

State of Florida



Public Service Commission

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

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

DATE: February 7, 2008
TO: Ann Cole, Commission Clerk - PSC, Office of Commission Clerk
FROM: Richard P. Redemann, Professional Engineer III, Division of Economic Regulation
RE: Docket No. 080064-WU - Complaint against East Marion Sanitary Systems, Inc. by Mabelle Gregorio, Angela and Dennis Fountain and Terry Will.

Please add the attached correspondence to the above docket file. Thanks.

RPR:kb

RECEIVED--FPSC
08 FEB - 7 PM 2:42
COMMISSION
CLERK

DOCUMENT NUMBER-DATE

00966 FEB-7 8

FPSC-COMMISSION CLERK

Request No. 727135W

Name GREGORIO ,MABELLE

Business Name

Consumer Information

Name: MABELLE GREGORIO

Business Name:

Svc Address: 1220 NE 130TH TERRACE

County: Marion Phone: (352)-625-3096

City/Zip: Silver Springs / 34488-

Account Number: 101

Caller's Name: MABELLE GREGORIO

Mailing Address: 1220 NE 130TH TERRACE

City/Zip: SILVER SPRINGS ,FL 34488-

Can Be Reached:

E-Tracking Number:

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

Utility Information

Company Code: SU535

Company: EAST MARION SANITARY SYSTEMS,

Attn. Herbert Hein727135W

Response Needed From Company? Y

Date Due: 04/09/2007

Fax: 61,810-733-8048

R

Interim Report Received: / /

Reply Received: 04/11/2007

Reply Received Timely/Late:

Informal Conf.: N

PSC Information

Assigned To: ECR

Entered By: PW

Date: 02/14/2007

Time: 16:47

Via: PHONE

Prelim Type: QUALITY OF

PO:

Disputed Amt: 0.00

Supmntl Rpt Req'd: / /

Certified Letter Sent: / /

Certified Letter Rec'd: / /

Closed by:

Date: / /

Closeout Type:

Apparent Rule Violation: N

Preclose type - Quality of Service

Customer Comments:

Customer states that she paid East Marion Sanitation \$597.00 for a second meter. Customer states that she needs a second meter for irrigation. Customer states that she was told that the owner of the company is holding her check for an unknown reason. Customer states that she would like to know why the delay in connection and why the owner is holding her check. Customer requests that help of the PSC in this matter.

Per Consumer Complaint Rule 25-22.032, please use the following procedures when responding to PSC complaints.

1. Complaint resolution should be provided to the customer via direct contact with the customer, either verbally or in writing within 15 working days after the complaint has been sent to the company.

Request No. 727135W

Name GREGORIO ,MABELLE

Business Name

2. A response to the PSC is due by 5:00 p.m. Eastern time, of the 15th working days after the complaint has been sent to the company.
3. The response should include the following:
 - a) the cause of the problem
 - b) actions taken to resolve the customer's complaint
 - c) the company's proposed resolution to the complaint
 - d) answers to any questions raised by staff in the complaint
 - e) confirmation the company has made direct contact with the customer
4. Send your written response to the PSC, and copies of all correspondence with the customer to the following e-mail, fax, or physical addresses:
E-Mail - pscreply@psc.state.fl.us
Fax - 850-413-7168
Mail - 2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850

Case taken by P. Walker

03-19-07 Customer states that she has not heard from EMSS and that the due date has passed. PW

03/19/2007 It appears that the case was not sent to the company. Due date adjusted to 04-09-2007. Case will be mailed to the company. kmarshall

3/19/2007 Customer contacted and advised of the case status. kmarshall

4/09/2007 Case refaxed to the company for a response. kmarshall

4/11/2007 The customer was transferred to me by PWalker. The customer requested the status of the case. The customer states that she had a sprinkler system put in and will be billed for sewage on the irrigation system, thus creating a high bill. The customer was advised that the PSC is seeking a written response from the company. Customer was advised that the case will be updated and resent to the company. kmarshall

04/11/2007 Company response received via fax. /EEstelle

4/11/2007 Reviewed report. The company to provide follow-up. kmarshall

04/17/07: customer requested to speak with KMarshall, was transferred to voicemail. VFaria

Request No. 727135W Name GREGORIO ,MABELLE Business Name _____

4/17/2007 I attempted to reach Ms. Gregorio. I left a message advising the customer of the case status.
kmarshall

4/17/2007 The company reports the following:

- " East Marion Sanitary Systems has not received contact from Mrs. Gregorio to have a second meter installed.
- " EMSS was contacted by Mrs. Gregorio on April 3, 2007, at which time she advised EMSS that she had sent a check to Heritage Management.
- " Heritage Management did collect the utilities regular bill payments, but does not schedule or handle new meter installations.
- " EMSS will contact Heritage management to try and track down the status of Mrs. Gregorio's payment.
- " No payment of \$500 is reflected as being credited to Mrs. Gregorio's account.
- " The customer is aware that Heritage Management no longer handles bill payments at this time.
- " EMSS will contact Mrs. Gregorio once the status of the payment is determined. kmarshall

4/17/2007 The case was refaxed to EMSS at 810-733-8048. kmarshall

4/18/2007 The customer was transferred to me by DFlores. The customer was advised that the PSC is awaiting a follow-up response from EMSS. The customer states that she would like to know the time line for which EMSS is required to respond. She indicates that she is currently being double billed for water usage. While on hold, the customer ended the call. kmarshall

04/18/07: Ms. Gregorio called to discuss her case. I advised that I would review the case file and call her back tomorrow. RRoland

04/19/07: I called Ms. Gregoria, but reached her voice mail. I requested a return call. RRoland

04/19/07: I called East Marion and asked to speak with Mr. Hein, but he was not available. I left a message requesting a return call. RRoland

04/19/07 - Transferred customer to Mr. Roland upon request. NEwan.

04/19/07: I spoke with Ms. Gregorio. I advised that we will follow up with the company. She indicates that the \$597.00 checked was never cashed or deposited; it has not been applied to her bank account. She indicates that it was standard procedure to contact Hermitage Management with any service related problems or requests. A Hermitage Management representative had provided her with the cost for installing an irrigation (\$597.00). She submitted the check to Hermitage Management. She indicates that a Hermitage Management employee had later advised that Mr. Hein had instructed Hermitage Management not to deposit or cash the check. She still wants the irrigation meter installed. RRoland

Request No. 727135W

Name GREGORIO ,MABELLE

Business Name

04/20/07: Forwarding to R. Hicks for transfer to ECR. RRoland

4/26/07 - Case assigned to Richard Redemann.

5/1/07 - Mr. Hein states he did not receive a copy of complaint. The customer will be contacted and instructed to contact Mr. Hein directly at 810-733-6342 for an application for service, since he orders the meters, meter installations and receives the service availability charges. the billing company does not provide this service. Mr. Hein will provide an irrigation meter once a completed application has been received for irrigation service and he receives the service availability payment. He does not have record of the payments, but will accept a cancelled check. A call from Mr. Hein will be received when the customers have contacted him.

5/1/07 - Staff contacted Ms. Gregorio re need for meter installation application, she stopped payment on \$597 check.

5/3/07 - Call received from Mr. Hein stating Ms. Gregorio has been sent an application for service.

5/11/07 - Letter received from Ms. Gregorio with copy of application, \$497 paid to utility for meter installation.

7/2/07 - Letter from Ms. Gregorio stating utility requested an additional \$100 fee which was paid. Later a new application for meter installation with an additional \$597 fee was paid. Then \$497 check was returned to Ms. Gregorio. On June 15 utility requested \$197 from customer. The meter was installed on 6/19/07.

9/6/07 - Letter sent to Mr. Hein outling problem with handling of complaint. Reply to letter should be received by October 8, 2007.

9/6/07 - BCR received copy of letter sent to Herbert Hein. Letter attached to CATS form and filed.
rmchargue

10/17 - Certified letter sent to Mr. Hein regarding complaints, response due 10/30/07. Certified letter returned.

11/15/07 - Certified letter and fax to Mr. Hein requesting response by 11/30/07, certified letter returned.

11/30/07 - Response received from Mr. Hein.

12/17/07 - Staff letter to Mr. Hein requesting response by 12/21/07.

12/21/07 - Mr. Hein called staff re 12/17/07 staff letter.

Request No.	727135W	Name	GREGORIO ,MABELLE	Business Name	
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FAX TRANSMISSION

FROM: NAME: East Marion Sanitary Systems Inc.
NAME: Herbert Hein
PHONE: (810) 733-6342
FAX #: (810) 733-8048

TO: Florida Public Service Commission
NAME: K Marshall
FAX #: 850 413-7168

RE: Complaint # 727135W

We are transmitting 2 pages (including this cover page). If the transmission is not complete, please contact the sender at (810) 733-6342.

EAST MARION SANITARY SYSTEMS, INC.
G 4225 Miller Road #190
Flint, Michigan 48507

TO:

Florida P.S.C
2540 Shumard Oaks Blvd.
Tallahassee, FL 32399

April 9th, 2007.

RE: Request # 727135W

Customer: Mabelle Gregorio
1220 NE 130th Terrace
Silver Springs, FL 34488

To whom it may concern;

In response to the Gregorio's complaint:

Mrs. Gregorio has stated that she paid the amount of \$597.00 for a second meter and has not had second meter installed.

1. Mrs Gregorio has not contacted the company to have a second meter installed.
2. Mrs Gregorio did not contact the company until April 3, 2007, and during that conversation she stated that she sent a check to Heritage Management which did collect the utilities regular bill payments, but does not schedule or handle new meter installations.
3. The company will contact Heritage management to try & track down the status of her payment as no payment in that amount shows being credited to her account.
4. The customer is aware that Heritage management no longer handles bill payment at this time.
5. The company will contact Mrs Gregorio once the status of her payment is ascertained.

Sincerely,



Herbert Hein

CONNECTION/TRANSFER SHEET
EAST MARION SANITARY SYSTEM, INC.
G 4225 Miller Road Suite 190
Flint, Michigan 48507
Telephone Service: (810) 733-6342
Emergency Service: (352) 236-3614 or (352) 625-0661

PCO
case #
727135 W

Subdivision: LAKEVIEW WOODS Account Number: 101
Customer Name: Nabelle Gregorio *
Billing Address: 1220 NE 130th Terrace *
Silver Springs FL 34488 *
Social Security #'s: _____ *
Drivers License #'s: G626 547 48 869 0 *
Home Phone: 352 625 3096 * Work Phone (Emergency Only): _____ *
Cell Phone: 352-875-2783 * E-Mail or FAX: _____ *
Service Address: 1220 NE 130th Terrace *
Silver Springs, FL 34488

Block / Lot: 2-17 Type: Residential X
Date read _____ Meter read _____

Bills are mailed on the last day of each month and are due upon receipt.

Bills are considered late 10 days after the billing date and must be paid no later than the 20th of every month. Customers are notified 5 days before disconnection on delinquent accounts, and 48 hours before disconnection on returned checks. There is a \$35.00 charge for returned checks, (cash payment only on returned checks). After two returned checks, bills must be paid in cash or money order only. If water service is disconnected due to non-payment, there is a \$50.00 re-connection charge when performed during regular hours. After regular hours, the re-connection charge is \$80.00.

There shall be no liability of any kind against the company by reason of discontinuance of water service to the customer for failure of the customer to pay the bills on time.

Monthly Rate:

Water: Base Charge \$ 9.40	\$1.92 per 1,000 gallons
Above 10,000 gallons	\$2.89 per 1,000 gallons
Sewer: Base Charge \$14.55	\$4.38 per 1,000 gallons (Max. 10,000 gal.)

Initial Connection Fee: 437 \$437.00 Water; \$875.00 Sewage (\$1312.00)
Deposit: 60 \$ 60.00 Water & \$81.00 Sewage
Conn./Transfer Fee: \$ -30.00
Late Fee: \$ 5.00 per late payment

TOTAL: 497.00 Paid by Cash or Check # 301

Please mail form along with payment to the above address to effect water transfer. Thank-you
The undersigned does hereby agree to abide by the Rules and Regulation of this Utility, and regulations & charges as approved by the Florida Public Service Commission, and does guarantee payment of any and all indebtedness incurred.

PLEASE FILL IN STARRED (*) AREAS, SIGN AND RETURN WITH PAYMENT, THANK YOU.

Signature Nabelle Gregorio
Date May 9 2007
MY DOCUMENTS \ LV \ EAST MARION \ WATER APPLICATION

FLORIDA PUBLIC SERVICE COMMISSION

07 JUL -2 AM 10:09

DEPARTMENT OF ECONOMIC REGULATION

June 22, 2007

Mr. Richard Redemann
Public Service Commission
Capital Circle Office
2540 Shumard Oak Blvd.
Tallahassee, Fl. 32399-0850

Dear Mr. Redemann,

I am requesting the reimbursement of all additional monies collected by Mr. Hein, in excess of amount approved by the Fl. Public Service Commission to install an irrigation meter.

