

Section 1 - Bureau of Records Complete

Docket No. 050183-WU Date Docketed: 03/15/2005 Title: Request by homeowners of Natura subdivision for the Commission to initiate deletion proceedings against Aloha Utilities, Inc. for failure to provide sufficient water service consistent with the reasonable and proper operation of the utility system in the public interest, in violation of Section 367.111(2), Florida Statutes.

Company: Aloha Utilities, Inc.

Official Filing Date: \_\_\_\_\_ Expiration: \_\_\_\_\_

Last Day to Suspend: \_\_\_\_\_

Referred to:

CCA	CMP	ECR	FLL	(GCL)	MMS	PIF	RCA	SCR
				X				

("O" indicates OPR)

Section 2 - OPR Completes and returns to CCA in 10 workdays.

Time Schedule

Program Module A19; B11

WARNING: THIS SCHEDULE IS AN INTERNAL PLANNING DOCUMENT  
IT IS TENTATIVE AND SUBJECT TO REVISION.  
FOR UPDATES CONTACT THE RECORDS SECTION: (850) 413-6770

Staff Assignments

Due Dates

OPR Staff	Staff Assignments	Due Dates	
		Previous	Current
	<input type="checkbox"/> Current CASR revision level		
	1.		
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Recommended assignments for hearing and/or deciding this case:

Full Commission \_\_\_\_\_ Commission Panel \_\_\_\_\_  
Hearing \_\_\_\_\_ Staff \_\_\_\_\_

Date filed with CCA: \_\_\_\_\_

Initials OPR \_\_\_\_\_

Staff Counsel \_\_\_\_\_

Section 3 - Chairman Completes

Assignments are as follows:

- Hearing Officer(s)

Commissioners						Hrg Exam	Staff
ALL	BZ	DS	BD	DV	ED		

Prehearing Officer

Commissioners					ADM
BZ	DS	BD	DV	ED	

Where panels are assigned the senior Commissioner is Panel Chairman: the identical panel decides the case.  
Where one Commissioner, a Hearing Examiner or a Staff Member is assigned the full Commission decides the case.

Approved: \_\_\_\_\_  
Date: \_\_\_\_\_

DOCUMENT NUMBER-DATE

08320 SEP 13 08

Section 1 - Bureau of Records Complete

Docket No. 050183-WU Date Docketed: 03/15/2005 Title: Request by homeowners of Natura subdivision for the Commission to initiate deletion proceedings against Aloha Utilities, Inc. for failure to provide sufficient water service consistent with the reasonable and proper operation of the utility system in the public interest, in violation of Section 367.111(2), Florida Statutes.

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Official Filing Date: \_\_\_\_\_ Expiration: \_\_\_\_\_

Last Day to Suspend: \_\_\_\_\_

Referred to:

("O" indicates OPR)

CCA	CMP	ECR	FLL	(GCL)	MMS	PIF	RCA	SCR
		X		X				

Section 2 - OPR Completes and returns to CCA in 10 workdays.

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IT IS TENTATIVE AND SUBJECT TO REVISION.  
FOR UPDATES CONTACT THE RECORDS SECTION: (850) 413-6770

Staff Assignments

OPR Staff	R Gervasi	0	Current CASR revision level	Due Dates	
				Previous	Current
		1.	Staff Recommendation	NONE	05/05/2005
		2.	Agenda	NONE	05/17/2005
		3.	Standard Order	NONE	06/06/2005
		4.	Close Docket or Revise CASR	NONE	07/08/2005
		5.			
		6.			
		7.			
Staff Counsel	R Gervasi	8.			
		9.			
OCRs (ECR)	P Daniel	10.			
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Recommended assignments for hearing and/or deciding this case:		30.			
		31.			
		32.			
Full Commission <input checked="" type="checkbox"/> Commission Panel _____		33.			
Hearing _____ Staff _____		34.			
		35.			
Date filed with CCA: <u>03/29/2005</u>		36.			
		37.			
Initials OPR _____		38.			
Staff Counsel _____		39.			
		40.			

Section 3 - Chairman Completes

Assignments are as follows:

- Hearing Officer(s)

Commissioners						Hrg Exam	Staff
ALL	BZ	DS	BD	DV	ED		
X							

Prehearing Officer

Commissioners					ADM
BZ	DS	BD	DV	ED	
			X		

Where panels are assigned the senior Commissioner is Panel Chairman: the identical panel decides the case.  
Where one Commissioner, a Hearing Examiner or a Staff Member is assigned the full Commission decides the case.

Approved: 1313/Amr  
Date: 03/29/2005

Section 1 - Bureau of Records Complet

Docket No. 050183-WU Date Docketed: 03/15/2005 Title: Request by homeowners for the Commission to initiate deletion proceedings against Aloha Utilities, Inc. for failure to provide sufficient water service consistent with the reasonable and proper operation of the utility system in the public interest, in violation of Section 367.111(2), Florida Statutes.

Company: Aloha Utilities, Inc.

Official Filing Date: \_\_\_\_\_ Expiration: \_\_\_\_\_

Last Day to Suspend: \_\_\_\_\_

Referred to:

("O" indicates OPR)

CCA	CMP	ECR	(GCL)	PIF	RCA	SCR	SGA
		X	X				

Section 2 - OPR Completes and returns to CCA in 10 workdays.

Time Schedule

Program Module A19; B11

WARNING: THIS SCHEDULE IS AN INTERNAL PLANNING DOCUMENT  
IT IS TENTATIVE AND SUBJECT TO REVISION.  
FOR UPDATES CONTACT THE RECORDS SECTION: (850) 413-6770

Staff Assignments

OPR Staff	M Stern, R Gervasi	1	Due Dates	
			Current CASR revision level	Previous Current
		1.	Special Agenda (8/15 & 8/17/05)	NONE 08/15/2005
		2.	Standard Order	NONE 09/06/2005
		3.	Close Docket or Revise CASR	07/08/2005 01/06/2006
		4.		
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Staff Counsel	M Stern	8.		
		9.		
		10.		
OCRs (ECR)	P Daniel	11.		
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Recommended assignments for hearing and/or deciding this case:		30.		
		31.		
		32.		
Full Commission <input checked="" type="checkbox"/> Commission Panel <input type="checkbox"/>		33.		
Hearing <input type="checkbox"/> Staff <input type="checkbox"/>		34.		
		35.		
Date filed with CCA: <u>08/01/2005</u>		36.		
		37.		
Initials OPR _____		38.		
Staff Counsel _____		39.		
		40.		

Section 3 - Chairman Completes

Assignments are as follows:

*CSRA*

- Hearing Officer(s)

Commissioners						Hrg Exam	Staff
ALL	BZ	DS	BD	ED	--		
X							

Prehearing Officer

Commissioners					ADM
BZ	DS	BD	ED	--	
			X		

Where panels are assigned the senior Commissioner is Panel Chairman: the identical panel decides the case.  
Where one Commissioner, a Hearing Examiner or a Staff Member is assigned the full Commission decides the case.

Approved: *BIB/ams*  
Date: 08/01/2005

STATE OF FLORIDA

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



DIVISION OF THE COMMISSION CLERK &  
ADMINISTRATIVE SERVICES  
BLANCA S. BAYÓ, DIRECTOR  
(850) 413-6770 (CLERK)  
(850) 413-6330 (ADMIN)

# Public Service Commission

March 22, 2005

Roslyn B. Wrona  
7320 Captiva Circle  
New Port Richey, Florida 34655

**Re: Docket No. 050183-WU**

Dear Ms. Wrona:

This will acknowledge receipt of a request by homeowners of Natura subdivision for the Commission to initiate deletion proceedings against Aloha Utilities, Inc. for failure to provide sufficient water service consistent with the reasonable and proper operation of the utility system in the public interest, in violation of Section 367.111(2), Florida Statutes, which was filed in this office on March 15, 2005, and assigned the above-referenced docket number. Appropriate staff members will be advised.

Mediation may be available to resolve any dispute in this docket. If mediation is conducted, it does not affect a substantially interested person's right to an administrative hearing. For more information, contact the Office of General Counsel at (850) 413-6248 or FAX (850) 413-7180.

Bureau of Records

I:\Records\acklet-no-app.doc

DOCUMENT NUMBER - DATE

08320 SEP 13 08

FPSC-COMMISSION CLERK

ORIGINAL

Timolyn Henry

**From:** Ruth McHargue  
**Sent:** Tuesday, May 24, 2005 12:05 PM  
**To:** Timolyn Henry  
**Cc:** Matilda Sanders  
**Subject:** FW: E-Form Other Complaints - 18105

Please add to docket file 050183

**From:** Consumer Contact  
**Sent:** Tuesday, May 24, 2005 10:45 AM  
**To:** Ruth McHargue  
**Subject:** FW: E-Form Other Complaints - 18105

Aloha Docket.

**From:** Consumer Contact  
**Sent:** Tuesday, May 24, 2005 10:33 AM  
**To:** Consumer Contact  
**Subject:** E-Form Other Complaints - 18105

**TRACKING NUMBER - 0018105 May 24, 2005**

**SERVICE ADDRESS**

Account Number:  
Business Account Name:  
Name: michael culp  
Address: 3806 redwood dr  
City: holiday  
Zip: 34691  
County: PASCO

CMP \_\_\_\_\_  
COM \_\_\_\_\_  
CTR \_\_\_\_\_  
ECR   1    
GCL   1    
OPC \_\_\_\_\_  
MMS \_\_\_\_\_  
RCA \_\_\_\_\_  
SCR \_\_\_\_\_  
SEC \_\_\_\_\_  
OTH \_\_\_\_\_

**CUSTOMER INFORMATION**

Name: michael culp  
Address: 3806 redwood dr  
City: holiday  
State: FL  
Zip: 34691  
Primary Phone: 727-945-9106  
Secondary Phone: 727-945-9106  
E-mail: mandbculp@netzero.net  
Contact By: Day Time Phone Number

**COMPLAINT INFORMATION**

Utility Name: WS001 Aloha Utilities, Inc.  
Did customer previously contact the utility?:  
Did customer previously contact the PSC?:

## PROBLEM INFORMATION

Problem Type: Other Complaints

Complaint Detail: Th quality of Aloha?s water is suspect at best. Last year we replaced all incoming plumbing in the household to the tune of \$1700 due to the continuing pinhole leaks in the copper pipes caused by the poor quality water. This year the outgoing plumbing under the slab of the house burst due to the poor quality water. So far that repair is at \$1400 and the estimates for the repair to the interior of the house and estimates to fill the cavity under the slab caused by the seepage have not been completed, but I imagine will be an additional few thousand dollars. I would love to be on county (Pasco)water as I?m sure the quality of the water and the service from the provider will greatly improve. We do not use Aloha water to drink or cook, we buy bottled water for consumption. We do use Aloha water in our toilet and shower because that?s about the only things Aloha water is good for. If we do not receive the survey that will be sent to Aloha customers in the Seven Springs area which we reside near, I would like a chance to voice my extreme displeasure with the quality of Aloha?s water and customer service.

For PSC Webmaster Use Only:

Mozilla/4.0 (compatible; MSIE 6.0; Windows NT 5.1)

<http://www.psc.state.fl.us/consumers/complaint/review.cfm>

[www.psc.state.fl.us](http://www.psc.state.fl.us)

State of Florida



**Public Service Commission**  
**-M-E-M-O-R-A-N-D-U-M-**

---

**DATE:** May 24, 2005

**TO:** Blanca S. Bayó, Director, Division of the Commission Clerk and Administrative Services

**FROM:** Jane Faurot, Chief, Office of Hearing Reporter Services, Division of the Commission Clerk and Administrative Services

**RE:** DOCKET NO. 050183-WU, AGENDA HELD 05/17/05.

---

RE: REQUEST BY HOMEOWNERS FOR THE COMMISSION TO INITIATE DELETION PROCEEDINGS AGAINST ALOHA UTILITIES, INC. FOR FAILURE TO PROVIDE SUFFICIENT WATER SERVICE CONSISTENT WITH THE REASONABLE AND PROPER OPERATION OF THE UTILITY SYSTEM IN THE PUBLIC INTEREST, IN VIOLATION OF SECTION 367.111(2), FLORIDA STATUTES.

DOCUMENT No: 04936-05, 05/20/05

The transcript for the above proceedings has been completed and is forwarded for placement in the docket file, including attachments.

Please note that Staff distribution of this transcript was made to:

LEGAL, ECR

Acknowledged BY:

A handwritten signature, possibly "JF", written in black ink.

---

JF/rm

## Kimberley Pena

---

**From:** Rosanne Gervasi  
**Sent:** Thursday, June 16, 2005 4:30 PM  
**To:** Hong Wang; Kimberley Pena  
**Subject:** RE: DN 050183-WU (Aloha)

I have one more name to be added as an interested person to the same docket:

Donna M. Drake  
12405 Roseland Drive  
New Port Richey, FL 34654

thanks!

---

**From:** Rosanne Gervasi  
**Sent:** Thursday, June 16, 2005 3:05 PM  
**To:** Hong Wang; Kimberley Pena  
**Subject:** DN 050183-WU (Aloha)

Please add the following person as an interested person to the above-referenced docket:

Lisa Hamilton  
2159 Ground Squirrel Drive  
New Port Richey, FL 34665

thanks!

*Done*  
*06/17/05*  
*KMP*  
6/16/2005

*OK*  
*KH*



**Kimberley Pena**

---

**From:** Rosanne Gervasi  
**Sent:** Thursday, June 16, 2005 3:05 PM  
**To:** Hong Wang; Kimberley Pena  
**Subject:** DN 050183-WU (Aloha)

Please add the following person as an interested person to the above-referenced docket:

Lisa Hamilton  
2159 Ground Squirrel Drive  
New Port Richey, FL 34665

thanks!

*Done  
06/16/05  
KMP*

*OK*

*146*

6/16/2005

MEMORANDUM

June 20, 2005

RECEIVED-FPSC

05 JUN 20 PM 2:14

TO: DIVISION OF THE COMMISSION CLERK AND ADMINISTRATIVE SERVICES

FROM: OFFICE OF THE GENERAL COUNSEL (GERVASI) *ps*

RE: DOCKET NO. 050183-WU Request by homeowners for the Commission to initiate deletion proceedings against Aloha Utilities, Inc. for failure to provide sufficient water service consistent with the reasonable and proper operation of the utility system in the public interest, in violation of Section 367.111(2), Florida Statutes.

---

Please place the attached documentation on the CORRESPONDENCE side of the above mentioned docket.

DATE DOCUMENT SENT TO CCA 6/20/05

RG/pz  
Attachment

RECEIVED-FPSC  
05 JUN 20 PM 2:09  
COMMISSION  
CLERK

STATE OF FLORIDA

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



GENERAL COUNSEL  
RICHARD D. MELSON  
(850) 413-6248

## Public Service Commission

June 20, 2005

Ms. Donna M. Drake  
12405 Roseland Drive  
New Port Richey, FL 34654

Re: Docket No. 050183-WU – Request by homeowners for the Commission to initiate deletion proceedings against Aloha Utilities, Inc. for failure to provide sufficient water service consistent with the reasonable and proper operation of the utility system in the public interest, in violation of section 367.111(2), Florida Statutes.

Dear Ms. Drake:

Thank you for your FAX dated May 30, 2005, in which you request to have your rental unit switched from Aloha Utilities, Inc. (Aloha) to Pasco County Utilities because your tenant has complained about the color and odor of the water. A copy of your FAX is enclosed for your ready reference.

The Commission is well aware of the "black water" problem occurring in portions of Aloha's service area, having received numerous complaints voiced by Aloha customers over the years. The Commission has ordered Aloha to substantially achieve a goal of 0.1 mg/L of sulfides in its finished water to combat the problem, and will continue to closely monitor Aloha's progress toward achieving that goal.

In Docket No. 050018-WU, the Commission issued a notice of intent to amend Aloha's water certificate of authorization to delete the Trinity (south of Mitchell Boulevard and east of Seven Springs Boulevard), Riviera Estates, Villa del Rio (also known as Riverside Villas), and Riverside Village Unit 4 subdivisions from the utility's Seven Springs service territory. A hearing on the matter is scheduled to take place in January. However, your rental unit is not located within the areas targeted for deletion of territory in that docket.

Since Docket No. 050018-WU was opened, the Commission has received requests for deletion of territory from a number of Aloha customers who, like your tenant, do not reside within one of the above-named areas targeted for deletion of territory. Docket No. 050183-WU was opened to address the requests of those customers. By Order No. PSC-05-0618-PCO-WU, issued June 6, 2005, in that docket, the Commission directed its staff to conduct an investigation into the other remaining areas located within Aloha's Seven Springs service territory, including conducting a customer survey of these areas to determine the extent of the black water problem in these areas. The Commission further directed its staff to file a recommendation on whether another deletion proceeding should be

Ms. Donna M. Drake  
Page 2  
June 20, 2005

initiated once the staff investigation is completed. Assuming that your rental unit is located within Aloha's Seven Springs water service area, your tenant will receive an upcoming survey in the mail.

I have added your name to the list of interested persons in Docket No. 050183-WU so that you will receive copies of certain materials filed in the docket, including official notices and orders (other than procedural orders). If you have internet access, you may also track the ongoing progress and activities conducted in the docket by going to the Commission's website located at [www.floridapsc.com](http://www.floridapsc.com). Click on the "water and wastewater link" under "Regulated Utilities" on the right side of the screen, then click on "dockets," then enter the 6-digit docket number (050183) and click search.

If I may be of further assistance, please feel free to contact me at (850) 413-6224, or e-mail me at [rgervasi@psc.state.fl.us](mailto:rgervasi@psc.state.fl.us).

Again, thank you for your correspondence.

Sincerely,



Rosanne Gervasi, Senior Attorney

Florida Public Service Commission  
Office of the General Counsel  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0863

Enclosure

Cc: John Wharton, Esq.  
F. Marshall Deterding, Esq.  
Steve Reilly, Esq.

