

BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 060368-WS

In the Matter of:

APPLICATION FOR INCREASE IN WATER AND
WASTEWATER RATES IN ALACHUA, BREVARD,
HIGHLANDS, LAKE, LEE, MARION, ORANGE,
PALM BEACH, PASCO, POLK, PUTNAM,
SEMINOLE, SUMTER, VOLUSIA, AND WASHINGTON
COUNTIES BY AQUA UTILITIES FLORIDA, INC.



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A CONVENIENCE COPY ONLY AND ARE NOT
THE OFFICIAL TRANSCRIPT OF THE HEARING,
THE .PDF VERSION INCLUDES PREFILED TESTIMONY.

PROCEEDINGS: CAPTIVA SERVICE HEARING

BEFORE: COMMISSIONER MATTHEW M. CARTER, II
 COMMISSIONER NATHAN A. SKOP

DATE: Thursday, May 10, 2007

TIME: Commenced at 10:00 a.m.
 Concluded at 10:31 a.m.

PLACE: South Seas Island Resort
 5400 Plantation Road
 Captiva, Florida

REPORTED BY: LINDA BOLES, RPR, CRR
 Official FPSC Reporter
 (850) 413-6734

1 PARTICIPATING:

2 STEPHEN C. REILLY, ESQUIRE, Office of Public Counsel,
3 c/o The Florida Legislature, 111 West Madison Street, Room 812,
4 Tallahassee, Florida 32399-1300, representing the Citizens of
5 the State of Florida.

6 KENNETH A. HOFFMAN, ESQUIRE, Rutledge Law Firm, Post
7 Office Box 551, Tallahassee, Florida 32302-0551, representing
8 Aqua Utilities Florida, Inc.

9 ROSANNE GERVASI, ESQUIRE, FPSC General Counsel's
10 Office, 2540 Shumard Oak Boulevard, Tallahassee, Florida
11 32399-0850, representing the Florida Public Service Commission
12 Staff.

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I N D E X

WITNESSES

NAME :

PAGE NO.

(No witnesses appeared.)

CERTIFICATE OF REPORTER

9

EXHIBITS

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NUMBER:		ID.	ADMTD.
1	Legal Notice, Notice of Commission Customer Service Hearings	6	6
2	Affidavit of Publication/News-Press	6	6

P R O C E E D I N G S

1
2 COMMISSIONER CARTER: Good morning. I'd like to call
3 this customer hearing to order. Staff counsel, would you
4 please read the notice.

5 MS. GERVASI: This time and place has been set for a
6 customer service hearing in Docket Number 060368-WS,
7 application by Aqua Utilities Florida, Inc., for a rate
8 increase in Alachua, Brevard, Highlands, Lake, Lee, Marion,
9 Orange, Palm Beach, Pasco, Polk, Putnam, Seminole, Sumter,
10 Volusia and Washington Counties.

11 COMMISSIONER CARTER: Okay. Thank you. Let us now
12 take appearances from counsel.

13 MR. HOFFMAN: Good morning, Commissioners. My name
14 is Kenneth Hoffman. I'm with the firm of Rutledge, Ecenia,
15 Purnell & Hoffman. Our address is 215 South Monroe Street,
16 Suite 420, in Tallahassee, Florida. I'm here this morning on
17 behalf of Aqua Utilities Florida, Inc.

18 MR. REILLY: Steve Reilly with the Office of Public
19 Counsel on behalf of the ratepayers.

20 MS. GERVASI: Rosanne Gervasi appearing on behalf of
21 the Commission.

22 COMMISSIONER CARTER: Thank you, Ms. Gervasi. Do we
23 have some exhibits that we need to --

24 MS. GERVASI: Yes, sir, we do.

25 COMMISSIONER CARTER: Let's dispense with that.

1 MR. HOFFMAN: Commissioner, I would ask that the
2 document that is the Notice of Customer Service Hearing for Lee
3 County, which is the first document that you have in front of
4 you, be marked and admitted as Exhibit 1. And the second
5 document that you have in front of you, which is the newspaper
6 notice and Affidavit of Publication for the Lee County service
7 hearing, be marked for identification and admitted as
8 Exhibit 2.