On Feb. 8, 2007, I gave to Heritage Management an initial check, #804 in the amount of \$597.00, of which I have my written receipt. I along with the check submitted an application for an irrigation meter. My understanding was that somehow this check was misplaced by East Marion Sanitary System. After talking with Donna Congdon I stopped payment and issued a second check in the amount of \$475.00, as the second application sent to me from Ms. Congdon indicated this amount. I was unable to contact anyone at EMSS about the difference in amounts. Shortly thereafter, Herbert Hein called me, I was asked to send an additional check in the amount of \$100.00 to begin installation of the meter. Since that time I was asked by Mr. Hein to fill out a third application, filling in my social security number, also I was given an option to write a fourth check in the amount of \$597.00 to speed up the installation as my \$100.00 check had not arrived in Flint Michigan. I wrote EMSS the 4th check for \$597.00. Mr. Hein did return to me the \$497.00 check, leaving the \$100.00 check to be returned by mail, in the self addressed stamped envelope I provided Ms. Beata Jordan. That was the week of May 20. On June 15 Mr. Hein came to our home and explained that an additional \$197.00 was needed to begin installation of our meter. I wrote a check for that amount at that time. Our meter was installed on June 18 and 19. Since our last conversation the total amount cashed by East Marion Sanitary System is \$894.00, which includes the \$100.00 check, \$597.00 check and \$197.00 check.

I still have not received any itemized statement as the \$894.00 cost of the meter. Thank you for your help.

Mabelle Glass Gregorio
1220 NE 130th Terrace
Silver Springs, Fl. 34488
Ph 352-625-3096



COMMISSIONERS:
LISA POLAK EDGAR, CHAIRMAN
MATTHEW M. CARTER II
KATRINA J. MCMURRIAN
NANCY ARGENZIANO
NATHAN A. SKOP

STATE OF FLORIDA



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

Public Service Commission

September 6, 2007

Mr. Herbert Hein, President
East Marion Sanitary Sewer System
G-4225 Miller Road, #190
Flint, MI 48507-1227

Re: Complaint No. 727135W Mabel Gregorio
Complaint No. 727133W Loura Kovacevich

Dear Mr. Hein:

In reference to Ms. Mabel Gregorio's complaint, I have reviewed the utility's Water Tariff First Revised Sheet No. 17.0 (Attachment A). Since Ms. Gregorio is an existing water customer, the only charge for an irrigation meter should have been \$70 and no other fees should have applied. According to Ms. Gregorio, she paid a total of \$894.00 for the irrigation meter (Attachment B). Therefore, it appears the utility owes Mrs. Gregorio a refund check in the amount of \$824.00. Please provide an explanation as to why Ms. Gregorio was charged more than \$70 for the irrigation meter by October 8, 2007.

Ms. Loura Kovacevich's complaint is that she does not want to provide her social security or driver's license number in her application for an irrigation meter. This information is not required pursuant to the utility's Water Tariff Original Sheet No. 19.0 and 20.0 (Attachment C). We advised Ms. Kovacevich to submit the application to your attention and include \$70 for the irrigation meter.

Please provide your response by October 8, 2007. If you have any questions, please call me at (850) 413-6999.

Sincerely,

A handwritten signature in cursive script that reads "Richard Redemann".

Richard Redemann, PE
Bureau of Certification, Economics & Tariffs

RR:kb

cc: Ms. Katherine Fleming
Ms. Mabelle Glass Gregorio
Ms. Loura Kovacevich
Regulatory Compliance and Consumer Assistance (Hoppe, Hicks)

Mr. Herbert Hein, President
Page 2
September 6, 2007

Attachment A
Page 1 of 1

FLORIDA PUBLIC SERVICE
COMMISSION
07 JUL -2 AM 10: 09
DIVISION OF
ECONOMIC REGULATION

June 22, 2007

Mr. Richard Redemann
Public Service Commission
Capital Circle Office
2540 Shumard Oak Blvd.
Tallahassee, Fl. 32399-0850

Dear Mr. Redemann,

I am requesting the reimbursement of all additional monies collected by Mr. Hein, in excess of amount approved by the Fl. Public Service Commission to install an irrigation meter.

On Feb. 8, 2007, I gave to Heritage Management an initial check, #804 in the amount of \$597.00, of which I have my written receipt. I along with the check submitted an application for an irrigation meter. My understanding was that somehow this check was misplaced by East Marion Sanitary System. After talking with Donna Congdon I stopped payment and issued a second check in the amount of \$475.00, as the second application sent to me from Ms. Congdon indicated this amount. I was unable to contact anyone at EMSS about the difference in amounts. Shortly there after, Herbert Hein called me, I was asked to send an additional check in the amount of \$100.00 to begin installation of the meter. Since that time I was asked by Mr. Hein to fill out a third application, filling in my social security number, also I was given an option to write a fourth check in the amount of \$597.00 to speed up the installation as my \$100.00 check had not arrived in Flint Michigan. I wrote EMSS the 4th check for \$597.00. Mr. Hein did return to me the \$497.00 check, leaving the \$100.00 check to be returned by mail, in the self addressed stamped envelope I provided Ms. Beata Jorden. That was the week of May 20. On June 15 Mr. Hein came to our home and explained that an additional \$197.00 was needed to begin installation of our meter. I wrote a check for that amount at that time. Our meter was installed on June 18 and 19. Since our last conversation the total amount cashed by East Marion Sanitary System is \$894.00, which includes the \$100.00 check, \$597.00 check and \$197.00 check.

I still have not received any itemized statement as the \$894.00 cost of the meter. Thank you for your help.

Mabelle Glass Gregorio
1220 NE 130th Terrace
Silver Springs, Fl. 34488
Ph 352-625-3096



FIRST REVISED SHEET NO. 17.0
 CANCELS ORIGINAL SHEET NO. 17.0

NAME OF COMPANY EAST MARION SANITARY SYSTEMS, INC.
 WATER TARIFF

SERVICE AVAILABILITY FEES AND CHARGES

<u>Description</u>	<u>Amount</u>	<u>Refer to Service Availability Policy Sheet No./Rule No.</u>
<u>Back-Flow Preventor Installation Fee</u>		
5/8" x 3/4"	\$	
1"	\$	
1 1/2"	\$	
2"	\$	
Over 2"	\$ ¹	
<u>Customer Connection (Tap-in) Charge</u>		
5/8" x 3/4" metered service	\$	
1" metered service	\$	
1 1/2" metered service	\$	
2" metered service	\$	
Over 2" metered service	\$ ¹	
<u>Guaranteed Revenue Charge</u>		
<u>With Prepayment of Service Availability Charges:</u>		
Residential-per ERC/month (__ GPD)	\$	
All others-per gallon/month	\$	
<u>Without Prepayment of Service Availability Charges:</u>		
Residential-per ERC/month (__ GPD)	\$	
All others-per gallon/month	\$	
<u>Inspection Fee</u>	\$ ¹	
<u>Main Extension Charge</u>		
Residential-per ERC (349 GPD)	\$255.00	
All others-per gallon	\$ 0.73	
or		
Residential-per lot (__ foot frontage)	\$	
All others-per front foot	\$	
<u>Meter Installation Fee</u>		
5/8" x 3/4"	\$ 70.00	
1"	\$	
1 1/2"	\$	
2"	\$	
Over 2"	\$ ¹	
<u>Plan Review Charge</u>	\$ ¹	
<u>Plant Capacity Charge</u>		
Residential-per ERC (349 GPD)	\$112.00	
All others-per gallon	\$ 0.32	
<u>System Capacity Charge</u>		
Residential-per ERC (__ GPD)	\$	
All others-per gallon	\$	

¹Actual Cost is equal to the total cost incurred for services rendered.

EFFECTIVE DATE - September 4, 2002
TYPE OF FILING - 2002 SARC

HERBERT HEIN
 ISSUING OFFICER

PRESIDENT
 TITLE

ORIGINAL SHEET NO. 19.0

NAME OF COMPANY East Marion Sanitary Systems, Inc.

WATER TARIFF

CONNECTION/TRANSFER SHEET

EAST MARION SANITARY SYSTEMS, INC.
P.O. BOX 245
SILVER SPRINGS, FL 34489-0245

Effective Date _____

Meter # _____

Meter Reading _____

Billing and Management by: Enviro-Masters Water & Wastewater Services, Inc.
2320 N.E. 2nd Street, Suite 3B, Ocala, FL 34470
24-Hour Telephone Service: 352/351-1338

Subdivision: LAKEVIEW WOODS Account Number: _____

Customer Name: _____

Billing Address: _____

Home Phone: _____ Work Phone (Emergency Only): _____

Service Address: _____

Block/Lot: _____ Type: Residential/Commercial

Bills are mailed on the last day of each month and are due upon receipt.

Bills are considered late 20 days after the billing date and must be paid no later than the 20th of every month. Customers are notified 5 days before disconnection on delinquent accounts, and 48 hours before disconnection on returned checks. There is a \$20.00 charge for returned checks, plus any additional charges assessed to us by the bank (cash payment only on returned checks). If water service is disconnected due to non-payment, there is a \$15.00 reconnection charge when performed during regular hours. After regular hours, the reconnection charge is \$30.00.

There shall be no liability of any kind against the company by reason of discontinuance of water service to the customer for failure of the customer to pay the bills on time.

Monthly Rate:

Water: Base Charge: \$8.70 \$1.27 per 1,000 gallons
Sewer: Base Charge: \$9.61 \$1.83 per 1,000 gallons (Max. 10,000 gal.)

Initial Connection Fee: \$ _____
Deposit: \$ None
Conn / Transfer Fee: \$ _____
Other Charges: \$ _____
TOTAL: \$ _____ Paid by Cash or Check # _____

The undersigned does hereby agree to abide by the Rules and Regulation of this Utility, as approved by the Florida Public Service Commission, and does guarantee payment of any and all indebtedness incurred

PLEASE FILL IN HIGHLIGHTED
AREAS, SIGN AND RETURN
WITH PAYMENT. THANK YOU.

Signature _____

Herbert Hein
ISSUING OFFICER

President
TITLE

ORIGINAL SHEET NO. 20.0

Sample Application Form

Name _____ Telephone Number _____
Billing Address _____
City _____ State/Zip _____
Service Address _____
City _____ State/Zip _____
Date service should begin _____
Service requested: Water ___ Wastewater ___ Both ___

By signing this agreement, the customer agrees to the following:

1. The Company shall not be responsible for the maintenance and operation of the customer's pipes and facilities. The customer agrees not to utilize any appliance or device which is not properly constructed, controlled and protected or which may adversely affect the water service; the Company reserves the right to discontinue or withhold water service to such apparatus or device.
2. The Company may refuse or discontinue water service rendered under application made by any member or agent of a household, organization, or business for any of the reasons contained in Rule 25-30.320, Florida Administrative Code. Any unauthorized connections to the customer's water service shall be subject to immediate discontinuance without notice, in accordance with Rule 25-30.320, Florida Administrative Code.
3. The customer agrees to abide by all existing Company rules and regulations as contained in the tariff.
4. Bills for water service will be rendered - Monthly, Bimonthly, or Quarterly - as stated in the rate schedule. Bills must be paid within 20 days of mailing bills. If payment is not made after five working days written notice, service may be discontinued.
5. When a customer wishes to terminate service on any premises where water and/or wastewater service is supplied by the Company, the Company may require (oral, written) notice within ___ days prior to the date the customer desires to terminate service.

Signature

Date

Herbert Hein
ISSUING OFFICER
President
TITLE

Request No. 753207W

Name FOUNTAIN ,ANGELA & DENNIS MRS Business Name

<p align="center">Consumer Information</p> <p>Name: ANGELA & DENNIS FOUNTAIN</p> <p>Business Name:</p> <p>Svc Address: 690 NE 130TH CT.</p> <p>County: Marion Phone: (352)-861-9190</p> <p>City/Zip: Silver Springs / 34488-</p> <p>Account Number:</p> <p>Caller's Name: ANGELA & DENNIS FOUNTAIN</p> <p>Mailing Address: 690 NE 130TH CT.</p> <p>City/Zip: SILVER SPRINGS ,FL 34488-</p> <p>Can Be Reached: ()- -</p> <p>E-Tracking Number:</p>	<p align="center">Florida Public Service Commission - Consumer Request 2540 Shumard Oak Boulevard Tallahassee, Florida 32399 850-413-6100</p>	<p align="center">PSC Information</p> <p>Assigned To: CONNIE KUMMER</p> <p>Entered By: KSB</p> <p>Date: 10/02/2007</p> <p>Time: 15:10</p> <p>Via: MAIL</p> <p>Prelim Type: IMPROPER BILLS</p> <p>PO:</p> <p>Disputed Amt: 0.00</p> <p>Supmntl Rpt Req'd: / /</p> <p>Certified Letter Sent: / /</p> <p>Certified Letter Rec'd: / /</p> <p>Closed by:</p> <p>Date: / /</p> <p>Closeout Type:</p> <p>Apparent Rule Violation:</p>
<p align="center">Utility Information</p> <p>Company Code: WU536</p> <p>Company: EAST MARION SANITARY SYSTEMS,</p> <p>Attn. Herbert Hein753207W</p> <p>Response Needed From Company? Y</p> <p>Date Due: 10/23/2007</p> <p>Fax: 61,810-733-8048 N</p>	<p>Interim Report Received: / /</p> <p>Reply Received: / /</p> <p>Reply Received Timely/Late:</p> <p>Informal Conf.: N</p>	

10/02/07 - Attached is a complaint regarding an over charge for a irrigation water meter from Angela and Dennis Fountain. The total cost charged for the irrigation meter based on East Marion Sanitary Sewer Systems invoice was \$597.00. The only charge for an irrigation meter should have been \$70 and no other fees should have applied. Please provide a detailed cost break down on the \$597 invoice billed to Mr. & Mrs. Fountain. rredemann

10/5/07 - Faxed to utility for response.

