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STATE OF FLORIDA



OFFICE OF THE GENERAL COUNSEL
PATRICK L. "BOOTER" IMHOF
GENERAL COUNSEL
(850) 413-6199

Public Service Commission

May 12, 2009

RECEIVED-FPSC
09 MAY 13 AM 10:38
COMMISSION
CLERK

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

Re: DOCKET NO. 080562-WU - Request for approval amendment to connection/transfer sheets, increase in returned check charge, amendment to miscellaneous service charges, increase in meter installation charges, and imposition of new tap-in fee, in Marion County by East Marion Sanitary Systems Inc.

Dear Mr. Hein:

Thank you for your response to my letter of April 7, 2009, in which the Commission notified you that you were in violation of rules and may be subject to a show cause proceeding. In your letter, you stated that you were willing to comply with the Commission's directions and would be able to connect the two customers who had filed completed applications with East Marion, Mr. Greco and Mr. Singel. You stated that, in contention with the Commission's Order, neither Mr. Will nor Mr. Turner filed an application for irrigation meters. Please note that unless the Commission's Order is protested, you are required to connect Mr. Will and Mr. Turner also, and any other individual who has applied for irrigation meters prior to April 7, 2009, and been rejected. The protest period expires May 18, 2009, at which time the Order becomes final. I am attaching a copy of the Order.

In your letter, you also asked several questions. Allow me to respond as follows.

First, you asked that I provide you with the form or sample petition as required by Rule 28-106.201, Florida Administrative Code (F.A.C.). Attached is the rule itself, which is very specific as to what is required in the petition for formal proceeding. We do not have a form, just the rule.

Second, you requested correspondence from Mr. Will requesting an irrigation meter. Attached is all of the written correspondence from Mr. Will. There were also several telephone calls staff received from Mr. Will. Also attached are five newly received letters from East Marion customers. Pursuant to the Commission's direction at its Agenda Conference, Mr. Will forwarded five letters from East Marion customers alleging that they requested irrigation meters.

You asked if there are any type of financing programs available through the Public Service Commission to cover the costs of installing irrigation meters. There are no financing programs. I

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believe you have had discussions with Bart Fletcher of Commission staff regarding a possible rate case.

You asked if there were Commission rules regarding a Utility filing for bankruptcy protection, and whether there are any prohibitions against a utility filing for bankruptcy protection. There are no Commission rules prohibiting a utility from filing for bankruptcy protection. The relevant statutory provisions from the Commission's perspective focus on continuation of service to customers are:

Any person, company, or organization that obtains ownership or control over any system, or part thereof, through foreclosure of a mortgage or other encumbrance, shall continue service without interruption and may not remove or dismantle any portion of the system previously dedicated to public use which would impair the ability to provide service, without the express approval of the Commission.

Section 367.071(6), Florida Statutes (F.S.), and Section 367.165, F.S., regarding Abandonment, which I am attaching for your information. Please understand that I am providing this information regarding bankruptcy as the attorney for the Public Service Commission. I would encourage you to seek your own legal counsel if you have any specific questions regarding your utility filing for bankruptcy.

If you have any questions regarding this letter, please do not hesitate to contact me.

Sincerely,


Lisa C. Bennett
Senior Attorney

LCB:th

Enclosures (18)

cc: Office of Commission Clerk
Division of Economic Regulation (Daniel, Fletcher)

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for approval of amendment to connection/transfer sheets, increase in returned check charge, amendment to miscellaneous service charges, increase in meter installation charges, and imposition of new tap-in fee, in Marion County, by East Marion Sanitary Systems Inc.