9 COMMISSIONER CARTER: Any comments, Mr. Reilly?

10 MR. REILLY: Excuse me? That's fine, yes.

11 COMMISSIONER CARTER: Okay. Show it done and
12 numbered sequentially as reported. Thank you, Counsel. Thank
13 you.

14 (Exhibits 1 and 2 marked for identification and
15 admitted into the record.)

16 Let's -- not seeing any customers, let's take about,
17 let's take a little -- who's going to be our official -- Troy,
18 have you got the official time?

19 MR. RENDELL: Yes, sir. It's 10:11.

20 COMMISSIONER CARTER: Let's take about 15 minutes and
21 reconvene at 10:30.

22 (Recess taken.)

23 COMMISSIONER CARTER: We are back on the record at
24 our hearing, our service hearing, Aqua Utilities Florida.

25 First of all, before we, as we reconvene, let me

1 introduce myself, Matthew Carter, Public Service Commissioner.
2 Also on the panel with me is Commissioner Nathan Skop.

3 And let me ask a question. We've just come back from
4 our recess, and let me ask, Mr. Reilly, have any customers
5 appeared yet?

6 MR. REILLY: No, sir.

7 COMMISSIONER CARTER: Okay. Let me for the record
8 share with you that one of the adjustments that we made in our
9 notice is that we did give time, and let me just kind of read
10 this into the record. It says, Notice is hereby given that the
11 Florida Public Service Commission will hold service hearings in
12 the above docket on the rates and charges of Aqua Utilities
13 Florida, Inc. The hearings will commence at the times and
14 locations shown below and will continue until the witnesses
15 have been heard, here on Captiva Island, Thursday, May 10th,
16 2007, beginning at 10:00 a.m. here at the South Seas Island
17 Resort. The notice that we put in there goes on to say that
18 customers who wish to represent testimony are urged to appear
19 promptly at each designated hearing, at each -- let me try that
20 again. Customers who wish to present testimony are urged to
21 appear promptly at each scheduled hearing time, since the
22 hearing may be adjourned early if no witnesses are present to
23 testify. And seeing none, Mr. Reilly, unless you have
24 objections, we'll declare the meeting adjourned.

25 MR. REILLY: No objection.

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COMMISSIONER CARTER: This meeting is adjourned.
(Service Hearing adjourned at 10:31 a.m.)

1 STATE OF FLORIDA)
 :
2 COUNTY OF LEON) CERTIFICATE OF REPORTER

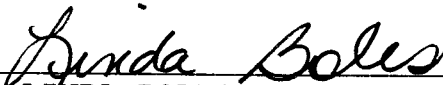
3
4 I, LINDA BOLES, RPR, CRR, Official Commission
5 Reporter, do hereby certify that the foregoing proceeding was
6 heard at the time and place herein stated.

7 IT IS FURTHER CERTIFIED that I stenographically
8 reported the said proceedings; that the same has been
9 transcribed under my direct supervision; and that this
10 transcript constitutes a true transcription of my notes of said
11 proceedings.

12 I FURTHER CERTIFY that I am not a relative, employee,
13 attorney or counsel of any of the parties, nor am I a relative
14 or employee of any of the parties' attorneys or counsel
15 connected with the action, nor am I financially interested in
16 the action.

17 DATED THIS 18th day of May, 2007.

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LINDA BOLES, RPR, CRR
FPSC Official Commission Reporter
(850) 413-6734

EXHIBIT LIST - DOCKET NO. 060368-WS - Agua

WITNESS - _____

EXH. NO.	TITLE	PROFERRED BY	MOVED	LATE FILED
1	4/20/07 notice of 5/10/07 service hearing in Lee Co.	Agua	✓	
2	notice by publication of 5/20/07 service hearing in Lee County.	agua	✓	
3	4/20/07 notice of 5/11/07 service hearing in Palm Beach Co.	agua	✓	
4	notice by publication of 5/11/07 service hearing in Palm Beach Co.	agua	✓	
5	Petition by customers in Lake Osborne Estates in opposition to rate increase	Ken Berg (customer)	✓	
6	Berg family water bills	Linda Berg (customer)	✓	
7	composite exhibit - from Lake Osborne Civic Assn.	Bob Pouncey (customer)	✓	
8	Newspaper Notice + Affidavit of service hearing in Washington County	Agua	✓	
9	copy of customer bill - Mr. Lou Tracy (Spqs.)	OPC	✓	
10	copy of customer bill Mr. Kummer	OPC	✓	
11	copy of customer bill Mr. Durbeck (spelling)	OPC	✓	
12	copy of bills from surrounding areas by Mr. Lou Tracy	OPC	✓	
13	Palm Beach County & Lake County Affidavit of Notification	Agua (Marsha Rule)	✓	
14	Additional Affidavits of the rest of the notices	Agua (Ms Rule)		✓