ORIGINAL

=== COVER PAGE ===

RECEIVED-FPSC

00 JUN -9 AM 11:54

TO: \_\_\_\_\_

COMMISSION  
CLERK

FROM: HPHOSPICE

FAX: 7278480110

To: CCA

TEL: 0000000000

Re: Aloha Docket

050018

-Dianna

COMMENT:

RECEIVED

MAY 31 2005

Florida Public Service Commission  
Division of RCA

- CMP \_\_\_\_\_
- COM \_\_\_\_\_
- CTR \_\_\_\_\_
- ECR   1
- GCL   1
- OPC \_\_\_\_\_
- MMS \_\_\_\_\_
- RCA \_\_\_\_\_
- SCR \_\_\_\_\_
- SEC \_\_\_\_\_
- OTH \_\_\_\_\_

MARCH 30, 2005

TO: PUBLIC SERVICE COMMISSION

FAX: 800/511-0809

FROM: DONNA M. DRAKE  
12405 ROSELAND DRIVE  
NEW PORT RICHEY, FL 34654

NO. OF PAGES INCLUDING COVER SHEET: 2

RECEIVED

MAY 31 2005

Florida Public Service Commission  
Division of RCA

PUBLIC SERVICE COMMISSION  
2540 SHUMARD OAK BLVD,  
TALLAHASSEE, FL 32399

MAY 30, 2005

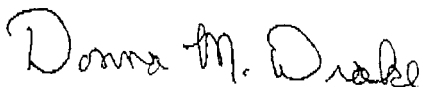
RE:DOCKET NO. 050018

DEAR COMMISSION MEMBERS:

MY NAME IS DONNA DRAKE, I RESIDE AT 12405 ROSELAND DRIVE IN NEW PORT RICHEY, FLORIDA 34654. I OWN A VILLA AT 2730 TOTTENHAM DRIVE, NEW PORT RICHEY, FL 34655 WHICH IS CURRENTLY RENTED. I WOULD LIKE TO FILE A COMPLAINT AGAINST ALOHA UTILITIES WHICH IS THE UTILITY FOR MY RENTAL PROPERTY. MY TENANT HAS COMPLAINED ABOUT THE NAUSEATING ODOR OF THE WATER AND IT'S BRACKISH APPEARANCE. IN THE FUTURE THE QUALITY OF THE WATER COULD BECOME AN ISSUE IN RENTING OUT THE PROPERTY RENDERING IT UNINHABITABLE AS IS. I HAVE PASCO COUNTY UTILITIES AT MY PRIMARY RESIDENCE AND AM SATISFIED WITH THE QUALITY OF THE WATER. I WOULD LIKE TO SWITCH THE WATER UTILITY AT MY RENTAL TO PASCO COUNTY UTILITIES IF POSSIBLE.

PLEASE ADVISE ME WHAT I CAN DO TO FACILITATE CHANGING WATER PROVIDERS. THANK YOU IN ADVANCE FOR YOUR REPLY.

SINCERELY,



DONNA M. DRAKE  
(727)849-2629

RECEIVED

MAY 31 2005

Florida Department of  
Division of RCU

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

STATE OF FLORIDA



GENERAL COUNSEL  
RICHARD D. MELSON  
(850) 413-6248

## Public Service Commission

June 20, 2005

Ms. Lisa Hamilton  
2159 Ground Squirrel Drive  
New Port Richey, FL 34665

Re: Docket No. 050183-WU – Request by homeowners for the Commission to initiate deletion proceedings against Aloha Utilities, Inc. for failure to provide sufficient water service consistent with the reasonable and proper operation of the utility system in the public interest, in violation of section 367.111(2), Florida Statutes.

Dear Ms. Hamilton:

Thank you for your letter dated May 24, 2005, in which you request to be updated on the progress of the Florida Public Service Commission's (Commission) investigation concerning the "black water" and odor problem that you are experiencing as a customer of Aloha Utilities, Inc. (Aloha or utility). A copy of your letter is enclosed for your ready reference.

The Commission is well aware of the "black water" problem occurring in portions of Aloha's service area, having received numerous complaints voiced by Aloha customers over the years. The Commission has ordered Aloha to substantially achieve a goal of 0.1 mg/L of sulfides in its finished water to combat the problem, and will continue to closely monitor Aloha's progress toward achieving that goal.

In Docket No. 050018-WU, the Commission issued a notice of intent to amend Aloha's water certificate of authorization to delete the Trinity (south of Mitchell Boulevard and east of Seven Springs Boulevard), Riviera Estates, Villa del Rio (also known as Riverside Villas), and Riverside Village Unit 4 subdivisions from the utility's Seven Springs service territory. A hearing on the matter is scheduled to take place in January. However, Nature's Hideaway is not located within the areas targeted for deletion of territory in that docket.

Since Docket No. 050018-WU was opened, the Commission has received requests for deletion of territory from a number of Aloha customers who, like yourself, do not reside within one of the above-named areas targeted for deletion of territory. Docket No. 050183-WU was opened to address the requests of those customers. By Order No. PSC-05-0618-PCO-WU, issued June 6, 2005, in that docket, the Commission directed its staff to conduct an investigation into the other remaining areas located within Aloha's Seven Springs service territory, including conducting a customer survey of these areas to determine the extent of the black water problem in these areas. The Commission further directed its staff to file a recommendation on whether another deletion proceeding should be



Ms. Lisa Hamilton  
Page 2  
June 20, 2005

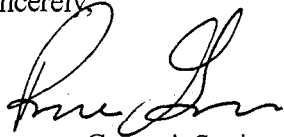
initiated once the staff investigation is completed. Because you reside within one of these areas within Seven Springs, you will receive an upcoming survey in the mail.

I have added your name to the list of interested persons in Docket No. 050183-WU so that you will receive copies of certain materials filed in the docket, including official notices and orders (other than procedural orders). If you have internet access, you may also track the ongoing progress and activities conducted in the docket by going to the Commission's website located at [www.floridapsc.com](http://www.floridapsc.com). Click on the "water and wastewater link" under "Regulated Utilities" on the right side of the screen, then click on "dockets," then enter the 6-digit docket number (050183) and click search.

If I may be of further assistance, please feel free to contact me at (850) 413-6224, or e-mail me at [rgervasi@psc.state.fl.us](mailto:rgervasi@psc.state.fl.us).

Again, thank you for your correspondence.

Sincerely,



Rosanne Gervasi, Senior Attorney

Florida Public Service Commission  
Office of the General Counsel  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0863

Enclosure

Cc: John Wharton, Esq.  
F. Marshall Deterding, Esq.  
Steve Reilly, Esq.

ORIGINAL

May 24, 2005

050018-WU

RECEIVED-FPSC

JUN -9 AM 11:54

The Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

COMMISSION CLERK

Jason and Lisa Hamilton  
2159 Ground Squirrel Drive  
New Port Richey, FL 34665

RECEIVED

JUN 02 2005

Florida Public Service Commission  
Division of RCA

To Whom It May Concern:

During our most recent homeowner's association meeting, it was brought to our attention that many residents are experiencing black water. I was relieved to find out I am not the only one having this problem but discouraged that nothing has been done about it. I have heard others in our area complain of discolored and badly scented water. Now that I know that it is the utility company, Aloha Utilities, that is not cleaning the water properly, I do not feel that I should be responsible for the expense of having to install a filter system. I feel that we pay at a very high rate for our water and at the least it should be clear and scent free. I understand that your commission is currently investigating this problem and I would like to be updated on your progress. Please advise us as to what we can do to solve this problem quickly.

Sincerely,

*Lisa Hamilton*

*Aloha Docket*

Lisa Hamilton  
Resident of Nature's Hideaway  
New Port Richey, Florida

- CMP \_\_\_\_\_
- COM \_\_\_\_\_
- CTR \_\_\_\_\_
- ECR   1
- GCL   1
- OPC \_\_\_\_\_
- MMS \_\_\_\_\_
- RCA \_\_\_\_\_
- SCR \_\_\_\_\_
- SEC \_\_\_\_\_
- OTH \_\_\_\_\_



Jason & Lisa Hamilton  
2159 Ground Squirrel Drive  
New Port Richey, FL 34655

STATE OF FLORIDA

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



DIVISION OF THE COMMISSION CLERK &  
ADMINISTRATIVE SERVICES  
BLANCA S. BAYÓ  
DIRECTOR  
(850) 413-6770 (CLERK)  
(850) 413-6330 (ADMIN)

## Public Service Commission

July 6, 2005

Jon Wheeler, Clerk  
First District Court of Appeals of Florida  
301 South Martin Luther King Boulevard  
Tallahassee, Florida 32399

**Re: Aloha Utilities, Inc. vs. Florida Public Service Commission  
(Docket No. 050183-WU)**

Dear Mr. Wheeler:

Enclosed is a certified copy of a Notice of Administrative Appeal of Order No. PSC-05-0618-PCO-WU, filed in this office on behalf of Aloha Utilities, Inc., filed July 5, 2005.

It is our understanding that the index of record is due to be served on the parties to this proceeding on or before August 24, 2005.

Sincerely,

A handwritten signature in cursive script that reads "Kay Flynn".

Kay Flynn, Chief  
Bureau of Records

KF/mhl  
Enclosure

cc: F. Marshall Deterding, Esquire  
John L. Wharton, Esquire  
David E. Smith, Esquire  
parties of record

ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

RECEIVED-FPSC

ALOHA UTILITIES, INC.,

05 JUL -5 PM 4:33

Petitioner/Appellant,

FPSC Docket No. 050183-00 COMMISSION CLERK

vs.

THE FLORIDA PUBLIC SERVICE COMMISSION, ET. AL.

Respondents/Appellees.

NOTICE OF ADMINISTRATIVE APPEAL

NOTICE IS GIVEN that ALOHA UTILITIES, INC., Petitioner/Appellant, appeals to the First District Court of Appeal, the attached Order of the Florida Public Service Commission, rendered June 6, 2005. The nature of the Order, attached to this Notice, is an Order Initiating Investigation by the Florida Public Service Commission and this appeal is filed pursuant to Rule 9.110, Florida Rules of Appellate Procedure.

- CMP \_\_\_\_\_
- COM \_\_\_\_\_
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- SEC i
- OTH Lockard

Respectfully submitted this 5<sup>th</sup> day of July, 2005.

A TRUE COPY  
ATTEST Kay J. [Signature]  
Chief Bureau of Records

[Signature]

F. Marshall Deterding  
FL Bar I.D. #515876  
John L. Wharton  
FL Bar I.D. #563099  
ROSE, SUNDSTROM & BENTLEY, LLP  
2548 Blairstone Pines Drive  
Tallahassee, Florida 32301  
(850) 877-6555  
Attorneys for Petitioner/Appellant

RECEIVED & FILED

[Signature]  
FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

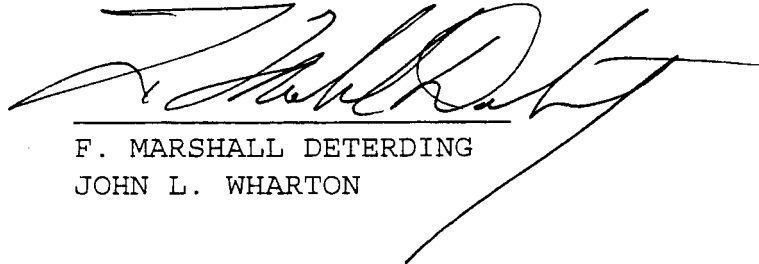
06302 JUL-5 05

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via U.S. Mail to the following on this 5<sup>th</sup> day of July, 2005:

Rosanne Gervasi, Esquire  
General Counsel  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0873

Natura Homeowners  
Roslyn B. Wrona  
7320 Captiva Circle  
New Port Richey, FL 34655



F. MARSHALL DETERDING  
JOHN L. WHARTON

BEFORE THE PUBLIC SERVICE COMMISSION

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

DOCKET NO. 050183-WU  
ORDER NO. PSC-05-0618-PCO-WU  
ISSUED: June 6, 2005

The following Commissioners participated in the disposition of this matter:

BRAULIO L. BAEZ, Chairman  
J. TERRY DEASON  
RUDOLPH "RUDY" BRADLEY  
CHARLES M. DAVIDSON  
LISA POLAK EDGAR

ORDER INITIATING INVESTIGATION INTO REMAINDER OF SEVEN SPRINGS  
WATER SERVICE TERRITORY

BY THE COMMISSION:

BACKGROUND

On January 7, 2005, in Docket No. 050018-WU, we issued a notice of intent to amend Aloha's Utilities, Inc.'s (Aloha or utility) certificate of authorization to delete the Trinity (south of Mitchell Boulevard and east of Seven Springs Boulevard), Riviera Estates, Villa del Rio (also known as Riverside Villas), and Riverside Village Unit 4 subdivisions from the utility's service territory. On February 22, 2005, Aloha was served Order No. PSC-05-0204-SC-WU (show cause order). The show cause order set forth, in accordance with section 120.60, Florida Statutes, and Rule 28-107.004, Florida Administrative Code, the statutory sections alleged to have been violated by Aloha which warrant the deletion of the above-named portions of its service area and the facts and conduct relied upon to establish the violations. On March 15, 2005, Aloha timely filed its response to the show cause order and requested a hearing.

On March 15, 2005, Aloha filed a Motion for Abatement, requesting that we abate the proceeding in Docket No. 050018-WU until the final order is issued in Docket No. 010503-WU. Docket No. 010503-WU pertains to the protest of Order No. PSC-04-0712-PAA-WS, addressing the measurement of the water quality at Aloha's facilities. By Order No. PSC-05-0549-PCO-WU, issued May 20, 2005, we denied Aloha's Motion for Abatement and a hearing will therefore be scheduled in the show cause docket.

Along with a letter dated January 27, 2005, Ms. Roslyn B. Wrona sent this Commission a petition signed by 51 of 64 homeowners who reside in the Natura subdivision, requesting that

DOCUMENT NUMBER - DATE

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PSC-COMMISSION CLERK

Natura be included in Docket No. 050018-WS, as an area to be deleted from Aloha's service territory so that it can be part of the Pasco County water system. That petition has been filed in the instant docket. By letter attached to the petition, Ms. Wrona states that:

Aloha has supplied water to our community, but it comes out blackish from our faucets and showerheads, with a very strong sulfur odor and a strong chlorine taste. In other words, it is unusable and undrinkable. Several of the homeowners have complaints of damaged and corroded water pipes and shortened lives for their appliances. The Natura subdivision is in the Seven Springs area of Aloha's service territory, off of Seven Springs Road and behind a subdivision called Natures Hideaway.

By letter dated February 2, 2005, staff counsel advised Ms. Wrona that the Commission's initiation of deletion proceedings in Docket No. 050018-WU relates to deletion of specified areas only, and that if the Natura subdivision is not located within one of those areas, it would not be possible to be included in the proceeding.

By letter dated February 8, 2005, Ms. Wrona responded by requesting that a new docket be opened on behalf of the homeowners in Natura, who wish to terminate Aloha as their water provider. In that letter, Ms. Wrona states that "Aloha has stonewalled any improvement for almost 10 years and we believe that the methods being proposed to clean up the water will be inadequate. We are also on wells number 8 and 9, as are the Seven Springs communities listed in your letter. As stated in our petition, the water comes out blackish from the faucets and showerheads, with a strong sulfur odor. These wells are not providing us with acceptable water."

By letter dated February 21, 2005, staff counsel explained that at its January 4, 2005, agenda conference, the Commission considered the scope of the service area to be included in the deletion proceeding, and, after discussion, declined to initiate deletion proceedings to include areas other than Trinity (south of Mitchell Boulevard and east of Seven Springs Boulevard), Riviera Estates, Villa del Rio (also known as Riverside Villas), and Riverside Village Unit 4. Further, staff counsel postulated that it would be premature to open another deletion of territory proceeding pending the outcome of Docket No. 050018-WU, since if the Commission determines that Aloha has not violated a statutory duty in that docket, or that the utility has violated a statutory duty but has since minimized the black water problem such that deletion of territory is unnecessary, it would be fruitless for the Commission to have initiated deletion proceedings to include other portions of Aloha's service territory for the same reasons that Docket No. 050018-WU was opened. Moreover, staff counsel advised Ms. Wrona that Aloha is in the process of implementing a hydrogen peroxide treatment method to combat the black water problem in the area, that the adequacy of the treatment process will not be known until after it is implemented and optimized, that staff's understanding is that the pilot project will include areas served by wells 8 and 9, and that Natura may therefore be one of the first areas to benefit from the new treatment process.

Ms. Wrona continues to request that the Commission consider the petition from Natura subdivision and open a new docket to determine whether the Natura area should be deleted from Aloha's service territory. Therefore, the instant docket was opened.

In addition to the request of Ms. Wrona, this Commission has received similar letters from approximately 250 of 584 homeowners in a subdivision known as Heritage Lake.<sup>1</sup> In each of those letters, the homeowners state that Heritage Lake "suffers the same complaints about the poor water quality as those named in [Docket No. 050018-WU]" and request that their area be included in any action to remove Aloha as their water supplier. Staff counsel responded to each of those letters, again advising that it is not possible for this Commission to expand the proceeding in Docket No. 050018-WU to include other portions of Aloha's service territory. Those letters, along with all responses from staff counsel, have been placed on the correspondence side of Docket No. 050018-WU.

Also in addition to the request of Ms. Wrona, along with a letter dated April 6, 2005, Robert L. and Patricia C. Nelson and Glenn L. and Sarah J. Barry sent this Commission a petition signed by approximately 165 of 255 homeowners who reside in the Veterans Villas subdivision, requesting that we take away Aloha's license to serve Veterans Villas.<sup>2</sup> That petition has been filed in the instant docket. The petition states that:

Over the years there have been numerous complaints about the poor quality of the water [supplied by Aloha]. Until now we had no choice but to pay and consume this water. However, due to the large number of dissatisfied customers attending hearing on this subject, their voices have been heard and we of Veterans Villas feel it would be beneficial for our community to disconnect from Aloha Utilities and become customers of Pasco County Utilities.

The letter attached to the petition requests that if Veterans Villas cannot be combined with similar deletion action, this Commission start another action to address deletion of the Veterans Villas area from Aloha's service territory. The letter also requests that if any areas are detached from Aloha, this Commission fully consider the effect that will have on the remaining customers both as to the quality and cost of the water.

Finally, on May 5, 2005, this Commission received a letter from Ms. Donna Vaurio, Chairman of the Committee for Better Water Now, stating, among other things, that the customers are against abatement of Docket No. 050018-WU and that "[d]eletion of territory, to be ordered by the PSC, appears to be the only reasonable solution to this water problem that has lasted more than a decade." Along with her letter is a petition signed by approximately 215 Aloha customers from the Wedgwood Village, Heritage Springs, Twin Lakes Village, Briar Patch, and Foxwood subdivisions. The petition states the following:

We, the undersigned, are customers of Aloha Water Utilities and want it known to the Florida Public Service Commission, the Florida State Legislature, the Florida Office of Public Counsel, and the Pasco Board of County Commissioners, that we

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<sup>1</sup> According to the Property Appraiser's Subdivision listing page, there are a total of 584 properties in Heritage Lake.

<sup>2</sup> According to the Property Appraiser's Subdivision listing page, there are a total of 255 properties in Veterans Villas, with 72 properties in Phase I, 71 properties in Phase II, and 112 properties in Phase III of the subdivision.



want our names added to the list of over 1,400 customers, who have been labeled as the "disgruntled few", by the President of Aloha, Steve Watford. We are tired of black, stinky water, pinhole leaks, and the prevalent cavalier attitude from customer service. We want to be counted amongst those wishing we could escape from this despotic monopoly.

The petition and Ms. Vaurio's letter have been placed on the correspondence side of Docket No. 050018-WU.

The Natura subdivision is located approximately halfway between the Trinity and Villa del Rio subdivisions which are at issue in Docket No. 050018-WU. Heritage Lake is contiguous to, and just to the north of, Riverside Villas Unit 4, which is also at issue in Docket No. 050018-WU. Veterans Villas lies one to two miles north northeast of the Trinity area and is not contiguous to any of the areas at issue in Docket No. 050018-WU. All three subdivisions are located in the Seven Springs area of Aloha's service territory. Wedgwood Village, a 17-home subdivision, is located west of U.S. 19 and therefore may be located in Aloha Gardens. Heritage Springs and Foxwood, both containing approximately 1000 homes, are located in a portion of the Trinity petition area and in a portion of area served by Pasco County. Twin Lakes Village, a 32-home subdivision, and Briar Patch, a 300-home subdivision, do not appear to be located in any of the existing petitioning areas but may be in Seven Springs.