DOCKET NO. 080562-WU
ORDER NO. PSC-09-0263-TRF-WU
ISSUED: April 27, 2009

The following Commissioners participated in the disposition of this matter:

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

ORDER DENYING IN PART AND GRANTING IN PART EAST MARION SANITARY
SYSTEM, INC.'S APPLICATION TO AMEND TARIFFS;
ADDRESSING PREVIOUS APPLICATIONS FOR IRRIGATION METERS

BY THE COMMISSION:

Background

East Marion Sanitary Systems Inc. (East Marion or Utility) is a Class C utility providing water and wastewater service to approximately 96 customers in Marion County. Water and wastewater rates were last established for this Utility in a staff-assisted rate case in 2002.¹ East Marion reported water and wastewater revenues of \$65,553 in its 2007 Annual Report. The system is located in the St. Johns River Water Management District (SJRWMD).

On August 19, 2008, the Utility filed an application for approval to amend its tariff sheets to reflect the following: amendment to connection/transfer sheet to require each customer to provide his social security number to obtain service, increase in returned check charge, amendment to miscellaneous service charges, increase in meter installation charges, and the imposition of a new tap-in fee. By Order No. PSC-08-0746-PCO-WU, issued November 12, 2008, we suspended the tariff filing pending further investigation. We have jurisdiction pursuant to Section 367.091, Florida Statutes (F.S.).

¹ See Order No. PSC-02-1168-PAA-WS, issued August 26, 2002, in Docket No. 010869-WS, In re: Application for staff-assisted rate case in Marion County by East Marion Sanitary Systems, Inc.

Social Security Number

The Utility requests that its connection/transfer sheet be revised to reflect a provision that requires customers to provide their Social Security numbers in their applications for service. The Utility asserts that it needs the Social Security number to collect on bad debts and delinquent accounts. The Utility's request to amend its tariff sheet to require a customer to provide his Social Security number to obtain service is denied. While there is no law prohibiting a company from requiring a Social Security number before it provides service, we find that it is bad policy to require the number before a customer obtains utility service, especially when alternate means of identification will allow the Utility to pursue bad debts. The Social Security administration acknowledges on its website:

If a business or other enterprise asks you for your number, you can refuse to give it. However, that may mean doing without the purchase or service for which your number was requested. For example, Utility companies and other services ask for a Social Security number, but do not need it; they can do a credit check or identify the person in their records by alternative means.

<http://ssa-custhelp.ssa.gov> We have permitted other utilities to ask for a Social Security number, as one of several acceptable forms of identification a ratepayer may provide to obtain service. For instance, in its tariff, Florida Power & Light Company (FPL) is permitted to require an applicant to provide his name, telephone number and address and to require identification with the application for service. "The types of identification required upon application for service include a valid Social Security number, tax identification number, driver's license, birth certificate, or any other form of identification acceptable to the Company." FPL Tariff Sheet 6.010.

East Marion is not requesting alternate types of identification; it only wants the customer's Social Security number. To provide a customer no alternative method of proving identification other than his Social Security number removes any choice from the consumer about releasing this sensitive information due to the monopolistic nature of a utility. Further, there are customers who do not have Social Security numbers, and in those instances, this requirement would be discriminatory. Therefore, East Marion's request to amend its connection/transfer sheet is denied.

The Utility is permitted, however, to amend its connection/transfer sheet to require one of several acceptable forms of identification. For purposes of the tariff, the types of identification required upon application for service include a valid Social Security number, tax identification number, driver's license, birth certificate, or any other form of identification acceptable to the Company. If the Utility chooses to amend its connection/transfer sheet consistent with our direction, it must provide our staff with a copy of the revised tariff within 30 days of the effective date of the Order. Our staff is granted the administrative authority to approve the revised tariff sheet, consistent with our direction.

Returned Check Charge

The Utility requests that its returned check charge be increased from \$20 to \$25. The utility submitted information in its filings reflecting the actual costs it incurs for returned checks. We find that the Utility shall be permitted to collect its actual costs for returned checks. The Utility shall revise its tariff to reflect that the charges for returned checks will be its actual costs.