Court Reporter was only copy of exhibits

Court Reporter was only copy

PALM BEACH

EXHIBIT LIST - DOCKET NO. 060368-WS, Agua

WITNESS - _____

PALATKA

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SEBRING

EXH. NO.	TITLE	PROFERRED BY	MOVED	LATE FILED
15	Letters from Mr. Johnson to the utility regarding service problems	Customer Jim Johnson	✓	
16	Hoffman bills from 3/14/07 thru 5/23/07	Customer Harley Hoffman	✓	
17	Ooten bills from 3/19/07 thru 5/17/07	Customer Roger C. Ooten	✓	
18	Petition from renters/owners of Silver Lake Cats in opposition	OPC/ Ralph Werkheiser	✓	
19	5 Water Bills from 12/27/06 thru 5/23/07 - Orville Baldridge	Orville Baldridge	✓	
20	Joint Presentation of Goetz and Bemby (disc + photos)	Robert Goetz / Morris Bemby	✓	
21	Spea Huey Letter Sharon - May 16, 2007	Sharon Huey	✓	
22	Bills of Steve Miller, Rep. Iron; John Mazarke; Lea Triggs	Steve Miller, Rep. Iron; John Mazarke; Lea Triggs	✓	
23	Letter from Highlands County Commissioners	Customer - Robert D. Pendergast	✓	
24	2005 Annual Drinking Water Quality + Notice to Public about Water - including copies of Bills of Connie Burton	Customer - William Resmiller	✓	
25	Copies of customer Bill - Floyd Barnard		✓	
26	Letter from Barbara + Ernest Greene		✓	
27	Letter from Joseph + Kathleen Alviano		✓	

Troy has Disc

Sandy

D26A Copy of customer Bill + Notice

✓

EXHIBIT LIST - DOCKET NO. 060368-WS

WITNESS - _____

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EXH. NO.	TITLE	PROFERRED BY	MOVED	LATE FILED
28	copy of customer Bill - David TardiF		✓	
29	copy of customer Bill - Elaine Panozzo		✓	
30	copy of customer bill - James Burns and article		✓	
31	copy of customer Bill - Robert + Thompson		✓	
32	copy of customer Bill - Julie Jordan		✓	
33	copy of customer Bill - Missy Fotheringham		✓	
34	Letters - customer Nestor guevara		✓	
35	Post closing Agreement btwn. Lake Josephine water, Aqua Source Utility, + Douglas E. Pugh.		✓	
36	customer Bill - Teresa giller / Robert giller		✓	
37	McDonald customer Bill		✓	
38	customer Bill - John Delu		✓	
39	customer Bill - Dennis Siminiak		✓	
40	Notice of Service Hearing - Highlands County	Aqua	✓	

EXHIBIT LIST - DOCKET NO. 060368-WS

WITNESS - _____

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EXH. NO.	TITLE	PROFERRED BY	MOVED	LATE FILED
41	Affidavit of Publication of service Hearing (Highlands) Aqua			✓
42	Notice of service Hearing - Lakeland (Polk County)	Aqua	✓	
43	Affidavit of Publication of Notices (Polk County)	Aqua		✓
44	copy of customer Bill Ken Bessette	Ken Bessette	✓	
45	letter from Zephyr Shores Property Owners Assoc.		✓	
46	customer Bill - gus Alexakos		✓	
	2006 Annual Drinking Water Quality Test results		✓	
47	copy of customer Bill - Ken Goodman		✓	
48	Mr. + Mrs. Flynn - Bill comparisons and copy of their Bills		✓	
49	copy of customer Bills - Fowler / Morrison		✓	
50	copy of customer Bill - George Hodge		✓	
51	copy of custom Bill Fred Rich		✓	
52	copy of customer Bill - Carl + Helen R.J. Lewis		✓	

Pouch I

Vol I 4
04065-07
1/5/10/07

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EXHIBITS

NUMBER:

ID. ADMTD.

