL BE  
HELD MARCH 23, CALL FOR  
INFO 561-746-5134 X2219  
OUR OFFICES WILL BE  
FOR PRESIDENTS  
16, 2004

Description Of Charges	Amount
W HOALS	188.00
W WATER	27.04
SW STORMWATER	113.40
UTILITY TAX	2.82

FEB 12 2004

TOTAL CURRENT CHARGES	163.26
SEE REVERSE SIDE PREVIOUS BALANCE	.00
<b>TOTAL DUE</b>	<b>163.26</b>

DUE DATE

3/08/04

**TOWN OF JUPITER UTILITIES**

P.O. BOX 8900 - JUPITER, FL 33468-8900

TEMP - RETURN SERVICE REQUESTED

PRESORTED  
FIRST-CLASS MAIL  
U.S. POSTAGE PAID  
W. PALM BEACH, FL  
PERMIT NO. 1988

ACCOUNT NUMBER 74801-67958 CYCLE 08-01 BILL DATE 3/10/04

SERVICE ADDRESS 1601 COMMERCE LN

SERVICE PERIOD 2/09/04 To 3/09/04 29

NOTICE OF PUBLIC HEARING  
On 4-6-04 @ 7:00 pm the  
Jupiter Town Council  
will receive public  
comment on proposed 0.9%  
increase in retail water  
rates & 1.9% increase in  
the connection charges  
to be paid by future  
customers & a 1.9%  
increase in stormwater  
fees For Agenda Info  
visit www.jupiter.fl.us

Description Of Charges	Amount
W HOALS	188.00
W WATER	45.23
SW STORMWATER	113.40
UTILITY TAX	2.71

MAR 11 2004

TOTAL CURRENT CHARGES	161.34
SEE REVERSE SIDE PREVIOUS BALANCE	.00
<b>TOTAL DUE</b>	<b>161.34</b>

DUE DATE

4/05/04



# Aloha Utilities, Inc.

15

6915 Devine Ranch Road  
New Port Richey, FL 34655  
(727) 372-0115 Fax (727) 372-2677  
www.aloha-water.com

August 3, 2005

Mr. Alex L. Azan, P.E.  
Keith Zayac & Associates, Inc.  
701 Enterprise Road East, Suite 404  
Safety Harbor, FL 34695

RE: Broedell Plumbing Supply  
Impact Fees

Dear Mr. Azan:

Please find below a listing of the fees due for the project listed above. Please note that should actual consumption exceed the estimate that additional impact fees may be required.

2006 PM	8/3/05 6 PM	Water Impact Fees	2717 gpd x \$3.333	\$ 9,055.76	- 20,000.00
		Sewer Impact Fees	2717 gpd x \$12.79	\$34,750.43	- 7,700.00
		1 1/2" Potable Water Meter w/ Commercial Box		\$ 354.79	8,700.00
		1" Reclaim Meter w/ Commercial Box		\$ 142.66	
		Deposit & Connect Fee		<u>\$ 1,687.00</u>	
		TOTAL - Potable & Reclaim account		\$45,990.64	
		8" Fire Flow Meter		\$ 8,747.25	
		Deposit & Connect Fee		<u>\$ 98.00</u>	
		TOTAL - Fire Line account		\$ 8,845.25	

We also require a letter stating the cost estimate of the contributed property along with a check for 10% of this figure for Administration Costs.

I have enclosed two copies of our Application for Water, sewer and Reclaimed Water Services. One has been marked for the fire line meter. These applications and deposit for each should be paid by the person who will be responsible for the bills. Should you require any additional information, please do not hesitate to contact our office.