Miscellaneous Service Charges

The Utility requests an increase in its miscellaneous service charges to be more reflective of its current cost of service. The current miscellaneous service charges were approved for the Utility in a transfer docket in 1998² and have not changed since that date – a period of 11 years. East Marion believes these charges should be updated to reflect current costs. Based on the data supplied by the company, we agree with this update. The costs for fuel and labor have risen substantially since that time. Further, our price index has increased approximately 25 percent in that period of time. We have expressed concern with miscellaneous service charges that fail to compensate utilities for the cost incurred. By Order No. PSC-96-1320-FOF-WS, issued October 30, 1996, we expressed “concern that the rates [miscellaneous service charges] are eight years old and cannot possibly cover current costs” and directed our staff to “examine whether miscellaneous service charges should be indexed in the future and included in index applications.”³ Currently, miscellaneous service charges may be indexed if requested in price index applications pursuant to Rule 25-30.420, F.A.C. However, few utilities request that their miscellaneous service charges be indexed. The Utility does not have on-site personnel to perform these services and has to contract out. East Marion provided cost estimates from a third-party vendor. In light of the above considerations and the data provided by the Utility, we find that the Utility’s requested charges are reasonable.

East Marion’s current tariff includes a Premises Visit (in lieu of disconnection) charge. This charge is levied when a service representative visits a premise for the purpose of discontinuing service for non-payment of a due and collectible bill but does not discontinue service because the customer pays the service representative or otherwise makes satisfactory arrangements to pay the bill. In addition to those situations described in the definition of the current Premises Visit In Lieu of Disconnection, the new Premises Visit charge will also be levied when a service representative visits a premise at a customer’s request for complaint resolution or for other purposes and the problem is found to be the customer’s responsibility. This charge is consistent with Rule 25-30.460(1)(d), F.A.C. In addition, by Order No. PSC-05-0397-TRF-WS, issued April 18, 2005, we approved a Premises Visit Charge to be levied when a service representative visits a premises at the customer’s request for a complaint and the problem

² See Order No. PSC-98-0928-FOF-WS, issued July 7, 1998, in Docket No. 971269-WS, In re: Application for transfer of majority organizational control of East Marion Sanitary Systems, Inc. and East Marion Water Distribution, Inc. in Marion County from Del-American/First Federal of Osceola to Herbert Hein, and change in name on Certificate No. 490-W from East Marion Water Distribution, Inc. to East Marion Sanitary Systems, Inc.

³ See Docket No. 950495-WS, In Re: Application for rate increase and increase in service availability charges by Southern States Utilities, Inc. for Orange-Osceola Utilities, Inc. in Osceola County, and in Bradford, Brevard, Charlotte, Citrus, Clay, Collier, Duval, Highlands, Lake, Lee, Marion, Martin, Nassau, Orange, Osceola, Pasco, Putnam, Seminole, St. Johns, St. Lucie, Volusia, and Washington Counties.

is found to be the customer's responsibility.⁴ Based on the foregoing, the Premises Visit (in lieu of disconnection) shall be changed to a Premises Visit charge.

The Utility has requested to implement a Disconnection Charge. East Marion wants to levy this charge for disconnection of service for cause pursuant to Rule 25-30.320(2), F.A.C. Rule 25-30.460, F.A.C. does not provide a specific category for this charge. However, the Utility does not have any on-site personnel to perform disconnections. The Utility included its estimate for the disconnection costs in the docket file. Based on the estimate provided by the Utility, East's Marion's proposed disconnection charges are reasonable. The Utility has proposed that its Violation Reconnection charge for water be actual cost. Pursuant to Rule 25-30.460, F.A.C., violation reconnection charges are at the tariffed rate for water and actual cost for wastewater. The third-party vendor charges a \$50 violation reconnection for water during normal business hours and \$80 for after hours. We find that this amount is reasonable for the water disconnection charge.

In summary, the Utility's miscellaneous service charges are approved with the changes discussed above. The following table shows East Marion's current charges, its proposed charges, and the Commission-approved charges.