On April 21, 2005, Aloha filed a letter dated April 20, 2005, in opposition to the opening of the instant docket.

This Order addresses what action should be taken with respect to the requests by homeowners in the Natura, Heritage Lake, Veterans Villas, Wedgwood Village, Heritage Springs, Twin Lakes Village, Briar Patch, and Foxwood subdivisions for deletion of those areas from Aloha's service territory. We have jurisdiction pursuant to sections 367.045, 367.111 and 367.161, Florida Statutes.

#### NEW PETITIONS

In its letter in opposition to the opening of the instant docket, Aloha argues that it is inappropriate for the Commission to initiate a proceeding against the utility to delete Natura or any additional areas outside those already considered under Docket No. 050018-WU for several reasons. Aloha argues that there is no finding by this Commission that the concerns of these customers are the same as those expressed in this Commission's Order in Docket No. 050018-WU. There is no logic to consolidating these with the other pending docket, because they involve different time frames, different parties, different areas, different facts and quite possibly, different issues. Moreover, Aloha argues that going forward with the existing dockets (Docket Nos. 050018-WU and 010503-WU) will allow the most expeditious consideration of the issues raised therein in an orderly fashion. Beginning new cases or bringing in new parties at this point in time only complicates and delays consideration of the underlying issues, to the extent there are some that are common to both cases.

Moreover, Aloha argues that customers do not start license revocation proceedings. This Commission must base a decision to initiate such a proceeding on its investigation, from which it concludes that revocation is or is not inappropriate. The Natura petition and letters written by Ms. Wrona do not bring new facts to the case upon which the Commission can make a decision on the specific areas that it would consider for deletion. The petition states no facts as a basis, but simply calls for the Commission to take this action. The only facts alleged therein are those of one individual who forwarded the petitions and cover letters to the Commission.

Finally, Aloha argues that we cannot make a decision to delete Natura or any additional areas outside those already considered under Docket No. 050018-WU without undermining the basis for the decision in Docket No. 050018-WU as to what were the appropriate areas for consideration of deletion.

We note that we considered the scope of the service area to be included in the deletion proceeding in Docket No. 050018-WU and, after discussion at the January 4, 2005 agenda conference, declined to initiate deletion proceedings to include areas other than Trinity (south of Mitchell Boulevard and east of Seven Springs Boulevard), Riviera Estates, Villa del Rio (also known as Riverside Villas), and Riverside Village Unit 4. The Office of Public Counsel (OPC) currently supports expansion of the docket. However, during the discussion at the January 4, 2005 agenda conference, OPC indicated that it did not object to limiting the scope of the deletion proceeding to only those four areas. The following quote is taken from that discussion:

COMMISSIONER DEASON: Okay. And maybe, if I could ask Mr. Beck, do you agree that that's what we should focus on going forward is those four specific areas?

MR. BECK: Yes. Commissioner, we gave thought to that ahead of time, and we're satisfied with going forth on those four discrete areas. I think logically if you see this as a management problem, it should include the entire Seven Springs area. But by focusing on these four discrete areas, you address the concerns of the customers who filed petitions. There's already been a significant amount of work done. For example, the survey was done of these four discrete areas, so it made sense to go forward, I think, with that. And that's satisfactory to us. If the Commission wished to go forward on the whole Seven Springs area, this would be the time to do it, and we would certainly support that as well.<sup>3</sup>

We believe it is important to note that unlike in the Trinity (south of Mitchell Boulevard and east of Seven Springs Boulevard), Riviera Estates, Villa del Rio (also known as Riverside Villas), and Riverside Village Unit 4 subdivisions that are the subject of the deletion proceeding initiated in Docket No. 050018-WU, customers in the Natura, Heritage Lake, Veterans Villas, Wedgwood Village, Twin Lakes Village, and Briar Patch subdivisions and in the other remaining portions of the Seven Springs service area have not been recently surveyed to determine how many of them

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<sup>3</sup> Transcript of January 4, 2005, agenda conference at 62, lines 23-25, through 63, lines 1-12.

actually have a black water problem at their premises.<sup>4</sup> Moreover, in Docket No. 020896-WS, 19 customers from the areas that are the focus of Docket No. 050018-WU prefiled testimony indicating specific quality of service problems that they had with Aloha. No such prefiled testimony exists with respect to the Natura, Heritage Lake, Veterans Villas, Wedgwood Village, Twin Lakes Village, or Briar Patch areas.

We find that the statements made in the petitions and letters at issue may not, in and of themselves, provide a compelling case for this Commission to find probable cause that Aloha has violated its statutory duty under section 367.111(2), Florida Statutes, such that the initiation of a proceeding to impose a penalty in the form of territory deletion with respect to these areas is warranted at this time. The Natura petition merely states that Aloha's water certificate should be revoked so that the homeowners may become part of the Pasco County water utility system. In her January 27, 2005, letter attached to the petition, Ms. Wrona states that the water comes out blackish from faucets and showerheads, with a very strong sulfur odor and chlorine taste. The approximately 250 form letters received from customers of Heritage Lake state that they have suffered the same complaints about the poor water quality as those named in Docket No. 050018-WU. The Veterans Villas petition states that there have been numerous complaints over the years about the poor quality of water supplied by Aloha, and the letter attached to that petition states that there is a strong odor coming from the Aloha facility off of Seven Springs Boulevard. The letter from Ms. Vaurio states that "[d]eletion of territory, to be ordered by the PSC, appears to be the only reasonable solution to this water problem that has lasted more than a decade," and the petition signed by customers from the Wedgwood Village, Heritage Springs, Twin Lakes Village, Briar Patch, and Foxwood subdivisions states that they are "tired of black, stinky water, pinhole leaks, and the prevalent cavalier attitude from customer service." We are concerned that these statements alone may not provide us with sufficient facts upon which to base a decision on whether Aloha has violated its statutory duty under section 367.111(2), Florida Statutes, to provide service to customers in these subdivisions that "shall not be . . . less sufficient than is consistent with . . . the reasonable and proper operation of the utility system in the public interest."

Further, we believe that it would be premature to initiate another deletion of territory proceeding at this time. The proceeding pending in Docket No. 050018-WU has just recently become fully active as a result of our decision to deny Aloha's motion to abate it. If we determine that Aloha has not violated a statutory duty in that docket, or that the utility has violated a statutory duty but has since minimized the black water problem such that deletion of territory is unnecessary, it would be fruitless for this Commission to have initiated deletion proceedings to include other portions of Aloha's service territory for the same reasons that Docket No. 050018-WU was opened. The hydrogen peroxide treatment method that Aloha is in the process of implementing to combat the black water problem is to be implemented throughout the Seven Springs water system. The adequacy of the treatment process will not be known until after it is fully implemented and optimized.

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<sup>4</sup> Heritage Springs and Foxwood may be areas contained within Trinity, and as such, may already be included in the deletion proceeding in Docket No. 050018-WU.

Based upon the foregoing, we hereby direct our staff to conduct an investigation into the areas at issue, as well as into the other remaining areas located within Aloha's Seven Springs service territory, including conducting a customer survey of these areas much like the survey conducted with respect to the areas at issue in Docket No. 050018-WU, to determine the extent of the black water problem in these areas. Staff is directed to bring a recommendation on whether another deletion proceeding should be initiated once the staff investigation is completed. Further, Aloha shall provide staff with the names and addresses of all of its water customers residing in the areas at issue and any other remaining areas in its Seven Springs service territory in order to facilitate the mailing of the staff survey.<sup>5</sup>

It will take a number of months for staff to conduct an investigation and tabulate the results of a survey. By then, much activity will have taken place in the deletion proceeding pending in Docket No. 050018-WU and staff will have a better understanding of whether it would be prudent to recommend that we should initiate another deletion of territory proceeding.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that our staff is directed to conduct an investigation into the Natura, Heritage Lake, Veterans Villas, Wedgwood Village, Twin Lakes Village, and Briar Patch subdivisions, as well as into the other remaining areas located within Aloha's Seven Springs service territory, including conducting a customer survey of these areas much like the survey conducted with respect to the areas at issue in Docket No. 050018-WU, to determine the extent of the black water problem in these areas. Staff is directed to bring a recommendation on whether another deletion proceeding should be initiated once the staff investigation is completed. It is further

ORDERED that Aloha Utilities, Inc. shall provide our staff with the names and addresses of all of its water customers residing in the areas at issue and any other remaining areas in its Seven Springs service territory in order to facilitate the mailing of the staff survey. It is further

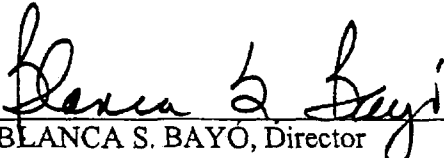
ORDERED that this docket shall remain open.

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<sup>5</sup> We note that through discovery propounded in Docket No. 020896-WS (the now closed customer-initiated deletion petition docket), staff requested that Aloha provide a list of the names and addresses of the water customers located in the areas for which deletion of territory had been requested in that docket. Aloha objected to providing the information. Order No. PSC-04-1152-PCO-WS, issued November 19, 2004, in that docket granted staff's motion to compel Aloha to provide the information and denied Aloha's motion for protective order. Aloha filed a motion for reconsideration of that discovery order. However, by Order No. PSC-05-0076-FOF-WS, issued January 21, 2005, we found that our decision to terminate the proceeding rendered Aloha's motion for reconsideration of the discovery order moot. Staff obtained the names and addresses required for the mailing of the survey conducted in that docket from the Pasco County Property Appraiser's Office.

ORDER NO. PSC-05-0618-PCO-WU  
DOCKET NO. 050183-WU  
PAGE 8

By ORDER of the Florida Public Service Commission this 6th day of June, 2005.

  
\_\_\_\_\_  
BLANCA S. BAYO, Director  
Division of the Commission Clerk  
and Administrative Services

(SEAL)

RG

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, Florida Administrative Code; or (2) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Director, Division of the Commission Clerk and Administrative Services, in the form prescribed by Rule 25-22.060, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.

STATE OF FLORIDA

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



DIVISION OF THE COMMISSION CLERK &  
ADMINISTRATIVE SERVICES  
BLANCA S. BAYÓ  
DIRECTOR  
(850) 413-6770 (CLERK)  
(850) 413-6330 (ADMIN)

**Public Service Commission**

July 7, 2005

Jon Wheeler, Clerk  
First District Court of Appeals of Florida  
301 South Martin Luther King Boulevard  
Tallahassee, Florida 32399

**Re: Aloha Utilities, Inc. vs. Florida Public Service Commission  
(Docket No. 050183-WU)**

Dear Mr. Wheeler:

Enclosed is a certified copy of an Amended Notice of Administrative Appeal of Order No. PSC-05-0618-PCO-WU, filed in this office on behalf of Aloha Utilities, Inc., filed July 6, 2005.

It is our understanding that the index of record is due to be served on the parties to this proceeding on or before August 24, 2005.

Sincerely,

A handwritten signature in cursive script that reads "Kay Flynn".

Kay Flynn, Chief  
Bureau of Records

KF/mhl  
Enclosure

cc: F. Marshall Deterding, Esquire  
John L. Wharton, Esquire  
David E. Smith, Esquire  
parties of record

ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

RECEIVED FPSC

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ALOHA UTILITIES, INC.,

Petitioner/Appellant,  
vs.

FPSC Docket No. 050189

COMMISSION  
CLERK

THE FLORIDA PUBLIC SERVICE  
COMMISSION, ET. AL.

Respondents/Appellees.

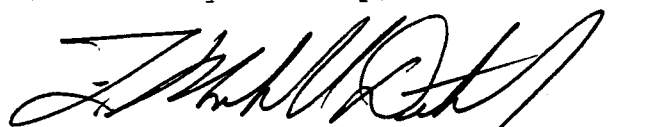
AMENDED NOTICE OF ADMINISTRATIVE APPEAL

NOTICE IS GIVEN that ALOHA UTILITIES, INC., Petitioner/Appellant, appeals to the First District Court of Appeal, the attached Order of the Florida Public Service Commission, rendered June 6, 2005. The nature of the Order, attached to this Notice, is a Final Order compelling action by Petitioner/Appellant even though that order is entitled Order Initiating Investigation by the Florida Public Service Commission. This appeal is filed pursuant to Rule 9.110, Florida Rules of Appellate Procedure.

Respectfully submitted this 6<sup>th</sup> day of July, 2005.

- CMP \_\_\_\_\_
- COM \_\_\_\_\_
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- SCR \_\_\_\_\_
- SEC 1
- OTH Lockard

A TRUE COPY  
ATTEST Kay Feizer  
Chief Bureau of Records



F. Marshall Deterding  
FL Bar I.D. #515876  
John L. Wharton  
FL Bar I.D. #563099  
ROSE, SUNDSTROM & BENTLEY, LLP  
2548 Blainstone Pines Drive  
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(850) 877-6555  
Attorneys for Petitioner/Appellant

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DOCUMENT NUMBER-DATE

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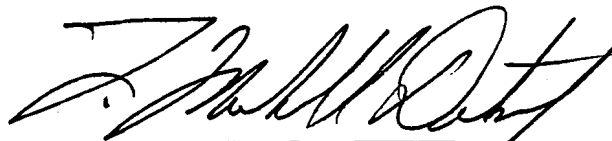
FPSC-COMMISSION CLERK

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via U.S. Mail to the following on this 6<sup>th</sup> day of July, 2005:

Rosanne Gervasi, Esquire  
General Counsel  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0873

Natura Homeowners  
Roslyn B. Wrona  
7320 Captiva Circle  
New Port Richey, FL 34655



F. MARSHALL DETERDING  
JOHN L. WHARTON



BEFORE THE PUBLIC SERVICE COMMISSION

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

DOCKET NO. 050183-WU  
ORDER NO. PSC-05-0618-PCO-WU  
ISSUED: June 6, 2005

The following Commissioners participated in the disposition of this matter:

BRAULIO L. BAEZ, Chairman  
J. TERRY DEASON  
RUDOLPH "RUDY" BRADLEY  
CHARLES M. DAVIDSON  
LISA POLAK EDGAR

ORDER INITIATING INVESTIGATION INTO REMAINDER OF SEVEN SPRINGS  
WATER SERVICE TERRITORY

BY THE COMMISSION:

BACKGROUND

On January 7, 2005, in Docket No. 050018-WU, we issued a notice of intent to amend Aloha's Utilities, Inc.'s (Aloha or utility) certificate of authorization to delete the Trinity (south of Mitchell Boulevard and east of Seven Springs Boulevard), Riviera Estates, Villa del Rio (also known as Riverside Villas), and Riverside Village Unit 4 subdivisions from the utility's service territory. On February 22, 2005, Aloha was served Order No. PSC-05-0204-SC-WU (show cause order). The show cause order set forth, in accordance with section 120.60, Florida Statutes, and Rule 28-107.004, Florida Administrative Code, the statutory sections alleged to have been violated by Aloha which warrant the deletion of the above-named portions of its service area and the facts and conduct relied upon to establish the violations. On March 15, 2005, Aloha timely filed its response to the show cause order and requested a hearing.

On March 15, 2005, Aloha filed a Motion for Abatement, requesting that we abate the proceeding in Docket No. 050018-WU until the final order is issued in Docket No. 010503-WU. Docket No. 010503-WU pertains to the protest of Order No. PSC-04-0712-PAA-WS, addressing the measurement of the water quality at Aloha's facilities. By Order No. PSC-05-0549-PCO-WU, issued May 20, 2005, we denied Aloha's Motion for Abatement and a hearing will therefore be scheduled in the show cause docket.

Along with a letter dated January 27, 2005, Ms. Roslyn B. Wrona sent this Commission a petition signed by 51 of 64 homeowners who reside in the Natura subdivision, requesting that

DOCUMENT NUMBER - DATE

05418 JUN-6 05

PSC-COMMISSION CLERK

Natura be included in Docket No. 050018-WS, as an area to be deleted from Aloha's service territory so that it can be part of the Pasco County water system. That petition has been filed in the instant docket. By letter attached to the petition, Ms. Wrona states that:

Aloha has supplied water to our community, but it comes out blackish from our faucets and showerheads, with a very strong sulfur odor and a strong chlorine taste. In other words, it is unusable and undrinkable. Several of the homeowners have complaints of damaged and corroded water pipes and shortened lives for their appliances. The Natura subdivision is in the Seven Springs area of Aloha's service territory, off of Seven Springs Road and behind a subdivision called Natures Hideaway.

By letter dated February 2, 2005, staff counsel advised Ms. Wrona that the Commission's initiation of deletion proceedings in Docket No. 050018-WU relates to deletion of specified areas only, and that if the Natura subdivision is not located within one of those areas, it would not be possible to be included in the proceeding.

By letter dated February 8, 2005, Ms. Wrona responded by requesting that a new docket be opened on behalf of the homeowners in Natura, who wish to terminate Aloha as their water provider. In that letter, Ms. Wrona states that "Aloha has stonewalled any improvement for almost 10 years and we believe that the methods being proposed to clean up the water will be inadequate. We are also on wells number 8 and 9, as are the Seven Springs communities listed in your letter. As stated in our petition, the water comes out blackish from the faucets and showerheads, with a strong sulfur odor. These wells are not providing us with acceptable water."

By letter dated February 21, 2005, staff counsel explained that at its January 4, 2005, agenda conference, the Commission considered the scope of the service area to be included in the deletion proceeding, and, after discussion, declined to initiate deletion proceedings to include areas other than Trinity (south of Mitchell Boulevard and east of Seven Springs Boulevard), Riviera Estates, Villa del Rio (also known as Riverside Villas), and Riverside Village Unit 4. Further, staff counsel postulated that it would be premature to open another deletion of territory proceeding pending the outcome of Docket No. 050018-WU, since if the Commission determines that Aloha has not violated a statutory duty in that docket, or that the utility has violated a statutory duty but has since minimized the black water problem such that deletion of territory is unnecessary, it would be fruitless for the Commission to have initiated deletion proceedings to include other portions of Aloha's service territory for the same reasons that Docket No. 050018-WU was opened. Moreover, staff counsel advised Ms. Wrona that Aloha is in the process of implementing a hydrogen peroxide treatment method to combat the black water problem in the area, that the adequacy of the treatment process will not be known until after it is implemented and optimized, that staff's understanding is that the pilot project will include areas served by wells 8 and 9, and that Natura may therefore be one of the first areas to benefit from the new treatment process.

Ms. Wrona continues to request that the Commission consider the petition from Natura subdivision and open a new docket to determine whether the Natura area should be deleted from Aloha's service territory. Therefore, the instant docket was opened.

In addition to the request of Ms. Wrona, this Commission has received similar letters from approximately 250 of 584 homeowners in a subdivision known as Heritage Lake.<sup>1</sup> In each of those letters, the homeowners state that Heritage Lake "suffers the same complaints about the poor water quality as those named in [Docket No. 050018-WU]" and request that their area be included in any action to remove Aloha as their water supplier. Staff counsel responded to each of those letters, again advising that it is not possible for this Commission to expand the proceeding in Docket No. 050018-WU to include other portions of Aloha's service territory. Those letters, along with all responses from staff counsel, have been placed on the correspondence side of Docket No. 050018-WU.