Sincerely,

*Pamela Jacobelli*

Pamela Jacobelli  
Administration Manager

PY/jlw

Jennifer Wilkowsk:  
OFF. CE - 727-372-0115  
FAX 727-372-2677

# Broedell

14

## PLUMBING SUPPLY, INC.

1601 Commerce Lane, Suite 100  
Jupiter, FL 33458  
(561) 747-8000  
Fax: (561) 747-8007

Aloha Utilities, Inc.  
6915 Perrine Ranch Road  
New Port Richey, FL 34655  
(727) 372-0115  
Fax: (727) 372-2677  
ATTN: Jennifer Wilkowski

ATTN:  
ALC  
8-11-05

Dear Jennifer,

Per our phone conversation on August 9, 2005, enclosed is the information you have requested. It is our aim to help show that our new location will not use the amount of water that you show on your suggested water and sewer impact fees. You will find the first document is from Cunningham & Durrance Consulting Engineers, Inc. We engaged Cunningham & Durrance to provide reports that would convince the Town of Jupiter that our actual water use would be lower than the town estimated. Cunningham & Durrance based their report on water invoices from our Ft. Myers branch; a building which measures 32,500 sq. ft. with 11 toilets and 11 wall-hung lavatories. They concluded that water use for that location averaged 277 gallons per day (G.P.D.). Our Jupiter branch houses 35,435 sq. ft. with 12 toilets and 12 wall-hung lavatories. We have enclosed 18 months worth of water bills from this location for your review. Based on these invoices, we use an average of 14,000 gallons per month (G.P.M) or 452 G.P.D.

We ask that you please examine the enclosed Town of Jupiter's first water service agreement dated January 23, 2003. Note that the total originally requested was \$16,546.18. After reviewing the water use analysis of our Ft. Myer's branch, however, the town revised the usage fee to \$3,121.92. While the New Port Richey building will be larger, it will hold only 3 more toilets than our Ft. Myers location and 2 more than Jupiter for a total of 14 toilets and 14 wall-hung lavatories. Based on these comparisons, we feel that the New Port Richey building will average 527 G.P.D. As you can see, there is a significant difference between what we predict our water usage to be and what you have estimated.

We hope that this information will help you to re-evaluate the New Port Richey water usage estimate. If you agree to the 527 G.P.D. and in 12 months, or more, you find us using more water, we will agree to pay the difference in rate. Thank you for taking the time to review this material. We only request that the water impact fees be fair and reasonable. After reviewing our documents, please feel free to call with any questions or concerns. We appreciate your continued cooperation and support.

Sincerely,

John Broedell

# Aloha Utilities, Inc.

13

6915 Perrine Ranch Road  
New Port Richey, FL 34655  

---

(727) 372-0115 Fax (727) 372-2677  
www.aloha-water.com

August 3, 2005

Mr. Alex L. Azan, P.E.  
Keith Zayac & Associates, Inc.  
701 Enterprise Road East, Suite 404  
Safety Harbor, FL 34695

RE: Broedell Plumbing Supply  
Impact Fees

Dear Mr. Azan:

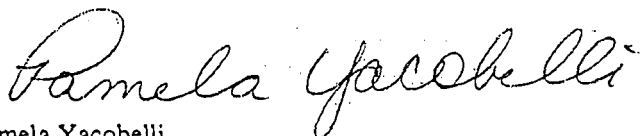
Please find below a listing of the fees due for the project listed above. Please note that should actual consumption exceed the estimate that additional impact fees may be required.

Water Impact Fees	2717 gpd x \$3.333	\$ 9,055.76
Sewer Impact Fees	2717 gpd x \$12.79	\$34,750.43
1 1/2" Potable Water Meter w/ Commercial Box		\$ 354.79
1" Reclaim Meter w/ Commercial Box		\$ 142.66
Deposit & Connect Fee		<u>\$ 1,687.00</u>
TOTAL - Potable & Reclaim account		\$45,990.64
8" Fire Flow Meter		\$ 8,747.25
Deposit & Connect Fee		<u>98.00</u>
TOTAL - Fire Line account		\$ 8,845.25

We also require a letter stating the cost estimate of the contributed property along with a check for 10% of this figure for Administration Costs.

I have enclosed two copies of our Application for Water, sewer and Reclaimed Water Services. One has been marked for the fire line meter. These applications and deposit for each should be paid by the person who will be responsible for the bills. Should you require any additional information, please do not hesitate to contact our office.