<u>Water</u>	<u>Current</u>	<u>Proposed</u>		<u>Commission Approved</u>	
		<u>Normal Hours</u>	<u>After Hours</u>	<u>Normal Hours</u>	<u>After Hours</u>
Initial Connection Fee	\$15.00	\$45.00	\$75.00	\$45.00	\$75.00
Normal Reconnection Fee	\$15.00	\$45.00	\$75.00	\$45.00	\$75.00
Disconnection Fee	\$0.00	\$45.00	\$75.00	\$45.00	\$75.00
Violation Reconnection Fee	\$15.00	Actual Cost	Actual Cost	\$50.00	\$80.00
Premise Visit Fee (in lieu of disconnection)	\$10.00	\$55.00	\$85.00	\$0	\$0
Premise Visit	\$0	\$0	\$0	\$55.00	\$85.00

⁴ See Docket 050096-WS, In re: Request for revision of Tariff Sheets 14.0 and 15.1 to change request for meter test by customer and premise visit charge, by Marion Utilities, Inc.

<u>Wastewater</u>	<u>Current</u>	<u>Proposed</u>		<u>Commission Approved</u>	
		<u>Normal Hours</u>	<u>After Hours</u>	<u>Normal Hours</u>	<u>After Hours</u>
Initial Connection Fee	\$15.00	\$45.00	\$75.00	\$45.00	\$75.00
Normal Reconnection Fee	\$15.00	\$45.00	\$75.00	\$45.00	\$75.00
Disconnection Fee	\$0.00	\$45.00	\$75.00	\$45.00	\$75.00
Violation Reconnection Fee	Actual Cost	Actual Cost	Actual Cost	Actual Cost	Actual Cost
Premise Visit Fee (in lieu of disconnection)	\$10.00	\$55.00	\$85.00	\$0	\$0
Premise Visit	\$0	\$0	\$0	\$55.00	\$85.00

Meter Installation Charges

The Utility requests an increase in its meter installation charge. East Marion's current meter installation charge is \$70.00. The Utility's meter installation charge was last established in 2002. East Marion has requested to increase its meter installation charge to \$195.00. The Utility does not have on-site personnel to perform this service and has to contract out meter installations. East Marion provided cost estimates for the meter installation from a third-party vendor. We find the meter installation charge to be reasonable. We have approved meter installation charges of \$193⁵ in 2008, \$200⁶ in 2004 and \$250⁷ in 2003. Based on the above, the Utility is authorized to collect meter installation fees of \$195 for 5/8" x 3/4" meters and actual cost for all others.

Tap-In Fee

In order to provide separate irrigation service, East Marion has requested to implement a new tap-in fee. The Utility is requesting three different charges for the tap-in fee. The proposed tap-in fees are \$1,400, \$1,800, and \$2,600 for the short, long, and extra-long irrigation service

⁵ See Order No. PSC-08-0483-PAA-WU, issued July 25, 2008, in Docket No. 070627-WU, In re: Application for staff-assisted rate case in Lake County by Raintree Utilities, Inc.

⁶ See Order No. PSC-04-1256-PAA-WU, issued December 20, 2004, in Docket No. 041040-WU, In re: Application for certificate to operate water utility in Baker and Union Counties by B & C Water Resources, L.L.C.

⁷ See Order No. PSC-03-0740-PAA-WS, issued June 23, 2003, in Docket No. 021067-WS, In re: Application for staff assisted rate case in Polk County by River Ranch Water Management, L.L.C.

line installation, respectively. The short installation tap-in fee involves installing the irrigation service line twenty-feet or less where the water main is on the same side of the road as the meter. The long installation tap-in fee involves installing the irrigation service line forty-feet or less where the water main is on the opposite side of the road. Finally, the extra-long installation tap-in fee involves installing the irrigation service line forty feet or more on the opposite side of a cul-de-sac. East Marion does not have on-site personnel to perform these services and has to contract out these services. We have reviewed the estimates provided by the Utility from a third-party vendor. Based on the estimates, the proposed tap-in fees are reasonable.