11/15/07 - Certified letter and fax to Mr. Hein requesting response by 11/30/07, certified letter returned.

11/30/07 - Response received from Mr. Hein.

12/17/07 - Staff letter to Mr. Hein requesting response by 12/21/07.

Request No. 753207W

Name FOUNTAIN ,ANGELA & DENNIS MRS Business Name

12/21/07 - Mr. Hein called staff regarding 12/17/07 staff letter.

Request No. 753207W Name FOUNTAIN ,ANGELA & DENNIS MRS Business Name

Ms Angela Fountain

9/7/07

Mr. Redemann,

Enclosed are my
copies of charges and payment
to East Marion Sanitary
for our second (irrigation)
meter.

As indicated Bea
re-billed for a higher
amount than originally
charge. I also overpaid
the Contractor markup
(CMU)

Thank you for your help
(352) 625-7935 Angela Fountain



Angela + Dennis Fountain 352 6257935

0-2006 07:52

PAGE: 1

NEW WATER CONNECTION SHEET

EAST MARION SANITARY SYSTEM, INC.
C/O HERITAGE MANAGEMENT
P O BOX 2676
OCALA, FL 34478

Telephone Service: (352) 369-9881 (Billing)
Emergency Service: (352) 236-3614 (Pro-Tech)

(no longer our managing company) Beu Jordan Handle this.

Subdivision: LAKEVIEW WOODS Account Number: _____
 Customer Name: Fountain, Dennis Dave Enterprises
 Billing Address: _____
 Social Security #'s _____ / _____
 Drivers License #'s _____ / _____
 Home Phone: _____ * Work Phone (Emergency Only): _____
 Cell Phone: _____ * E-Mail or Fax: _____
 Service Address: _____
 Block/Lot: C-20 Type: Residential

DISCONNECTION NOTICE
07 SEP 12 PM 9:47

Bills are mailed on the last day of each month and are due upon receipt.

Bills are considered late 20 days after the billing date and must be paid no later than the 20th of every month. Customers are notified 5 days before disconnection on delinquent accounts, and 48 hours before disconnection on returned checks. There is a \$25.00 charge for returned checks plus any additional charges assessed to us by the bank (cash payment only on returned checks). After two returned checks, bills must be paid in cash or money order only. If water service is disconnected due to non-payment, there is a \$50.00 re-connection charge when performed during regular hours. After regular hours, the re-connection charge is \$80.00.

There shall be no liability of any kind against the company by reason of discontinuance of water service to the customer for failure of the customer to pay the bills on time.

Monthly Rate:

Water: Base Charge \$ 9.40	\$1.96 per 1,000 gallons
Above 10,000 gallons	\$2.94 per 1,000 gallons
Sewer: Base Charge \$14.55	\$4.44 per 1,000 gallons (Max. 10,000 gal)

Initial Tap in Fee:	\$ 1312.00 437.00	\$437.00 Water; \$875.00 Sewer (2x131.00)
Initial Connection Fee	\$ 30.00	
Total	\$ 1342.00 437.00	Paid by Cash or Check # _____

Please mail form along with payment to the above address to effect water transfer. Thank you.
The undersigned does hereby agree to abide by the rules and regulations of this utility, as approved by the Florida Public Service Commission, and does guarantee payment of any amount indebtedness incurred.

Dove Enterprises
Contracting & Design Inc.

PO Box 217
Ocala, FL 34478
(352) 861-9190 Phone (352) 861-9193 Fax

Change Order# 1

Date: June 21, 2006

Homeowner: Angela and Dennis Fountain

Address: 13052 NE 7th Loop

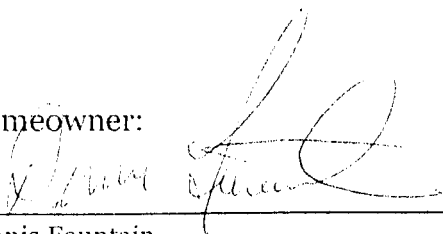
We hereby propose to furnish labor and materials to make a change to the existing construction contract which shall include contractor's mark-up.

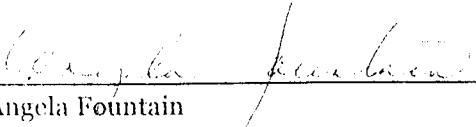
CHANGE TO CONSIST OF:

1.) Add water meter for irrigation

	\$	437.00
CMU	\$	43.70
	\$	<u>480.70</u>

Homeowner:


Dennis Fountain


Angela Fountain

Contractor:

Steve F. Slocumb

REDACTED

ANGELA B FOUNTAIN
690 NE 130TH CT
SILVER SPRINGS, FL 34488

106

Date 4/23/06

63-9138/2631
10869

Pay to the
order of

Don Enterprises \$ *7500.00*
Seven thousand five hundred Dollars

BB&T

BRANCH BANKING AND TRUST COMPANY
1-800-BANK BBT BBandT.com

Investor's
Deposit
Account

For

Angela B. Fountain

DOCUMENT NUMBER - DATE

00966 FEB-7 06

FPSC-COMMISSION CLERK

Dove Enterprises Contracting & Design Inc.

PO Box 217
Ocala, FL 34478
(352) 861-9190 Phone (352) 861-9193 Fax

January 3, 2007

Dennis & Angela Fountain
690 NE 130th Ct
Silver Springs, FL 34488

Contract Date: April 5, 2006
Parcel ID# 31982-003-20/13052 NE 7th Loop

Re: Summary of Account

CO#1A	\$ 480.70	Irrigation water meter
CO#1B	\$ 176.00	Additional charge for irrigation water meter
CO#2	\$ 3,374.80	Land clearing/fill/grading as of 5/19/06
CO#3	\$ 350.00	Fan/light combo dining & rear lanai
CO#4	CANCEL	Glass insert @ front door (did not want)
CO#5	\$ 2,751.38	Driveway & walks
CO#6	\$ 667.50	HVAC Upgrade
CO#7	\$ 407.00	Land clearing/fill/grading
CO#8	CANCEL	Additional sod (did not want)
CO#9	\$ 132.00	Upgrade Vinyl
CO#10	\$ 1,038.05	Tile Upgrades/Changes
CO#11	\$ 491.67	Additional Irrigation Zone
CO#12	\$ 158.64	Impact Fees
CO#13	\$ 272.25	Final Grade
CO#14	\$ 17.10	Irrigation water usage
Total Change Orders	<u>\$ 10,317.09</u>	
Total Contract Amount	\$ 132,947.00	
Total Change Orders	<u>\$ 10,317.09</u>	
	\$ 143,264.09	
Less draws received	<u>\$ 129,986.38</u>	
Total due contractor	<u>\$ 13,277.71</u>	

*1/12/07 negotiated total price cleared
pa 12,250.71
1027 diff
stone cost
142,237.09*

If you have any questions or concerns, please feel free to give Steve or myself a call. I can be reached on my cell @ 427-3777.

Thanks.

us how to finish up the painting with the horizon line and the grass. During the demo, she shared with us how she got into painting and why she teaches free classes. Growing up she always wanted to paint, but she attended small Catholic schools where art wasn't in the curriculum. She became a wife and mother, but still yearned to be an artist. She spent a year saving money to pay for an art class being offered at an adult education center.

On the first day, the instructor had a still life set up and told the class, "Draw this."

"I didn't have a clue what to do so I just sat there," she told us as she painted. "Then she came back and said, 'Mix your paint.' I didn't know what to do. Then she came back and said, 'Start painting,' and, in tears, I got up and I left.


"I said if I ever had an opportunity to teach people how to paint, I would teach the way I would have liked to have been taught. So that's why I do this. This is my mission."

We returned to our stations to create the subtle horizon line and the grass in the corner of the painting. Again I was heavy-handed with the blue paint. Then when it was time to dab in the colors for the grass, I didn't use enough paint. So instead of green grass blowing in the wind, my blades of grass are the same color of the water - electric blue!

At the end of the class, all the students showed off their painting. For first-timers, I think everyone did a pretty decent job. Overall, I wasn't too disappointed with my piece, which I named "First Day at the Beach." Learning to paint was fun, but I know I could have done better. I really think my nerves got the best of me. One of my favorite parts of the class was going next door to Cindy Durlow Frames, which provides the matting for everyone's painting free of charge. It was sort of like choosing which shoes to go with an outfit.

I chose purple. I thought it brought out the mountain, which was the only part of the painting that wasn't smeared or runny. I have always thought of myself as a creative person. I love fashion. I enjoy decorating. And although Ernie thinks there's an artist inside all of us, I think I'm going to have to dig really deep to find my inner Rembrandt. In the meantime, this writer will just keep her day job.

*Lashonda Stinson can be reached at
lashonda.stinson@starbanner.com or 867-4129.*

 **DISCUSS THIS ARTICLE**
Start or join a forum on this topic.

Dove Enterprises
Contracting & Design Inc.

PO Box 217
Ocala, FL 34478
(352) 861-9190 Phone (352) 861-9193 Fax

July 13, 2006

Dennis & Angela Fountain
690 NE 130th Ct
Silver Springs, FL 34488

Contract Date: April 5, 2006
Parcel ID# 31982-003-20/13052 NE 7th Loop

Re: Payment of Change Order #1B and #2

Attached you will find Change Order #2 showing the land clearing/fill/grading as of 05/19/06. You have a \$2500.00 allowance for these items. You will also find Change Order #1B for your irrigation meter, along with copies of invoices from East Marion Sanitary Systems. I apologize for the revised change order, however as you can see from the attached invoices, I generated the change order on the invoice faxed to us by East Marion Sanitary Systems. Unfortunately the invoice they mailed was for a higher amount. We did contact them by phone to verify.

I am forwarding this on to you in an effort to keep you up to date on all overages/changes to your contract. Please sign the attached change orders, issue a check in the amount of \$3550.80 to Dove Enterprises Contracting & Design, Inc. and remit to the above address upon receipt.

If you have any questions or concerns, please feel free to give Steve or myself a call. I can be reached on my cell at (352) 427-3777 or at the office at (352) 861-9192.

Thank you,



Vicki Slocumb

Dove Enterprises
Contracting & Design Inc.

P.O. Box 217
Ocala, FL 34478-0217
Office (352) 861-9190 Fax (352) 861-9193

CHANGE ORDER #1B

Date : July 13, 2006
Homeowner : Dennis & Angela Fountain
Address : 690 NE 130th Ct
Silver Springs, FL 34488

Contract Date: 04/05/06
Parcel ID # 31982-003-20/13052 NE 7th Loop

We hereby propose to furnish labor and materials to make a change to the existing construction contract which shall include contractor's mark-up.

CHANGE TO CONSIST OF :

1.) Additional water meter, for irrigation (actual invoice received from East Marion Sanitary System (see attached invoices))	\$ 597.00
plus contractor mark-up	\$ 59.70
	<u>\$ 656.70</u>
less check received 6/27/06	\$ (480.70)
Total Due Contractor	<u><u>\$ 176.00</u></u>

**An additional fee may apply, upon connection.

Homeowner :

Dennis Fountain

Angela Fountain

Contractor :

Steve F. Slocumb

EAST MARION SANITARY SYS
P O BOX 2076
OCAIA, FL 34478
? Call 369-9881

05 JUL 2006

FL 3205 347

U.S. POSTAGE

1152

6810

597.00

1 170

06-30-06
1-30-06

MAIL THIS STUB WITH YOUR PAYMENT

Adjustment/Other

Incurred
July 2006
Milton

P.O. Box 217

ACCOUNT # 170

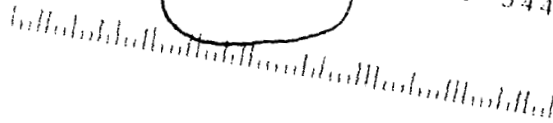
1 597.00

06-30-06

597.00

Dove Enterprises Irr
P.O. Box 217
Ocala F 34478

34478-0217



COMMISSIONERS:
LISA POLAK EDGAR, CHAIRMAN
MATTHEW M. CARTER II
KATRINA J. MCMURRIAN
NANCY ARGENZIANO
NATHAN A. SKOP

STATE OF FLORIDA



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

Public Service Commission

November 15, 2007

Mr. Herbert Hein, President
East Marion Sanitary Sewer System
G-4225 Miller Road, #190
Flint MI 48507-1227

Certified Mail No. 7006 2760 0003 8795 7517
Faxed to Number (810) 733-8048

Re: Complaint No. 727135W Mabel Gregorio
Complaint No. 727133W Loura Kovacevich
Complaint No. 753207W Angela & Dennis Fountain

Dear Mr. Hein:

We have not received a response to our September 6, 2007, letter requesting an explanation as to why Ms. Gregorio was charged more than \$70 for an irrigation meter. The letter also advised you that the social security and driver's license information requirement on the application form provided to Ms. Loura Kovacevich is not required pursuant to the utility's Water Tariff on file with the Commission.