Sincerely,



Pamela Yacobelli  
Administration Manager

PY/jlw

**Keith Zayac & Associates, Inc.**

Civil Engineering, Landscape Architecture, Planning

701 Enterprise Road East, Suite 404  
Safety Harbor, FL 34695  
(727) 793-9888 Phone  
(727) 793-9855 Fax  
[keith@keithzayac.com](mailto:keith@keithzayac.com)

**Broedell Plumbing Supply**  
1601 Commerce Lane, Suite 100  
Jupiter, Florida 33458 - 8818

**August 10, 2005**  
**VIA Mail**

**Attn: Mr. John Broedell**

**Re: Broedell Plumbing Supply in Pasco County, Florida**  
**KZA Project No. 309 - 04**

Dear Mr. Broedell:

For your signature and completion, the following items are enclosed:

- Aloha Utilities, Inc. APPLICATION FOR WATER, SEWER AND RECLAIM WATER SERVICES for potable water and reclaim water.
- Aloha Utilities, Inc. APPLICATION FOR WATER, SEWER AND RECLAIM WATER SERVICES for fire service.

Please complete, sign, date and return to my attention the enclosed applications. For reference, a sample application form is enclosed. Please contact us if there are any questions.

Sincerely,  
**Keith Zayac & Associates, Inc.**



Alex L. Azan, P.E.  
Cc: FILE

*MAILED BACK on  
8-19-05*

# Aloha Utilities, Inc.

11

6915 Perrine Ranch Road  
New Port Richey, FL 34655

(727) 372-0115 Fax (727) 372-2677

www.aloha-water.com

1" Fireline Meter

Water Only\*

## APPLICATION FOR WATER, SEWER AND RECLAIMED WATER SERVICES

(RECLAIMED WATER SERVICE IS NOT AVAILABLE IN ALL AREAS)

Name BRODELL PLUMBING SUPPLY INC

Service Address 8441 SR 54 Lot #: \_\_\_\_\_

NEW PORT RICHEY

D.L.#: \_\_\_\_\_ FRIN SS# 59-2743259

Phone #: \_\_\_\_\_ Verified I.D: \_\_\_\_\_

### MAILING ADDRESS (If different than service address)

1601 COMMENCE LANE  
JUPITER FL 33458

### RENTER - LANDLORD'S NAME AND ADDRESS

JOHN BRODELL  
1601 COMMENCE LANE JUPITER FL 33458

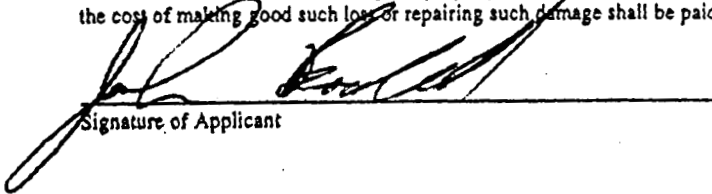
DATE SERVICE TO BE COMMENCED \_\_\_\_\_

NOTE: Before service will be commenced, the Customer must pay the appropriate meter fee, reuse service connection charge and the applicable deposit pursuant to Company's Tariff.

This Application constitutes an Agreement for Service; and the Company and the Customer are bound by its terms, as well as those of the Company's Tariff and the Rules of the Florida Public Service Commission, both of which are incorporated herein by reference.

The Customer shall exercise reasonable diligence to protect the Company's property on the Customer's premises, and shall knowingly permit no one but the Company's agents, or persons authorized by law, to have access to the Company's pipes and apparatus. Customer has been provided with a copy of Aloha Utilities Cross Connection Control Plan and received notification of reuse signs as required by Florida Department of Environmental Protection rule.

In the event of any loss, or damage to property of the Company caused by or arising out of carelessness, neglect, or misuse by the Customer, the cost of making good such loss or repairing such damage shall be paid by the Customer.

  
Signature of Applicant

8-19-05  
Date

# Aloha Utilities, Inc.

10

6915 Perrine Ranch Road  
New Port Richey, FL 34655  
(727) 372-0115 Fax (727) 372-2677  
www.aloha-water.com

## APPLICATION FOR WATER, SEWER AND RECLAIMED WATER SERVICES (RECLAIMED WATER SERVICE IS NOT AVAILABLE IN ALL AREAS)

Name BRODELL PLUMBING SUPPLY INC  
Service Address 8441 SR 54 Lot #: \_\_\_\_\_  
NEW PORT RICHEY  
D.L.#: \_\_\_\_\_ FEIN # 59-2743259  
Phone #: 561-747-8000 Verified I.D: \_\_\_\_\_