Customer Notice of Tariff Changes

East Marion shall file a proposed customer notice to reflect our approved tariff changes, including the change to the connection/transfer sheet, the returned check charge, the miscellaneous service charges, meter installation charges, and tap-in fees. The approved changes shall be effective for service rendered on or after the stamped approval date of the tariff, pursuant to Rule 25-30.475(2), F.A.C., provided the notice has been approved by our staff. Within ten days of the date the order is issued, the Utility shall provide notice of the tariff changes to all customers. Within ten days after the date the notice was sent, East Marion shall provide an affidavit for proof that the customers have received notice.

Summary

East Marion's proposal to amend its tariffs is denied in part and granted in part as filed. The Utility is not permitted to amend its connection/transfer sheet to include a requirement that the applicant provide his Social Security number. The Utility is permitted to amend its connection/transfer sheet to require one of several acceptable forms of identification. We find that the Utility shall be permitted to collect its actual costs for returned checks. Also, the Utility's proposed premise visit in lieu of disconnection shall be changed to premise visit, and its violation reconnection charge for water shall be \$50.00 for normal hours and \$80.00 for after hours. With those exceptions, all other of East Marion's requested miscellaneous service charges, meter installation charges, and tap-in fees are approved. If the Utility files revised tariff sheets within 30 days of the effective date of the Order which are consistent with our vote, our staff is given administrative authority to approve the revised tariff sheets upon verification that the tariffs are consistent with our decision. If the revised tariff sheets are filed and approved, the connection/transfer sheet, returned check charge, miscellaneous service charges, meter installation charges, and tap-in fee shall become effective for connections made on or after the stamped approval date on the tariff sheet, pursuant to Rule 25-30.475(2), Florida Administrative Code (F.A.C.), provided customer notice was timely given and provided that no protest is filed.

Prior Applicants for Irrigation Meters

We have received correspondence from four customers (Mr. David Greco, Mr. Joseph Singel, Mr. Terry Will, and Mr. Earl Turner) who have all requested irrigation meters. In all instances, the customers were told that service would not be provided until after we approved the new meter installation rate. At an informal meeting held on November 14, 2008, with East Marion, our staff informed East Marion that pursuant to Rule 25-30.520, F.A.C., a utility could

not refuse to provide service within its certificated areas in accordance with the terms and conditions on file with us.

By this Order we have approved the Utility's new meter installation charge and tap-in charge. However, these four customers, and any other customers who have requested an irrigation meter prior to April 7, 2009, shall only be charged the rates in effect at the time of their application. The Utility shall be required to provide irrigation meters to those customers at the current tariff rate of \$70.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that East Marion Sanitary Systems, Inc.'s application for approval to amend its tariff sheets is denied in part and approved in part as set forth in the body of this Order. It is further

ORDERED the Utility is not permitted to amend its connection/transfer sheet to include a requirement that the applicant provide his Social Security number. The Utility is permitted to amend its connection/transfer sheet to require one of several acceptable forms of identification. The Utility is permitted to collect its actual costs for returned checks. The Utility's proposed premise visit in lieu of disconnection shall be changed to premise visit, and its violation reconnection charge for water shall be \$50.00 for normal hours and \$80.00 for after hours. All other of East Marion's requested miscellaneous service charges, meter installation charges, and tap-in fees are approved. It is further

ORDERED that if the Utility chooses to amend its connection/transfer sheet to require one of several acceptable forms of identification consistent with our direction, it must provide our staff with a copy of the revised tariff within 30 days of the effective date of the Order. It is further

ORDERED that each of the findings made in the body of this Order is hereby approved in every respect. It is further