Also in addition to the request of Ms. Wrona, along with a letter dated April 6, 2005, Robert L. and Patricia C. Nelson and Glenn L. and Sarah J. Barry sent this Commission a petition signed by approximately 165 of 255 homeowners who reside in the Veterans Villas subdivision, requesting that we take away Aloha's license to serve Veterans Villas.<sup>2</sup> That petition has been filed in the instant docket. The petition states that:

Over the years there have been numerous complaints about the poor quality of the water [supplied by Aloha]. Until now we had no choice but to pay and consume this water. However, due to the large number of dissatisfied customers attending hearing on this subject, their voices have been heard and we of Veterans Villas feel it would be beneficial for our community to disconnect from Aloha Utilities and become customers of Pasco County Utilities.

The letter attached to the petition requests that if Veterans Villas cannot be combined with similar deletion action, this Commission start another action to address deletion of the Veterans Villas area from Aloha's service territory. The letter also requests that if any areas are detached from Aloha, this Commission fully consider the effect that will have on the remaining customers both as to the quality and cost of the water.

Finally, on May 5, 2005, this Commission received a letter from Ms. Donna Vaurio, Chairman of the Committee for Better Water Now, stating, among other things, that the customers are against abatement of Docket No. 050018-WU and that "[d]eletion of territory, to be ordered by the PSC, appears to be the only reasonable solution to this water problem that has lasted more than a decade." Along with her letter is a petition signed by approximately 215 Aloha customers from the Wedgwood Village, Heritage Springs, Twin Lakes Village, Briar Patch, and Foxwood subdivisions. The petition states the following:

We, the undersigned, are customers of Aloha Water Utilities and want it known to the Florida Public Service Commission, the Florida State Legislature, the Florida Office of Public Counsel, and the Pasco Board of County Commissioners, that we

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<sup>1</sup> According to the Property Appraiser's Subdivision listing page, there are a total of 584 properties in Heritage Lake.

<sup>2</sup> According to the Property Appraiser's Subdivision listing page, there are a total of 255 properties in Veterans Villas, with 72 properties in Phase I, 71 properties in Phase II, and 112 properties in Phase III of the subdivision.

want our names added to the list of over 1,400 customers, who have been labeled as the "disgruntled few", by the President of Aloha, Steve Watford. We are tired of black, stinky water, pinhole leaks, and the prevalent cavalier attitude from customer service. We want to be counted amongst those wishing we could escape from this despotic monopoly.

The petition and Ms. Vaurio's letter have been placed on the correspondence side of Docket No. 050018-WU.

The Natura subdivision is located approximately halfway between the Trinity and Villa del Rio subdivisions which are at issue in Docket No. 050018-WU. Heritage Lake is contiguous to, and just to the north of, Riverside Villas Unit 4, which is also at issue in Docket No. 050018-WU. Veterans Villas lies one to two miles north northeast of the Trinity area and is not contiguous to any of the areas at issue in Docket No. 050018-WU. All three subdivisions are located in the Seven Springs area of Aloha's service territory. Wedgwood Village, a 17-home subdivision, is located west of U.S. 19 and therefore may be located in Aloha Gardens. Heritage Springs and Foxwood, both containing approximately 1000 homes, are located in a portion of the Trinity petition area and in a portion of area served by Pasco County. Twin Lakes Village, a 32-home subdivision, and Briar Patch, a 300-home subdivision, do not appear to be located in any of the existing petitioning areas but may be in Seven Springs.

On April 21, 2005, Aloha filed a letter dated April 20, 2005, in opposition to the opening of the instant docket.

This Order addresses what action should be taken with respect to the requests by homeowners in the Natura, Heritage Lake, Veterans Villas, Wedgwood Village, Heritage Springs, Twin Lakes Village, Briar Patch, and Foxwood subdivisions for deletion of those areas from Aloha's service territory. We have jurisdiction pursuant to sections 367.045, 367.111 and 367.161, Florida Statutes.

#### NEW PETITIONS

In its letter in opposition to the opening of the instant docket, Aloha argues that it is inappropriate for the Commission to initiate a proceeding against the utility to delete Natura or any additional areas outside those already considered under Docket No. 050018-WU for several reasons. Aloha argues that there is no finding by this Commission that the concerns of these customers are the same as those expressed in this Commission's Order in Docket No. 050018-WU. There is no logic to consolidating these with the other pending docket, because they involve different time frames, different parties, different areas, different facts and quite possibly, different issues. Moreover, Aloha argues that going forward with the existing dockets (Docket Nos. 050018-WU and 010503-WU) will allow the most expeditious consideration of the issues raised therein in an orderly fashion. Beginning new cases or bringing in new parties at this point in time only complicates and delays consideration of the underlying issues, to the extent there are some that are common to both cases.

Moreover, Aloha argues that customers do not start license revocation proceedings. This Commission must base a decision to initiate such a proceeding on its investigation, from which it concludes that revocation is or is not inappropriate. The Natura petition and letters written by Ms. Wrona do not bring new facts to the case upon which the Commission can make a decision on the specific areas that it would consider for deletion. The petition states no facts as a basis, but simply calls for the Commission to take this action. The only facts alleged therein are those of one individual who forwarded the petitions and cover letters to the Commission.

Finally, Aloha argues that we cannot make a decision to delete Natura or any additional areas outside those already considered under Docket No. 050018-WU without undermining the basis for the decision in Docket No. 050018-WU as to what were the appropriate areas for consideration of deletion.

We note that we considered the scope of the service area to be included in the deletion proceeding in Docket No. 050018-WU and, after discussion at the January 4, 2005 agenda conference, declined to initiate deletion proceedings to include areas other than Trinity (south of Mitchell Boulevard and east of Seven Springs Boulevard), Riviera Estates, Villa del Rio (also known as Riverside Villas), and Riverside Village Unit 4. The Office of Public Counsel (OPC) currently supports expansion of the docket. However, during the discussion at the January 4, 2005 agenda conference, OPC indicated that it did not object to limiting the scope of the deletion proceeding to only those four areas. The following quote is taken from that discussion:

COMMISSIONER DEASON: Okay. And maybe, if I could ask Mr. Beck, do you agree that that's what we should focus on going forward is those four specific areas?

MR. BECK: Yes. Commissioner, we gave thought to that ahead of time, and we're satisfied with going forth on those four discrete areas. I think logically if you see this as a management problem, it should include the entire Seven Springs area. But by focusing on these four discrete areas, you address the concerns of the customers who filed petitions. There's already been a significant amount of work done. For example, the survey was done of these four discrete areas, so it made sense to go forward, I think, with that. And that's satisfactory to us. If the Commission wished to go forward on the whole Seven Springs area, this would be the time to do it, and we would certainly support that as well.<sup>3</sup>

We believe it is important to note that unlike in the Trinity (south of Mitchell Boulevard and east of Seven Springs Boulevard), Riviera Estates, Villa del Rio (also known as Riverside Villas), and Riverside Village Unit 4 subdivisions that are the subject of the deletion proceeding initiated in Docket No. 050018-WU, customers in the Natura, Heritage Lake, Veterans Villas, Wedgwood Village, Twin Lakes Village, and Briar Patch subdivisions and in the other remaining portions of the Seven Springs service area have not been recently surveyed to determine how many of them

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<sup>3</sup> Transcript of January 4, 2005, agenda conference at 62, lines 23-25, through 63, lines 1-12.

actually have a black water problem at their premises.<sup>4</sup> Moreover, in Docket No. 020896-WS, 19 customers from the areas that are the focus of Docket No. 050018-WU prefiled testimony indicating specific quality of service problems that they had with Aloha. No such prefiled testimony exists with respect to the Natura, Heritage Lake, Veterans Villas, Wedgwood Village, Twin Lakes Village, or Briar Patch areas.

We find that the statements made in the petitions and letters at issue may not, in and of themselves, provide a compelling case for this Commission to find probable cause that Aloha has violated its statutory duty under section 367.111(2), Florida Statutes, such that the initiation of a proceeding to impose a penalty in the form of territory deletion with respect to these areas is warranted at this time. The Natura petition merely states that Aloha's water certificate should be revoked so that the homeowners may become part of the Pasco County water utility system. In her January 27, 2005, letter attached to the petition, Ms. Wrona states that the water comes out blackish from faucets and showerheads, with a very strong sulfur odor and chlorine taste. The approximately 250 form letters received from customers of Heritage Lake state that they have suffered the same complaints about the poor water quality as those named in Docket No. 050018-WU. The Veterans Villas petition states that there have been numerous complaints over the years about the poor quality of water supplied by Aloha, and the letter attached to that petition states that there is a strong odor coming from the Aloha facility off of Seven Springs Boulevard. The letter from Ms. Vaurio states that "[d]eletion of territory, to be ordered by the PSC, appears to be the only reasonable solution to this water problem that has lasted more than a decade," and the petition signed by customers from the Wedgwood Village, Heritage Springs, Twin Lakes Village, Briar Patch, and Foxwood subdivisions states that they are "tired of black, stinky water, pinhole leaks, and the prevalent cavalier attitude from customer service." We are concerned that these statements alone may not provide us with sufficient facts upon which to base a decision on whether Aloha has violated its statutory duty under section 367.111(2), Florida Statutes, to provide service to customers in these subdivisions that "shall not be . . . less sufficient than is consistent with . . . the reasonable and proper operation of the utility system in the public interest."

Further, we believe that it would be premature to initiate another deletion of territory proceeding at this time. The proceeding pending in Docket No. 050018-WU has just recently become fully active as a result of our decision to deny Aloha's motion to abate it. If we determine that Aloha has not violated a statutory duty in that docket, or that the utility has violated a statutory duty but has since minimized the black water problem such that deletion of territory is unnecessary, it would be fruitless for this Commission to have initiated deletion proceedings to include other portions of Aloha's service territory for the same reasons that Docket No. 050018-WU was opened. The hydrogen peroxide treatment method that Aloha is in the process of implementing to combat the black water problem is to be implemented throughout the Seven Springs water system. The adequacy of the treatment process will not be known until after it is fully implemented and optimized.

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<sup>4</sup> Heritage Springs and Foxwood may be areas contained within Trinity, and as such, may already be included in the deletion proceeding in Docket No. 050018-WU.

Based upon the foregoing, we hereby direct our staff to conduct an investigation into the areas at issue, as well as into the other remaining areas located within Aloha's Seven Springs service territory, including conducting a customer survey of these areas much like the survey conducted with respect to the areas at issue in Docket No. 050018-WU, to determine the extent of the black water problem in these areas. Staff is directed to bring a recommendation on whether another deletion proceeding should be initiated once the staff investigation is completed. Further, Aloha shall provide staff with the names and addresses of all of its water customers residing in the areas at issue and any other remaining areas in its Seven Springs service territory in order to facilitate the mailing of the staff survey.<sup>5</sup>

It will take a number of months for staff to conduct an investigation and tabulate the results of a survey. By then, much activity will have taken place in the deletion proceeding pending in Docket No. 050018-WU and staff will have a better understanding of whether it would be prudent to recommend that we should initiate another deletion of territory proceeding.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that our staff is directed to conduct an investigation into the Natura, Heritage Lake, Veterans Villas, Wedgwood Village, Twin Lakes Village, and Briar Patch subdivisions, as well as into the other remaining areas located within Aloha's Seven Springs service territory, including conducting a customer survey of these areas much like the survey conducted with respect to the areas at issue in Docket No. 050018-WU, to determine the extent of the black water problem in these areas. Staff is directed to bring a recommendation on whether another deletion proceeding should be initiated once the staff investigation is completed. It is further

ORDERED that Aloha Utilities, Inc. shall provide our staff with the names and addresses of all of its water customers residing in the areas at issue and any other remaining areas in its Seven Springs service territory in order to facilitate the mailing of the staff survey. It is further

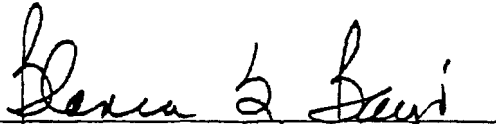
ORDERED that this docket shall remain open.

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<sup>5</sup> We note that through discovery propounded in Docket No. 020896-WS (the now closed customer-initiated deletion petition docket), staff requested that Aloha provide a list of the names and addresses of the water customers located in the areas for which deletion of territory had been requested in that docket. Aloha objected to providing the information. Order No. PSC-04-1152-PCO-WS, issued November 19, 2004, in that docket granted staff's motion to compel Aloha to provide the information and denied Aloha's motion for protective order. Aloha filed a motion for reconsideration of that discovery order. However, by Order No. PSC-05-0076-FOF-WS, issued January 21, 2005, we found that our decision to terminate the proceeding rendered Aloha's motion for reconsideration of the discovery order moot. Staff obtained the names and addresses required for the mailing of the survey conducted in that docket from the Pasco County Property Appraiser's Office.

ORDER NO. PSC-05-0618-PCO-WU  
DOCKET NO. 050183-WU  
PAGE 8

By ORDER of the Florida Public Service Commission this 6th day of June, 2005.



BLANCA S. BAYO, Director  
Division of the Commission Clerk  
and Administrative Services

(SEAL)

RG

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, Florida Administrative Code; or (2) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Director, Division of the Commission Clerk and Administrative Services, in the form prescribed by Rule 25-22.060, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.



**Kimberley Pena**

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**From:** Rosanne Gervasi  
**Sent:** Monday, July 18, 2005 12:18 PM  
**To:** Kimberley Pena  
**Subject:** DN 050183-WU (Aloha)

Kim, please replace Ms. Roslyn B. Wrona (listed under the Natura homeowners) with Mr. Bill Wilcox on the IP list for this docket. Ms. Wrona is moving out of the service area. Here is Mr. Wilcox's info.:

Mr. Bill Wilcox  
7002 Captiva Circle  
New Port Richey, FL 34655-4067  
tel: (727) 372-5218

Thanks.

*Done  
07/19/05  
KMP*

7/19/2005

State of Florida



# Public Service Commission

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

RECEIVED-FPSC

JUL 19 AM 10:50

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

COMMISSION  
CLERK

**DATE:** July 19, 2005

**TO:** [REDACTED], Chief of Records, Division of the Commission Clerk & Administrative Services  
Hong Wang, Management Review Specialist, Division of the Commission Clerk & Administrative Services  
Cecelia R. Diskerud, Deputy Clerk, Office of the General Counsel  
Wanda L. Terrell, Administrative Assistant, Office of the General Counsel

**FROM:** David E. Smith, Attorney Supervisor, Office of the General Counsel *DES/wlt*

**RE:** Aloha Utilities, Inc. v. Florida Public Service Commission, FPSC Docket No. 050183-WU, First District Court of Appeals, Case No. 1D05-3247

Please note that Marlene Stern is handling the above appeal. The Notice of Administrative Appeal was filed on July 5, 2005. The case schedule is as follows:

<u>Date</u>	<u>Item</u>
From day of filing:	
<u>08/10/05</u>	Draft of Index of Record from CCA to Appeals Attorney.
<u>08/24/05</u>	Index of Record served on Parties.
<u>09/03/05</u>	Copy of Record to Appeals.
<u>09/13/05</u>	Appellant's Initial Brief Due.
<u>09/28/05</u>	Draft Commission Answer Brief Due.
<u>10/03/05</u>	Commission's Answer Brief Due.
<u>10/23/05</u>	Appellant's Reply Brief Due.

DES:wlt

# ORIGINAL

**Timolyn Henry**

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**From:** Ruth McHargue  
**Sent:** Friday, July 22, 2005 12:04 PM  
**To:** Timolyn Henry  
**Cc:** Matilda Sanders  
**Subject:** FW: E-Form Other Complaints - 18980

Please add to docket file 050183.

Prior contact was added to docket file in May 2005.

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**From:** Angie Calhoun  
**Sent:** Friday, July 22, 2005 11:42 AM  
**To:** Ruth McHargue  
**Subject:** FW: E-Form Other Complaints - 18980

Aloha - I believe his first contact was forwarded to the docket.

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**From:** Consumer Contact  
**Sent:** Friday, July 22, 2005 9:32 AM  
**To:** Consumer Contact  
**Subject:** E-Form Other Complaints - 18980

**TRACKING NUMBER - 0018980 July 22, 2005****SERVICE ADDRESS**

Account Number:  
 Business Account Name:  
 Name: michael culp  
 Address: 3806 redwood dr  
 City: holiday  
 Zip: 34691  
 County: PASCO

**CUSTOMER INFORMATION**

Name: michael culp  
 Address: 3806 redwood dr  
 City: holiday  
 State: FL  
 Zip: 34691  
 Secondary Phone: 727-945-9106  
 E-mail: mandbculp@netzero.net  
 Contact By: Evening/Alternate Phone Number

**COMPLAINT INFORMATION**

CMP \_\_\_\_\_  
 COM \_\_\_\_\_  
 CTR \_\_\_\_\_  
 ECR   1    
 GCL   1    
 OPC \_\_\_\_\_  
 MMS \_\_\_\_\_  
 RCA \_\_\_\_\_  
 SCR \_\_\_\_\_  
 SEC \_\_\_\_\_  
 OTH \_\_\_\_\_

Utility Name: WS001 Aloha Utilities, Inc.

Did customer previously contact the utility?:

Did customer previously contact the PSC?: Tracking # 0018105 Contacted 5/24/05

## **PROBLEM INFORMATION**

Problem Type: Other Complaints

Complaint Detail: On May 27, 3 days after my previous contact with PSC, an Aloha water main broke in my backyard. This after costly repairs to both incoming and outgoing water due to the poor quality of Aloha water. My previous complaints have yet to be resolved and now I have a report from a geologist that there are sinkholes on my property, caused I believe by seepage of water caused by the ruptured pipes. As soon as my insurance company is done dealing with these repairs that will cost somewhere around \$50,000, I am going to see if I can sue Aloha. I understand that Aloha has offered the PSC some type of settlement, probably just to get you off their backs so they can further raise their rates and not spend money to improve the quality of their product. For the love of God, DO NOT ACCEPT THAT OFFER. I assure you Aloha has not offered me anything and any deal you make with Aloha is not on my behalf and will certainly preclude me from filing a lawsuit against Aloha in the future. Any deal from Aloha that the PSC accepts is done so without my permission and not on my behalf.