### MAILING ADDRESS (If different than service address)

1601 COMMERCIE LANE  
JUPITER FL 33458

### RENTER - LANDLORD'S NAME AND ADDRESS

JOHN BRODELL  
1601 COMMERCIE LANE JUPITER FL 33458

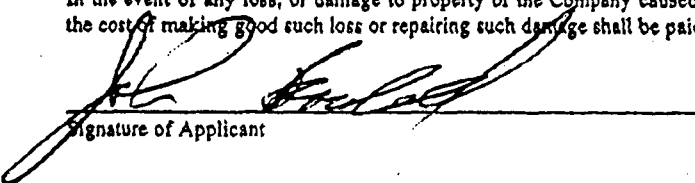
DATE SERVICE TO BE COMMENCED \_\_\_\_\_

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In the event of any loss, or damage to property of the Company caused by or arising out of carelessness, neglect, or misuse by the Customer, the cost of making good such loss or repairing such damage shall be paid by the Customer.

  
Signature of Applicant

8-19-05  
Date

ACTIVITY REPORT

TIME : 09/26/2005 15:31 9

NO.	DATE	TIME	FAX NO./NAME	DURATION	PAGE(S)	RESULT	COMMENT
#25	09/19	09:41	18563336810	16	01	OK	
#26	09/19	17:18	6816515	06:45	23	OK	TX ECM
#27	09/19	17:27	6816515	06:14	19	OK	TX ECM
#28	09/19	17:43	6816515	07:36	29	OK	TX ECM
#29	09/20	06:30	613054705506	04:20	09	OK	TX ECM
#31	09/20	14:02	618636784287	55	02	OK	TX ECM
#30	09/20	14:16	8636784287	00	00	BUSY	TX ECM
#33	09/20	14:20	2458434	46	02	OK	TX ECM
#32	09/20	14:34	612458434	00	00	BUSY	TX ECM
#34	09/21	14:40	617278682964	01:03	00	NG	TX ECM
#35	09/21	14:43	617278682964	01:45	04	OK	TX ECM
#36	09/22	10:16	612394441445	36	02	OK	TX ECM
#37	09/22	10:46	5582380	54	02	OK	TX ECM
#38	09/22	15:11	5582380	57	00	NG	TX ECM
#39	09/22	15:13	5582380	48	01	OK	TX ECM
#40	09/26	13:24	617278487701	02:37	10	OK	TX ECM
#41	09/26	14:30	8910901	54	02	OK	TX ECM
#42	09/26	15:18	617273722677	07:33	20	OK	TX ECM

BUSY: BUSY/NO RESPONSE  
 NG : POOR LINE CONDITION  
 CV : COVERPAGE  
 CA : CALL BACK MSG  
 POL : POLLING  
 RET : RETRIEVAL

In instances where Utility undertakes the installation of water distribution and sewage collection lines, at the cost and expense of developer in lieu of developer's installation of such facilities, Utility will provide laterals for water and sewer service to developer's lot line ready for plumber's "hook-up" and the installation of meters. 1001 ET MAL

#### 5.0 OBLIGATIONS OF DEVELOPER

All contributors shall furnish to the Utility accurate information with regard to matters of engineering, construction of buildings and dwellings and proposed densities.

Contributors who increase their density factors and/or consumption requirements during the course of construction of the project are liable for an adjustment in their hydraulic share for off-site facilities and/or an increase in total contributions-in-aid-of-construction applicable to developer's project. Contributor responsible for errors or changes in engineering information furnished to Utility when such error or change results in increased cost to Utility for any construction which Utility may undertake in connection with installing water distribution or sewage collection facilities or which would necessitate a new design or redesign of water distribution or sewage collection plans.

#### 5.1 Utility's Right to Provide Service

Contributor agrees that it will grant and give to the Utility its successors and assigns, the exclusive right or privilege so long as the Utility shall continue to provide service in accordance with the Rules and Regulations of Public Agencies, to serve the property, and the exclusive right to construct, maintain, and operate said facilities in, the present and future streets, roads, easements, reserved utility strips and utility sites and any public place in the property dedicated to public use in recorded plats or as provided for in independent agreements, dedications, or grants. Contributor agrees that all facilities used, useful or held for use in connection with providing service to the Property, shall at all times remain in the sole, complete and exclusive ownership of the utility, its successors and assigns.