On October 1, 2007, Mr. Troy Rendell sent you a letter about your notice to customers concerning maintenance of water meters. You were asked to provide a revised notice and the date the revised notice was sent to your customers. To date, a response has not been received.

On October 2, 2007, you were faxed a copy of Complaint No. 753207W from Angela and Dennis Fountain (copy enclosed). You were asked to provide an explanation of the \$597 billed them for an irrigation meter. To date, a response has not been received.

On October 17, 2007, you were sent a certified letter requesting responses to the above complaints; however, the certified letter was returned because it was unclaimed. The letter was addressed to the Flint, Michigan address shown above based on the Commission's official directory of utility addresses.

Also on October 17, 2007, Ms. Denise Vandiver sent you a letter notifying you that the Commission was initiating an audit of your collections for service availability and other fees. On October 23, 2007, the staff auditor, Ms. Intesar Terkawi, faxed 3 audit requests for information and followed up by mailing these through certified mail. The certified envelope was signed for at your Michigan office on October 26, 2007. Subsequently, the envelope was returned, unopened, marked "Return to Sender, Refused."

Mr. Herbert Hein
Page 2
November 15, 2007

On November 1, 2007, the audit supervisor, Ms. Lynn Deamer, sent a certified letter requesting a response to the audit requests and forwarding a copy of Commission Rule 25-30.145, Florida Administrative Code, Audit Access to Records.

I have enclosed a copy of each of these letters and the faxes referenced above. Pursuant to Rule 25-30.355, Florida Administrative Code, please provide a response, in writing, to each of these prior requests for information by November 30, 2007. In addition, please provide an explanation, by November 30, as to when and under what circumstances the utility began using the application form provided to Ms. Kovacevich. Further, if the above address is incorrect, please provide an address to which correspondence should be sent.

Section 367.091, Florida Statutes, provides that a utility may only impose and collect those rates and charges approved by the Commission. Pursuant to Rule 25-30.135, Florida Administrative Code, a utility may not modify or revise its rules or regulations, or its schedules of rates and charges until the utility files and receives approval from the Commission. Rule 25-30.225, Florida Administrative Code provides that each water utility shall operate and maintain in safe, efficient, and proper condition, all of its facilities and equipment used to distribute, regulate, measure or deliver service up to and including the point of delivery into the piping owned by the customer. If the utility fails to respond to the requested information by November 30, 2007, the Commission may initiate show cause proceedings for violation of Commission rules and statutes pursuant to Section 367.161, Florida Statutes. Violation of Commission rules or statutes may result in a penalty of up to \$5,000 for each offense.

If you have any questions, you may contact me at (850) 413-6808 or at pdaniel@psc.state.fl.us or you may contact our staff attorney, Katherine Fleming, at (850) 413-6218 or at keflemin@psc.state.fl.us.

Sincerely,



Patti Daniel
Public Utilities Supervisor
Bureau of Certification, Economics & Tariffs

PD:kb

Enclosure

cc: Ms. Mabelle Glass Gregorio (w/o attachments)
Ms. Laura Kovacevich (w/o attachments)
Ms. Angela & Dennis Fountain (w/o attachments)
Regulatory Compliance and Consumer Assistance (Hoppe, Hicks, Vandiver) (w/o attachments)
Ms. Katherine Fleming (w/o attachments)
Mr. Troy Rendell (w/o attachments)

COMMISSIONERS:
LISA POLAK EDGAR, CHAIRMAN
MATTHEW M. CARTER II
KATRINA J. MCMURRIAN
NANCY ARGENZIANO
NATHAN A. SKOP

STATE OF FLORIDA



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

Public Service Commission

September 6, 2007

Mr. Herbert Hein, President
East Marion Sanitary Sewer System
G-4225 Miller Road, #190
Flint, MI 48507-1227

Re: Complaint No. 727135W Mabel Gregorio
Complaint No. 727133W Laura Kovacevich

Dear Mr. Hein:

In reference to Ms. Mabel Gregorio's complaint, I have reviewed the utility's Water Tariff First Revised Sheet No. 17.0 (Attachment A). Since Ms. Gregorio is an existing water customer, the only charge for an irrigation meter should have been \$70 and no other fees should have applied. According to Ms. Gregorio, she paid a total of \$894.00 for the irrigation meter (Attachment B). Therefore, it appears the utility owes Mrs. Gregorio a refund check in the amount of \$824.00. Please provide an explanation as to why Ms. Gregorio was charged more than \$70 for the irrigation meter by October 8, 2007.

Ms. Laura Kovacevich's complaint is that she does not want to provide her social security or driver's license number in her application for an irrigation meter. This information is not required pursuant to the utility's Water Tariff Original Sheet No. 19.0 and 20.0 (Attachment C). We advised Ms. Kovacevich to submit the application to your attention and include \$70 for the irrigation meter.

Please provide your response by October 8, 2007. If you have any questions, please call me at (850) 413-6999.

Sincerely,

Handwritten signature of Richard Redemann in cursive.

Richard Redemann, PE
Bureau of Certification, Economics & Tariffs

RR:kb

cc: Ms. Katherine Fleming
Ms. Mabelle Glass Gregorio
Ms. Laura Kovacevich
Regulatory Compliance and Consumer Assistance (Hoppe, Hicks)

FLORIDA PUBLIC SERVICE
COMMISSION

07 JUL -2 AM 10: 09

DIVISION OF
ECONOMIC REGULATION

June 22, 2007

Mr. Richard Redemann
Public Service Commission
Capital Circle Office
2540 Shumard Oak Blvd.
Tallahassee, Fl. 32399-0850

Dear Mr. Redemann,

I am requesting the reimbursement of all additional monies collected by Mr. Hein, in excess of amount approved by the Fl. Public Sevice Commissin to install an irrigation meter.

On Feb. 8, 2007, I gave to Heritage Management an initial check, #804 in the amount of \$597.00, of which I have my written receipt. I along with the check submitted an application for an irrigation meter. My understanding was that somehow this check was misplaced by East Marion Sanitary System. After talking with Donna Congdon I stopped payment and issued a second check in the amount of \$475.00, as the second application sent to me from Ms. Congdon indicated this amount. I was unable to contact anyone at EMSS about the difference in amounts. Shortly there after, Herbert Hein called me, I was asked to send an additional check in the amount of \$100.00 to begin installation of the meter. Since that time I was asked by Mr. Hein to fill out a third application, filling in my social security number, also I was given an option to write a fourth check in the amount o \$597.00 to speed up the installation as my \$100.00 check had not arrived in Flint Michigan. I wrote EMSS the 4th check for \$597.00. Mr. Hein did return to me the \$497.00 check, leaving the \$100.00 check to be returned by mail, in the self addressed stamped envelope I provided Ms. Beata Jorden. That was the week of May 20. On June 15 Mr. Hein came to our home and explained that an additional \$197.00 was needed to begin installation of our meter. I wrote a check for that amount at that time. Our meter was installed on June 18 and 19. Since our last conversation the total amount cashed by East Marion Sanitary System is \$894.00, which includes the \$100. 00 check, \$597.00 check and \$197.00 check.

I still have not received any itemized statement as the \$894.00 cost of the meter. Thank you for your help.

Mabelle Glass Gregorio
1220 NE 130th Terrace
Silver Springs, Fl. 34488
Ph 352-625-3096



FIRST REVISED SHEET NO. 17.0
 CANCELS ORIGINAL SHEET NO. 17.0

NAME OF COMPANY EAST MARION SANITARY SYSTEMS, INC.
 WATER TARIFF

SERVICE AVAILABILITY FEES AND CHARGES

<u>Description</u>	<u>Amount</u>	<u>Refer to Service Availability Policy Sheet No./Rule No.</u>
<u>Back-Flow Preventor Installation Fee</u>		
5/8" x 3/4"	\$	
1"	\$	
1 1/2"	\$	
2"	\$	
Over 2"	\$ ¹	
<u>Customer Connection (Tap-in) Charge</u>		
5/8" x 3/4" metered service	\$	
1" metered service	\$	
1 1/2" metered service	\$	
2" metered service	\$	
Over 2" metered service	\$ ¹	
<u>Guaranteed Revenue Charge</u>		
With Prepayment of Service Availability Charges:		
Residential-per ERC/month (__ GPD)	\$	
All others-per gallon/month	\$	
Without Prepayment of Service Availability Charges:		
Residential-per ERC/month (__ GPD)	\$	
All others-per gallon/month	\$	
<u>Inspection Fee</u>	\$ ¹	
<u>Main Extension Charge</u>		
Residential-per ERC (349 GPD)	\$255.00	
All others-per gallon	\$ 0.73	
or		
Residential-per lot (__ foot frontage)	\$	
All others-per front foot	\$	
<u>Meter Installation Fee</u>		
5/8" x 3/4"	\$ 70.00	
1"	\$	
1 1/2"	\$	
2"	\$	
Over 2"	\$ ¹	
<u>Plan Review Charge</u>	\$ ¹	
<u>Plant Capacity Charge</u>		
Residential-per ERC (349 GPD)	\$112.00	
All others-per gallon	\$ 0.32	
<u>System Capacity Charge</u>		
Residential-per ERC (__ GPD)	\$	
All others-per gallon	\$	

¹Actual Cost is equal to the total cost incurred for services rendered.

EFFECTIVE DATE - September 4, 2002
TYPE OF FILING - 2002 SARC

HERBERT HEIN
 ISSUING OFFICER

PRESIDENT
 TITLE

ORIGINAL SHEET NO. 19.0

NAME OF COMPANY East Marion Sanitary Systems, Inc.

WATER TARIFF

CONNECTION/TRANSFER SHEET

EAST MARION SANITARY SYSTEMS, INC.
P.O. BOX 245
SILVER SPRINGS, FL 34489-0245

Effective Date _____

Meter # _____

Meter Reading _____

Billing and Management by: Enviro-Masters Water & Wastewater Services, Inc.
2320 N.E. 2nd Street, Suite JB, Ocala, FL 34470
24-Hour Telephone Service: 352/351-1338

Subdivision: LAKEVIEW WOODS Account Number: _____

Customer Name: _____

Billing Address: _____

Home Phone: _____ Work Phone (Emergency Only): _____

Service Address: _____

Block/Lot: _____ Type: Residential/Commercial

Bills are mailed on the last day of each month and are due upon receipt.

Bills are considered late 20 days after the billing date and must be paid no later than the 20th of every month. Customers are notified 5 days before disconnection on delinquent accounts, and 48 hours before disconnection on returned checks. There is a \$20.00 charge for returned checks, plus any additional charges assessed to us by the bank (cash payment only on returned checks). If water service is disconnected due to non-payment, there is a \$15.00 reconnection charge when performed during regular hours. After regular hours, the reconnection charge is \$30.00.

There shall be no liability of any kind against the company by reason of discontinuance of water service to the customer for failure of the customer to pay the bills on time.

Monthly Rate:

Water: Base Charge: \$8.70 \$1.27 per 1,000 gallons
Sewer: Base Charge: \$9.61 \$1.83 per 1,000 gallons (Max. 10,000 gal.)

Initial Connection Fee: \$ _____
Deposit \$ None
Conn / Transfer Fee \$ _____
Other Charges \$ _____
TOTAL \$ _____ Paid by Cash or Check # _____

The undersigned does hereby agree to abide by the Rules and Regulation of this Utility, as approved by the Florida Public Service Commission, and does guarantee payment of any and all indebtedness incurred

PLEASE FILL IN HIGHLIGHTED
AREAS, SIGN AND RETURN
WITH PAYMENT. THANK YOU.

Signature _____

Herbert Hein
ISSUING OFFICER
President
TITLE

ORIGINAL SHEET NO. 20.0

Sample Application Form

Name _____ Telephone Number _____
Billing Address _____
City _____ State/Zip _____
Service Address _____
City _____ State/Zip _____
Date service should begin _____
Service requested: Water _____ Wastewater _____ Both _____

By signing this agreement, the customer agrees to the following:

1. The Company shall not be responsible for the maintenance and operation of the customer's pipes and facilities. The customer agrees not to utilize any appliance or device which is not properly constructed, controlled and protected or which may adversely affect the water service; the Company reserves the right to discontinue or withhold water service to such apparatus or device.
2. The Company may refuse or discontinue water service rendered under application made by any member or agent of a household, organization, or business for any of the reasons contained in Rule 25-30.320, Florida Administrative Code. Any unauthorized connections to the customer's water service shall be subject to immediate discontinuance without notice, in accordance with Rule 25-30.320, Florida Administrative Code.
3. The customer agrees to abide by all existing Company rules and regulations as contained in the tariff.
4. Bills for water service will be rendered - Monthly, Bimonthly, or Quarterly - as stated in the rate schedule. Bills must be paid within 20 days of mailing bills. If payment is not made after five working days written notice, service may be discontinued.
5. When a customer wishes to terminate service on any premises where water and/or wastewater service is supplied by the Company, the Company may require (oral, written) notice within ___ days prior to the date the customer desires to terminate service.