For PSC Webmaster Use Only:

Mozilla/4.0 (compatible; MSIE 6.0; Windows NT 5.1)

<http://www.psc.state.fl.us/consumers/complaint/review.cfm>

[www.psc.state.fl.us](http://www.psc.state.fl.us)

ORIGINAL

050183-WU

Timolyn Henry

From: Consumer Contact  
Sent: Tuesday, July 26, 2005 6:54 PM  
To: Consumer Contact  
Subject: E-Form Other Complaints - 19046

TRACKING NUMBER - 0019046 July 26, 2005

SERVICE ADDRESS

Account Number:  
Business Account Name:  
Name: Charles Pleus  
Address: 1463 Haverhill Dr.  
City: New Port Richey  
Zip: 34655  
County: PASCO

CMP \_\_\_\_\_  
COM \_\_\_\_\_  
CTR \_\_\_\_\_  
ECR   1    
GCL   1    
OPC \_\_\_\_\_  
RCA \_\_\_\_\_  
SCR \_\_\_\_\_  
SGA \_\_\_\_\_  
SEC \_\_\_\_\_  
OTH \_\_\_\_\_

CUSTOMER INFORMATION

Name: Charles Pleus  
Address: 1463 Haverhill Dr.  
City: New Port Richey  
State: FL  
Zip: 34655  
Primary Phone: 727-372-0429  
Secondary Phone: same  
E-mail: charles.pleus@gte.net  
Contact By: E-mail Address

COMPLAINT INFORMATION

Utility Name: WS001 Aloha Utilities, Inc.  
Did customer previously contact the utility?: Please do not except Aloha?s request for a settlement. They have showed to little to late and have no feelings for their customers.. I will and have been at many hearings on this matter. I hope you use all the information the people have provided the commission with. Please make a informed decision. Most of the people would like to be free of Aloha and deleted from their service. Thanking you in advance. Judie Pleus 1463 Haverhill Dr. New Port Richey, Fl. 34655  
Did customer previously contact the PSC?:

PROBLEM INFORMATION

Problem Type: Other Complaints  
Complaint Detail: Black, smelly water

For PSC Webmaster Use Only:  
Mozilla/4.0 (compatible; MSIE 6.0; Windows NT 5.1; SV1)

<http://www.psc.state.fl.us/consumers/complaint/review.cfm>  
[www.psc.state.fl.us](http://www.psc.state.fl.us)

ORIGINAL

Timolyn Henry

050183- WLL

From: Consumer Contact  
Sent: Tuesday, July 26, 2005 5:54 PM  
To: Consumer Contact  
Subject: E-Form Other Complaints - 19044

**TRACKING NUMBER - 0019044 July 26, 2005**

**SERVICE ADDRESS**

Account Number: 18630  
Business Account Name:  
Name: Michael Czysz  
Address: 8751 Angoff Dr  
City: New Port Richey  
Zip: 34653  
County: PASCO

CMP \_\_\_\_\_  
COM \_\_\_\_\_  
CTR \_\_\_\_\_  
ECR   1    
GCL   1    
OPC \_\_\_\_\_  
RCA \_\_\_\_\_  
SCR \_\_\_\_\_  
SGA \_\_\_\_\_  
SEC \_\_\_\_\_  
OTH \_\_\_\_\_

**CUSTOMER INFORMATION**

Name: Michael Czysz  
Address: 8751 Angoff Dr  
City: New Port Richey  
State: FL  
Zip: 34653  
Secondary Phone: 727-376-1394  
E-mail: czyszs@hotmail.com  
Contact By: E-mail Address

**COMPLAINT INFORMATION**

Utility Name: WS001 Aloha Utilities, Inc.  
Did customer previously contact the utility?:  
Did customer previously contact the PSC?:

**PROBLEM INFORMATION**

Problem Type: Other Complaints

Complaint Detail: Along with numerous other residents of Pasco county I agree that Aloha provides poor water quality and needs to either fix their filtration system or get out of the business. Their token offering to issue \$1,000.00 grants to repipe the first 200 families is totally unacceptable. The problem is Aloha not copper pipe. The Public Service Commission needs to reject this offer and make sure that Aloha takes the appropriate measures to provide quality water to their customers.

For PSC Webmaster Use Only:  
Mozilla/4.0 (compatible; MSIE 6.0; Windows NT 5.1; SV1)  
<http://www.floridapsc.com/consumers/complaint/review.cfm>

[www.floridapsc.com](http://www.floridapsc.com)



ORIGINAL

050183-WU

Timolyn Henry

From: Consumer Contact  
Sent: Tuesday, July 26, 2005 1:42 PM  
To: Consumer Contact  
Subject: E-Form Other Complaints - 19035

TRACKING NUMBER - 0019035 July 26, 2005

SERVICE ADDRESS

Account Number:  
Business Account Name:  
Name: Kristin O'Meara  
Address: 6922 Westend Ave  
City: New Port Richey  
Zip: 34655  
County: PASCO

CMP \_\_\_\_\_  
COM \_\_\_\_\_  
CTR \_\_\_\_\_  
ECR   1    
GCL   1    
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RCA \_\_\_\_\_  
SCR \_\_\_\_\_  
SGA \_\_\_\_\_  
SEC \_\_\_\_\_  
OTH \_\_\_\_\_

CUSTOMER INFORMATION

Name: Kristin O'Meara  
Address: 6922 Westend Ave  
City: New Port Richey  
State: FL  
Zip: 34655  
Primary Phone: 727-372-0488  
Secondary Phone: same as above  
E-mail: krisomeara1@verizon.net  
Contact By: E-mail Address

COMPLAINT INFORMATION

Utility Name: WS001 Aloha Utilities, Inc.  
Did customer previously contact the utility?:  
Did customer previously contact the PSC?:

PROBLEM INFORMATION

Problem Type: Other Complaints  
Complaint Detail: Dear Public Service Commission, When I moved to Pasco County, I bought my first house. I was inundated with calls from people trying to sell me water filters and water conditioners. I said no at the time as money is tight. Now, however, I wish I had said yes. The water is black and smelly and my family and I will not drink it. The pets will not even drink this water. You run a bath and watch in disgust as the bathtub fills with black water and has to be bleached to get it clean. It is awful. My laundry is always grey and looks dirty and has a funny smell even though I have tried everything to cover it up. However, I worry even more about the health risks associated with bathing and cooking with this dirty water. Please let us leave Aloha and become part of another water company. Thank you, Kristin O'Meara 6922 Westend Ave. New Port Richey, FL 34655 krisomeara1@verizon.net - home komeara1@pinellascounty.org

For PSC Webmaster Use Only:

Mozilla/4.0 (compatible; MSIE 6.0; Windows NT 5.0)

<http://www.psc.state.fl.us/consumers/complaint/review.cfm>

[www.psc.state.fl.us](http://www.psc.state.fl.us)

Timolyn Henry

050183- WU

From: Consumer Contact
Sent: Tuesday, July 26, 2005 2:41 PM
To: Consumer Contact
Subject: E-Form Other Complaints - 19040

TRACKING NUMBER - 0019040 July 26, 2005

SERVICE ADDRESS

Account Number:
Business Account Name:
Name: Mary Ellen Leone
Address: 8813 Gum Tree Avenue
City: New Port Richey
Zip: 34653
County: PASCO

CMP
COM
CTR
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RCA
SCR
SGA
SEC
OTH

CUSTOMER INFORMATION

Name: Mary Ellen Leone
Address: 8813 Gum Tree Avenue
City: New Port Richey
State: FL
Zip: 34653
E-mail: 4fiercelions@verizon.net
Contact By: E-mail Address

COMPLAINT INFORMATION

Utility Name: WS001 Aloha Utilities, Inc.
Did customer previously contact the utility?:
Did customer previously contact the PSC?:

PROBLEM INFORMATION

Problem Type: Other Complaints
Complaint Detail: I am writing to be added to the list of complainants regarding the awful service of Aloha Utilities. We have resided at our home - address: 8813 Gum Tree Avenue, New Port Richey, FL 34653 (which is located in the Wood Trail Subdivision) for about 5 years. During which time we have continually had extremely low water pressure, black or discolored water coming from our faucets, clogged faucets, sulphur smelling water, etc. We have had to replace faucets, airators (many times), filter systems, and our water conditioner and components in our sprinkler system. All to no avail as our water is still undrinkable and our water pressure is still ridiculously low. We have never received a petition to ask to be removed from Aloha, but if we had, we would promptly sign same. We are aware that consideration is being made for Aloha's attempt to resolve the issue, and we would like our dissatisfaction noted with all the other unhappy customers. In the event any further information is needed, please feel free to contact us. Mary Ellen & Michael Leone, 8813 Gum Tree Avenue, New Port Richey, FL 34653; Telephone (727) 375-1676.

For PSC Webmaster Use Only:

Mozilla/4.0 (compatible; MSIE 6.0; Windows NT 5.0; .NET CLR 1.1.4322)

[www.psc.state.fl.us](http://www.psc.state.fl.us)

ORIGINAL

Timolyn Henry

050183-WU

From: Consumer Contact  
Sent: Tuesday, July 26, 2005 2:19 PM  
To: Consumer Contact  
Subject: E-Form Other Complaints - 19038

**TRACKING NUMBER - 0019038 July 26, 2005**

**SERVICE ADDRESS**

Account Number:  
Business Account Name:  
Name: Harold Schoenborn  
Address: 1034 Trafalgar Drive  
City: New Port Richey  
Zip: 34655  
County: PASCO

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OTH \_\_\_\_\_

**CUSTOMER INFORMATION**

Name: Harold Schoenborn  
Address: 1034 Trafalgar Drive  
City: New Port Richey  
State: FL  
Zip: 34655  
Primary Phone: 727-372-7867  
E-mail: asdist@post.com  
Contact By: Day Time Phone Number

**COMPLAINT INFORMATION**

Utility Name: WS001 Aloha Utilities, Inc.  
Did customer previously contact the utility?:  
Did customer previously contact the PSC?:

**PROBLEM INFORMATION**

Problem Type: Other Complaints  
Complaint Detail: We have lived in our home in Wyndtree for 10 years and have had black water since the first year. We have replaced 3 pipes with leaks and the water heater. We have black water daily, each and every time we use the dish washer and in the guest bathroom. We have to run the water for aprox. 5 minutes to get clear usable water. I have lived in Florida for my entire 67 years and have never encountered water as Aloha provides. I have lived in homes in Odessa, Tampa, Oldsmar and Palm Harbor with copper pipes and have never experienced black water at any time. To blame the problem on the copper pipes is a disservice to all customers served by Aloha. I recently had a plumber give me an estimate to by-pass my present piping with PVC ( as several of my neighbors have done) and was quoted \$ 5,500. In the late 70's before the Southern Standard Building Code allowed PVC, I built 155 homes in GreenTree Community in Oldsmar with copper pipes and never had black water in the homes. The Aloha charade is surely a travesty upon the people they purportedly serve.

For PSC Webmaster Use Only:

Mozilla/4.0 (compatible; MSIE 6.0; Windows NT 5.1; SV1; FunWebProducts; .NET CLR 1.1.4322)

<http://www.psc.state.fl.us/consumers/complaint/review.cfm>

[www.psc.state.fl.us](http://www.psc.state.fl.us)

CCA Official Filing  
7/27/2005 1:06 PM\*\*\*\*\*

1:06 PM\*\*\*\*\*

**ORIGINAL**

Timolyn Henry\*\*\*\*\*1

**Timolyn Henry**

020183-WU

**From:** reisdmr7@verizon.net  
**Sent:** Tuesday, July 26, 2005 9:16 AM  
**To:** Consumer Contact  
**Subject:** Aloha

We are tired of Aloha and want out! We have come to all the meetings, showed our bottle of dirty gray water, listed to all the excuses...and this last offer of \$1000 and a loan is an insult.

We have been dealing with Aloha since 1993 and have had enough. We would like to have Pasco water...and be finished with Aloha. Please stop this back & forth nonsense. Sincerely Dolores Reis

- CMP \_\_\_\_\_
- COM \_\_\_\_\_
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- ECR   1
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- OPC \_\_\_\_\_
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- SEC \_\_\_\_\_
- OTH \_\_\_\_\_

ORIGINAL

050183 - WU

Timolyn Henry

From: Consumer Contact
Sent: Wednesday, July 27, 2005 7:20 PM
To: Consumer Contact
Subject: E-Form Other Complaints - 19056

TRACKING NUMBER - 0019056 July 27, 2005

SERVICE ADDRESS

Account Number: 36891
Business Account Name:
Name: Janet Finocchiaro
Address: 4982 Bostonian Loop
City: New Port Richey
Zip: 34655
County: PASCO

CUSTOMER INFORMATION

Name: Janet Finocchiaro
Address: 4982 Bostonian Loop
City: New Port Richey
State: FL
Zip: 34655
E-mail: jafino@gte.net
Contact By: E-mail Address

CMP
COM
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COMPLAINT INFORMATION

Utility Name: WS001 Aloha Utilities, Inc.
Did customer previously contact the utility?:
Did customer previously contact the PSC?:

PROBLEM INFORMATION

Problem Type: Other Complaints
Complaint Detail: I would like the Public Service Commission to be for the public, not for Aloha Utilities in favor of a settlement that will benefit no one but them. We should not have to negotiate for clean water. I am tired of their same old excuses of saying that it's our pipes. What a bunch of hogwash that is. We just want clean, safe water to drink and we do not want to have to replace our pipes for a fee of \$2500. I have spoken to plumbers who install nothing but copper piping. Copper has been the standard for over 30 years. CPVC piping is used more now because of the cost. Just about everywhere in this state and every other state has copper pipe. What makes Aloha's water so different, that we need to have different piping??? It's the way they are treating the water, or the lack of treatment that is causing the problem, NOT OUR COPPER PIPES!!! Please help us get the clean water we deserve to have here in Pasco County. I am sick and tired of having to pay for black, oily, smelly water. What an outrageous solution to the problem by Aloha Utilities. Replacing our pipes and they will pay the first \$1000 for only 200 families. On top of that they want higher rates to give us clean water. Please do your job, we the public are paying your salaries.



For PSC Webmaster Use Only:

Mozilla/4.0 (compatible; MSIE 6.0; Windows 98)

<http://www.psc.state.fl.us/consumers/complaint/review.cfm>

[www.psc.state.fl.us](http://www.psc.state.fl.us)

# ORIGINAL

**Timolyn Henry**

050183 - WU

**From:** Consumer Contact  
**Sent:** Wednesday, July 27, 2005 8:54 PM  
**To:** Consumer Contact  
**Subject:** E-Form Other Complaints - 19060

**TRACKING NUMBER - 0019060 July 27, 2005**

## SERVICE ADDRESS

Account Number:  
Business Account Name:  
Name: Elvira Elizer  
Address: 1612 Parilla Cir  
City: Trinity  
Zip: 34655  
County: PASCO

CMP \_\_\_\_\_  
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SEC \_\_\_\_\_  
OTH \_\_\_\_\_

## CUSTOMER INFORMATION

Name: Elvira Elizer  
Address: 1612 Parilla Cir  
City: Trinity  
State: FL  
Zip: 34655  
E-mail: elviea@prodigy.net  
Contact By: E-mail Address

## COMPLAINT INFORMATION

Utility Name: WS001 Aloha Utilities, Inc.  
Did customer previously contact the utility?:  
Did customer previously contact the PSC?:

## PROBLEM INFORMATION

Problem Type: Other Complaints  
Complaint Detail: We are unable to attend the hearing re: Aloha and want to tell you that the suggested settlement will not solve any problem. We just moved into our new house in December and there is no copper piping installed but the water still smells like rotten eggs. We do not like to use this water for cooking and it is not very nice to have to take a shower in either. Unfortunately, not everybody is financially able to buy water filters which would remove the bacteria which causes the water to smell. We would like to ask you not to agree to the proposed settlement and to support the taxpaying consumer. Sincerely Elvira Elizer

For PSC Webmaster Use Only:  
Mozilla/4.0 (compatible; MSIE 6.0; Windows 98; Win 9x 4.90; T312461; YPC 3.0.1; .NET CLR 1.1.4322)  
<http://www.psc.state.fl.us/consumers/complaint/review.cfm>

[www.psc.state.fl.us](http://www.psc.state.fl.us)

CCA Official Filing  
7/28/2005 8:59 AM\*\*\*\*\*

8:59 AM\*\*\*\*\*

ORIGINAL

Timolyn Henry\*\*\*\*\*1

Timolyn Henry

050183- WU

**From:** contactform@psc.state.fl.us  
**Sent:** Wednesday, July 27, 2005 10:29 PM  
**To:** Consumer Contact  
**Cc:** dmccarty@tampabay.rr.com  
**Subject:** My complaint

Contact from a Web user

Contact Information:  
Name: William McCarty  
Company: homeowner  
Primary Phone: 727-376-6707  
Secondary Phone: 727-798-5653  
Email: dmccarty@tampabay.rr.com

Response requested? Yes  
CC Sent? Yes

Comments:

Dear Sir/Madam,

I am a homeowner in the Thousand Oaks subdivision in the Trinity area. My water service is provided by a utility called Aloha. I would consider my water quality to be substandard. I am sixty two years old and have lived all over the United States. I have have had wells on three of the properties that I have owned. My water quality has always been excellent until I moved to the Trinity area. We have a serious problem here and we need your help. Please do not consider the proposed settlement that Aloha water is offering. If you take a hard look at what Aloha is offering you will quickly realize that they are offering to compensate only a small number of their customers. How many of this small number of Aloha's customers will actually rip out their walls and replace copper with pvc? At what cost? I would expect something in the \$5000-7000 range! Some of this copper piping cannot be replaced because it was placed within a concrete slab or buried under the slab. I have spent thousands of dollars in filtration systems in my home and my water still stinks. Yes, my home was plumbed with pvc. I must brush my teeth every morning with water that smells like a sewer. Yes, a Sewer. The rotten egg smell that others call it should be classified as a polite term.

I am a retired Navy enlisted man. Even when I was stationed at Guantanamo Bay, Cuba the Navy's desalinated water was of higher quality than the water I am drinking now. Please do what you know is right. Stand by the citizens of the Trinity, Seven Springs area and vote no against the proposed Aloha settlement.

CMP \_\_\_\_\_

~~COM~~ Respectfully,  
William H. McCarty

CTR \_\_\_\_\_

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ORIGINAL

Timolyn Henry

050183-WU

**From:** Wattie26 [Wattie26@verizon.net]  
**Sent:** Wednesday, July 27, 2005 8:31 AM  
**To:** Consumer Contact  
**Subject:** aloha proposal

This proposal does not tell what, when, how long, or the cost. By their own admission they are waiting for a report from fl.state univ. They will then decide??? This is more smoke and mirrors.

My house was only six years old when my copper plumbing had to be replaced, costing over \$4000. This due to improperly treated water. How much will aloha reimburse me?

PLEASE DO NOT ACCEPT THEIR OFFER. THE COMMISSION AND THE PUBLIC ARE ENTITLED TO KNOW WHAT, WHEN, HOW LONG, COST. THANK YOU,  
A.R.WATTS

CMP \_\_\_\_\_

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ORIGINAL

CCA Official Filing  
7/27/2005 1:04 PM\*\*\*\*\*

1:04 PM\*\*\*\*\*

Timolyn Henry\*\*\*\*\*1

Timolyn Henry

050183-10U

From: Ruth McHargue  
Sent: Wednesday, July 27, 2005 12:42 PM  
To: Timolyn Henry  
Cc: Matilda Sanders  
Subject: FW: My complaint

Please add to docket file 050183

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

From: contactform@psc.state.fl.us [mailto:contactform@psc.state.fl.us]  
Sent: Tuesday, July 26, 2005 4:45 PM  
To: Consumer Contact  
Cc: pirwinpa@aol.com  
Subject: My complaint

Contact from a Web user

Contact Information:

Name: patrick irwin  
Company:  
Primary Phone: 727-376-9331  
Secondary Phone:  
Email: pirwinpa@aol.com

Response requested? Yes  
CC Sent? Yes

Comments:

Do you presume everyone who has Aloha water can afford to repipe their homes? Do you believe this will fix this problem? Are all of you "public" representatives serious about accepting Aloha's settlement? I am 60 years old and have 35 years of public service employment experience - "something" is amiss with your recommendation to accept Aloha's settlement. Copper plumbing is an industry standard- do you have CPVC in your homes? (unless it is a very new house, probably not). How can all of you sleep?