#### 5.2 Exclusive Rights of Utility

Contributor agrees that it or its successors and assigns, shall not (the words "shall not" being used in a mandatory definition) provide water or sewer services to the property during the period of time that the Utility, its successors and assigns, provide water and sewer service to said property, it being the intention of the parties that Utility shall have the sole and exclusive right and privilege to provide water and sewer services to the customers.

DEC 16 1980  
President



For the purpose of this Policy, the term contributions-in-aid-of-construction shall include the on-site water distribution and sewage collection system contributed in cash or in kind; payments to defray, in part or in total, the cost of the off-site lines and related facilities; and payments to defray in part the cost of the treatment facilities. (See Appendix "A").

7.0 CONTRIBUTIONS-IN-AID-OF-CONSTRUCTION---TREATMENT FACILITIES

Utility requires that all Contributors pay contributions based in part on a pro rata share of the cost of treatment plant facilities, whether or not the facilities have been constructed or may be constructed to continue to render service. Such payments are herein defined as contributions-in-aid-of-construction and shall be made to all Contributors upon approval of the governmental agency having jurisdiction of this Policy, where water or sewer service is available or agreed to be made available in the territory.

Utility further declares that these contributions shall be uniform among Contributors notwithstanding provisions of prior developers agreements or the practices and procedures pertaining to such charges as established prior to the adopting of part IX, Chapter 25-10, F.A.C.

It is the further purpose of this Section to resolve the inequities and discriminatory practices regarding contributions by placing all owners, builders, and developers on parity with regard to such charges.

7.1 SCHEDULE FOR "CIAC" FOR TREATMENT FACILITIES

The following is a schedule of "CIAC" for treatment facilities to be paid prior to commencement of water and/or sewer services as a prerequisite for such service. The amounts are based on an equivalent residential connection.

	<i>Seven Springs</i> <u>East of US 19</u>	<i>Aloha Gardens</i> <u>West of US 19</u>
<u>Residential</u>		
Water Plant Capacity	\$1,000.00 per ERC	\$126.86 per ERC
Sewage Plant Capacity	\$1,650.00 per ERC	\$117.06 per ERC
<u>Non-Residential</u>		
Water	\$3.333 per gallon	\$.470 per gallon
Sewer	\$12.79 per gallon	\$.434 per gallon

EFFECTIVE DATE: November 27, 2002

STEPHEN G. WATFORD  
ISSUING OFFICER

TYPE OF FILING: Service Availability Case

PRESIDENT  
TITLE

**CONFIDENTIAL**

Charges to commercial and general service customers pursuant to this Policy are calculated on a cost based upon the estimated demand of the contributor's proposed installation upon the treatment facilities of the Utility and is computed by multiplying the daily rated gallons of demand set forth in Appendix "B" by the respective amount shown above; provided, however, that no user of water and/or sewer service shall pay less than the amount due for one E.R.C.

7.2 Treatment Plant Water and Sewer Demand Characteristics

Appendix "B", attached hereto, is a list of daily gallons of demand for various occupancies which will be used in computing the total contributions. In the instance of common facilities of multiple dwelling units such as irrigation, laundering, recreation facilities, commercial and commercial/residential facilities, determination of connection and main extension charges will be based upon the use characteristic defined by engineering data supplied by the prospective contributor, as accepted and approved by the Utility. (25-10.121(11), F.A.C.) The daily gallons of demand for common facilities will be added to and in addition to the design factor in gallons of demand of 193 gpd per multiple dwelling unit as set forth in Appendix "B".

7.3 Treatment Plant Capacity Allocations

Upon payment by the contributor and its proper execution of a developer's agreement pursuant to these rules, the Utility will reserve and will allocate to the contributor the portion of water and sewer plant capacity as set forth in the agreement for a period specified in the developer's agreement from the date of payment of all amounts set forth in the agreement. If, for example, the contributor shall calculate demand of 270 gallons of water per day per single family residence, that capacity will be built or reserved for the contributor as specified by Rule 25-10.136(5), F.A.C. The Utility will not be obligated to provide capacity or service in excess of that allocation and may require consumers to curtail use which exceeds such allocated capacity.

