

Ann Cole

From: Ann Cole
Sent: Wednesday, October 22, 2008 12:14 PM
To: Caroline Klancke
Cc: Stan Rieger; Patti Daniel
Subject: RE: Aqua Utilities

Tracking: **Recipient** **Read**
 Caroline Klancke
 Stan Rieger
 Patti Daniel Read: 10/22/2008 12:18 PM

FPSC, CLK - CORRESPONDENCE
 ___Administrative___ Parties Consumer
 DOCUMENT NO. 07762-08
 DISTRIBUTION: _____

Thanks, Caroline. This email will be placed in *Docket Correspondence-Consumers and their Representatives*, in Docket No. 080538-WU, today.

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

From: Caroline Klancke
Sent: Wednesday, October 22, 2008 11:08 AM
To: Ann Cole
Cc: Stan Rieger; Patti Daniel
Subject: FW: Aqua Utilities

Please include the e-mail below in the correspondence side of Dkt. No. 080538. Thank you.

Caroline Klancke

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

From: Hayes, Randy [mailto:hayes@ormondbeach.org]
Sent: Wed 10/22/2008 10:46 AM
To: Caroline Klancke; Theresa Walsh; miketwomey@talstar.com; Smith, Carl D.; mconnors@co.volusia.fl.us; MacLeod, Ted
Subject: Aqua Utilities

Dear Ms. Klancke:

The Ormond Beach City Commission concurred with the position of its staff last night to withdraw the letter of objection previously filed with respect to Aqua Utilities. Please accept this communiqué as the city's formal notice that it is withdrawing its objection. Please let me know if I may be of further assistance and thank you all for your professional courtesies.

Sincerely,

Randy Hayes
 ORMOND BEACH CITY ATTORNEY

Notice:

Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public-records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

10/22/2008

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

STATE OF FLORIDA



OFFICE OF THE GENERAL COUNSEL
MICHAEL G. COOKE
GENERAL COUNSEL
(850) 413-6199

FPSC, CLK - CORRESPONDENCE		
<input type="checkbox"/> Administrative	<input type="checkbox"/> Parties	<input checked="" type="checkbox"/> Consumer
DOCUMENT NO. 07762-08		
DISTRIBUTION:		

Public Service Commission

October 14, 2008

John Miller
350 Water Oak Lane
Ormond Beach, FL 32174-5830

Re: Docket No. 080538-WS Application for quick-take amendment and application for amendment of Certificate No. 238-W to extend water service to certain territory (Tomoka) in Volusia County, by Aqua Utilities Florida, Inc.

Dear Mr. Miller:

Thank you for your letter of October 5, 2008, concerning the above-referenced matter. Please be advised that in my letter of September 29, 2008, I miscalculated the number of Aqua Utilities Florida, Inc. ("Aqua") customers affected by this docket. In particular, I specified that Aqua has been providing service to 23 customers in the Tomoka area outside of its currently authorized service territory. After conferring with Commission engineers regarding this matter as well as analyzing the revised service area description, I have ascertained that there is a total of 12 Aqua customers that will be affected by this docket. The entirety of these customers are located on the latter half of Green Briar Lane, Ormond Beach, Florida.

I have enclosed herewith a copy of the revised legal description of the territory currently being served by Aqua as well as a revised description of the service area including the amended area. Please also find enclosed herewith a copy of the portion of the service territory map demarcating the proposed extension area. If you would like a copy of the entirety of this map (which is rather large), please contact the Florida Public Service Commission's Office of Commission Clerk at 850.413.6770, to obtain a full size color copy of the information requested. Please be advised that the individual or entity requesting the information bears the costs of copying.

If you have any questions regarding this docket or the information contained herein, please do not hesitate to contact the undersigned at (850) 413-6220 or cklancke@psc.state.fl.us.

Sincerely,

A handwritten signature in black ink, appearing to read "Caroline Klancke".