- CMP \_\_\_\_\_
- COM \_\_\_\_\_
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- SEC \_\_\_\_\_
- OTH \_\_\_\_\_

ORIGINAL

050183-WU

Timolyn Henry

From: Consumer Contact  
Sent: Thursday, July 28, 2005 1:08 PM  
To: Consumer Contact  
Subject: E-Form Other Complaints - 19069

TRACKING NUMBER - 0019069 July 28, 2005

SERVICE ADDRESS

Account Number:  
Business Account Name:  
Name: Michelle Marissa  
Address: 4153 Wood Trail Blvd.  
City: New Port Richey  
Zip: 34653  
County: PASCO

CUSTOMER INFORMATION

Name: Michelle Marissa  
Address: 4153 Wood Trail Blvd.  
City: New Port Richey  
State: FL  
Zip: 34653  
Primary Phone: 727-376-0914  
E-mail: Miikie2323@worldnet.att.net  
Contact By: E-mail Address

COMPLAINT INFORMATION

Utility Name: WS001 Aloha Utilities, Inc.  
Did customer previously contact the utility?:  
Did customer previously contact the PSC?:

PROBLEM INFORMATION

Problem Type: Other Complaints  
Complaint Detail: Recent news articles and letters state the PSC is leaning towards approval of the Aloha proposal. I wonder about this as most people affected are not really being helped, those of us who have already paid thousands of dollars towards repairs from leak damage and replaced most fixtures will never be compensated. If we are to continue with Aloha's water with their current chemical mixtures, we will be replacing everything in a few short years. All of my more recent replacements, and those a bit longer ago, are already showing damage. We shower and brush our teeth with water that causes all the drains to accumulate thick black gunk that has to be scraped out section by section. What damage is this causing to our health? Why is it not a demand of the PSC for a water utility to provide safe and clean water? Our pipes and any existing water softener systems are said, by plumbers, to have nothing to do with the damage. And the few homes they're willing to help with a small amount of money will not cover the several thousands of dollars it costs to replace pipes under the house and in walls, and repair all the walls and ceilings after it's done! The

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OTH \_\_\_\_\_

rest of the homes affected will have to live with the conditions as they exist, or pay thousands out of pocket. There is an entire large condo subdivision near me that has to tell it's potential buyers that a water softener system is required in order to counteract the smell of the water. I went there last year, considering to buy and move in, and happened to be downwind of the smell ... asked about it, and got this information! Why in the world is this allowed? I spend a great deal of money every month on bottled water to drink and cook with. But I'm still absorbing this water into my system every time I shower, wash my hands, brush my teeth. Why on earth would the PSC not require this situation to be remedied immediately or remove the responsibility of supplying water from this utility? Sincerely, Michelle Marissa, 4153 Woodtrail Blvd., Wood Trail Village, New Port Richey, FL 34653.

For PSC Webmaster Use Only:

Mozilla/4.0 (compatible; MSIE 6.0; Windows NT 5.1; SV1; AT&T CSM6.0; .NET CLR 1.1.4322)

<http://www.psc.state.fl.us/consumers/complaint/review.cfm>

[www.psc.state.fl.us](http://www.psc.state.fl.us)



ORIGINAL

Timolyn Henry

050183-WU

From: Consumer Contact  
Sent: Thursday, July 28, 2005 3:52 PM  
To: Consumer Contact  
Subject: E-Form Other Complaints - 19070

**TRACKING NUMBER - 0019070 July 28, 2005**

**SERVICE ADDRESS**

Account Number:  
Business Account Name:  
Name: Patrick Burson  
Address: 1715 Percheron Drive  
City: New Port Richey  
Zip: 34655  
County: PASCO

**CUSTOMER INFORMATION**

Name: Patrick Burson  
Address: 1715 Percheron Drive  
City: New Port Richey  
State: FL  
Zip: 34655  
E-mail: pburson@fowlerwhite.com  
Contact By: E-mail Address

CMP \_\_\_\_\_  
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SEC \_\_\_\_\_  
OTH \_\_\_\_\_

**COMPLAINT INFORMATION**

Utility Name: WS001 Aloha Utilities, Inc.  
Did customer previously contact the utility?:  
Did customer previously contact the PSC?:

**PROBLEM INFORMATION**

Problem Type: Other Complaints  
Complaint Detail: I am an Aloha Utility customer and I will not be able to attend the upcoming public hearing. However, I do object to the proposed settlement as it does not properly address the problems with the customers service and it only adds additional financial responsibilities to the customers. My water quality is subpar and the cost that I pay for water/sewage is astronomical compared to other places I have lived. I would be very displeased with the commission if the proposed settlement is approved. Thank you.

For PSC Webmaster Use Only:  
Mozilla/4.0 (compatible; MSIE 6.0; Windows NT 5.1; SV1)  
<http://www.psc.state.fl.us/consumers/complaint/review.cfm>  
[www.psc.state.fl.us](http://www.psc.state.fl.us)

ORIGINAL

WAYNE E. and JUDY H. STUDEBAKER  
1940 WINSLOE DRIVE  
TRINITY, FL 34655-4940  
727-372-7921

RECEIVED-PPSC

JUL 29 AM 10:44

COMMISSION  
CLERK

July 27, 2005

Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399

050183-WU

Gentlemen:

We are unfortunate enough to have Aloha Utilities, Inc. as our water supplier in the Trinity Area of Pasco County.


Our house is five years old and **does not** have copper pipes. However, our water has a terrible odor and is "brown." We returned home from a 3-1/2 week trip this summer and the toilets had to be flushed eight or ten times because the water was such a dark brown color that it looked like someone had had bowel movements and had not flushed the toilets for days or weeks. In addition, the water in the sinks had to be run for quite a long time to get to a quasi-clear color and to get rid of the "stink".


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- OTH \_\_\_\_\_

Please do not accept the proposed "settlement" from Aloha Utilities. They refuse to accept responsibility for the terrible water and we already pay a tremendous amount for water. Why should we have to pay Aloha's surcharge to Pasco County for water next year, when we could get it for less directly from Pasco County?

PLEASE release us from Aloha Utilities and let us have Pasco County water!!!!

Sincerely,

  
Wayne E. Studebaker

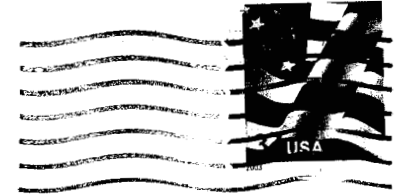
  
Judy H. Studebaker

cc: Senator Mike Fasano  
8217 Massachusetts Ave.  
New Port Richey, FL 34653

RECEIVED  
JUL 29 2005

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Wayne E. Studebaker  
1940 Winsloe Dr.  
Trinity, FL 34655-4940



Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399

32399+0850



State of Florida



RECEIVED P. 80  
JUL 29 PM 1:33  
**Public Service Commission**

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

COMMISSION  
-M-E-M-O-R-A-N-D-U-M- CLERK

---

**DATE:** July 29, 2005  
**TO:** Blanca Bayo, Director, Division of Commission Clerk and Administration  
**FROM:** Cayce Hinton, Chief Advisor to Commissioner Deason CH  
**RE:** Intercepted Communications From an Interested Party Received in Docket No:  
050018-WU and 050183-WU

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This office has received the attached correspondence from John M. Lihvarcik, President and COO of Aqua Utilities Florida. The correspondence has not been viewed by Commissioner Deason. Under the terms of the advisory opinion from the Commission on Ethics (issued July 24, 1991 as COE 91-31-JULY 19, 1991), the following letter does not constitute an ex parte communication by virtue of the fact that it was not shown to the Commissioner. Because it is not deemed to be an ex parte communication, it does not require dissemination to parties pursuant to the provisions of Section 350.042, Florida Statutes. However, in such cases Commissioner Deason has requested that a copy of the correspondence and this memo be, as a matter of routine, placed in the correspondence side of the file in this docket.

CHH:mm

**AQUA**  
Utilities Florida.

Aqua Utilities Florida, Inc.  
P.O. Box 490310  
Leesburg, FL 34749-0310

T: 352.787.0980  
F: 352.787.6333  
www.aquautilitiesflorida.com

June 21, 2005

Mr. J. Terry Deason  
Commissioner  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

Re: Aloha Utilities  
Docket 050018-WU  
Docket 050183-WU

**RECEIVED**  
JUN 24 2005  
Florida Public Service Comm.  
Commissioner Deason

Dear Mr. Deason:

I have been following the PSC involvement with Aloha Utilities alleging failure to provide sufficient water service to its customers. The possibility the Commission would revoke the service territory in the Seven Springs area is of interest.

I am writing this letter to inform you that Aqua Utilities Florida is interested in purchasing the assets of Aloha Utilities water and wastewater systems. Aqua Florida owns and operates water and wastewater systems located in Pasco County and throughout Florida and is regulated by your commission.

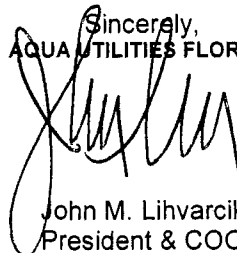
Aqua Utilities Florida is a wholly-owned subsidiary of Aqua America, Inc. (NYSE: WTR). Aqua America and all its subsidiaries throughout thirteen states, is a completely American-owned company that prides itself on its environmental stewardship, care of customers, and reasonable water rates. Aqua Utilities Florida has been serving drinking water to citizens of Florida for more than a decade. Today, Aqua Utilities Florida serves water and provides sewer to nearly 92,000 people in 18 counties throughout Florida.

To further reduce any adverse impact on the community, it would be our intention to hire the existing employees. These employees would provide Aqua Utilities Florida with a wealth of knowledge and relationships that will foster customer service for Aloha Utilities customers.

I would be interested in meeting with you as a follow up discussion to this letter. We are not only interested in this system but other systems the Commission feels are troubled or not being properly managed.

I will be calling to schedule a meeting within the next two weeks so we can discuss the possible acquisition of this or any other system you could suggest.

Sincerely,  
AQUA UTILITIES FLORIDA



John M. Lihvarcik  
President & COO

ORIGINAL

RECEIVED-FP

050183-00

09 JUL 29 AM 10:

July 26, 2005

COMMISSION  
CLERK

Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399

Re: Aloha Utilities, Inc., Pasco County

Dear Commission Members:

We have been using Aloha's water service since April 1990, and we have never been satisfied. At times the water is discolored, has an offensive odor, and running the water for a period of time does not always help.

In spite of Aloha's argument that copper lines are the problem, their water has been blackened and odorous before it has entered our home. After leaving the meter, the water travels through approximately 36 feet of PVC and then approximately 3 feet of copper line to enter our home. There is a bib at the end of the 3 feet of copper line, and we have removed some badly discolored and/or odorous water there on occasion. I question if 3 feet of copper line has any effect of water running through it after it has been running for a few minutes.

- CMP \_\_\_\_\_
- COM \_\_\_\_\_
- CTR \_\_\_\_\_
- ECR   1
- GCL   1
- OPC \_\_\_\_\_
- RCA \_\_\_\_\_
- SCR \_\_\_\_\_
- SGA \_\_\_\_\_
- SEC \_\_\_\_\_
- OTH \_\_\_\_\_

Please do not consider their recent settlement proposal. It will not settle anything in favor of the consumer. What is needed is for them to correct their problems and to deliver good, clean, pleasant tasting water.

A number of us in Cypress Lakes were never questioned as to whether or not we would like to have our water supplied by another utility company. If you will furnish us the forms or paperwork or refer us to the proper parties, we will be glad to check with the other residents for their responses.

Sincerely,



Paul and Carla Reeley

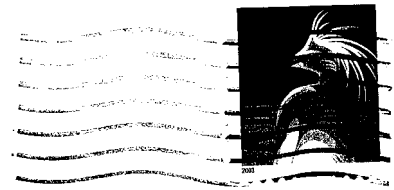
4648 Spring Side Dr.  
New Port Richey, FL 34653

RECEIVED

JUL 29 2005

11/26/05  
11:26 AM  
11/26/05  
11:26 AM  
11/26/05  
11:26 AM  
11/26/05  
11:26 AM  
11/26/05  
11:26 AM

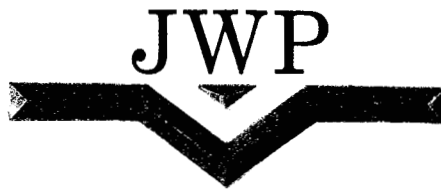
P. G. Reeley  
4648 Spring Side Dr  
New Port Richey, FL 34653-6729



Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399

32399-0250





James W. Parrott

ORIGINAL

RECEIVED-FPSC

JUL 29 AM 10:45

1105 Arlinbrook Drive  
New Port Richey, Florida 34655-4558  
Telephone 813/376-7526

COMMISSION  
CLERK

July 26, 2005

Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399

050183

SUBJECT: Aloha Water System In Trinity Oaks Florida.

Dear Public Service Commission:

This is to advise that we in Trinity Oaks Florida have put up with DIRTY, SMELLY Water for many Years (ME 12 Years)..

I have lived in Florida for Thirty Five Years. Twelve in Clearwater. (copper Pipes) No problem. Using Pinellas County Water System. Eleven in Parson Springs (Private Well System with Treated Water as recommended by Pinellas County. (NO. PROBLEM, COPPER PIPES). Twelve in Trinity Oaks with PROBLEMS FROM DAY ONE.

Aloha has selected the Lawyer way to solve their problems. We have suffered long enough. PLEASE LET US LEAVE ALOHA AND GO WITH PASCO COUNTY SYSTEM. To do so will solve our problem, not what they have suggested in their last offer. I do hope that you will not for one minute think of APPROVAL of the recommendation of the Public Service Staff.

We are the people who have had to put up with this for many Years. Enough is Enough. Please give us some help and let us leave this system.

Thank you for your consideration.


Very truly yours.

*James W. Parrott*  
JAMES W. PARROTT

- CMP \_\_\_\_\_
- COM \_\_\_\_\_
- CTR \_\_\_\_\_
- ECR   1
- GCL   1
- OPC \_\_\_\_\_
- RCA \_\_\_\_\_
- SCR \_\_\_\_\_
- SGA \_\_\_\_\_
- SEC \_\_\_\_\_
- OTH \_\_\_\_\_

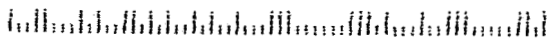
RECEIVED JUL 29 2005  
JAMES W. PARROTT



**JWP**  
  
**James W. Parrott**  
1105 Arlinbrook Drive  
New Port Richey, Florida 34655-4558



Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Fl. 32399

32399+7019 

ORIGINAL

RECEIVED-FPSC

05 AUG -1 PM 2:35

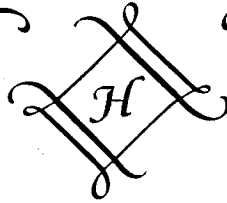
COMMISSION  
CLERK

Add to  
Docket  
file  
050183-

RECEIVED

JUL 29 2005

Florida Health Service Commission  
Division of HCA



Dear Sir, *July 26, 2005*

Maybe you would like to hear from an Alaha customer who is not in Seven Springs or Trinity, but is still a large sufferer.

I made a mistake to clean dishes in the sink overnight last week, thinking I

- CMP \_\_\_\_\_
- COM \_\_\_\_\_
- CTR \_\_\_\_\_
- ECR   1
- GCL   1
- OPC \_\_\_\_\_
- RCA \_\_\_\_\_
- SCR \_\_\_\_\_
- SGA \_\_\_\_\_
- SEC \_\_\_\_\_
- OTH \_\_\_\_\_

would wash them in  
the following morning.

What a mistake! What

a scum had settled on  
all the dishes! After

washing with soap & real  
hot water, I had to scour

all the dishes with SS  
pads to get the scum off!

We buy bottled water  
for drinking, washing veggies

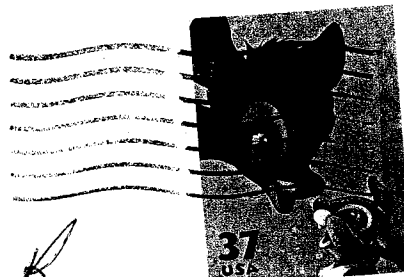
and brushing teeth - we  
just want to be on Posca  
County water system - please.

Handbook

Journal

Handbook

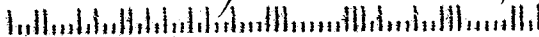
JUDITH B. HADLOCK  
P.O. BOX #305  
ELFERS, FLA.  
34680-0305



*Public Service Board*

*2540 Shumard Oak Blvd.*

*Tallahassee, Fl. 32399*

32399+7019 

# ORIGINAL

## Timolyn Henry

---

**From:** Ruth McHargue  
**Sent:** Wednesday, August 03, 2005 11:03 AM  
**To:** Timolyn Henry  
**Cc:** Matilda Sanders  
**Subject:** docket file 050183

Please add to docket file

---

**From:** Consumer Contact  
**Sent:** Wednesday, August 03, 2005 12:10 AM  
**To:** Consumer Contact  
**Subject:** E-Form Other Complaints - 19151

## TRACKING NUMBER - 0019151 August 03, 2005

### SERVICE ADDRESS

Account Number:  
Business Account Name:  
Name: Barbara Speg  
Address: 7924 Hardwick Dr. Unit No. 624  
City: New Port Richey  
Zip: 34653  
County: PASCO

CMP \_\_\_\_\_  
COM \_\_\_\_\_  
CTR \_\_\_\_\_  
ECR   1    
GCL   1    
OPC \_\_\_\_\_  
RCA \_\_\_\_\_  
SCR \_\_\_\_\_  
SGA \_\_\_\_\_  
SEC \_\_\_\_\_  
OTH \_\_\_\_\_

### CUSTOMER INFORMATION

Name: Barbara Speg  
Address: 7924 Hardwick Dr. Unit No. 624  
City: New Port Richey  
State: FL  
Zip: 34653  
E-mail: jespeg@netzero.net  
Contact By: E-mail Address

### COMPLAINT INFORMATION

Utility Name: WS001 Aloha Utilities, Inc.  
Did customer previously contact the utility?:  
Did customer previously contact the PSC?:

### PROBLEM INFORMATION

Problem Type: Other Complaints  
Complaint Detail: I have been - unfotunately - a customer of Aloha Utilities since I moved to Pasco County in early 2002. If it weren?t for the water filtration system installed under the kitchen sink by the condo?s former owner, I am

certain my first order of business would have been the purchase of a faucet mounted filter. I use hydrogen peroxide to rinse my mouth after brushing. I never (nor does my son) drink water from the bathroom faucets. When I wash my hair, a film is left. When I rinse dishes, the water is gray. I have to buy 2 new shower heads each year because of the water deposits. I won't give my cats unfiltered drinking water. Also, my drains STINK because of Alhoha's water. Now I read Aloha will prevail AND will raise the rates. Please, Public Service Commission, think of the public. Allow us the freedom of choice. Thank You

For PSC Webmaster Use Only:

Mozilla/4.0 (compatible; MSIE 6.0; Windows 98)

<http://www.psc.state.fl.us/consumers/complaint/review.cfm>

[www.psc.state.fl.us](http://www.psc.state.fl.us)

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-

050018  
050183  
010503

RECEIVED PSC  
AUG - 4 PM 2:07  
COMMISSION  
CLERK

---

**DATE:** August 4, 2005  
**TO:** Kay B. Flynn, Chief of Records, Division of the Commission Clerk & Administrative Services  
**FROM:** Richard D. Melson, General Counsel *RDM*  
**RE:** Notice of Aloha Special Agenda

---

Please arrange to have the attached notice published as a display advertisement in the Pasco County edition of the St. Petersburg Times as early as possible next week.