1 Legal Notice, Notice of Commission
Customer Service Hearings

6 6

2 Affidavit of Publication/News-Press

6 6

5/11/67

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EXHIBITS

NUMBER:		ID.	ADMTD.
3	Legal Notice of Commission Customer Service Hearings	6	6
4	Proof of Publication/The Palm Beach Post	6	6
5	Petition in Opposition to Rate Increase	20	20
6	Berg Family Water Bills	33	33
7	Lake Osborne Estates Civic Association Composite	35	46

Green Acres
Transcript DN: 04170-07
Exhibits 3-7



5/14/07

EXHIBITS

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NUMBER:		ID.	ADMTD.
8	Notice of hearing, <u>Washington County News</u>	15	64
9	Lou Tracy's bills	39	64
10	Kai Kummer's bills	39	64
11	Robert Duerbeck's bills	39	64
12	Bills in the surrounding area	63	64

Chipley
4627-07 add exhibit
 information. 8-12
 to CMS. PLS.
 Bill says
 Riter 5/14

Vol. 4

5/16/07
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EXHIBITS

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NUMBER:		ID.	ADMTD.
13	Putnam County and Lake County Affidavits of Publication of Notice	22	98
14	(Late-filed) Additional notices of publication	22	98
15	Mr. Jim Johnson's documents	57	98
16	Mr. Hoffman's documents	62	98
17	Mr. Ooten's documents	62	98
18	Petition from Silver Lake Mobile Home Residents	65	98
19	Five Water Bills from December 27, 2006 to May 23, 2007 from Orville Baldrige	98	98

4641-07 Palatka Service Hrg.

(exhibits 13-19)
pls add to CMS.

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EXHIBITS

NUMBER:		ID.	ADMTD.
20	Documents of Mr. Goetz and Mr. Bemby and Slides	34	34
21	Sharon Huey's Letters	71	71
22	Bills of Steve Miller, Reg Ison, John Mazzerle, and Lea Triggs	92	92

Gainesville 04780-07
add to CMS
Exhibits 20-22

Sebring 6

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05228-07 6/13/07
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EXHIBITS

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NUMBER:		ID.	ADMTD.
23	Letter from Highlands County Commissioners	21	123
24	2005 Annual Drinking Water Quality/ Notice to public about water/Customer Bills - Connie Burton	28	123
25	Customer Bill - Floyd Barnard	35	123
26	Letter from Barbara and Ernest Greene	44	123
26A	Customer Bill - Roy Carr/Water Notice	55	123
27	Letter from Joseph and Kathleen Alviano	45	123
28	Customer Bill - David Tardiff	47	123
29	Customer Bill - Elaine Panozzo	50	123
30	Customer Bill - James Burns/U.S. News & World Report Article, June 4, 2007	52	123
31	Customer Bill - Robert Thompson	57	123
32	Customer Bill - Julie Jordan	60	123
33	Customer Bill - Missy Fotheringham	77	123
34	Le G M d t L M		123
35	P J E		123
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38	Customer Bill - John Delisa	122	123

5228-07 add to CMS
w/
Sebring Exhibits
23-41

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05228-07

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NUMBER:

ID. ADMTD.

39 Customer Bill - Dennis Siminiak

122 123

40 Notice of Service Hearing - Highlands
County

123 123

41 (Late-Filed) Affidavit of Publication
of Service Hearing - Highlands County

123

Lakeland
Vol. 7⁶ 4/13/07
5139-07 PM

EXHIBITS

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NUMBER:		ID:	ADMTD.
42	Notice of Service Hearing - Lakeland Polk County	12	115
43	(Late-Filed) Affidavit of Publication of Notices - Polk County	12	
44	Customer Bill - Ken Bessette	22	115
45	Letter from Zephyr Shores Property Owners Association	26	115
46	Customer Bill - Gus Alexakos/2006 Annual Drinking Water Quality Test Results	30	115
47	Customer Bill - Ken Goodman	36	115
48	Customer Bills and Bill Comparisons - Mr. and Mrs. Flynn	44	115
49	Customer Bills - Fowler/Morrison	50	115
50	Customer Bill - George Hodge	52	115
51	Customer Bill - Fred Rich	53	115
52	Customer Bill - Carl and Helen R.J. Lewis	53	115
53	Customer Bill - Robert Modrall	66	115
54	Customer Bill - Bonnie Huntley-Black	105	115

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4/20/07

EXHIBITS

05664-07
ID. ADMTD.

