

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: August 12, 2008
TO: Ann Cole, Commission Clerk - PSC, Office of Commission Clerk
FROM: Patricia B. Daniel, Public Utilities Supervisor, Division of Economic Regulation *Pd*
RE: Docket No. 070394-WU - Application for staff-assisted rate case in Pasco County by Holiday Utility Company, Inc

Please place the attached correspondence from US Water Service Corporation enclosing a copy of the Executive revised Consent between the Utility and the FDEP which reschedules the effective purchase water date from July 1, 2008 until October 1, 2008. Thanks.

PBD:kb

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COMMISSION
CLERK

DOCUMENT NUMBER-DATE

07197 AUG 13 8

FPSC-COMMISSION CLERK

August 6, 2008

Division of The Commission Clerk and Administrative Services
Florida Public Service Commission
Attn: Patty Daniels/Stan Rieger
25410 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850

Re: Holiday Utility FPSC Docket No: 070394-WV

Please find attached a copy of the Executed Revised Consent Order between the Utility and the FDEP which reschedules the effective purchase water date from July 1, 2008 until October 1, 2008.

With this submittal we have furnished to the PSC all documents requested at this time. Please contact us should you need any additional information.

Sincerely,



Tamara Alessandrelli
Administrative Assistant to David Schultz Sr.
US Water Services Corporation

RECEIVED
FLORIDA PUBLIC SERVICE
COMMISSION
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DIVISION OF
ECONOMIC REGULATION

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

U.S. Water Services Corporation

Water and Wastewater Utility Operations, Maintenance, Engineering, Management

July 29, 2008

Mr. Gerald Foster, Manager
Drinking Water Section
Florida Department of Environmental Protection
13051 N. Telecom Parkway
Temple Terrace, FL 33637-0926

GC COPY

MAILED JUL 29 2008

Holiday Utilities
RE: PSW# 6512177
OGC File #060884-51-PW

Dear Mr. Foster,

Please find attached the executed Consent Order and a check for \$500.00 to cover the administrative charges. We appreciate the cooperation of the FDEP in this matter.

In an attempt to keep the information channel open on this matter, I would like to make you aware that the revised date of October 1, 2008 was based upon an estimate of when the PSC would be completed with their rate case procedures prior to rates being in effect. The estimate of time was appropriate at the time Holiday requested a revised compliance schedule. Since that time, the PSC did in fact request that the Utility permit them to delay their activities from the Commission meeting scheduled in July to the meeting scheduled for August 19, due to two untimely staff departures they were having trouble preparing the Commission package. At first we did not agree to a new date because of the pending (but unknown to us at that time) FDEP revised date. We were trusting that the revised date would be triggered by the PSC final order rather than a date certain as it now is- October 1, 2008. Through discussions with the PSC, they agreed to alter the timing of their activities that typically occur after the Commission meeting and to prepare documents as if the Commission and the public will not influence/alter the current direction of the case in order to have rates in effect by the October 1st date enabling the Utility to purchase water from Tarpon.

The purpose of this letter is to advise you that the Utility is subject to the activities and timing of others. The Utility chose to sign this revised Consent Order rather than request another date at this time as such date is unknown at this time. The Utility may again request the FDEP to either set yet another compliance date or be selective about enforcement of the date as now set, depending upon the activities at that time. The Utility has no further activity on its part relative to this rate case unless new information is requested by the PSC during this delay.

It is understood that during this interim period, the Utility will continue to provide water that meets the sodium levels established by the FDEP.

Please contact this office should you have any questions or comments.

Sincerely,

Dave Schultz Sr. on behalf of Holiday Utilities

Dave Schultz Sr

Sr. Vice President



Owned & Operated
in the U.S.A.

4939 Cross Bayou Boulevard • New Port Richey, FL 34652
Phone: 727-848-8292 • Fax: 727-848-7701 • Toll Free: 866-753-8292

CUC1223914 • CGC003307 • QB26776



Florida Department of Environmental Protection

copy

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

Southwest District Office
13051 North Telecom Parkway
Temple Terrace, Florida 33637-0926

July 15, 2008

Mr. Gary Deremer
Holiday Utilities, Inc.
4939 Cross Bayou Boulevard
New Port Richey, FL 34652

Re: Amendment to Consent Order
Anclote Village (Holiday Utilities)
PWS-ID No. 651-2177
OGC File No. 06-0884-51-PW
Pasco County

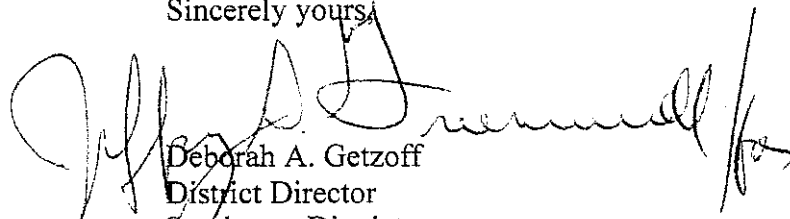
Dear Mr. Deremer:

Enclosed please find the proposed Amendment to Consent Order, OGC File No. 06-0884-51-PW, regarding the above-referenced facility. Please review, sign, and return it within fifteen (15) days from receipt of this letter, if in agreement.

Upon return, the Amendment to Consent Order will be executed by the District Director, and a final copy will be sent to you.

If you have any questions or concerns, please contact Gerald B. Foster, Environmental Manager, Drinking Water Section, at (813) 632-7600, extension 431.

Sincerely yours,



Deborah A. Getzoff
District Director
Southwest District

DAG/flf/m

Enclosure

BEFORE THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION,)	IN THE OFFICE OF THE SOUTHWEST DISTRICT
)	
Complainant,)	
)	
vs.)	OGC File No. 06-0884-51-PW
)	
HOLIDAY UTILITY COMPANY,)	
)	
Respondent.)	