Caroline Klancke, Esq.
Senior Attorney, Office of the General Counsel

cc: Office of the Commission Clerk

RECEIVED-FPSC
08 OCT 14 AM 11:58
COMMISSION
CLERK

VOLUSIA COUNTY

Description of Territory Served

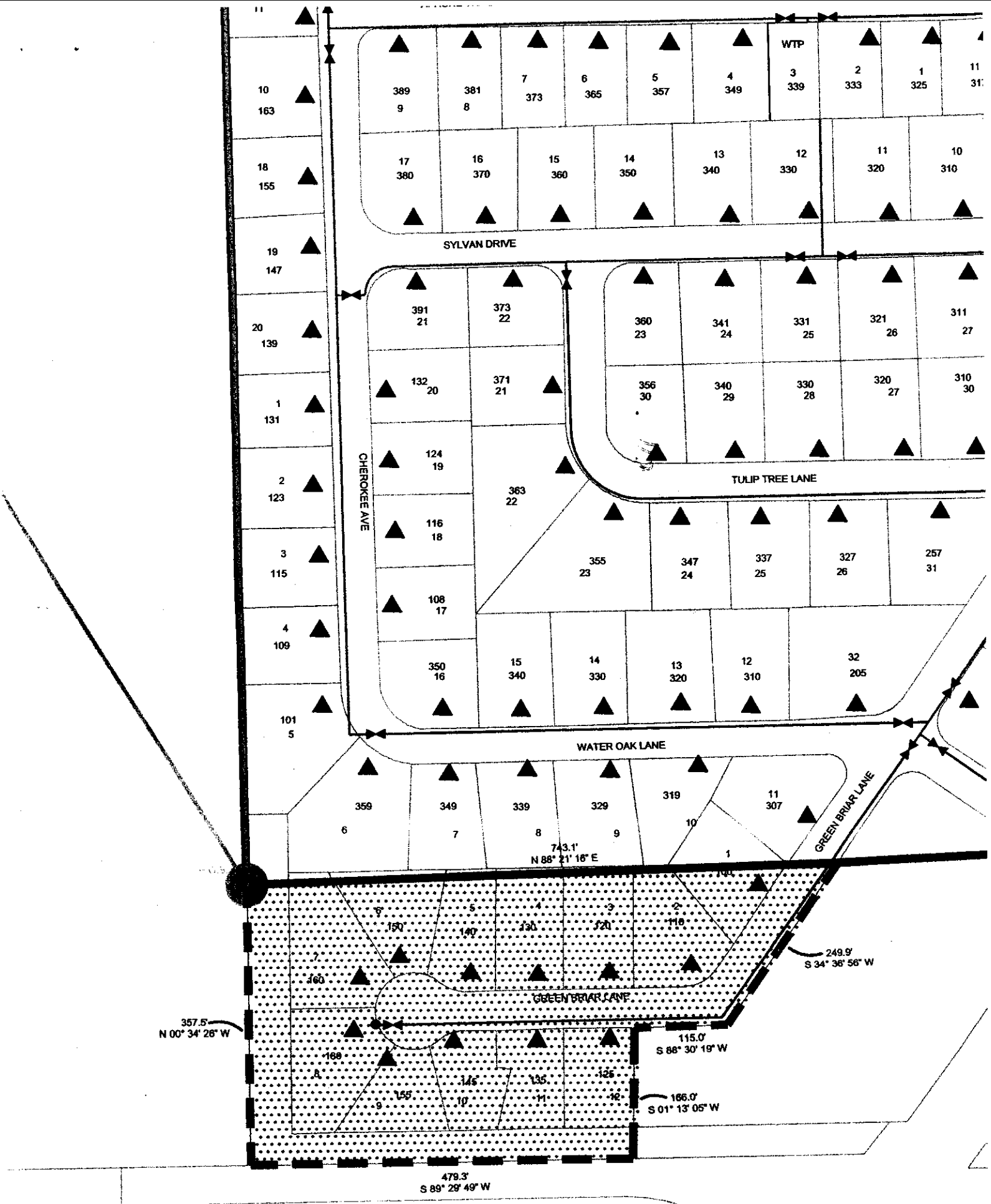
TOMOKA VIEW REVISED LEGAL DESCRIPTION

REVISED AMENDED LEGAL

COMMENCE FROM THE NORTHWEST CORNER OF SECTION 30 AND RUN 2,676.4 FT South 31°14'10"East TO THE POINT OF BEGINNING, THENCE RUN North 88°21'16"East A DISTANCE OF 743.1 FT, THENCE RUN South 34°36'56"West A DISTANCE OF 249.9 FT, THENCE RUN South 88°30'19"West A DISTANCE OF 115.0 FT, THENCE RUN South 1°13'5"West A DISTANCE OF 166.0 FEET, THENCE RUN South 89°29'49"West A DISTANCE OF 479.3 FT, THENCE RUN North 0°34'26"West A DISTANCE OF 357.5 FT TO THE POINT OF BEGINNING.