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NUMBER:

55 Customer Bills and Related Information -
Joseph Cabana

56 Legal Notice and Proof of Publication
for Pasco County

24 45

46 46

6/20/07

Vol. 9

05665-07
ADMTD.

EXHIBITS

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NUMBER:

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57 Customer Bills - Pasquale Colasurdo

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58 Comparison of Rates by Kenneth Howe

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EXHIBITS

NUMBER:		ID.	ADMTD.
59	(Aqua) Newspaper Publication, Affidavit of Publication and Individual Notice	14	251
60	(Sullivan) Petition and Documents	32	251
61	(McKay) Documents	81	251
62	(Crews) Petition and Documents	105	251
63	(Davis) Documents	116	251
64	(Van Wagnen) Documents	118	251
65	(Grotkopf) Documents	122	251
66	(Suris) Documents	147	251
67	(Santiago/Tanner) Documents	154	251
68	(Beal) Documents	170	251
69	(Wells) Documents	170	251
70	(Bryan) Documents	182	251
71	(Tingle) Documents	190	251
72	(Bryant) Documents	193	251
73	(Fontaine) Documents	199	251
74	(Medina) Documents	206	251
75	(Garvey) Documents	212	251
76	(Harris) Documents	218	251
77	(Oral) Documents	228	251
78	Composite of Customer Comments	236	251
	CERTIFICATE OF REPORTER	254	

Mt. Dora - Ark
06364-07⁵
vol-11
e/22/07

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EXHIBITS

NUMBER:		ID.	ADMTD.
79	Notice of Publication	22	123
80	(Longnecker) Letters of Complaint	65	123
81	(Shigley) Composite	80	123

CERTIFICATE OF REPORTER 124

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07201-07⁴ 4/27/07
Vol 12

EXHIBITS

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NUMBER:

ID.

ADMTD.

82	Composite Exhibit, Lucy Wambsgan	49	130
83	Exhibit, Marie Phillips	74	130
84	Letter, Robert Cardinell	86	130

Legal Notice

Notice of Commission Customer Service Hearings

RE: Application by Aqua Utilities Florida, Inc. (Utility) for rate increase in Alachua, Brevard, Highlands, Lake, Lee, Marion, Orange, Palm Beach, Pasco, Polk, Putnam, Seminole, Sumter, Volusia and Washington counties, Florida. (Docket No. 060368-WS)

Date of Publication: April 20, 2007

Notice is hereby given that the Florida Public Service Commission will hold customer service hearings in the above-referenced docket to consider the Utility's application for an increase in water and wastewater rates in Alachua, Brevard, Highlands, Lake, Lee, Marion, Orange, Palm Beach, Pasco, Polk, Putnam, Seminole, Sumter, Volusia and Washington counties, Florida. The purpose of the customer service hearings is to allow customers the opportunity to comment on the Utility's proposed final rates or service. The nearest customer service hearing to you will be conducted at the following time and place:

Date and Time: May 10, 2007 at 10:00 a.m.

Place: South Seas Island Resort
5400 Plantation Road
Captive, FL 33924

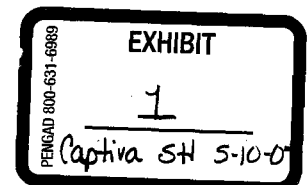
At the hearing, customers will be given opportunity to present testimony and other evidence concerning the Utility's proposed rates or service. All witnesses shall be subject to cross-examination at the conclusion of their testimony.

Any customer comments regarding the Utility's service or the proposed rate increase should be addressed to the Office of Commission Clerk, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850. Such comments should identify Docket No. 060368-WS assigned to this proceeding.