AMENDMENT TO CONSENT ORDER

Pursuant to Paragraph 8 of the Consent Order, OGC File No. 06-0884-51-PW ("Order"), Respondent was to comply with the July 1, 2008, date to disconnect the Anclote Utilities drinking water wells from its potable water distribution system and provide water to the distribution system solely by water provided through the interconnection with the City of Tarpon Springs. Respondent requested an extension to October 1, 2008, to begin using the City of Tarpon Springs as the water provider. The Department has agreed to allow an extension to the terms of the Consent Order to resolve the matter.

The stipulated penalties in Paragraph 15 of the Consent Order shall apply to all terms and deadlines of this Amendment to Consent Order ("Amendment").

IT IS THEREFORE ORDERED that the following paragraphs of the Order, originally entered into this matter on March 27, 2008, be changed to read as follows:

8. No later than October 1, 2008, Respondent shall disconnect the system's drinking water wells from the potable water distribution system and shall provide water to the distribution system solely by water provided through the existing interconnection with the City of Tarpon Springs. Within seven days of the disconnection of the wells from the distribution system, Respondent shall submit, to the Department, photographic documentation of the disconnected status of each well.

9. Immediately upon the effective date of this Order, Respondent shall continue to monitor the system monthly for Sodium, which shall have a Maximum Contaminant Level of 300 mg/L until October 1, 2008, after which the Maximum Contaminant Level shall be the 160 mg/L primary standard for Sodium, until Respondent has completed the activation of the connection to the City of Tarpon Springs' drinking water system, as described in Paragraph 8. above. Respondent shall submit the monthly monitoring results, to the Department's Southwest District Office, Potable Water Section, by no later than the 10th day of the following month.

Within ten days of the effective date of this Amendment, Respondent shall pay the Department \$500.00 for cost and expenses for preparation of this Amendment. Payment shall be made by cashier's check or money order. The instrument shall be made payable to the Department of Environmental Protection and shall include the OGC File No. assigned and the notation "Ecosystem Management and Restoration Trust Fund." Payment shall be sent to the Department of Environmental Protection, 13051 North Telecom Parkway, Temple Terrace, Florida 33637-0926.

Persons who are not parties to this Amendment, but whose substantial interests are affected by this Amendment, have a right, pursuant to Sections 120.569 and 120.57, Florida Statutes ("F.S."), to petition for an Administrative Hearing on it. The Petition must contain the information set forth below and must be filed (received) at the Department's Office of General Counsel, 3900 Commonwealth Boulevard, MS No. 35, Tallahassee, Florida 32399-3000, within 21 days of receipt of this notice. A copy of the Petition must also be mailed, at the time of filing, to the Southwest District Office, 13051 North Telecom Parkway, Temple Terrace, Florida 33637-0926. Failure to file a petition, within the 21 days, constitutes a waiver of any right such person has to an administrative hearing, pursuant to Sections 120.569 and 120.57, F.S.

The petition shall contain the following information:

- a. The name, address, and telephone number of each petitioner; the Department's Amendment identification number and the county in which the subject matter or activity is located;
- b. A statement of how and when each petitioner received notice of the Amendment;
- c. A statement of how each petitioner's substantial interests are affected by the Amendment;

- d. A statement of the material facts disputed by petitioner, if any;
- e. A statement of facts which petitioner contends warrant reversal or modification of the Amendment;
- f. A statement of which rules or statutes petitioner contends require reversal or modification of the Amendment;
- g. A statement of the relief sought by petitioner, stating precisely the action petitioner wants the Department to take with respect to the Amendment.

If a petition is filed, the Administrative Hearing process is designed to formulate agency action. Accordingly, the Department's final action may be different from the position taken by it in this Notice. Persons whose substantial interests will be affected by any decision of the Department, with regard to the subject Amendment, have the right to petition to become a party to the proceeding. The petition must conform to the requirements, specified above, and be filed (received) within 21 days of receipt of this notice in the Office of General Counsel at the above address of the Department. Failure to petition within the allowed time frame constitutes a waiver of any right such person has to request a hearing, under Sections 120.569 and 120.57, F.S., and to participate as a party to this proceeding. Any subsequent intervention will only be at the approval of the presiding officer upon motion filed, pursuant to Rule 28-106.205, F.A.C.

This Amendment is final agency action of the Department, pursuant to Section 120.52(7), F.S., and it is final and effective on the date filed with the Clerk of the Department, unless a Petition for Administrative Hearing is filed, in accordance with Chapter 120, F.S. Upon the timely filing of a petition, this Amendment will not be effective until further order of the Department.

(This space was intentionally left blank)

Holiday Utility Company, Inc.
4939 Cross Bayou Boulevard
New Port Richey, FL 34662

MERCANTILE BANK
Port Richey, Florida 34668
63-1377/631

1544

7/23/08

PAY TO THE ORDER OF FL Department of Environmental Protection

\$ **500.00

Five Hundred and 00/100*****

DOLLARS

FL Department of Environmental Protection
Southwest District Office
13051 North Telecom Parkway
Temple Terrace, FL 33637-0926

MEMO

OGC File No. 06-0884-51-PW Ecosystem Management
and Destruction Trust Fund

311

Holiday Utility Company, Inc.

FL Department of Environmental Protection
665 PSC Comm Exp - Rate Case Amort Consent Order

7/23/08

1544

500.00

Checking MERCANTI OGC File No. 06-0884-51-PW Ecosystem Mana

500.00

DOCUMENT NO. DATE

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FPSC - COMMISSION CLERK