Whether plant is actually built or allocated to a contributor, the Utility will not be obligated to refund these charges to the contributor.

7.4 Contributions-in-aid-of-construction Based on Actual and Experienced Demand

If the experience of the Utility has demonstrated that the demand characteristics of customers of the community exceed those daily rates gallons of demand set forth in Appendix "B", the Utility shall require that the contributor pay those contributions and make the necessary commitments based on the actual and experienced demand and not the average demand

Aloha Utilities, Inc.

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Thus, when the Utility shall demonstrate to the developer that its records and experience show, for example, that a single family residence of the type which the contributor proposes to build in the specific community places demand during certain times of the year equal to 400 gallons of water per day, then the charges per gallons demand set forth in paragraph 7.1 of this Policy shall be multiplied by 400 gallons. In no event shall the Utility be required to build or accept plans, specifications, contributions-in-aid-of-construction or agreements predicated upon demand for water service less than 270 gallons per single family residential equivalent or sewer service of less than 270 gallons per residential equivalent per day. (25-10.121(13), F.A.C.)

#### 7.5 CIAC Based on Sewage Strength

All CIAC as outlined above our based on normal domestic sewage defined herein as containing not more than 200 parts per million ("PPM") bio-chemical oxygen demand ("BOD") or 200 ppm suspended solids. Whenever actual or estimated waste which contains more than these amounts is to be admitted to the sewers, the company and pollution control agencies must specifically agree to the connection. The CIAC for treatment facilities will be calculated in direct proportion to strength for each ppm of either BOD or SS over 200 ppm. All such connections shall provide for a suitable point for the waste to be sampled by the company or the regulatory agencies.

#### 8.0 CONTRIBUTIONS-IN-AID-OF-CONSTRUCTION "OFF-SITE" FACILITIES

The location, size or proposed density of developer's property may make service to such property dependent upon the extension of "off-site" water distribution and/or sewage collection facilities.

For the purpose of this Policy, the term "off-site" shall be defined as those main water transmission lines, sewage collection lines, sewage force mains and/or pumping stations necessary to connect developer's property with facilities of Utility adequate in size to transmit to developer's property, an adequate quantity of water under adequate pressure and/or transmit the sewage collected on developer's property to the treatment plant or disposal site of Utility.

Since each developer draws from the hydraulic capacity of such lines based on engineering design, Utility will require that developer pay his property's hydraulic share of the cost of the "off-site" main transmission and collection facilities through which service is rendered to developer's property.

APPENDIX "B"SCHEDULE OF DAILY RATED GALLONAGE  
FOR VARIOUS OCCUPANCYTypes of Building Usages

Apartments.....	250	gpd
Bars & Cocktail Lounges.....	5	gpcd (1)
Boarding Schools (Students and Staff).....	75	gpcd
Bowling Alleys (toilet wastes only), per lane.....	100	gpd (2)
Country Clubs, per member.....	25	gpcd
Day Schools (Students and Staff).....	10	gpcd
Drive-in Theatres (per car space).....	5	gpd
Factories, with showers (toilet wastes only).....	30	gpcd
Factories, no showers (toilet wastes only).....	10	gpd/100 sq. ft.
Hospitals, with laundry.....	250	gpd/bed
Hospitals, no laundry.....	200	gpd/bed
Hotels and Motels.....	200	gpd/room & unit
Laundromat.....	225	gpd/washing machine
Mobile Home Parks.....	300	gpd/trailer
Movie Theatres, Auditoriums, Churches (per seat).....	3	gpd
Multiple Dwelling Units.....	193	gpd
Nursing Homes.....	150	gpd/100 sq. ft.
Office Buildings.....	10	gpd/100 sq. ft.
Public Institutions (other than those listed herein)...	75	gpcd
Restaurants (per seat) (see surcharge Section 7.5).....	50	gpcd
Single Family Residential		
Water - 3/4" x 5/8" Meter.....	270	gpd
1" Meter.....	600	gpd
1 1/2" Meter.....	1150	gpd
Sewer.....	270	gpd
Townhouse Residence.....	193	gpd
Stadiums, Frontons, Ball Parks, etc. (per seat).....	3	gpd
Stores, without kitchen wastes, shopping centers.....	15	gpd/100 sq. ft.
Speculative Buildings.....	30	gpd, plus
	10	gpd/100 sq. ft.
Warehouses.....	30	gpd, plus
	10	gpd/1000 sq. ft.

