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DOCKET NO.: 060368-WS - 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.

WITNESS: Direct Testimony of Gary P. Miller  
Appearing on Behalf of the Staff of the Florida Public Service Commission.

DATE FILED: August 21, 2007

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DIRECT TESTIMONY OF GARY P. MILLER

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- Q. Please state your name and business address.
- A. Gary P. Miller, Florida Department of Environmental Protection, 3319 Maguire Blvd., Suite 232, Orlando, Florida 32803.
- Q. Please state a brief description of your educational background and experience.
- A. I have a B.S Degree in Biology. For about 5 years I worked at the Osceola County Health Department in the environmental health section and I have worked approximately 23 years at the FDEP in the wastewater and drinking water sections.
- Q. By whom are you presently employed?
- A. Florida Department of Environmental Protection (FDEP)
- Q. How long have you been employed with the FDEP and in what capacity?
- A. I have been employed by FDEP for 23 years and presently I am the Program Manager in the Wastewater Compliance/Enforcement Section. Also, I have worked in the Drinking Water Section as a supervisor.
- Q. What are your general responsibilities at the FDEP?
- A. I manage the Wastewater Compliance/Enforcement Section that includes reviewing all enforcement documents (warning letters, consent orders, notice of violations etc.), noncompliance letters of all Type I and II domestic wastewater facilities & conducting enforcement & compliance meetings.
- Q. Are you familiar with Aqua Utilities Florida, Inc. (utility) wastewater systems in Lake, Seminole and Volusia Counties, particularly the wastewater treatment systems in Lake County, including Holiday Haven, Kings Cove, Morningview, Summit Chase, Valencia Terrace, and Venetian Village, the wastewater treatment systems in Seminole County, including Chuluota, and Florida Commerce Park, and the Jungle Den wastewater treatment system in Volusia County?

- 1 A. Yes.
- 2 Q. Does the utility have appropriate current permits from the FDEP?
- 3 A. Yes.
- 4 Q. Do all the systems have a valid operating permit?
- 5 A. Yes.
- 6 Q. Please state the issuance date and the expiration date of any construction permits.
- 7 A. There are no construction permits.
- 8 Q. Is the utility in compliance with its permits?
- 9 A. Yes, the plants are in compliance with its permits.
- 10 Q. Are the wastewater collection, treatment and disposal facilities adequate to serve  
11 present customers based on permitted capacity?
- 12 A. Yes.
- 13 Q. Has FDEP required the utility to take any action so as to minimize possible adverse  
14 effects resulting from odors, noise, aerosol drift or lighting?
- 15 A. No.
- 16 Q. Do pump stations and lift stations meet FDEP requirements with respect to location,  
17 reliability and safety?
- 18 A. Yes.
- 19 Q. Does the utility have certified operators as required by Chapter 62-602, Florida  
20 Administrative Code?
- 21 A. Yes.
- 22 Q. Is the overall maintenance of the treatment, collection, and disposal facilities  
23 satisfactory?
- 24 A. Yes.
- 25 Q. Does the utility meet all applicable technology based effluent limitations (TBELS) and

1 water quality based effluent limitations (WQBELS)?  
2 A. The facilities do not discharge to surface waters; therefore, the TBELS and WQBELS  
3 do not apply.  
4 Q. Does the facilities meet the effluent disposal requirements of Sections 62-610 and 62-  
5 600.530, Florida Administrative Code?  
6 A. Yes.  
7 Q. Are the collection, treatment and disposal facilities in compliance with all other  
8 provisions of Title 62, Florida Administrative Code, not previously mentioned?  
9 A. Yes.  
10 Q. Has the utility been the subject of any FDEP enforcement action within the past two  
11 years?  
12 A. No.  
13 Q. Do you have anything further to add?  
14 A. No, I do not.  
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BEFORE THE PUBLIC SERVICE COMMISSION

In re: 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.

DOCKET NO. 060368-WS

DATED: AUGUST 21, 2007

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the DIRECT TESTIMONY OF GARY P. MILLER has been served by U.S. Mail to Kenneth A. Hoffman and Marsha E. Rule, Esquires, Rutledge, Ecenia, Purnell & Hoffman, P. A., P.O. Box 551, Tallahassee, FL 32302-0551, on behalf of AQUA UTILITIES FLORIDA, INC., and that a true and correct copy thereof has been furnished to the following by U. S. Mail, this 21st day of August, 2007:

Stephen Burgess & Stephen Reilly, Esquires  
Office of Public Counsel  
c/o The Florida Legislature  
111 W. Madison Street, Room 812  
Tallahassee, FL 32399-1400

Cecilia Bradley, Esquire  
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