REVISED SERVICE AREA INCLUDING AMENDED AREA

COMMENCE FROM THE NORTHWEST CORNER OF SECTION 30 AND RUN 2,989.4 FT South 27°42'54"East TO THE POINT OF BEGINNING, THENCE RUN North 0°34'26"West A DISTANCE OF 357.3 FT, THENCE RUN North 0°54'2"West A DISTANCE OF 2,119.0 FT, THENCE RUN North 31°1'35"East A DISTANCE OF 155.2 FT, THENCE RUN North 89°03'29"East A DISTANCE OF 1,095.2 FT, THENCE RUN South 7°13'23"East A DISTANCE OF 998.9 FT, THENCE RUN South 49°17'27"East A DISTANCE OF 616.4 FT, THENCE RUN South 42°17'37"West A DISTANCE OF 277.1 FT, THENCE RUN South 35°25'38"West A DISTANCE OF 778.4 FEET, THENCE RUN South 87°23'57"West A DISTANCE OF 354.4 FEET, THENCE RUN South 34°36'56"West A DISTANCE OF 249.9 FEET, THENCE RUN South 88°30'19"West A DISTANCE OF 115.0 FEET, THENCE RUN South 01°13'05"West A DISTANCE OF 166.0 FEET, THENCE RUN South 89°29'49"West A DISTANCE OF 479.3 FEET TO THE POINT OF BEGINNING.



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

STATE OF FLORIDA



OFFICE OF THE GENERAL COUNSEL
MICHAEL G. COOKE
GENERAL COUNSEL
(850) 413-6199

RECEIVED-FPSC
08 SEP 29 PM 1:29
COMMISSION
CLERK

Public Service Commission

September 29, 2008

FPSC, CLK - CORRESPONDENCE		
<input type="checkbox"/> Administrative	<input type="checkbox"/> Parties	<input checked="" type="checkbox"/> Consumer
DOCUMENT NO. 07762-08		
DISTRIBUTION: _____		

John Miller
350 Water Oak Lane
Ormond Beach, FL 32174-5830

Re: Docket No. 080538-WS - Application for quick-take amendment and application for amendment of Certificate No. 238-W to extend water service to certain territory (Tomoka) in Volusia County, by Aqua Utilities Florida, Inc.

Dear Mr. Miller:

Thank you for your letter to the Florida Public Service Commission (PSC or Commission) in which you expressed your concerns about the application filed by Aqua Utilities Florida, Inc.'s (Aqua) application for amendment of Certificate No. 238-W to extend water service to certain territory (Tomoka) in Volusia County, by Aqua Utilities Florida, Inc. To give the Commissioners and staff an opportunity to review and understand your concerns, your letter has been placed in the correspondence side of the docket file.

Please be advised that Aqua is making this application because it has been providing service to 23 customers in the Tomoka area outside of its currently authorized service territory. To correct this error Aqua is seeking to amend its Certificate No. 238-W to include the extension area in which they are already providing service. The proposed extension area is adjacent to the utility's existing certificated water and wastewater service areas.

In particular, you expressed your concerns regarding the legal description contained within Aqua's application. Pursuant to its application Aqua provided both a legal description of its service territory and a map depicting both Aqua's current service territory and the proposed extension area. Please be advised that Commission staff is independently verifying the information contained in the application, legal description, and the maps provided pursuant to our analysis of this matter.

I believe that the foregoing addresses your concerns, however, if you wish to file a formal protest in the above referenced docket, you will have certain rights and responsibilities to put on your case, including filing written testimony, participating in motion practice and formal discovery, filing a prehearing statement, attending a prehearing to be held in Tallahassee, Florida, putting on witnesses and cross-examining utility and other witnesses at the hearing, and filing a post-hearing brief. All of these activities will have due dates that will be required to be met by all parties. Although utility customers may represent themselves at formal hearings before the Florida Public Service Commission, it may be preferable to hire counsel or a qualified representative to represent you.

That being said, if you do not wish to pursue a formal hearing, your letter will remain in the correspondence side of the docket file in this case, where your concerns will be available for review and informational purposes. Additionally, upon your request, we can send you a copy of staff's recommendation and you may address the Commissioners at the Agenda Conference.

If you wish to initiate a protest proceeding in the above referenced docket, please submit to the undersigned a petition initiating formal proceedings in accordance with the requirements of Rule 28-106.201, Florida Administrative Code, by **Monday, October 13, 2008**. Your petition should be made in writing and should be addressed to the Florida Public Service Commission, Director, Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399-0850. If we do not hear from you by Monday, October 13, 2008, we will assume that you do not wish to pursue a formal hearing and your letter will remain in the correspondence side of the docket file in the above referenced matter.