Signature

Date

Herbert Hein
ISSUING OFFICER
President
TITLE

COMMISSIONERS:
LISA POLAK EDGAR, CHAIRMAN
MATTHEW M. CARTER II
KATRINA J. MCMURRIAN
NANCY ARGENZIANO
NATHAN A. SKOP

STATE OF FLORIDA



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

Public Service Commission

October 1, 2007

Herbert Hein
East Marion Sanitary Systems, Inc.
G-4225 Miller Road, #190
Flint, MI 48507-1227

Re: Notice to Customers Concerning Water Meters

Dear Mr. Hein:

I am in receipt of a copy of the notice that East Marion Sanitary Systems, Inc. (East Marion) issued to its customers concerning the water meters. The notice implies that the customers should clean out the meter boxes by September 22, 2007. The notice continues by indicating that failure to do so would result in higher water bills.

These water meters are the property of the utility. Pursuant to Rule 25-30.225(5), Florida Administrative Code (FAC), each water utility shall operate and maintain in safe, efficient, and proper condition, all of its facilities and equipment used to distribute, regulate, measure or deliver service up to and including the point of delivery into the piping owned by the customer. Further Rule 25-30.230(1), FAC, states, "Each water utility shall provide a service pipe of suitable capacity from its main up to and including the customer's service control valve and meter box for water service to the customer. Each water utility shall provide a service, control valve, and meter box. The utility may locate the service control valve and the meter box at or near the customer's curb or property line."

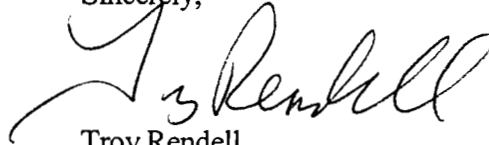
Finally, Rule 25-30.231, FAC, states, "Each utility, unless specifically relieved in any case by the Commission from such obligation, shall operate and maintain in safe, efficient and proper condition all of the facilities and equipment used in connection with the collection and regulation of flow of wastewater in sewer mains and the distribution, regulation, measurement and delivery of water service to the customer up to and including the point of delivery into the piping owned by the customer." Thus, the maintenance of the meters and meter boxes are the responsibility of the water utility, East Marion.

Further, pursuant to Section 367.091(4), Florida Statutes, a utility may only impose and collect those rates and charges approved by the Commission for the particular class of service involved. Therefore, any charges to the customers by East Marion must be approved by the Commission and contained in the utility's approved tariffs.

Herbert Hein
Page 2
October 1, 2007

I believe you should issue another customer notice retracting the first notice. Please provide a copy to me once it has been issued. If you have any further questions, please do not hesitate to contact me at (850) 413-6934.

Sincerely,

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

Troy Rendell
Public Utilities Supervisor

cc: Division of Economic Regulation (Bulecza-Banks, Willis, Daniel, Redemann)
Office of General Counsel (Jaeger)
Marty Deterding, Rose Sundstrom & Bentley

COMMISSIONERS:
LISA POLAK EDGAR, CHAIRMAN
MATTHEW M. CARTER II
KATRINA J. MCMURRIAN
NANCY ARGENZIANO
NATHAN A. SKOP

STATE OF FLORIDA



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

Public Service Commission

October 17, 2007

Mr. Herbert Hein, President
East Marion Sanitary Sewer System
G-4225 Miller Road, #190
Flint MI 48507-1227

Certified Mail 7005 1820 002 9487 3509

Re: Complaint No. 727135W Mabel Gregorio
Complaint No. 727133W Loura Kovacevich
Complaint No. 753207W Angela & Dennis Fountain

Dear Mr Hein:

We have not received a response to our September 6, 2007, letter requesting an explanation as to why Ms. Gregorio was charged more than \$70 for an irrigation meter. The letter also advised you that the social security and driver's license information requirement on the application form provided to Ms. Loura Kovacevich is not required pursuant to the utility's Water Tariff on file with the Commission.

On October 1, 2007, Mr. Troy Rendell sent you a letter about your notice to customers concerning water meters. You were asked to provide a revised notice and the date the revised notice was sent to your customers.

On October 2, 2007, you were faxed a copy of Complaint No. 753207W from Angela and Dennis Fountain (copy enclosed). You were asked to provide an explanation of the \$597 billed them for an irrigation meter.

I have enclosed a copy of each of the letters and the fax referenced above. Please provide a response to each of these prior requests for information by October 30, 2007. In addition, please provide an explanation, by October 30, as to when and under what circumstances the utility began using the application form provided to Ms. Kovacevich.

If the utility fails to response the requested information, the Commission may initiate show cause proceedings. If you have any questions, you may contact me at (850) 413-6999 or at rredeman@psc.state.fl.us or you may contact our staff attorney, Katherine Fleming, at (850) 413-6218 or at keflemin@psc.state.fl.us.

Sincerely,

Handwritten signature of Richard Redemann in black ink.

Richard Redemann, PE
Bureau of Certification, Economics & Tariffs

RR:kb
Enclosure

cc: Ms. Mabelle Glass Gregorio (w/o attachments)
Ms. Loura Kovacevich (w/o attachments)
Ms. Angela & Dennis Fountain (w/o attachments)
Regulatory Compliance and Consumer Assistance (Hoppe, Hicks, Vandiver) (w/o attachments)
Ms. Katherine Fleming (w/o attachments)
Mr. Troy Rendell (w/o attachments)
Mr. Marty Deterding, Esquire (Rose, Sundstrom & Bentley) (w attachments)

COMMISSIONERS:
LISA POLAK EDGAR, CHAIRMAN
MATTHEW M. CARTER II
KATRINA J. McMURRIAN
NANCY ARGENZIANO
NATHAN A. SKOP

STATE OF FLORIDA



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

Public Service Commission

October 17, 2007

Mr. Herbert Hein, President
East Marion Sanitary Systems, Inc.
G-4225 Miller Road, #190
Flint, MI 48507-1227

Re: Undocketed; Company Name: East Marion Sanitary Systems, Inc.;
Audit Control No: 07-290-1-1; Company Code: SU535 & WU536:

Dear Mr. Hein:

The Florida Public Service Commission will conduct an audit of collections for service availability and other fees, in accordance with Commission audit procedures. Access will be requested to documents and records of the utility and, if necessary, supporting records for affiliate company transactions that affect regulated operations. Staff auditors may also request to review the utility's external audit working papers for the most recent independent audit. Ms. Lynn Deamer, the Tallahassee district office supervisor, will coordinate this audit. Ms. Deamer can be reached at (850) 413-6416. Questions regarding the audit or audit staff should be directed to the district supervisor or myself. My phone number is (850) 413-6487.

The Audit Access to Records rule for each industry states:

In those instances where the utility disagrees with the auditor's assessment of a reasonable response time to the audit request, the utility shall first attempt to discuss the disagreement with the auditor and reach an acceptable revised date. If agreement cannot be reached, the utility shall discuss the issue with successive levels of supervisors at the Commission until an agreement is reached.

Mr. Herbert Hein, President
East Marion Sanitary Systems, Inc.
Page 2

A formal report is expected to be issued for internal Commission use on November 9, 2007. A copy of the final report will be mailed to the company liaison listed in the Commission Mailing Directory.

Sincerely,



Denise N. Vandiver, Chief
Bureau of Auditing

DNV/sbj

cc: Division of Regulatory Compliance & Consumer Assistance
(All District Offices, File Folder).
Division of the Commission Clerk
General Counsel
Office of the Public Counsel

STATE OF FLORIDA

COMMISSIONERS:
LISA POLAK EDGAR, CHAIRMAN
MATTHEW M. CARTER II
KATRINA J. MCMURRIAN
NANCY ARGENZIANO
NATHAN A. SKOP



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

Public Service Commission

November 1, 2007

Mr. Herbert Hein, President
East Marion Sanitary Sewer System
G-4225 Miller Road, #190
Flint, MI 48507

Certified Letter
7002 0860 0001 1757 5485

Re: Service Availability Fee Audit; Audit Control Number 07-290-1-1

Dear Mr. Hein:

On October 17, 2007, this Commission sent you a letter notifying you that we are auditing your collections for service availability and other fees. A copy of this letter is attached.

On October 23, 2007, the audit manager, Intesar Terkawi, attempted to reach you by phone. She spoke with someone named Debbie, who stated you were not in. Intesar told her that she needed to send some document requests to the company to obtain necessary documents for our audit and requested that you return her call.

On October 23, 2007, Ms. Terkawi faxed the document requests to your fax machine. She then called to determine if you received them and was told that you were not in and Debbie had no access to the fax machine.

On October 23, 2007, Ms. Terkawi sent the document requests by certified mail.

As of today, we have not been contacted by you or your representative with any attempt to coordinate details necessary to conduct this audit.

I have enclosed copies of the Document Requests that request information necessary for our audit. I have also enclosed a copy of Rule 25-30.145 Florida Administrative Code; Audit Access to Records.

It is imperative that you respond to me or Ms. Terkawi by November 15, 2007.

If the utility fails to respond to the requested information, the Commission may initiate show cause proceedings. If you have any questions, you may contact me at (850) 413-6416 or at LDEAMER@PSC.STATE.FL.US.

Sincerely,



Lynn M. Deamer
Regulatory Analyst Supervisor

Attachments

Cc: Ms. Intesar Terkawi, Audit Manager (w/o attachments)
Ms. Denise Vandiver, Chief, Bureau of Auditing (w/o attachments)

COMMISSIONERS:
LISA POLAK EDGAR, CHAIRMAN
MATTHEW M. CARTER II
KATRINA J. McMURRIAN
NANCY ARGENZIANO
NATHAN A. SKOP

STATE OF FLORIDA



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

Public Service Commission

October 17, 2007

Mr. Herbert Hein, President
East Marion Sanitary Systems, Inc.
G-4225 Miller Road, #190
Flint, MI 48507-1227

Re: Undocketed; Company Name: East Marion Sanitary Systems, Inc.;
Audit Control No: 07-290-1-1; Company Code: SU535 & WU536:

Dear Mr. Hein:

The Florida Public Service Commission will conduct an audit of collections for service availability and other fees, in accordance with Commission audit procedures. Access will be requested to documents and records of the utility and, if necessary, supporting records for affiliate company transactions that affect regulated operations. Staff auditors may also request to review the utility's external audit working papers for the most recent independent audit. Ms. Lynn Deamer, the Tallahassee district office supervisor, will coordinate this audit. Ms. Deamer can be reached at (850) 413-6416. Questions regarding the audit or audit staff should be directed to the district supervisor or myself. My phone number is (850) 413-6487.

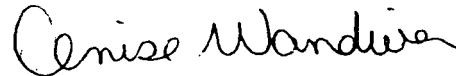
The Audit Access to Records rule for each industry states:

In those instances where the utility disagrees with the auditor's assessment of a reasonable response time to the audit request, the utility shall first attempt to discuss the disagreement with the auditor and reach an acceptable revised date. If agreement cannot be reached, the utility shall discuss the issue with successive levels of supervisors at the Commission until an agreement is reached.

Mr. Herbert Hein, President
East Marion Sanitary Systems, Inc.
Page 2

A formal report is expected to be issued for internal Commission use on November 9, 2007. A copy of the final report will be mailed to the company liaison listed in the Commission Mailing Directory.

Sincerely,



Denise N. Vandiver, Chief
Bureau of Auditing

DNV/sbj

cc: Division of Regulatory Compliance & Consumer Assistance
(All District Offices, File Folder).
Division of the Commission Clerk
General Counsel
Office of the Public Counsel

FLORIDA PUBLIC SERVICE COMMISSION
AUDIT DOCUMENT/RECORD REQUEST
NOTICE OF INTENT

TO: Herbert Hein

UTILITY: East Marion Sanitary
Systems, Inc.

AUDIT MANAGER: Intesar Terkawi

PREPARED BY: Intesar Terkawi, 407-327-9364,
679 Blenheim Loop
Winter Springs, FL 32708
iterkawi@psc.state.fl.us

REQUEST NUMBER: 1

DATE OF REQUEST: October 23, 2007

AUDIT PURPOSE: Service Availability Fees, Customer Deposits, Miscellaneous Service Charges

REQUEST THE FOLLOWING ITEM(S) BE PROVIDED BY: October 26, 2007

REFERENCE RULE 25-22.006, F.A.C., THIS REQUEST IS MADE: INCIDENT TO AN INQUIRY
 OUTSIDE OF AN INQUIRY

ITEM DESCRIPTION:

Please provide the general ledgers for the years 2005, 2006, and through October 15, 2007.

Thanks.