As indicated, Dr. Bane has approved publication of the notice.

Thanks.

RDM/mee

*(See attached material re publication.  
Notice published 8/8/05. -146)*

### NOTICE OF CUSTOMER MEETING

The Florida Public Service Commission will hold the customer meeting portion of a special agenda conference in Docket Nos. 050018-WU, 050183-WU and 010503-WU, which involve the Seven Springs service area of Aloha Utilities, Inc. at the following time and place:

**Monday, August 15, 2005 – 12 p.m. (noon)**  
West Pasco Government Center  
County Commission Board Room, Suite 160  
7530 Little Road  
New Port Richey, Florida

The purpose of this meeting is to permit interested persons to comment on the Commission staff's recommendation regarding acceptance of the Offer of Settlement submitted by Aloha Utilities, Inc. on July 20, 2005. The recommendation, including the Offer of Settlement, is accessible on the Commission's homepage, at <http://www.floridapsc.com>, under the heading "Hot Topics." A copy may also be obtained by contacting the Division of the Commission Clerk and Administrative Services at 1-850-413-6770.

All persons desiring to address the Commission are urged to appear at the beginning of the meeting, since the meeting may be adjourned early if no customers are present to provide comments.

Customers are encouraged to focus on providing comments that will help in the Commission's decision to accept or reject the Offer of Settlement.

Any person requiring some accommodation at this meeting because of a physical impairment should call the Division of the Commission Clerk and Administrative Services at 1-850-413-6770 at least 48 hours prior to the meeting. Any person who is hearing or speech impaired should contact the Florida Public Service Commission by using the Florida Relay Service, which can be reached at 1-800-955-8771 (TDD).

BY THE FLORIDA PUBLIC SERVICE COMMISSION

*Approved*  
*MAB*  
*8/4/05*



Kay Flynn

---

**From:** Rick Melson  
**Sent:** Thursday, August 04, 2005 2:07 PM  
**To:** Kay Flynn  
**Subject:** aloha published notice.doc

**Attachments:** aloha published notice.doc



aloha  
shed notice.doc

ere's the file.

Rick

**Kay Flynn**

---

**From:** Rick Melson  
**Sent:** Thursday, August 04, 2005 2:37 PM  
**To:** Kay Flynn  
**Subject:** RE: aloha published notice.doc

Yes -- 1/8 page is fine.

Rick

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

**From:** Kay Flynn  
**Sent:** Thursday, August 04, 2005 2:37 PM  
**To:** Rick Melson  
**Subject:** RE: aloha published notice.doc

I just talked with the Times. They can publish a 1/8-page ad (4.25x8") for \$912, or a quarter-page ad for \$1795.50. The ad you worked up is about the size of the 1/8 page I believe. That size will be sufficient? They will be able to publish it Monday if I get them the info by 4 today. And they will have to re-typeset because they can't work with Word, so he's going to e-mail a proof to me tomorrow.

Is 1/8 page okay? And this will go in the Pasco County section of the Times.

Kay

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

**From:** Rick Melson  
**Sent:** Thursday, August 04, 2005 2:07 PM  
**To:** Kay Flynn  
**Subject:** aloha published notice.doc

Here's the file.

Rick

**Kay Flynn**

---

**From:** RSmith@sptimes.com  
**Sent:** Thursday, August 04, 2005 3:05 PM  
**To:** Kay Flynn  
**Cc:** MTWilson@sptimes.com  
**Subject:** Re: Display ad for publication in Pasco County section of Times

**Attachments:** aloha published notice.doc



aloha  
shed notice.doc

Hi Kay, we got your information. Your contact for the proof will be Marion Wilson. Should you have any corrections, call her at 727-893-8354. Thanks, Rick.

Rick Smith  
Category Manager  
St. Petersburg Times  
tbt\* Tampa Bay Times  
Florida's Largest Daily Newspaper  
P.O. Box 1121  
St. Petersburg, FL 33731-1121  
Phone: 727-893-8427  
Fax: 727-893-8981  
rsmith@sptimes.com

"Kay Flynn"  
<KFlynn@PSC.STATE.FL.US> To: <rsmith@sptimes.com>  
cc: "Rick Melson" <RMelson@PSC.STATE.FL.US>, "Carol  
Purvis" <CPurvis@PSC.STATE.FL.US>, "Blanca Bayo"  
08/04/2005 02:48 <BBayo@PSC.STATE.FL.US>  
PM Subject: Display ad for publication in Pasco County  
section of Times

Rick, per our discussion, I have attached a display ad for publication in the Monday 8/8/05 Pasco County section of the St. Pete Times. Please publish the ad at 1/8 page in size (4.25 x 8 inches).

I understand the cost for publishing this ad is \$912.00. The bill should be sent to:

Florida Public Service Commission

Division of the Commission Clerk and Administrative Services  
2540 Shumard Oak Blvd.  
Tallahassee FL 32399-0850

As we discussed, I will be expecting a proof tomorrow (Friday 8/5) for review before the ad runs on Monday 8/8.

Thanks very much for your assistance!

Kay Flynn  
FPSC  
850-413-6744  
kflynn@psc.state.fl.us(See attached file: aloha published notice.doc)

### **NOTICE OF CUSTOMER MEETING**

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Any person requiring some accommodation at this meeting because of a physical impairment should call the Division of the Commission Clerk and Administrative Services at 1-850-413-6770 at least 48 hours prior to the meeting. Any person who is hearing or speech impaired should contact the Florida Public Service Commission by using the Florida Relay Service, which can be reached at 1-800-955-8771 (TDD).

**BY THE FLORIDA PUBLIC SERVICE COMMISSION**

LEGAL NOTICE

**NOTICE OF CUSTOMER MEETING**

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BY THE FLORIDA PUBLIC SERVICE COMMISSION

*TO Kay*

*Proofed 8/5  
Advised Marian  
by voice-mail proof  
is OK.*

COMMISSION  
CLERK

AUG - 5 PM 3:48

RECEIVED-FPSC

**ORIGINAL****Timolyn Henry**

**From:** Rhonda Hicks  
**Sent:** Tuesday, August 09, 2005 3:43 PM  
**To:** Timolyn Henry  
**Subject:** FW: Aug. 15 Aloha Hearing re: Aloha Docket 050183

CMP \_\_\_\_\_

COM \_\_\_\_\_

CTR \_\_\_\_\_

ECR   1  GCL   1  

OPC \_\_\_\_\_

RCA \_\_\_\_\_

SCR \_\_\_\_\_

SGA \_\_\_\_\_

SEC \_\_\_\_\_

OTH \_\_\_\_\_

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

**From:** Xinia Kerr  
**Sent:** Tuesday, August 09, 2005 3:40 PM  
**To:** Rhonda Hicks  
**Subject:** FW: Aug. 15 Aloha Hearing re: Aloha Docket 050183

To CCA

**From:** Wallagstat@aol.com [mailto:Wallagstat@aol.com]  
**Sent:** Tuesday, August 09, 2005 3:19 PM  
**To:** Consumer Contact  
**Subject:** Aug. 15 Aloha Hearing

I am Montie A. Wallace and I live at 1226 Vardon Court in Trinity. It will not be possible for me to attend the hearing. However, I want you to know that I am OPPOSED to the settlement. It seems to me that some of the points have not been fully examined or thought out and a vocal few have had more influence than they should have. for instance, my water does not smell bad nor does it taste bad. Doesn't everyone get the same water?

There is an odor caused by bacteria in the water heater that can be treated with bleach about once a year. This may be due to some lack of treatment but the water, as it goes into the heater doesn't smell bad.

If we don't leave well enough alone, we will all pay more for water and probably not see any improvement.

Sincerely, Montie Wallace

ORIGINAL

**Timolyn Henry**

**From:** Ruth McHargue  
**Sent:** Wednesday, August 17, 2005 9:30 AM  
**To:** Timolyn Henry  
**Cc:** Matilda Sanders  
**Subject:** FW: E-Form Other Complaints - 19311

Please add to docket file 050183

**From:** Consumer Contact  
**Sent:** Monday, August 15, 2005 2:50 PM  
**To:** Consumer Contact  
**Subject:** E-Form Other Complaints - 19311

**TRACKING NUMBER - 0019311 August 15, 2005**

**SERVICE ADDRESS**

Account Number:  
Business Account Name:  
Name: Beth Drummond  
Address: 7109 Condor Ct  
City: New Port Richey  
Zip: 34655  
County: PASCO

CMP \_\_\_\_\_  
COM \_\_\_\_\_  
CTR \_\_\_\_\_  
ECR   1    
GCL   1    
OPC \_\_\_\_\_  
RCA \_\_\_\_\_  
SCR \_\_\_\_\_  
SGA \_\_\_\_\_  
SEC \_\_\_\_\_  
OTH \_\_\_\_\_

**CUSTOMER INFORMATION**

Name: Beth Drummond  
Address: 7109 Condor Ct  
City: New Port Richey  
State: FL  
Zip: 34655  
Secondary Phone: 727-808-9263  
E-mail: bethdrummond@mac.com  
Contact By: E-mail Address

**COMPLAINT INFORMATION**

Utility Name: WS001 Aloha Utilities, Inc.  
Did customer previously contact the utility?:  
Did customer previously contact the PSC?:

**PROBLEM INFORMATION**

Problem Type: Other Complaints  
Complaint Detail: I live in Nature's Hideaway in New Port Richey. My water company, Aloha Utilities is terrible. My



water is black and smelly most of the time. I also cannot run my sprinkler system because there is not enough water pressure to push up the sprinkler heads. I would like to request our Sub-division be switched to Pasco County Utilities. There is currently a petition in our neighborhood requesting the same. My name is Beth Drummond and I live at 7109 Condor Ct. I can be reached at 727-808-9263. Thank you for your immediate attention to this very important matter.

For PSC Webmaster Use Only:

Mozilla/4.0 (compatible; MSIE 5.23; Mac\_PowerPC)

<http://www.psc.state.fl.us/consumers/complaint/review.cfm>

[www.psc.state.fl.us](http://www.psc.state.fl.us)

MEMORANDUM

RECEIVED-PPSC

August 19, 2005

05 AUG 19 AM 10:35

TO: DIVISION OF THE COMMISSION CLERK AND ADMINISTRATIVE SERVICES

COMMISSION  
CLERK

FROM: OFFICE OF THE GENERAL COUNSEL (GERVASI) *PS*

RE: DOCKET NO. 050183-WU - Request by homeowners for the Commission to initiate deletion proceedings against Aloha Utilities, Inc. for failure to provide sufficient water service consistent with the reasonable and proper operation of the utility system in the public interest, in violation of section 367.111(2), Florida Statutes.

---

Please file the attached documentation on the correspondence side of the above-referenced docket.

DATE DOCUMENT SENT TO CCA

*8/19/05*

RG  
Attachments

**Rosanne Gervasi**

---

**From:** Rosanne Gervasi  
**Sent:** Monday, August 01, 2005 9:17 AM  
**To:** Patti Daniel; Tom Walden; John Wharton (johnw@rsbattorneys.com); Marty Deterding (martyd@rsbattorneys.com); Steve Reilly (reilly.steve@leg.state.fl.us)  
**Subject:** FW: Aloha Water

---

**From:** RON FANDRICK [mailto:Ron.Fandrlick@verizon.net]  
**Sent:** Saturday, July 30, 2005 7:44 PM  
**To:** Chuck Hill  
**Cc:** 2NH-Byfield, Richard (President); 2NH-Carter, Teri (Secty); 2NH-Ginny Pierce; 2NH-Pauline Kramer-Nigels; 2NH-Pierre Denayer (Rep); 2NH-Presti, John  
**Subject:** Aloha Water

PSC Staff

Charles Hill  
Deputy Executive Director

Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850                      1-800-342-3552

Website: <http://www.floridapsc.com>

Complaint against:

Aloha Utilities, Inc.  
6915 Perrine Ranch Rd.  
New Port Richey, FL 34655  
(727) 372-0115  
FAX: (727) 372-2677

Website: <http://www.aloha-water.com>

Problem Type Details:

Black, smelly water has been an issue for over 10 years, and Aloha Utilities, Inc. will not fix the problem. Their attorneys, (obviously making a lot of money over the years) have continually delayed the implementation of solutions. You are a Public SERVICE Commission, as your name suggests, but the SERVICE part doesn't seem to be a priority for the taxpayers you SERVE. Why can't this Commission take responsibility for this never-ending issue and fix the problem once and for all.

On Aloha's Website, one of their FAQs tries to address the smelly water:

-----  
7. Why does my water have an odor?

"Sulfides occur naturally in Florida groundwater. Hydrogen sulfide can be produced from the association of sulfide with hydrogen ions, which are always present in water. Hydrogen sulfide has an objectionable odor and taste in drinking water, sometimes referred to as rotten egg smell. The objectionable taste and odor resulting from sulfides in the water can be eliminated by chlorination. Properties on a dead end street or a cul-de-sac generally have a lower flow of water in the water lines and chlorine levels often drop. Sulfides can be removed by an activated carbon filter, which can be installed in the home by a private company. However, sulfides are not a health hazard. If a bad odor or taste is coming from the hot water tap only, then the problem could be the hot water heater. When there is low usage of hot water, the chlorine present in the hot water rapidly dissipates. This allows bacteria to grow. To avoid this, it is recommended to flush out the hot water heater periodically. We disinfect our water with chlorine as required by law. Some people are more sensitive to the chlorine odor."  
-----

This answer is unacceptable to Aloha customers who have no choice and must use their smelly water. They do not address the black water problem. My house is less than 5 years old and does not have the old pipes that Aloha has mentioned before as causing the black water problem. Aloha and their attorneys are ignoring this important issue.

Your recent staff recommendation was obviously made so you don't have to do any more work on this issue (and to make your job easier), and with complete disregard for the taxpayers who are continuously getting black, smelly water. Have you or any members of the Commission staff ever visited any Aloha Utilities customer's homes and examined and tasted and smelled the water? Would you accept the poor SERVICE provided by Aloha in your own home? Did the PSC staff make their recommendation to accept Aloha's uncompromising and uncooperative solution based solely on information received from Aloha's lawyers? Did you or any of the PSC staff ever make a trip to visit any of Aloha's 15,000 dissatisfied customers, and taste and smell the black water?

It might be a good idea for your Commission and Staff to review your Mission Statement, particularly the part about the development of competitive markets (we don't have any choice, but to use unacceptable water from Aloha), and also the provision of safe and reliable (as in black, smelly water) service.

-----  
**MISSION:**

"Customers are served best by markets that facilitate the efficient provision of safe and reliable utility services at fair prices. The mission of the Florida Public Service Commission is to promote the development of competitive markets - as directed by state and federal law - by removing regulatory barriers to competition, and by emphasizing incentive-based approaches, where feasible, to regulate areas that remain subject to rate of return regulation. Once markets become sufficiently competitive, the Florida Public Service Commission will eliminate regulatory involvement to the extent permitted by law."  
-----

Perhaps the Commission and it's staff would like to receive some of our black, smelly water in gallon jugs and make coffee or drink this stuff to get a better understanding of this problem instead of accepting Aloha attorney's reams of paperwork evading this important issue.

Your Dockets: 050018-WU and 050183-WU describe proceedings against Aloha Utilities, Inc. for failure to provide sufficient water service consistent with the reasonable and proper operation of the utility system in the public interest in violation of section 367.111(2), Florida Statutes.

Please tell me what you will do to resolve this problem and when, and if you don't intend to do anything, why not? What influence does Aloha attorneys have over the PSC and it's staff?

Thank you,

Ron Fandrck, Treasurer, Board of Directors Natures Hideaway - PH-IV  
located within Aloha's Seven Springs service territory and Representing 63 homeowners.  
(Aloha Utilities Customers -- NOT by choice)

Ron Fandrck  
2224 Ground Squirrel Dr.  
New Port Richey  
PASCO County FLORIDA 34655-4029

EMAIL: [Ron.Fandrck@verizon.net](mailto:Ron.Fandrck@verizon.net)

Home Phone: 727-372-2851  
Cell Phone: 727-457-5651

**Rosanne Gervasi**

---

**From:** Rosanne Gervasi  
**Sent:** Monday, May 23, 2005 9:20 AM  
**To:** Patti Daniel; Paul Stallcup; Marty Deterding (martyd@rsbattorneys.com); John Wharton (johnw@rsbattorneys.com)  
**Subject:** FW: Wrong village cited - PSC Docket 050018

---

**From:** dvaurio [mailto:donnaanddavid.vaurio@verizon.net]  
**Sent:** Sunday, May 22, 2005 1:29 PM  
**To:** reilly.steve@leg.state.fl.us  
**Cc:** WAYNE FOREHAND; Rosanne Gervasi  
**Subject:** Fw: Wrong village cited - PSC Docket 050018

Hi Steve,

Wayne Forehand and I compared e-mail addresses for you and thought perhaps my oversight of the dot between reilly and steve may have caused this e-mail to go astray. Aside from the PSC listing the wrong Wedgwood Village, they should also be apprised that Fox Hollow was on the original petition for deletion. The two signatures on the Affirmation of Dissatisfaction from Fox Hollow are from residents that did not live in the area at the time the petition was signed. So, it is not a new area, only new residents.

Thanks for your help,  
Donna

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

**From:** dvaurio  
**To:** reillysteve@leg.state.fl.us  
**Cc:** WAYNE FOREHAND ; John P. Andrews ; akurien@attglobal.net  
**Sent:** Wednesday, May 18, 2005 6:51 AM  
**Subject:** Wrong village cited - PSC Docket 050018

Good Morning Steve,

In rereading some of the e-mails on PSC Docket No. 050018-WU, I found the error highlighted in red. The PSC staff is referencing the wrong Wedgwood Village. The over 200 residents in Wedgwood Village that signed the Affirmation of Dissatisfaction, live in the Wedgwood Village within Heritage Springs not the one within Aloha Gardens. I would appreciate it if you would correct the PSC on this matter as otherwise they will be sending surveys to the wrong residents. Also, I had asked Charlie to be sure the PSC survey queried the odor problem as their last survey only questioned black water and that is not the main problem of those that signed my Affirmation of Dissatisfaction.

I look forward to meeting you next week.

Thank you,

5/23/2005

Donna Vaurio

Hi Donna, I forwarded your e-mail to staff.

Charlie

---

**From:** BECK.CHARLES  
**Sent:** Friday, May 06, 2005 1:27 PM  
**To:** Samantha Cibula (scibula@psc.state.fl.us); rgervasi@psc.state.fl.us  
**Cc:** REILLY.STEVE  
**Subject:** FW: PSC Survey

---

**From:** dvaurio [mailto:donnaanddavid.vaurio@verizon.net]  
**Sent:** Friday, May 06, 2005 1:10 PM  
**To:** BECK.CHARLES  
**Subject:** PSC Survey

Hi Charlie,

Please request that the PSC survey include the rotten egg odor of the water. While we have black residue in our toilets and showerheads, our main concern is the odor, it's god awful and smells like unflushed toilets!!