(1) gpcd - gallons per capita per day

(2) gpd - gallons per day

NOTE: Sewage gallonage refers to sanitary sewage flow on unit basis for average daily flow in gallons per day.

Thus, when the Utility shall demonstrate to the developer that its records and experience show, for example, that a single family residence of the type which the contributor proposes to build in the specific community places demand during certain times of the year equal to 400 gallons of water per day, then the charges per gallons demand set forth in paragraph 7.1 of this Policy shall be multiplied by 400 gallons. In no event shall the Utility be required to build or accept plans, specifications, contributions-in-aid-of-construction or agreements predicated upon demand for water service less than 270 gallons per single family residential equivalent or sewer service of less than 270 gallons per residential equivalent per day. (25-10.121(13), F.A.C.)

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For the purpose of this Policy, the term "off-site" shall be defined as those main water transmission lines, sewage collection lines, sewage force mains and/or pumping stations necessary to connect developer's property with facilities of Utility adequate in size to transmit to developer's property, an adequate quantity of water under adequate pressure and/or transmit the sewage collected on developer's property to the treatment plant or disposal site of Utility.

Since each developer draws from the hydraulic capacity of such lines based on engineering design, Utility will require that developer pay his property's hydraulic share of the cost of the "off-site" main transmission and collection facilities through which service is rendered to developer's property.

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7.2 Treatment Plant Water and Sewer Demand Characteristics

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7.4 Contributions-in-aid-of-construction Based on Actual and Experienced Demand

If the experience of the Utility has demonstrated that the demand characteristics of customers of the community exceed those daily rates gallons of demand set forth in Appendix "B", the Utility shall require that the contributor pay those contributions and make the necessary commitments based on actual and experienced demand, and not the average demand.

For the purpose of this Policy, the term contributions-in-aid-of-construction shall include the on-site water distribution and sewage collection system contributed in cash or in kind; payments to defray, in part or in total, the cost of the off-site lines and related facilities; and payments to defray in part the cost of the treatment facilities. (See Appendix "A").

7.0 CONTRIBUTIONS-IN-AID-OF-CONSTRUCTION---TREATMENT FACILITIES

Utility requires that all Contributors pay contributions based in part on a pro rata share of the cost of treatment plant facilities, whether or not the facilities have been constructed or may be constructed to continue to render service. Such payments are herein defined as contributions-in-aid-of-construction and shall be made to all Contributors upon approval of the governmental agency having jurisdiction of this Policy, where water or sewer service is available or agreed to be made available in the territory.

Utility further declares that these contributions shall be uniform among Contributors notwithstanding provisions of prior developers agreements or the practices and procedures pertaining to such charges as established prior to the adopting of part IX, Chapter 25-10, F.A.C.

It is the further purpose of this Section to resolve the inequities and discriminatory practices regarding contributions by placing all owners, builders, and developers on parity with regard to such charges.

7.1 SCHEDULE FOR "CIAC" FOR TREATMENT FACILITIES

The following is a schedule of "CIAC" for treatment facilities to be paid prior to commencement of water and/or sewer services as a prerequisite for such service. The amounts are based on an equivalent residential connection.

<u>Residential</u>	<u>East of US 19</u>	<u>West of US 19</u>
Water Plant Capacity	\$1,000.00 per ERC	\$126.86 per ERC
Sewage Plant Capacity	\$1,650.00 per ERC	\$117.06 per ERC

Non-Residential

Water	\$3.333 per gallon	\$.470 per gallon
Sewer	\$12.79 per gallon	\$.434 per gallon

EFFECTIVE DATE: November 27, 2002

STEPHEN G. WATFORD  
ISSUING OFFICER

TYPE OF FILING: Service Availability Case

PRESIDENT  
TITLE