TO: AUDIT MANAGER

DATE _____

THE REQUESTED RECORD OR DOCUMENTATION:

- (1) HAS BEEN PROVIDED TODAY
- (2) CANNOT BE PROVIDED BY THE REQUESTED DATE BUT WILL BE MADE AVAILABLE BY: _____
- (3) AND IN MY OPINION, ITEM(S) _____ IS (ARE) PROPRIETARY AND CONFIDENTIAL BUSINESS INFORMATION AS DEFINED IN 364.183, 366.093, OR 367.156, F.S. TO MAINTAIN CONTINUED CONFIDENTIAL HANDLING OF THIS MATERIAL, THE UTILITY OR OTHER PERSON MUST, WITHIN 21 DAYS AFTER THE AUDIT EXIT CONFERENCE, FILE A REQUEST FOR CONFIDENTIAL CLASSIFICATION WITH THE DIVISION OF THE COMMISSION CLERK AND ADMINISTRATIVE SERVICES. REFER TO RULE 25-22.006, F.A.C.
- (4) THE ITEM WILL NOT BE PROVIDED. (SEE ATTACHED MEMORANDUM)

(SIGNATURE AND TITLE OF RESPONDENT)

Distribution: Original: Utility (for completion and return to Auditor) Copy: Audit File

**FLORIDA PUBLIC SERVICE COMMISSION
AUDIT DOCUMENT/RECORD REQUEST
NOTICE OF INTENT**

TO: Herbert Hein

UTILITY: East Marion Sanitary
Systems, Inc.

AUDIT MANAGER: Intesar Terkawi

PREPARED BY: Intesar Terkawi, 407-327-9364,
679 Blenheim Loop
Winter Springs, FL 32708
iterkawi@psc.state.fl.us

REQUEST NUMBER: 2

DATE OF REQUEST: October 23, 2007

AUDIT PURPOSE: Service Availability Fees, Customer Deposits, Miscellaneous Service Charges

REQUEST THE FOLLOWING ITEM(S) BE PROVIDED BY: October 26, 2007

REFERENCE RULE 25-22.006, F.A.C., THIS REQUEST IS MADE: INCIDENT TO AN INQUIRY
 OUTSIDE OF AN INQUIRY

ITEM DESCRIPTION:

Please provide the details of other revenues for the years 2005, 2006, and through October 15, 2007.

Thanks.

TO: AUDIT MANAGER

DATE _____

THE REQUESTED RECORD OR DOCUMENTATION:

- (1) HAS BEEN PROVIDED TODAY
- (2) CANNOT BE PROVIDED BY THE REQUESTED DATE BUT WILL BE MADE AVAILABLE BY: _____
- (3) AND IN MY OPINION, ITEM(S) _____ IS (ARE) PROPRIETARY AND CONFIDENTIAL BUSINESS INFORMATION AS DEFINED IN 364.183, 366.093, OR 367.156, F.S. TO MAINTAIN CONTINUED CONFIDENTIAL HANDLING OF THIS MATERIAL. THE UTILITY OR OTHER PERSON MUST, WITHIN 21 DAYS AFTER THE AUDIT EXIT CONFERENCE, FILE A REQUEST FOR CONFIDENTIAL CLASSIFICATION WITH THE DIVISION OF THE COMMISSION CLERK AND ADMINISTRATIVE SERVICES. REFER TO RULE 25-22.006, F.A.C.
- (4) THE ITEM WILL NOT BE PROVIDED. (SEE ATTACHED MEMORANDUM)

(SIGNATURE AND TITLE OF RESPONDENT)

Distribution: Original: Utility (for completion and return to Auditor) Copy: Audit File

**FLORIDA PUBLIC SERVICE COMMISSION
AUDIT DOCUMENT/RECORD REQUEST
NOTICE OF INTENT**

TO: Herbert Hein

UTILITY: East Marion Sanitary
Systems, Inc.

AUDIT MANAGER: Intesar Terkawi

PREPARED BY: Intesar Terkawi, 407-327-9364,
679 Blenheim Loop
Winter Springs, FL 32708
iterkawi@psc.state.fl.us

REQUEST NUMBER: 3

DATE OF REQUEST: October 23, 2007

AUDIT PURPOSE: Service Availability Fees, Customer Deposits, Miscellaneous Service Charges

REQUEST THE FOLLOWING ITEM(S) BE PROVIDED BY: October 26, 2007

REFERENCE RULE 25-22.006, F.A.C., THIS REQUEST IS MADE: INCIDENT TO AN INQUIRY
 OUTSIDE OF AN INQUIRY

ITEM DESCRIPTION:

Please provide the customers bills that support the other revenues for the years 2005, 2006, and through October 15, 2007.

Thanks.

TO: AUDIT MANAGER

DATE _____

THE REQUESTED RECORD OR DOCUMENTATION:

- (1) HAS BEEN PROVIDED TODAY
- (2) CANNOT BE PROVIDED BY THE REQUESTED DATE BUT WILL BE MADE AVAILABLE BY: _____
- (3) AND IN MY OPINION, ITEM(S) _____ IS (ARE) PROPRIETARY AND CONFIDENTIAL BUSINESS INFORMATION AS DEFINED IN 364.183, 366.093, OR 367.156, F.S. TO MAINTAIN CONTINUED CONFIDENTIAL HANDLING OF THIS MATERIAL. THE UTILITY OR OTHER PERSON MUST, WITHIN 21 DAYS AFTER THE AUDIT EXIT CONFERENCE, FILE A REQUEST FOR CONFIDENTIAL CLASSIFICATION WITH THE DIVISION OF THE COMMISSION CLERK AND ADMINISTRATIVE SERVICES. REFER TO RULE 25-22.006, F.A.C.
- (4) THE ITEM WILL NOT BE PROVIDED. (SEE ATTACHED MEMORANDUM)

(SIGNATURE AND TITLE OF RESPONDENT)

Distribution: Original: Utility (for completion and return to Auditor) Copy: Audit File

25-30.145 Audit Access to Records.

This rule addresses the reasonable access to utility and affiliate records provided for in Section 367.156(1), F.S., for the purposes of management and financial audits.

(1) The audit scope, audit program and objectives, and audit requests are not constrained by relevancy standards narrower than those provided by Section 367.156(1), F.S.

(2) Reasonable access means that company responses to audit requests for access to records shall be fully provided within the time frame established by the auditor. In establishing a due date, the auditor shall consider the location of the records, the volume of information requested, the number of pending requests, the amount of independent analysis required, and reasonable time for the utility to review its response for possible claims of confidentiality or privilege.

(3) In those instances where the utility disagrees with the auditor's assessment of a reasonable response time to the request, the utility shall first attempt to discuss the disagreement with the auditor and reach an acceptable revised date. If agreement cannot be reached, the utility shall discuss the issue with successive levels of supervisors at the Commission until an agreement is reached. If necessary, a final decision shall be made by the Prehearing Officer. If the audit is related to an undocketed case, the Chairman shall make the decision.

(4) The utility and its affiliates shall have the opportunity to safeguard their records by copying them or logging them out, provided, however, that safeguard measures shall not be used to prevent reasonable access by Commission auditors to utility or affiliate records.

(5) Reasonable access to records includes reasonable access to personnel to obtain testimonial evidence in response to inquiries or through interviews.

(6) Nothing in this rule shall preclude Commission auditors from making copies or taking notes. In the event these notes relate to documents for which the company has asserted confidential status, such notes shall also be given confidential status.

(7) Form PSC/RCA 6-R (2/95), entitled "Audit Document and Record Request/Notice of Intent" is incorporated by reference into this rule. This form is used by auditors when requests are formalized. This form documents audit requests, the due dates for responses, and all Notices of Intent to Seek Confidential Classification.

Specific Authority 350.127(2), 367.121(1) FS. Law Implemented 350.117, 367.121, 367.156(1) FS. History—New 2-28-95.

TO: FLORIDA PSC

ATTN: PATTI DANIEL

FAX # 850 4136809

FROM EAST MARION SANITARY SYSTEMS
INC.

352 625-0117

4 PAGES

EAST MARION SANITARY SYSTEMS INC.
G4225 Miller Road, Suite 190
Flint, MI 48507

Florida Public Service Commission
Capital Circle Office Center
2540 Shumard Oaks BLVD
Tallahassee, FL 32399-0850
Attention: Patti Danicl

Dear Ms. Daniel,

In response to your faxed request dated 11-15-2007, I am responding to several complaints as well as to your request regarding the application form that was provided to Ms. Kovacevich. Please forward this response to all concerned and appropriate persons at the PSC. Further I would ask that you leave a message at (352) 625-0117 verifying that you have received this response, since on several occasions I have responded as requested & the response's have not been properly acknowledged or filed correctly. You and I have had a discussion regarding this issue & you were going to investigate and get back with me, yet to date I have had no response from you regarding this matter.

As to complaint # 727133W, regarding the application that was provided to Ms. Kovacevich, I have not yet ascertained when or why this application was used, because as you have stated this is not the Utilities approved application. At the time the application was provided to Ms. Kovacevich, it was provided to her not by the utility, but by a management company that had been hired. I will however look back and see if there were any other customers supplied with that application and try to make a determination as to when this application started being used. Further I will make sure that the correct application is used in the future.

As to Ms. Vandiver certified request for audit information that was marked, "Return to sender, refused" this must have been done by the mail service as I have been out of town attending to my mother who currently is struggling with her health. I have no problem having the PSC auditing the utilities books and records. However the PSC needs to keep in mind that just as your employees take time off for vacation and for health reasons, there are also times that I am not available currently and I do not have as large of staff available as the PSC.

As to Try Rendell's letter requesting a revised notice to the customer, I disagree that a revised notice is necessary. Nothing in the notice is inaccurate or misleading. As to Rule 25-30.230(1), FAC, states, " Each utility shall provide a service pipe of suitable capacity from its main up to and including the **customer's service**, control valve and **meter box** for water service to the customer." Therefore I disagree with you interpretation of this

rule. However should the utility incur costs in cleaning out the meter boxes that children fill up with sand and other debris, this cost would be a legitimate expense of the utility and would be taken into account should the utility ask for a rate increase to cover increased expenses. I understand that the utility may not increase the rates of the customer without the PSC's approval, however the notice did not state that, that would occur.

Complaint # 753207W Dennis & Angela Fountain,
Complaint # 727135W Mabel Gregorio,

I disagree with the PSC's comment that the utility has to provide an irrigation meter for \$70.00 since they are current customers for the following reasons;

- 1) The \$70.00 meter installation fee that you are referring to was arrived at by the staff of the PSC during a staff assisted rate case. This fee is correct only for household use with the appropriate gallonage charge for water AND sewer.
- 2) The customer qualifies for this rate only after paying the appropriate CIAC fees.
- 3) The CIAC fees and the gallonage charges were calculated by the PSC, taking into account the cost of the installation of all the appropriate piping, valving, etc at the time it was installed, which was back in 1987.
- 4) There is no possible way to install an irrigation meter to the existing piping or valving that is currently in existence.
- 5) Should the PSC insist that an irrigation meter be installed at a cost of \$70.00 per meter this would cause a considerable loss to the utility and then would negate the staff's calculations to provide the utility with the PSC's approved rate of return.
- 6) Further if there is no allowance made for some sort of CIAC fee for the installation of an irrigation meter, there will be significant loss to the sewer plant's revenue, once again not providing the utility with the PSC's approved rate of return.
- 7) The PSC can see from the Fountains's complaint and the documentation provided that their charge for an irrigation meter was \$480.70 and where was their irrigation meter going to be installed to as there is no connection for a second meter. Further this outside company has no need to maintain a rate base and return on investment. (See copy of bill from Dove enterprises)
- 8) The PSC has taken irrigation into account with its rate case in the fact that there is no sewage charge for any water usage over 10,000 gallons.

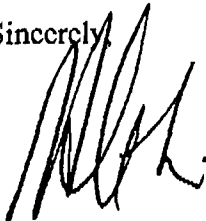
9) The PSC also changed the utilities rates to an incline rate to try and motivate water conservation at the request of the St Johns Water management district and this needs to be addressed also if the PSC insists that the utility install irrigation meters at the cost of \$70.00

In closing, the utility has no problem refunding the charges to either the Fountain's or Gregorio's as the utility understand that there is NO approved rate for the installation of a irrigation meter and re-billing the water usage under the appropriate rate. However the utility has a great problem when the PSC unilaterally makes a determination on a issue without first investigating or contacting your own staff as to the results that such a determination may make to the PSC's own rate of return. The PSC should at least be as responsible to the utility as it is to the customer in making an appropriate decision. There were several issue's the staff missed during the staff assisted rate case & I have contacted the PSC on two separate occasions asking for help in addressing these issues and have been totally ignored. While my desire is to provide quality service to the customers' of the utility without problems with the PSC, I also believe that the PSC needs to be responsive to the concerns of the utility. The PSC needs to look at the fact that the for the most part, the only complaints the PSC gets is from a very few customers that are challenging issues with the Development that the utility serves and use the PSC as tool to harass me as I am the President of the association. The majority of customer are well served and happy with the service the utility provides.

In closing if there is any issue not answered in this response, please fax me a request to (352) 625-0117 immediately as I am in town for only a short period of time. After that please forward all faxes and responses to (810) 733-8048.

Further the Utility would ask that the PSC give the Utility 30 days to provide documentation as to the actual cost of installing an irrigation meter and then asking the PSC's approval to amend its tariff sheets in the appropriate manner.