If you have any questions regarding the initiation of the protest process or the information contained herein, please do not hesitate to contact the undersigned at (850) 413-6220 or cklancke@psc.state.fl.us.

Sincerely,



Caroline Klancke, Esq.
Senior Attorney

cc: Office of the Commission Clerk

Ann Cole

From: Ann Cole
Sent: Wednesday, September 24, 2008 9:16 AM
To: Caroline Klancke
Subject: FW: Docket Correspondence
Attachments: Aqua protest letters3.PDF

FPSC, CLK - CORRESPONDENCE
Administrative Parties Consumer
DOCUMENT NO. D7762-08
DISTRIBUTION: _____

CLK has reviewed the active Aqua Utilities dockets. This letter has not been filed. I will place this letter in *Docket Correspondence - Consumers and their representatives*, in Docket Nos. 080538-WU.

Thank you.

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

From: Caroline Klancke
Sent: Tuesday, September 23, 2008 4:18 PM
To: Ann Cole
Subject:

Ann,

Please file the attached document in the correspondence side of docket file in Docket No. 080538-WU.
Thank you.

Caroline

Caroline M. Klancke
Senior Attorney
Economic Regulation Section
Office of the General Counsel
Florida Public Service Commission
Phone: (850) 413-6220
Fax: (850) 413-6221
cklancke@psc.state.fl.us

9/24/2008



CITY OF ORMOND BEACH

P.O. Box 277 • 22 South Beach Street • Ormond Beach, FL 32175-0277
(386) 676-3204 • Fax (386) 676-3330 • costello@ormondbeach.org

Fred Costello
Mayor

September 8, 2008

Mr. Matthew M. Carter, II, Chairman
Florida Public Service Commission
c/o Ann Cole, Commission Clerk
Office of Commission Clerk
2540 Shurnard Oak Blvd.
Tallahassee, FL 32399-0850

RE: Aqua Utilities – Application for an Extension of Service Area

Dear Mr. Carter:

On September 3, 2008, the City Commission considered the application of Aqua Utilities for an extension of service area, which is before the Public Service Commission for approval. The City Commission authorized a Letter of Objection to granting Aqua Utilities approval to provide this service. The Tomoka View and Tanglewood Subdivisions are unincorporated Volusia County enclaves within the city's service area for sewer and water. This area in particular has been identified as a potential service area. There are no other public utility systems in the area other than Ormond Beach. Just recently, Volusia County representatives during a review of the city's 10-year Water Plan recognized the city's primacy in providing water to this enclave.

We have indicated to the homeowners' association president, who is authorized to speak for the subdivisions involved, that the City of Ormond Beach will favorably consider annexation of these areas into the incorporated boundaries of the city. Service provision is contingent upon the resident of the subdivisions involved paying the cost of providing service to include infrastructure upgrades that meet adopted city standards. The city has also indicated to the subdivision officials that payment terms could be extended over a period of 20 years with an assessment paid each year during the period that tax payments are due.

Should you have questions regarding this letter, please do not hesitate to contact Mr. Ted MacLeod, Acting City Manager, at 386-676-3200 or via e-mail at macleod@ormondbeach.org.

Sincerely,

Fred Costello
Mayor

cc: Michael B. Towmey, Esquire
P. O. Box 5256
Tallahassee, FL 32314-5256

080538-ml

September 01, 2008

RECEIVED-FPSC

08 SEP -4 PM 12: 27

Mr. John Miller
350 Water Oak Lane
Ormond Beach, FL 32174-5830

COMMISSION
CLERK

08 SEP -4 AM 7: 26

COMMUNICATIONS CENTER

Director
Office of Commission Clerk
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Re: Aqua Utilities Florida petition for Extension of Service Area
Encl: Copy of notice of application.

Dear Sir:

I am objecting to the above application on the following grounds;

1. The legal description given on the application is not correct.
2. Some of the property that is included in the legal description are within the city limits of the City of Ormond Beach.
3. No plat map was provided to show exactly which parcels were to receive service.
4. Aqua Utilities Florida already supplies water service to the Tanglewood/ Tomoka View sub-divisions.