Any person requiring some accommodation at this hearing because of a physical impairment should call the Commission's Division of Regulatory Compliance and Consumer Assistance at 800.342.3552 at least 48 hours prior to the hearing. Any person who is hearing or speech impaired, please contact the Florida Public Service Commission using the Florida Relay Service, which can be reached at 800.955.8771 (TDD).

**FLORIDA PUBLIC SERVICE COMMISSION
DOCKET**

NO. 060368-WS Exhibit No. 1
Company/ Aqua Utilities Florida, Inc.
Witness: Notice of Comm. Customer Meeting
Date: 05/10/07



NEWS-PRESS

Published every morning - Daily and Sunday

Fort Myers, Florida

Affidavit of Publication

STATE OF FLORIDA
COUNTY OF LEE

Before the undersigned authority, personally appeared

Elisha Wells

who on oath says that he/she is the

Legal Assistant

of the News-Press, a daily newspaper, published at Fort Myers, in Lee County, Florida; that the attached copy of advertisement, being a

Display

In the matter of

Notice of Commission Customer Service Hearings

In the court was published in said newspaper in the issues of

April 20, 2007

Affiant further says that the said News-Press is a paper of general circulation daily in Lee, Charlotte, Collier, Glades and Hendry Counties and published at Fort Myers, in said Lee County, Florida and that said newspaper has heretofore been continuously published in said Lee County; Florida, each day, and has been entered as a second class mail matter at the post office in Fort Myers in said Lee County, Florida, for a period of one year next preceding the first publication of the attached copy of the advertisement; and affiant further says that he/she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sworn to and subscribed before me this

20th day of April 2007 by

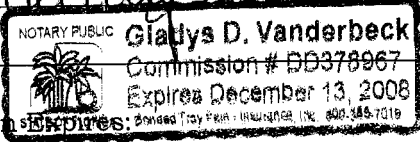
Elisha Wells

personally known to me or who has produced

as identification, and who did or did not take an oath.

Notary Public

Print Name



My commission expires

Legal Notice

Notice of Commission Customer Service Hearings

RE: Application by Aqua Utilities Florida, Inc. (Utility) for rate increase in Alachua, Brevard, Highlands, Lake, Lee, Marion, Orange, Palm Beach, Pasco, Polk, Putnam, Seminole, Sumter, Volusia and Washington counties, Florida. (Docket No. 060368-WS)

Date of Publication: April 20, 2007

Notice is hereby given that the Florida Public Service Commission will hold customer service hearings in the above-referenced docket to consider the Utility's application for an increase in water and wastewater rates in Alachua, Brevard, Highlands, Lake, Lee, Marion, Orange, Palm Beach, Pasco, Polk, Putnam, Seminole, Sumter, Volusia and Washington counties, Florida. The purpose of the customer service hearings is to allow customers the opportunity to comment on the Utility's proposed final rates or service. The nearest customer service hearing to you will be conducted at the following time and place:

Date and Time: May 10, 2007 at 10:00 a.m.
Place: South Seas Island Resort
5400 Plantation Road
Captive, FL 33924

At the hearing, customers will be given opportunity to present testimony and other evidence concerning the Utility's proposed rates or service. All witnesses shall be subject to cross-examination at the conclusion of their testimony.

Any customer comments regarding the Utility's service or the proposed rate increase should be addressed to the Office of Commission Clerk, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850. Such comments should identify Docket No. 060368-WS assigned to this proceeding.

Any person requiring some accommodation at this hearing because of a physical impairment should call the Commission's Division of Regulatory Compliance and Consumer Assistance at 800.342.3552 at least 48 hours prior to the hearing. Any person who is hearing or speech impaired, please contact the Florida Public Service Commission using the Florida Relay Service, which can be reached at 800.955.8771 (TDD).

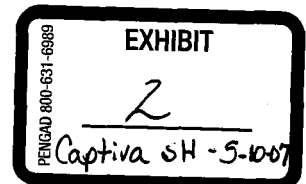
FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 060368-WS EXHIBIT 2

COMPANY Aqua Utilities Florida, Inc

WITNESS Affidavit of Publication / News-Press

DATE 05/10/07



AFFIDAVIT OF PUBLICATION

NEWS-PRESS

"Serving Southwest Florida Since 1884"

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