ORDERED that East Marion Sanitary Systems, Inc.'s shall file revised tariff sheets and a proposed customer notice to reflect the approved tariff amendments. It is further

ORDERED that the tariffs shall be approved upon our staff's verification that the tariffs are consistent with our decision herein. It is further

ORDERED that the approved rates shall be effective for service rendered on or after the stamped approval date of the revised tariff sheets pursuant to Rule 25-30.475(1), F.A.C. It is further

ORDERED that the approved tariff amendments shall not be implemented until our staff has approved the proposed customer notice and the notice has been received by the customers as set forth in the body of this Order. It is further

ORDERED that East Marion Sanitary Systems, Inc.'s shall provide proof of the date notice was given no less than ten days after the date of the notice. It is further

ORDERED any customer who has requested an irrigation meter from East Marion Sanitary Systems, Inc. prior to April 7, 2009, shall only be charged the rates in effect at the time of their application. The Utility shall be required to provide irrigation meters to those customers at the current tariff rate of \$70.

ORDERED upon expiration of the protest period, if a timely protest is not filed, a Consummating Order shall be issued and the docket shall remain open for 30 days from the issuance date of the Consummating Order, to allow the Utility time to file the revised tariff sheet. Upon staff's verification that the tariff sheet complies with the order, the tariff sheet shall be stamped approved and the docket shall be closed administratively. In the event that a timely protest is filed, and the Utility files revised tariff sheets reflecting the approved charges, the tariff shall remain in effect with any increases held subject to refund pending resolution of the protest.

By ORDER of the Florida Public Service Commission this 27th day of April, 2009.

/s/ Ann Cole

ANN COLE

Commission Clerk

This is an electronic transmission. A copy of the original signature is available from the Commission's website, www.floridapsc.com, or by faxing a request to the Office of Commission Clerk at 1-850-413-7118.

(S E A L)

LCB

NOTICE OF FURTHER PROCEEDINGS

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

The Commission's decision on this tariff is interim in nature and will become final, unless a person whose substantial interests are affected by the proposed action files a petition for a formal proceeding, in the form provided by Rule 28-106.201, Florida Administrative Code. This petition must be received by the Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on May 18, 2009.

In the absence of such a petition, this Order shall become final and effective upon the issuance of a Consummating Order.

Any objection or protest filed in this docket before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.

28-106.201 Initiation of Proceedings.

(1) Unless otherwise provided by statute, and except for agency enforcement and disciplinary actions that shall be initiated under Rule 28-106.2015, F.A.C., initiation of proceedings shall be made by written petition to the agency responsible for rendering final agency action. The term "petition" includes any document that requests an evidentiary proceeding and asserts the existence of a disputed issue of material fact. Each petition shall be legible and on eight and one half inch by eleven inch (8 1/2" x 11") white paper. Unless printed, the impression shall be on one (1) side of the paper only and lines shall be double-spaced.

(2) All petitions filed under these rules shall contain:

(a) The name and address of each agency affected and each agency's file or identification number, if known;

(b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination;

(c) A statement of when and how the petitioner received notice of the agency decision;

(d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;

(e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action;

(f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and

(g) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the agency to take with respect to the agency's proposed action.

(3) Upon receipt of a petition involving disputed issues of material fact, the agency shall grant or deny the petition, and if granted shall, unless otherwise provided by law, refer the matter to the Division of Administrative Hearings with a request that an administrative law judge be assigned to conduct the hearing. The request shall be accompanied by a copy of the petition and a copy of the notice of agency action.

Specific Authority 120.54(3), (5) FS. Law Implemented 120.54(5), 120.569, 120.57 FS. History--New 4-1-97, Amended 9-17-98, 1-15-07.

28-106.2015 Agency Enforcement and Disciplinary Actions.