Thanks,  
 Donna

<b>DATE:</b>	May 5, 2005
<b>TO:</b>	Director, Division of the Commission Clerk & Administrative Services (Bayó)
<b>FROM:</b>	Office of the General Counsel (Gervasi) Division of Economic Regulation (Stallcup)
<b>RE:</b>	Docket No. 050183-WU – Request by homeowners for the Commission to initiate deletion proceedings against Aloha Utilities, Inc. for failure to provide sufficient water service consistent with the reasonable and proper operation of the utility system in the public interest, in violation of Section 367.111(2), Florida Statutes.  County: Pasco
<b>AGENDA:</b>	05/17/05 – Regular Agenda – Interested Persons May Participate

<b>CRITICAL DATES:</b>	None
<b>SPECIAL INSTRUCTIONS:</b>	None
<b>FILE NAME AND LOCATION:</b>	S:\PSC\GCL\WP\050183.RCM.DOC

The Natura subdivision is located approximately halfway between the Trinity and Villa del Rio subdivisions which are at issue in Docket No. 050018-WU. Heritage Lake is contiguous to, and just to the north of, Riverside Villas Unit 4, which is also at issue in Docket No. 050018-WU. Veterans Villas lies one to two miles north northeast of the Trinity area and is not contiguous to any of the areas at issue in Docket No. 050018-WU. All three subdivisions are located in the Seven Springs area of Aloha's service territory. Wedgwood Village, a 17-home subdivision, is located west of U.S. 19 and therefore may be located in Aloha Gardens. Heritage Springs and Foxwood, both containing approximately 1000 homes, are located in a portion of the Trinity petition area and in a portion of area served by Pasco County. Twin Lakes Village, a 32-home subdivision, and Briar Patch, a 300-home subdivision, do not appear to be located in any of the existing petitioning areas but may be in Seven Springs



ORIGINAL

**Timolyn Henry**

**From:** Ruth McHargue  
**Sent:** Tuesday, August 23, 2005 4:27 PM  
**To:** Timolyn Henry  
**Cc:** Matilda Sanders  
**Subject:** FW: E-Form Other Complaints - 19359

Please add to Aloha docket file 050183.

A complaint (663656W) has been filed regarding the customer being required to pay for a nonregulated service in order to get the regulated service.

**From:** Consumer Contact  
**Sent:** Thursday, August 18, 2005 10:10 AM  
**To:** Consumer Contact  
**Subject:** E-Form Other Complaints - 19359

**TRACKING NUMBER - 0019359 August 18, 2005**

**SERVICE ADDRESS**

Account Number:  
Business Account Name:  
Name: angela KIRIWAS  
Address: 3609 Martell St  
City: New Port Richey  
Zip: 34655  
County: PASCO

CMP \_\_\_\_\_  
COM \_\_\_\_\_  
CTR \_\_\_\_\_  
ECR | \_\_\_\_\_  
GCL | \_\_\_\_\_  
OPC \_\_\_\_\_  
RCA \_\_\_\_\_  
SCR \_\_\_\_\_  
SGA \_\_\_\_\_  
SEC \_\_\_\_\_  
OTH \_\_\_\_\_

**CUSTOMER INFORMATION**

Name: angela KIRIWAS  
Address: 3609 Martell St  
City: New Port Richey  
State: FL  
Zip: 34655  
E-mail: angi555@cs.com  
Contact By: E-mail Address

**COMPLAINT INFORMATION**

Utility Name: WS001 Aloha Utilities, Inc.  
Did customer previously contact the utility?:  
Did customer previously contact the PSC?:

**PROBLEM INFORMATION**

Problem Type: Other Complaints  
Complaint Detail: I have been a customer of Aloha Utilities since 1991. I have NEVER been happy with Aloha?s

customer service or water quality, but unfortunately I cant just switch to another utility. In the past I have complained to PSC that in order for me to keep water service I also have to pay for garbage pick up which I dont need. I shouldn't be forced to pay for a service I dont want or need. I have a business where I am required to have a dumpster. I have read so much about the 2000 people who have signed a petition to be removed from Aloha's service. I would like to know how I can get on this petition.

For PSC Webmaster Use Only:

Mozilla/4.0 (compatible; MSIE 6.0; Windows NT 5.1; SV1)

<http://www.floridapsc.com/consumers/complaint/review.cfm>

[www.floridapsc.com](http://www.floridapsc.com)

STATE OF FLORIDA

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



DIVISION OF THE COMMISSION CLERK &  
ADMINISTRATIVE SERVICES  
BLANCA S. BAYÓ  
DIRECTOR  
(850) 413-6770 (CLERK)  
(850) 413-6330 (ADMIN)

## Public Service Commission

August 24, 2005

F. Marshall Deterding, Esquire  
John L. Wharton, Esquire  
Rose, Sundstrom & Bentley, LLP  
2548 Blirstone Pines Drive  
Tallahassee, Florida 32301

**Re: 1<sup>st</sup> District Court Case No. 1D05-3247 - Aloha Utilities, Inc. vs. Florida Public Service Commission, et al. (Docket No. 050183-WU)**

Dear Mr. Deterding:

Enclosed is the index to the above-referenced docket on appeal. Please look the index over and let me know if you have any questions concerning the contents of the record.

The record will be filed with the Court on or before October 23, 2005.

Sincerely,

A handwritten signature in cursive script that reads "Kay Flynn".

Kay Flynn, Chief  
Bureau of Records

KF:mhl

cc: David Smith, Office of the General Counsel  
Marlene K. Stern, Office of the General Counsel  
Bill Wilcox  
Roslyn B. Wrona

**I N D E X**

**Aloha Utilities, Inc.**  
**vs.**  
**Florida Public Service Commission, et al.**  
**FPSC Docket No. 050183-WU**  
**1<sup>st</sup> District Court Case No. 1D05-3247**

**VOLUME 1**

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Memorandum dated April 28, 2005 from Rosanne Gervasi, Commission, to Division of the Commission Clerk and Administrative Services with attached petition from Veterans Villas, filed April 28, 2005 ..... 26

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ORIGINAL

RECEIVED FPSC

05 OCT 13 AM 11:58

COMMISSION  
CLERK

*Add to docket  
file -*

*050183*

CMP \_\_\_\_\_

COM \_\_\_\_\_

CTR \_\_\_\_\_

ECR 1

GCL 1

OPC \_\_\_\_\_

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SGA \_\_\_\_\_

SEC \_\_\_\_\_

OTH \_\_\_\_\_



Mr. Harry O. Svendsen, Jr.  
4030 Avinada Del Mar  
New Port Richey FL 34655

TAMPA FL 336

06 OCT 05 PM 5 L



Public Service Commission  
Capital Circle Office Center  
2540 Shumard Oak Blvd.  
Tallahassee, FL

3 282369 976701 8140 6991 0850 || 707 001 10 810

ORIGINAL

050183-WU

RECEIVED FPSC

AUG 25 AM 11:00

COMMISSION  
CLERK

8-22-05


Public Service Commission:

I live in Veterans Village, New Port Richey, Fla. I have Aloha water and it is BAD. I was never sent anything to ask me about this water. So I'm asking that you get rid of Aloha and get us hooked up with a company that will deliver its customers clean water. I buy jugs of water for drinking and cooking. Sometimes I can not shower because the water is brown. I have rinsed sand out of the tubes & basins. I have cleaned black greasy, stringy gunk out of the bathtub 4 times since 1993. And the SMELL.

Sincerely  
Anne Rosen

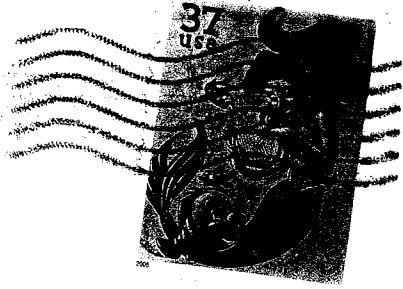
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RCA \_\_\_\_\_  
SCR \_\_\_\_\_  
SGA \_\_\_\_\_  
SEC \_\_\_\_\_  
OTH \_\_\_\_\_



 Ms. Anne Rosin  
142 Munson St.  
New Port Richey, FL 34655-3426

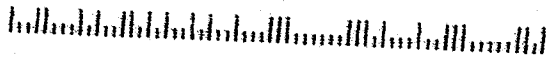
TAMPA FL 336

23 AUG 05 PM 4 L



Public Service Commission  
2540 Shumard Oak Blvd  
Tallahassee, FL 32399

32399+7019



Public Service Commission

10/05/05

Re Aloha Utilities

We want NO part of Aloha, A petition of over 2,000 people have said so. And Lots more want to join us.

Aloha has NO intention of cleaning up their "Dirty Water", their talk is a smoke screen.

They Lie, Stall, and give out False Info. Thousand Oaks was told by Aloha that Low water pressure was caused by over use of Lawn Sprinklers, the use of Reclaimed water Affects Drinking water pressure?

NO Agreement NO Deals with Aloha  
They can't be Trusted!

So, what part of NO don't you understand.

*Fany O'Brien*



Mr. Harry O. Svendsen, Jr.  
4030 Avinada Del Mar  
New Port Richey FL 34655

OCT 13 2005

Florida Public Service Commission

## EDITORIAL

# County utilities aren't above law

A sewer utility serving 70,000 customers is rightly under the microscope of state environmental regulators. The lengthy list of transgressions alleged by the Department of Environmental Protection is disturbing:

■ Eight plants spilled nearly 22 million gallons of raw sewage over the past year, including one colossal breach near Lake Bernadette in east Pasco that went undetected for a month. It sent untreated sewage into a drainage pond leading to Indian Creek and eventually the Hillsborough River.

■ More than 18 million gallons of treated wastewater did not meet disinfection standards before being sent to the system delivering the so-called reuse water to customers for irrigation.

■ Inspections showed broken and leaking pipes at the plants and an inadequate supply of spare parts to handle repairs.

■ Without state permission, the utility is pushing ahead with an expansion and said it will ignore orders to stop construction.

The arrogance toward regulators and the sloppy utility operations are common in Pasco County. But, these aren't instances of mismanagement at a small, private utility. The DEP alleges Pasco County Utilities is the culprit. Most disconcerting is the repetition.

"We're seeing too much of a pattern, and we're seeing things happen over and over and over again," DEP spokeswoman Pamala Vazquez told *St. Petersburg Times* staff writer Bridget Hall Grumet.

That is unacceptable. So, too, is the disregard for DEP authority.

Proceeding without state permission is the kind of brazen attitude we'd expect from profit-driven private utilities, not a county government that as a matter of routine requires developers and builders to obtain all necessary permits before beginning construction.

The county said it needs greater sewage treatment capacity in Wesley Chapel, and its February 2004 permit application to double the size of the plant there still lacks DEP approval. The county began the expansion in June because officials believed they had authorization to do so, but the DEP then delayed the expected permit.

We don't doubt the capacity need considering the housing boom in south-central Pasco, but perhaps the county should slow its own pace of authorizing construction if its utilities are stressed by demand.

In the meantime, Bruce Kennedy, the assistant county administrator in charge of utilities, said the county likely will add staff members, stockpile replacement parts, and do a better job of treating, storing and disposing of the reuse water.

It is indicative that the county, to its credit, is taking DEP concerns seriously. It should. Sewage spills, malfunctioning plants and poorly treated wastewater should be exceptions, not routine.

### The time has passed for private water companies

Aloha, Lindrick. Now, Colonial Manor. When is the county going to realize that the private water utilities have outlived their usefulness and take over all of their customers?

Ernest Lane, Trinity

### Consumers sick of Aloha's bad water and attitude

Three cheers to Milton Chojnowski and Sen. Mike Fasano for their efforts against Aloha Utilities! The residents of Veteran's Village are just as consumed with this detestable water.

Aloha claims that, after 10 years, it's now going to fix this problem? Why has it taken 10 years? How many more years is it going to be stalling, disputing and driving up the legal fees?

And after all of this, we are supposed to bear the cost? Aloha needs to, not us. It has the monopoly, not us! We are the ones who need to change water providers, and soon. At least we would have some decent water for a change. (What a concept that would be.)

Maybe the state Public Service Commission needs to again read its mission statement and try to remember it is a public service commission and should not be on the side of corporations.

Peggy J. Gourley, New Port Richey

### PSC ignores pleadings of Aloha's customers

Regardless of all the evidence of an inferior product, Aloha continues to pump its black dirty water to its customers.

In response to a petition of more than 2000 customers who requested to switch to Pasco County water, the PSC and Aloha ignored us and Aloha threatened that it would spend unlimited dollars to appeal any decision to force it to supply clean acceptable water.

Any other business supplying such an inferior product would have been out of business long ago. Surely the health department in many parts of the country would close such an operation.

The public has been able to curtail development of businesses like Wal-Mart and others, however when the public (Aloha customers) complain and show proof of bad product the PSC continues to ignore the public.

J.W. Sharkey, Trinity

# Problems with water leaving many dry

■ Aloha Utilities' president says the system has been strained recently because of a tank rupture and higher demand.

By PHIL DAVIS  
Times Staff Writer

## Aloha Utilities' reasoning just doesn't hold water

The one thing that just jumped out was when the president of Aloha Utilities stated that the low water pressure was the cause of everyone using the sprinklers, older pipes and a problem with a well. I'm sorry I cannot accept that.

For one thing, this area, Thousand Oaks, is only about 5 years old and we all use reclaimed water. And if I understand this right, the reclaimed water is on a totally separate system, which should not have any effect on the potable (drinking water) system.

So my question is: Why do I have more pressure on the reclaimed water system than in my home, which is a dribble. Every time I call and complain about the pressure, I'm told it has to be on my end because the Aloha system is working fine.

The president of Aloha also stated that they are allowed to go down to 20 psi in the pipes. Well, when that 20 psi starts at the utility, it's only about 5 psi by the time it reaches the homes. Aloha field personnel have come to check the pressure at my home and they always say "Your pressure is within specs and is fine."

Why is the water coming out of my faucet like a little dribble? In other words, Aloha cannot keep up with the supply and demand.

Five years ago there was about 1,500 homes fewer than we have in this area today. The water pressure cannot be the same today as it was then. If the Aloha Utilities cannot keep up with the supply and demand of today's water needs for this area and other areas, give the company to someone who will.

Michael Styers, Trinity

Kay Flynn

050183

**From:** Todd Brown

**Sent:** Thursday, March 30, 2006 4:58 PM

**To:** Alina Dieguez; Allen Mortham; Beth Salak; Betty Ashby; Bev DeMello; Blanca Bayo; Bob Trapp; Bridget Hoyle; Cameron Cooper; Carlotta Stauffer; Carol Purvis; Cayce Hinton; Chuck Hill; Cindy Miller; Dan Hoppe; Della Fordham; Diane Lee; Dorothy Boone; Hurd Reeves; Isilio Arriaga; J. Terry Deason; Jane Fautot; Janet Brunson; Janet Harrison; Jeremy Susac; Kathleen Stewart; Katrina Tew; Kay Flynn; Kay Posey; Kevin Bloom; Larry Harris; Linda Duggar; Lisa Edgar; Manuel Arisso; Marjorie Cooper; Martha Golden; Mary Bane; Mary Macko; Matthew Carter; Pat Dunbar; Patsy White; Rhonda Hicks; Richard Tudor; Rick Melson; Roberta Bass; Sandy Moses; Sharon Allbritton; Steven Stolting; Susan Howard; Tim Devlin; Todd Brown; Veronica Washington; William C. Garner

**Subject:** Items of Interest at Upcoming Agenda Conference 4/4/06

A news release was distributed to the daily newspapers this afternoon, 3/30/06, and is now available on the PSC web site:

<http://www.psc.state.fl.us/general/news/pressrelease.cfm?release=69>



State of Florida  
**Public Service Commission**  
**NEWS RELEASE**

March 30, 2006

Contact: 850-413-6482

**Items of Interest at Upcoming Agenda Conference 4/4/06**

**TALLAHASSEE** — The following items are among those scheduled for consideration by the Commission at the April 4, 2006, Agenda Conference:

**ITEM 6:**

**DOCKET NO. 050018-WU** – INITIATION OF DELETION PROCEEDINGS AGAINST ALOHA UTILITIES, INC. FOR FAILURE TO PROVIDE SUFFICIENT WATER SERVICE CONSISTENT WITH THE REASONABLE AND PROPER OPERATION OF THE UTILITY SYSTEM IN THE PUBLIC INTEREST, IN VIOLATION OF SECTION 367.111(2), FLORIDA STATUTES.

**DOCKET NO. 050183-WU** – REQUEST BY HOMEOWNERS FOR THE COMMISSION TO INITIATE DELETION PROCEEDINGS AGAINST ALOHA UTILITIES, INC. FOR FAILURE TO PROVIDE SUFFICIENT WATER SERVICE CONSISTENT WITH THE REASONABLE AND PROPER OPERATION OF THE UTILITY SYSTEM IN THE PUBLIC INTEREST, IN VIOLATION OF SECTION 367.111(2), FLORIDA STATUTES.

**DOCKET NO. 010503-WU** – APPLICATION FOR INCREASE IN WATER RATES FOR SEVEN SPRINGS SYSTEM IN PASCO COUNTY BY ALOHA UTILITIES, INC. The Commission will consider a staff recommendation addressing the comprehensive settlement between Aloha, OPC, and the intervenor customers (with the exception of Mr. Edward Wood) concerning all disputed issues arising from the above dockets.

**ITEM 9: DOCKET NO. 060057-WS** – INVESTIGATION INTO WHETHER LINDRICK SERVICE CORPORATION SHOULD BE ORDERED TO SHOW CAUSE AS TO WHY IT SHOULD NOT BE FINED FOR ITS APPARENT VIOLATIONS OF RULES 25-30.250, 25-30.251, 25-30.130, AND 25-22.032, FLORIDA ADMINISTRATIVE CODE, AND THE REQUIREMENTS OF ORDER NO. PSC-99-1883-PAA-SU, ISSUED SEPTEMBER 21, 1999 IN DOCKET NO. 980242-SU. The Commission will take up a staff recommendation on whether Lindrick should be required to show cause why it should not pay a fine for apparent rule violations.

**ITEM 20: DOCKET NO. 060198-EI** – REQUIREMENT FOR INVESTOR-OWNED ELECTRIC UTILITIES TO FILE ONGOING STORM PREPAREDNESS PLANS AND IMPLEMENTATION COST ESTIMATES. The Commission will take up a staff recommendation requiring each investor-owned electric utility to file storm preparedness plans and cost estimates by June 1, 2006.

**ITEM 31: DOCKET NO. 020233-EI** – REVIEW OF GRIDFLORIDA REGIONAL TRANSMISSION ORGANIZATION (RTO) PROPOSAL. The Commission will consider a staff recommendation related to a motion to withdraw the petition and to close the docket.

###

Website - <http://www.floridapsc.com>  
Kevin Bloom, Director, Office of Public Information  
Additional Press Contact: Todd Brown  
2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850