Yours truly,

John Miller

FPSC, CLC - CORRESPONDENCE		
<input type="checkbox"/> Administrative	<input type="checkbox"/> Parties	<input checked="" type="checkbox"/> Consumer
DOCUMENT NO.	07762-08	
DISTRIBUTION:	ECR/ML	

cc: Mr. Michael B. Twomey, Esq.
PO Box 5256
Tallahassee, FL 32314-5256

Notice of Application for an Extension of Service Area

Notice is hereby given on the 13th day of August, 2008 pursuant to Section 367.045, Florida Statutes and section 25-30.030 of the Florida Administrative Code, of the Application of Aqua Utilities Florida, Inc., 1100 Thomas Avenue, Leesburg, Florida 34748, of its intent to apply to the Florida Public Service Commission to extend its service area to provide water service to the property described below in Volusia County Florida.
LEGAL DESCRIPTION:

Tomoka Revised Legal Description

Tanglewood Forest - Tomoka View System

Township 14 South, Range 32 East, Volusia County, Florida.

Section 30

Begin at the Southwest corner of the Southeast of the Northwest and run North $0^{\circ}49'36''$ West 2477.0 feet, thence run North $31^{\circ}1'35''$ East 155.2 feet, thence run North $89^{\circ}3'29''$ East 1095.2 feet, thence run South $7^{\circ}32'20''$ East 1000.8 feet, thence run South $49^{\circ}1'37''$ East 611.4 feet, thence run South $42^{\circ}17'37''$ West 277.1 feet, thence run South $35^{\circ}38'8''$ West 1252.3 feet, thence run South $89^{\circ}11'42''$ West 815.5 feet to the Point of Beginning.

Any objections to the Application must be made in writing and filed with the Director, Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, no later than 30 days after the last date this notice was mailed or published, whichever is later, with a copy provided to Michael B. Twomey, Esq., Post Office Box 5256 Tallahassee, Florida 32314-5256. The objection must state the grounds for the objection with particularity.

Aqua Utilities Florida, Inc.
1100 Thomas Ave.
Leesburg, FL 34748

Ruth Nettles

From: Kimberley Pena
Sent: Tuesday, August 26, 2008 9:11 AM
To: Ruth Nettles
Subject: FW: Document Re-filing 080538

CONSUMER

Ruth, please find the below referenced letters, copy them and give it a new DN for Consumer correspondence in dkt. 080538. Thanks.

From: Ralph Jaeger
Sent: Tuesday, August 26, 2008 8:40 AM
To: Kimberley Pena; Caroline Klancke
Cc: Dorothy Menasco; Ann Cole
Subject: RE: Document Re-filing 080538

*Done
08/24/08
KMP*

There were two letters from Mr. Richard Roddy. The cover letter had 8-20-08 written in pen on it, with a Commission Clerk stamp of 08 AUG 25 AM 9:49. This letter protested the amendment but had another letter dated July 29, 2008 attached to it (also from Richard Roddy). The attached letter requested that the Commission deny the requested increase because of poor and unreliable water service. They were both apparently filed in D. No. 080121-WS and can stay there, but should also be put in D. No. 080538-WS, Caroline Klancke's docket.

From: Kimberley Pena
Sent: Tuesday, August 26, 2008 7:31 AM
To: Ralph Jaeger; Caroline Klancke
Cc: Dorothy Menasco; Ann Cole
Subject: FW: Document Re-filing 080538

Ralph and Caroline, this is the correspondence file, thus multiple pieces of correspondence are placed there. Could you be more specific (name of protestor) in order for us to include the correspondence in both dockets. Thanks for your help.

From: Dorothy Menasco
Sent: Monday, August 25, 2008 5:03 PM
To: Ann Cole
Cc: Kimberley Pena
Subject: RE: Document Re-filing 080538

DN 02419-08 is the correspondence file. Are you sure this is the right document number?

From: Ann Cole
Sent: Monday, August 25, 2008 5:01 PM
To: Dorothy Menasco
Cc: Ralph Jaeger; Caroline Klancke; Jennifer Brubaker
Subject: FW: Document Re-filing 080538

Hey Dorothy,

Please confirm that this was this was correctly filed in both dockets. Thanks.

From: Ralph Jaeger

8/26/2008

DOCUMENT NUMBER-DATE

07762 AUG 26 8

FPSC-COMMISSION CLERK

8/26/20089:18:46 AM2age 2 of 2

Sent: Monday, August 25, 2008 4:57 PM

To: Caroline Klancke; Ann Cole

Cc: Jennifer Brubaker

Subject: RE: Document Re-filing 080538

I brought this to Caroline's attention, and believe it could possibly be filed in both dockets. It is objecting to the amendment application (so D. No. 080538-WS), but attaches two previous objections filed in D. No. 080121-WS

From: Caroline Klancke

Sent: Monday, August 25, 2008 4:45 PM

To: Ann Cole

Cc: Jennifer Brubaker; Ralph Jaeger

Subject: Document Re-filing 080538

Ann,

I noticed that document no. 02419-08 was mis-filed in Dkt. No. 080121. Although the document itself specifies that it should be filed in the 080121 docket, it actually belongs in the 080538-WS docket (re Aqua's petition to extend water service into the Tomoka territory). Please let me know if you have any questions regarding this document. Thank you for your assistance with this matter.