Sincerely,



Herbert Hein
11/29/2007

COMMISSIONERS:
LISA POLAK EDGAR, CHAIRMAN
MATTHEW M. CARTER II
KATRINA J. McMURRIAN
NANCY ARGENZIANO
NATHAN A. SKOP

STATE OF FLORIDA



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

Public Service Commission

December 17, 2007

Mr. Herbert Hein
East Marion Sanitary Systems Inc.
G4225 Miller Road, Suite 190
Flint, MI 48507

Re: Complaint No. 727135W Mabel Gregorio
Complaint No. 727133W Loura Kovacevich
Complaint No. 753207W Angela & Dennis Fountain

Mr. Hein:

I have reviewed the response you faxed to me on November 30, 2007. There are several outstanding issues that need to be resolved.

It appears that Ms. Gregorio and Mr. and Mrs. Fountain are entitled to a refund if you charged more for the irrigation meters than allowed by your current tariff. If you agree, please refund any amount collected for the irrigation meters in excess of \$70 and submit a copy of the checks to my office. If you disagree that they are entitled to refunds, staff will prepare a recommendation for the Commissioners to address the need for a refund. If you wish to apply for a change in your tariff to address meter installation charges or application forms, please refer to Section 367.091, F.S., and Rules 25-30.135, F.A.C.

In addition, please contact Denise Vandiver at (850) 413-6487 or dvandive@psc.state.fl.us to schedule a time for your books and records to be audited. Mrs. Vandiver will provide you with the information you need to prepare for the audit.

In order to resolve these issues on a timely basis, please respond regarding your position on the refunds and contact Mrs. Vandiver by December 21, 2007. If you have any further questions regarding the refunds, you may contact me at (850) 413-6808 or at pdaniel@psc.state.fl.us. If you have questions about revisions to your tariff, you may contact Troy Rendell at (850) 413-6934 or at trendell@psc.state.fl.us.

Sincerely,

A handwritten signature in cursive script that reads "Patti Daniel".

Patti Daniel
Public Utilities Supervisor
Bureau of Certification, Economics & Tariffs

PD:kb

Cc: Troy Rendell
Denise Vandiver
Richard Redemann
Katherine Flemming

Karla Barnes

From: NET SatisFAXtion [postmaster]
Sent: Monday, December 17, 2007 10:55 AM
To: Karla Barnes
Subject: DELIVERED: Florida Public Service Commission Fax

This is a fax **DELIVERY** notification from **NET SatisFAXtion**. The fax you submitted was delivered to ALL the intended recipient(s). Refer to the details below to see the sent fax transaction log(s).

Subject: Florida Public Service Commission Fax
Sent On: 12/17/2007 10:51 AM

The fax was successfully delivered to the following recipient(s):

To: Herbert Hein
Fax Number: 6,18107338048
Status: Success

FAX DETAILS

Sent On: 12/17/2007 10:51 AM
Number of Pages: 2 of 2
To (CSID): 8107338048

Duration of Fax: 0:01:45
Transfer Speed: 9600

Send Status: Success

Number of Retries: 0
Number of Errors: 4
Fax Port Sent On: RockForceOCTO+ Port 1

Full Address: 8107338048^company=East Marion Sanitary System, Inc. (Herbert Hein)

Karla Barnes

From: NET SatisFAXtion [postmaster]
Sent: Monday, December 17, 2007 10:44 AM
To: Karla Barnes
Subject: NOT DELIVERED: Complaint No. 727135W Mabel Gregorio, 727133W Loura Kovacevich and 753207 Angela & Dennis Fountain

Attachments: Fax.tif

This is a fax **NON-DELIVERY** notification from **NET SatisFAXtion**. The fax you submitted was **NOT** sent to all the intended recipient(s). Refer to the details below to determine which recipient(s) did **NOT** receive the fax.

Subject: Complaint No. 727135W Mabel Gregorio, 727133W Loura Kovacevich and 753207 Angela & Dennis Fountain
Sent On: 12/17/2007 10:43 AM

The fax was **NOT** sent to the following recipient(s):

To: Mr. Herbert Hein
Fax Number: 6,13526250117
Reason: No Answer

FAX DETAILS

Sent On: 12/17/2007 10:43 AM
Number of Pages: 0 of 2
To (CSID):

Duration of Fax: 0:00:00
Transfer Speed: 0

Failure Status: No Answer
0045A (error code)
00000 (extended error code)

Number of Retries: 0
Number of Errors: 0
Fax Port Sent On: RockForceOCTO+ Port 1

Full Address: 3526250117^company=East Marion Sanitary Systems Inc. (Mr. Herbert Hein)

ORIGINAL FAX MESSAGE



Fax.tif (54 KB)

Attached is a fax from the Florida Public Service Commission per Patti Daniel.

Request No. 762448W

Name WILL ,TERRY MR.

Business Name

Consumer Information

Name: TERRY WILL

Business Name:

Svc Address:

1385 NE 103TH TERRACE

County: Marion

Phone: (352)-239-3200

City/Zip: Silver Springs / 34488-

Account Number:

Caller's Name: TERRY WILL

Mailing Address:

1385 NE 103TH TERRACE

City/Zip: Silver Springs ,FL 34488-

Can Be Reached:

E-Tracking Number:

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

Utility Information

Company Code: WU536

Company: EAST MARION SANITARY SYSTEMS,

Attn. Herbert Hein762448W

Response Needed From Company? Y

Date Due: 01/11/2008

Fax: 61,810-733-8048

N

Interim Report Received: / /

Reply Received: / /

Reply Received Timely/Late:

Informal Conf.: N

PSC Information

Assigned To: CONNIE KUMMER

Entered By: KSB

Date: 12/19/2007

Time: 12:52

Via: MAIL

Prelim Type: IMPROPER BILLS

PO:

Disputed Amt: 0.00

Supmntl Rpt Req'd: / /

Certified Letter Sent: / /

Certified Letter Rec'd: / /

Closed by:

Date: / /

Closeout Type:

Apparent Rule Violation:

12/19/07 - See attached correspondence. Please investigate and reply.

1/18/08 - Received response from Mr. Hein.

2/6/08 - Staff sent letter to Mr. Hein about refund requesting response by 2/14/08.

Request No. 762448W

Name WILL ,TERRY MR.

Business Name

COMMISSIONERS:
LISA POLAK EDGAR, CHAIRMAN
MATTHEW M. CARTER II
KATRINA J. MCMURRIAN
NANCY ARGENZIANO
NATHAN A. SKOP

STATE OF FLORIDA



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

Public Service Commission

December 19, 2007

Mr. Herbert Hein
East Marion Sanitary Systems Inc.
G4225 Miller Road, Suite 190
Flint, MI 48507

Re: Complaint No. 762448

Dear Mr. Hein:

Please find enclosed a letter from Mr. Terry Will addressing several issues including no notice before discontinuance of service, collection of a deposit of \$141.00, and disconnection and cut on fees of \$50.00 and \$10.00, respectively. In addition, the connection/transfer sheet included with Mr. Will's complaint contains several charges that appear to be incorrect.

Pursuant to Rule 25-30.320, F.A.C., a customer may be disconnected for nonpayment of bills only after there has been a diligent attempt to have the customer comply, including at least five working days' written notice to the customer. The notice must be separate and apart from any bill for service. When was Mr. Will's bill that resulted in his service being disconnected mailed or delivered to him? Was Mr. Will given a late notice, separate from his bill, at least 5 days prior to his service being disconnected?

Rule 25-30.311, F.A.C. provides that a utility may require a new or additional deposit upon reasonable written notice of not less than 30 days. The deposit should not exceed the average actual charge for service for two billing periods. The notice requiring the deposit must be separate and apart from any bill for service. Please provide documentation supporting the \$141.00 new deposit that was collected. In addition, was Mr. Will given a notice for the customer deposit, separate from his bill, allowing 30 days to pay the deposit?

Rule 25-30.460, F.A.C. and your tariff contain provisions for miscellaneous service charges; however, you may not collect both a disconnection fee and a cut on fee. In addition, the utility's approved violation reconnection fee is \$15.00. Please explain the basis for disconnection and cut on fees of \$50.00 and \$10.00.

Herbert Hein
Page 2
December 19, 2007

As we have previously discussed, the utility may only collect rates and charges that are approved by the Commission and contained in the utility's tariff. Please provide a written response to Mr. Will's concerns by January 4, 2008. In addition, I have tried to contact you using the phone number and address contained on the master commission directory. If this information is incorrect, please provide a letter to the Commission Clerk's office to update that information. If you have any questions, please contact me at (850) 413-6808 or pdaniel@psc.state.fl.us.

Sincerely,



Patti Daniel
Public Utilities Supervisor
Division of Economic Regulation

PD:kb

Cc: Mr. Terry Will
Troy Rendell
Richard Redemann
Stan Rieger
Denise Vandiver
Katherine Fleming

Request No. 762448W

Name WILL ,TERRY MR.

Business Name

Consumer Information

Name: TERRY WILL

Business Name:

Svc Address:

1385 NE 103TH TERRACE

County: Marion

Phone: (352)-239-3200

City/Zip: Silver Springs / 34488-

Account Number:

Caller's Name: TERRY WILL

Mailing Address:

1385 NE 103TH TERRACE

City/Zip: Silver Springs ,FL 34488-

Can Be Reached:

E-Tracking Number:

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

Utility Information

Company Code: WU536

Company: EAST MARION SANITARY SYSTEMS,

Attn. Herbert Hein762448W

Response Needed From Company? Y

Date Due: 01/11/2008

Fax: 61,810-733-8048

N

Interim Report Received: / /

Reply Received: / /

Reply Received Timely/Late:

Informal Conf.: N

PSC Information

Assigned To: CONNIE KUMMER

Entered By: KSB

Date: 12/19/2007

Time: 12:52

Via: MAIL

Prelim Type: IMPROPER BILLS

PO:

Disputed Amt: 0.00

Supmntl Rpt Req'd: / /

Certified Letter Sent: / /

Certified Letter Rec'd: / /

Closed by:

Date: / /

Closeout Type:

Apparent Rule Violation:

12/19/07 - See attached correspondence. Please investigate and reply.

Request No. 762448W

Name WILL ,TERRY MR.

Business Name

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

Mrs. Patty Daniel

Dec. 13, 2007

RECEIVED
DEC 17 10:12
COMMUNICATIONS

Dear Mrs. Daniel

This letter is in regard to a telephone conversation I had with Stanley Reigger on or about Nov 20, 2007. I have a problem with our East Marion Sanitary Sewer System. I believe they have charged me improperly. They have, on Sept. 28. 2007, without any notes, turned off my water. I went to the local office in our sub division. Mrs. Bea Jordan charged me a late fee, new deposit fee, disconnection fee, and a "CUT-ON FEE" for a total of \$241.55. I believe this is wrong.

I have received a copy of a letter dated Oct 17, 2007 from your office, addressed to the president of our water utility Herbert Hein. Complaint #'s 727135W, 727133W and 753207W. I understand that the outcome is still pending on these cases. Please add me to the list of charges.

I am sending copies of four (4) documents that I believe will tell the story. #1 Is the envelope showing the postmark date and the check for the total utility bill. #2 " must be paid no later than the 20th of every month. #3 showing the charges and the check for that total \$ 241.55. Now they, without notes or public hearing are raising the utility rate.

Please help me in this matter I don't know what to do. This can't be right.

Trapped Water User



Terry Will
1385 N/E 130th Terrace
Lakeview Wood's 34488
Phone # 352-239-3200

#1

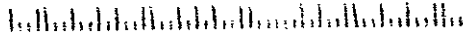
1385-NE-130th TER.
SILVER SPRINGS, FL
34488

GAINESVILLE/GNV
FL 32611
1:30 PM



EAST MARION SANITARY Sys.
P.O. Box 234
SILVER SPRINGS, FL.
34489

34489+0234



REDACTED

TERRY M WILL
EDNA M WILL
1385 NE 130th Terrace
Silver Springs, FL 34488

1216
63-486/831

SEPT 19, 2007 DATE

PAY TO THE
ORDER OF

EAST MARION SANITARY Sys.

\$ 35. ⁵⁵/₁₀₀

thirty-five dollars and ⁵⁵/₁₀₀

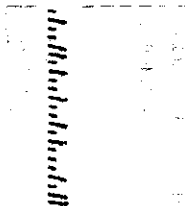
DOLLARS

AM SOUTH BANK

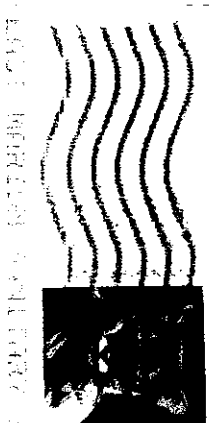
THE RELATIONSHIP PEOPLESM

FOR FF 142

Edna M. Will



MAIL THIS STUB WITH YOUR PAYMENT



#2

CONNECTION/TRANSFER SHEET

EAST MARION SANITARY SYSTEM, INC.
P O BOX 234
SILVER SPRINGS, FL. 34489
Telephone (810) 733-6342
Emergency Service (352) 625-2822 or 625-1197

Subdivision: LAKEVIEW WOODS Account Number: _____

Customer Name: _____ *

Billing Address: _____ *

_____ *

Social Security #'s _____ *

Drivers License #'s _____ *

Home Phone: _____ *Work Phone (Emergency Only): _____ *

Cell Phone: _____ *E-Mail or Fax: _____ *

Service Address: _____ *

_____ *

Block/Lot: _____ Type: Residential X

Bills are mailed on the last day of each month and are due upon receipt.