(1) Prior to entry of a final order to suspend, revoke, or withdraw a license, to impose administrative fines, or to take other enforcement or disciplinary action against a licensee or person or entity subject to the agency's jurisdiction, the agency shall serve upon the licensee an administrative complaint. For purposes of this rule, an agency pleading or communication that seeks to exercise an agency's enforcement authority and to take any kind of disciplinary action against a licensee or other person shall be deemed an administrative complaint.

(2) An agency issuing an administrative complaint shall be the petitioner, and the licensee against whom the agency seeks to take disciplinary action shall be the respondent.

(3) The agency's administrative complaint shall be considered the petition, and service of the administrative complaint on the respondent shall be deemed the initiation of proceedings.

(4) The agency's administrative complaint shall contain:

(a) The name of the agency, the respondent or respondents against whom disciplinary action is sought and a file number.

(b) The statutory section(s), rule(s) of the Florida Administrative Code, or the agency order alleged to have been violated.

(c) The facts or conduct relied on to establish the violation.

(d) A statement that the respondent has the right to request a hearing to be conducted in accordance with Sections 120.569 and 120.57, F.S., and to be represented by counsel or other qualified representative.

(5) Requests for hearing filed by the respondent in accordance with this rule shall include:

(a) The name, address, and telephone number, and facsimile number (if any) of the respondent.

(b) The name, address, telephone number, facsimile number of the attorney or qualified representative of the respondent (if any) upon whom service of pleadings and other papers shall be made.

(c) A statement requesting an administrative hearing identifying those material facts that are in dispute. If there are none, the petition must so indicate.

Lisa Bennett

From: Terry99wi@aol.com
Sent: Tuesday, November 18, 2008 11:22 AM
To: Lisa Bennett
Subject: Terry Will Contact

This is a note to confirm the email contact.

[Get the Moviefone Toolbar.](#) Showtimes, theaters, movie news & more!

Lisa Bennett

From: Terry99wi@aol.com
Sent: Wednesday, November 26, 2008 10:22 PM
To: Lisa Bennett
Subject: Re: Terry Will

Lisa C. Bennett
Office of the General Counsel
2540 Shumard Oak Boulevard
Tallahassee, FL
850-413-6230

Dear Miss Bennett

Just a quick update regarding our phone conversation November 18, 08 I have four people that were turned down by Bea Jordon. She told them that Mr. Hine was not taking applications for the irrigation meter. I also talked to Manny and Ifangela Oria 770 N/E 130 ct. Phone (352) 346 8464 They told me they had a problem with the water. I think you should talk directly with them. Manny got burnt in the shower, and she suffered a rash form the water. I have other people that want to talk to me or PSC. about their problems with the water. I will talk with all the people in Lakeview Woods that are having problems.

Thank your in advance for your help Terry Will (352) 239 3200

Life should be easier. So should your homepage. [Try the NEW AOL.com.](http://www.aol.com)

Earl & Rosemary Turner
787 N.E. 130th Court
Silver Springs Fl. 33488

East Marion Sanitary system
P.O. Box 234
Silver Springs Fl. 33489

To Whom It May Concern:

We are requesting a second water meter for our home at 787 N.E. 130th Court.

Respectfully:



Earl Turner

Signed before me this 20 day of October 20 08,

by Earl Turner Jr who is personally

known to me or has provided FL DL EXP - 8/14/2013
as identification.

 Notary Public.

November 26, 2008

Re: East Marion Sanitary

My experience with the water quality of East Marion Sanitary is that I'm afraid to drink it, even shower in it.

For a long time there has been an odor coming from the water that filled the house. It smelled like decaying chicken parts in a dumpster in the hot sun.

My clothes do not smell clean and look dingier and dirtier when they come out of the wash than before they went in.

My shower head is turning pink in and around the holes the water comes out of.

The toilet bowls are streaked vertically and has a ring that is brown.

At times the water starts out brown when I first turn it on and some times the water is not clear.

From time to time we have problems with the pressure.

On the other side at times the smell of chlorine was so strong it would burn my eyes.