Caroline

8/26/2008

7/17/2008 12:00 PM

Office of Commission Clerk Official Filing

Ruth Nettles

From: Rick Roddy [rrddy@earthlink.net]
Sent: Thursday, July 17, 2008 12:48 AM
To: Consumer Contact
Subject: Docket #080121-WS

Attachments: Aqua utilitles.doc



Aqua
utilitles.doc (27 K)

Docket # 080121-WS

125 Seminole Drive
Ormond Beach, Fl. 32174
July 15, 2008

In regards to: Docket #080121-WS

Subject: Request for rate increase

PSC Commissioners,

I would like to add my Families input to the hearing on the rate increase request made by Aqua Utilities.

We are unable to drink the water due to the taste, color and odor of the water. We must purchase bottled water to consume. The water is very hard and makes it not pleasant to shower, wash cloths or do dishes. The pressure is what I consider low along with many other quality problems.

The frequent water outages and the slow response to making repairs is of great concern to me. One of the problems is that the system is more then 40 years old and has never been upgraded to meet the demand of our current times. This includes the fact that we do not have any fire hydrants that can be supported by the output of the water plant. I am a retired Firefighter and a major one of my professional duties was the hydrant system in the City of Ormond Beach. The water mains in our subdivision are 4 inch mains, 40 year old PVC that has become very fragile. I know for a fact that there is not enough vales to isolate broken main lines by area or street, which is obvious when a meter change causes the entire system to be shut down. We live in a two story home and I can not count the number of times in the last two years, when we would open a faucet and it would suck air in instead of releasing water.

I can not accept the logic of "Uniform Rates" when our system is substandard at best.

Questions & Concerns;

Can a resident opt out and have the meter turned off and not be responsible to pay the base rate?

What would happen if a storm knocked out our only water plant? The system has no back-up connections to the City of Ormond Beach, which is less than a 50ft.distance away.

Who is responsible to over see the public health and safety of the residence of our subdivision?

What is described in the franchise agreement for scheduled system improvements?

My list of questions could continue but I feel that the PSC gets the point that this family is opposed to approving of a rate increase! I would not be so opposed if we could see large scale improvements to water quality and health/safety concerns.

Richard Roddy

Ruth Nettles

From: Ruth McHargue
Sent: Thursday, July 17, 2008 11:36 AM
To: Ruth Nettles
Cc: Kimberley Pena; Cheryl Bulecza-Banks
Subject: FW: Aqua Rate Increase
Attachments: Docket #080121-WS; 3866771453, 1 page(s)

Customer sent an e-mail and a fax copy of his correspondence.

From: Angie Calhoun
Sent: Thursday, July 17, 2008 8:41 AM
To: Ruth McHargue
Subject: Aqua Rate Increase

7/17/2008 12:01 PM

Office of Commission Clerk Official Filing

Ruth Nettles

From: NET SatisFAXtion [postmaster]
To: Consumer Contact
Subject: 3866771453, 1 page(s)

Attachments: FAX.TIF

You have received a new fax. This fax was received by NET SatisFAXtion. The fax is attached to the message. Open the attachment to view your fax.

Received Fax Details

Received On: 7/17/2008 12:56 AM
Number of Pages: 1
From (CSID): 3866771453
From (ANI):
Sent to DID:

Duration of Fax: 0:00:50
Transfer Speed: 14400

Received Status: Success
Number of Errors: 0
Port Received On: RockForceOCTO+ Port 6



FAX.TIF (32 KB)

125 Seminole Drive
Ormond Beach, Fl. 32174
July 15, 2008

In regards to: Docket #080121-WS

Subject: Request for rate increase

PSC Commissioners,

I would like to add my Families input to the hearing on the rate increase request made by Aqua Utilities.

We are unable to drink the water due to the taste, color and odor of the water. We must purchase bottled water to consume. The water is very hard and makes it not pleasant to shower, wash cloths or do dishes. The pressure is what I consider low along with many other quality problems.

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Richard Roddy