Bills are considered late 20 days after the billing date and ~~must be paid no later than the 20th of every month.~~ Customers are notified 5 days before disconnection on delinquent accounts, and 48 hours before disconnection on returned checks. There is a \$25.00 charge for returned checks, plus any additional charges assessed to us by the bank (cash payment only on returned checks). After two returned checks, bills must be paid in cash or money order only. If water service is disconnected due to non-payment, there is a \$50.00 re-connection charge when performed during regular hours. After regular hours, the re-connection charge is \$80.00

There shall be no liability of any kind against the company by reason of discontinuance of water service to the customer for failure of the customer to pay the bills on time.

Monthly Rate:

Water: Base Charge \$9.23	\$1.92 per 1,000 gallons
Above 10,000 gallons	\$2.89 per 1,000 gallons
Sewer: Base Charge \$14.35	\$4.38 Per 1,000 gallons (Max. 10,000 gal.)

Initial Connection Fee: \$ _____	\$437.00 Water; \$875.00 Sewage (\$1312.00)
Deposit: \$ _____	\$60.00 Water & 81.00 Sewage (\$141.00)
Conn./Transfer Fee \$ _____	\$30.00 Water and Sewer
Late Fee:	Late Fee: \$ 5.00 per late payment
Irrigation Meter Fee \$ _____	\$894.00 + Base Charge & Water @ \$1.92 per 1000 Gal
Total \$ _____	Paid by Cash or Check # _____

Please mail form along with payment to the above address to effect water transfer.

The undersigned does hereby agree to abide by the rules and regulation of this utility, as approved by the Florida Public Service Commission, and does guarantee payment of any and all indebtedness incurred.

PLEASE FILL IN STARRED (*)
AREAS. SIGN AND RETURN
WITH PAYMENT. THANK YOU.

Signature _____

Date _____

#3

		Beginning Month Balance	47.52
8-18-07	-47.52	Payment Check Number 1206	0.00
8-25-07	12.88	Water Usage 1900	12.88
8-29-07	22.67	SEWAGE	35.55

		Beginning Month Balance	51.93
7-05-07	-51.93	Payment Check Number 1195	0.00
7-28-07	16.53	Water Usage 3800	16.53
7-28-07	30.99	SEWAGE	47.52

Enter '-' (Previous Month) '+' (Next Month) Month# or (ENTER) 184

10-28-07	26.61	SEWAGE	41.154
----------	-------	--------	--------

REDACTED

		Beginning Month Balance	35.55
9-28-07	5.00	(Adj./Etc.) late charge	40.55
9-28-07	100.00	New Deposit	40.55
9-28-07	50.00	(Adj./Etc.) Disconnection Fee Due to Non-Paym	90.55
9-28-07	100.00	(Adj./Etc.) outstanding	100.55
9-28-07	-100.55	Payment Check Number 1220	0.00
9-29-07	14.80	Water Usage 2900	14.80
9-29-07	27.05	SEWAGE	41.85

		Beginning Month Balance	47.52
--	--	-------------------------	-------

TERRY M WILL
 EDNA M WILL
 1385 NE 130th Terrace
 Silver Springs, FL 34488

1220
 63-466/631

Sept, 29, 07

East Morris Sanitary \$ 241.55
 Two Hundred Forty One 0.55
AMSOUTH BANK

Turn Water On.

Terry Will

#4

NOTICE TO CUSTOMERS

Pursuant to Section 367.081 (4) (a), Florida Statutes, water and wastewater utilities are permitted to adjust the rates and charges to its customers without those customers bearing the additional expense of a public hearing. These adjustments in rates would depend on increases or decreases in noncontrollable expenses subject to inflationary pressures such as chemicals, and other general operation and maintenance costs.

On 11/15/2007 (date) EAST MARION SANITARY SYSTEMS (name of company)

filed its notice of intention with the Florida Public Service Commission to increase water and wastewater rates in County pursuant to this Statute. The filing is subject to review by the Commission Staff for accuracy and completeness. Water rates will increase by approximately 2.32% and wastewater rates by 1.63%. These rates should be reflected for service rendered on or after 2/1/2008 (date)

up water	3.38
up waste	4.33
	<hr/>
	7.71

Patti Daniel

From: Troy Rendell
Sent: Friday, December 21, 2007 3:45 PM
To: Richard Redemann
Cc: Patti Daniel; Cheryl Bulecza-Banks
Subject: RE: Mr. Hein

I spoke with him and informed him what to do if he wants to revise his tariff..

From: Richard Redemann
Sent: Friday, December 21, 2007 2:18 PM
To: Troy Rendell; Patti Daniel; Katherine Fleming; Denise Vandiver
Subject: Mr. Hein

Hello:

~~REDACTED~~ on **December 21, 2007**. Mr. Hein has a problem with the \$70.00 meter installation fee. He explained that the irrigation meter is more expensive to install than \$70 due to the piping. I advised him the only meter charge in his tariff is \$70.00. Since he is not willing to refund the customers we would have to ask the Commission to decide on the refund. He asked since the meter cost is more than 70.00 would the Commission allow him to keep the money. I again explained to him the only meter charge in his tariff is \$70.00. He only can charge \$70 for an irrigation meter, the Commission would have to decide. The service availability fees would not apply to an existing customer.

He explained he wanted to file for an increase in cost to install an irrigation meter. I advised him that he needed to follow the information in our December 17, 2007 letter, which is section 367.091 F.S. and Rules 25-30.135, F.A.C. for a meter installation charge revision. He also wanted to file a staff assisted rate case. I gave him Troy's number. He wanted to know if he could hire his own accountants and engineers for a file and suspend rate case. I told him to talk to Troy.

He said he had not called Ms. Denise Vanidiver. I gave him Ms. Vanidiver number and he was going to call Denise right away to schedule an audit.

Thanks,

Richard Redemann, PE
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399
PH (850) 413-6999
FAX (850) 413-7000

Patt;

FAX TRANSMISSION

FROM: NAME: ~~East Marion Sanitary Systems Inc.~~
NAME: Herbert Hein
PHONE: (810) 733-6342
FAX #: (810) 733-8048

TO: Florida Public Service Commission
NAME: Karla Barnes
FAX #: 850 413-7168

RE: Complaint # 762448

We are transmitting 2 pages (including this cover page). If the transmission is not complete, please contact the sender at (810) 733-6342.

FAKED
1-7-08 2:40 P.M.
1-18-08 1:35 P.M.

EAST MARION SANITARY SYSTEMS, INC.
G 4225 Miller Road #190
Flint, Michigan 48507

TO:
Florida P.S.C
2540 Shumard Oaks Blvd.
Tallahassee, FL 32399

January 7th, 2008.

RE: Request # 762448W
Customer: Terry Will
1385 NE 130th Terrace
Silver Springs, FL 34488

To whom it may concern;
In response to Mr. Will's complaint:

Mr. Will's bill was mailed out on August 29, 2007. The disconnect notice was mailed out on September 21, 2007. Mrs. Will acknowledged receiving it, but had discarded it since she had mailed out her payment. Mr. Will's payment that was postmarked September 20, 2007 was not received by the utility until October 4, 2007, at which time the utility provided a copy to him.

Mr. Will pays his bill late on regular and ongoing basis. A demand for a deposit was first mailed out to Mr. Will on April 25, 2007 to be paid by May 30, 2007 which was not paid. A second demand was mailed out on June 28, 2007 to be paid by July 6, 2007, which again was not paid. That is why he was required to pay a deposit prior to reconnection for non-payment in September. Further I believe the PSC staff established a deposit in the amount of \$141.00 during the staff assisted rate case.

It is the utility's contention that the violation reconnection fee is \$15.00 for water & the actual cost incurred by the utility for waste water making the total \$60.00 for a violation reconnection fee.

Sincerely,


Herbert Hein

COMMISSIONERS:
LISA POLAK EDGAR, CHAIRMAN
MATTHEW M. CARTER II
KATRINA J. MCMURRIAN
NANCY ARGENZIANO
NATHAN A. SKOP

STATE OF FLORIDA



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

Public Service Commission

December 19, 2007

Mr. Herbert Hein
East Marion Sanitary Systems Inc.
G4225 Miller Road, Suite 190
Flint, MI 48507

Re: Complaint No. 762448

Dear Mr. Hein:

Please find enclosed a letter from Mr. Terry Will addressing several issues including no notice before discontinuance of service, collection of a deposit of \$141.00, and disconnection and cut on fees of \$50.00 and \$10.00, respectively. In addition, the connection/transfer sheet included with Mr. Will's complaint contains several charges that appear to be incorrect.

Pursuant to Rule 25-30.320, F.A.C., a customer may be disconnected for nonpayment of bills only after there has been a diligent attempt to have the customer comply, including at least five working days' written notice to the customer. The notice must be separate and apart from any bill for service. When was Mr. Will's bill that resulted in his service being disconnected mailed or delivered to him? Was Mr. Will given a late notice, separate from his bill, at least 5 days prior to his service being disconnected?

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Rule 25-30.460, F.A.C. and your tariff contain provisions for miscellaneous service charges; however, you may not collect both a disconnection fee and a cut on fee. In addition, the utility's approved violation reconnection fee is \$15.00. Please explain the basis for disconnection and cut on fees of \$50.00 and \$10.00.

Herbert Hein
Page 2
December 19, 2007

As we have previously discussed, the utility may only collect rates and charges that are approved by the Commission and contained in the utility's tariff. Please provide a written response to Mr. Will's concerns by January 4, 2008. In addition, I have tried to contact you using the phone number and address contained on the master commission directory. If this information is incorrect, please provide a letter to the Commission Clerk's office to update that information. If you have any questions, please contact me at (850) 413-6808 or pdaniel@psc.state.fl.us.

Sincerely,



Patti Daniel
Public Utilities Supervisor
Division of Economic Regulation

PD:kb

Cc: Mr. Terry Will
Troy Rendell
Richard Redemann
~~Stan Rieger~~
Denise Vandiver
Katherine Fleming

COMMISSIONERS:
MATTHEW M. CARTER II, CHAIRMAN
LISA POLAK EDGAR
KATRINA J. MCMURRIAN
NANCY ARGENZIANO
NATHAN A. SKOP

STATE OF FLORIDA



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

Public Service Commission

February 6, 2008

Mr. Herbert Hein
East Marion Sanitary Systems, Inc.
G-4225 Miller Road, # 190
Flint, MI 48507-1227

Re: Complaint No. 762448

Dear Mr. Hein:

Thank you for your January 18, 2008, facsimile response to staff's December 19, 2007, letter. Please note that staff had requested a written response to Mr. Terry Will's concerns by January 4, 2008. As such, your response was not timely given. No less important than a utility's expectation that customers timely pay their utility bills, is the Commission's expectation that utilities timely response to requests for information.

As you are aware, Mr. Will was required to pay a customer deposit of \$141.00, a disconnection fee of \$50.00, and a cut on fee of \$10.00 subsequent to service being discontinued on September 28, 2007. In your January 18, 2008, response, you indicated that Commission staff had established a deposit in the amount of \$141.00 during the utility's staff assisted rate case. In addition, you believed that the violation reconnection fee for water service is \$15.00, and actual cost for wastewater service, for a total violation reconnection fee of \$60.00.

Customer Deposit. Rule 25-30.311(7), Florida Administrative Code, provides that a utility may require a new deposit, where previously waived, in an amount not to exceed the average actual charge for water and wastewater for two billing periods for the prior 12 months. The customer deposit established in the utility's staff assisted rate case was for new customers who have not yet received service from the utility. Mr. Will's bills for water and wastewater service for June through September 2007, ranged from \$35.55 to \$51.93. Therefore, it appears that Mr. Will's deposit should not have exceeded approximately \$104.00.

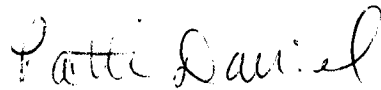
Violation Reconnection Fee. The utility's approved violation reconnection charge is \$15.00 for water service. The tariff specifies that if both water and wastewater services are provided, only a single charge is appropriate unless circumstances beyond the control of the company requires multiple actions. Therefore, it appears that Mr. Will should only have been charged \$15.00 to reconnect his service after it was disconnected.

Mr. Herbert Hein
Page 2
February 6, 2008

Based upon the above, it appears that Mr. Will should have paid \$15.00 for the violation reconnection instead of \$60.00 and a deposit of approximately \$104.00 instead of \$141.00. Therefore, staff requests that Mr. Will be given a refund of \$82.00 for overpayment of violation reconnection and deposit charges. The refund should be given in the customers next regularly scheduled bill to avoid staff's recommendation that interest should also be paid on the overcharges.

Please provide a written response to staff's conclusion on or before February 14, 2008. Your response should specifically indicate whether or not you agree with staff's conclusions and, if you agree, when refund will be provided.

Sincerely,



Patti Daniel
Public Utilities Supervisor
Division of Economic Regulation

PD:pb

cc: Mr. Terry Will
Bart Fletcher
Richard Redemann
Stan Reiger
Denise Vandiver
Katherine Fleming