This was brought up at the community meeting last week, that Bea Jordan attended, and the next day I saw Pro Tec here doing something to the water. The water was better by the next day. Amazing!



Angela & Dennis Fountain
13052 NE 7th Loop
Silver Springs, Fl 34488

Lisa Bennett

From: Terry99wi@aol.com
Sent: Monday, January 12, 2009 7:05 PM
To: Lisa Bennett
Subject: Re: Terry Will Contact

My address is 1385 N/E 130 th Terrace Silver Springs FL. 34488

A Good Credit Score is 700 or Above. See yours in just 2 easy steps!

5/12/2009

Lisa Bennett

From: Terry99wi@aol.com
Sent: Monday, February 16, 2009 12:53 PM
To: Lisa Bennett
Cc: Shannon Hudson
Subject: Reply Conserns

Dear Mrs Bennett

I am very concerned that the problem with the water in our subdivision is going unchecked. We have two primary problems. We have asked East Marion Water Co. for irrigation meters and have been refused. We have complained several times about the condition of the water. It is not fit for Human consumption. These problems are not new to us or to PSC. Please Help us to solve the problems. Currently, our covenants will not allow us to have privet wells put in. We are trapped with a monopoly. Please reply by phone or email.

Lakeview Wood's Sub.
East Marion Water Co.

Terry Will
1385 N/E 130th Terrace
Ocala FL 34488

Phone 352-239-3200

A Good Credit Score is 700 or Above. See yours in just 2 easy steps!

Lisa Bennett

From: Terry99wi@aol.com
Sent: Monday, February 23, 2009 8:37 PM
To: Lisa Bennett
Subject: Please Reply (second email)

Dear Mrs Bennett

I am very concerned that the problem with the water in our subdivision is going unchecked. We have two primary problems. We have asked East Marion Water Co. for irrigation meters and have been refused. We have complained several times about the condition of the water. It is not fit for Human consumption. These problems are not new to us or to PSC. Please Help us to solve the problems. Currently, our covenants will not allow us to have privet wells put in. We are trapped with a monopoly. Please reply by phone or email.

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Ocala FL 34488

Phone 352-239-3200

A Good Credit Score is 700 or Above. See yours in just 2 easy steps!

5/12/2009

Lisa Bennett

From: Terry99wi@aol.com
Sent: Monday, April 27, 2009 11:06 PM
To: Lisa Bennett
Subject: Re: East Marion Sanitary Systems

Thank you for contacting me

In a message dated 4/24/2009 10:12:58 A.M. Eastern Daylight Time, LBENNETT@PSC.STATE.FL.US writes:

Please give me a call at your convenience. I wanted to follow up with you from the April 7 Public Service Commission's Agenda Conference.

Lisa C. Bennett
Office of the General Counsel
2540 Shumard Oak Boulevard
Tallahassee, FL
850-413-6230

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Lisa Bennett

From: Terry99wi@aol.com
Sent: Monday, April 27, 2009 11:12 PM
To: Lisa Bennett
Subject: Re: East Marion Sanitary Systems

Thank you for contacting me on the sub. matter. I have several letter's from the residents in Lakeview woods requesting meters. Please tell me were to stick them. Please call 352-239-3200

In a message dated 4/24/2009 10:12:58 A.M. Eastern Daylight Time, LBENNETT@PSC.STATE.FL.US writes:

Please give me a call at your convenience. I wanted to follow up with you from the April 7 Public Service Commission's Agenda Conference.

Lisa C. Bennett
Office of the General Counsel
2540 Shumard Oak Boulevard
Tallahassee, FL
850-413-6230

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Lisa Bennett

From: Terry99wi@aol.com
Sent: Monday, May 11, 2009 9:51 AM
To: Timolyn Henry
Cc: Lisa Bennett
Subject: Re: Docket No. 080562-WU

Please resend the file. I could not open it.

In a message dated 5/8/2009 7:54:56 A.M. Eastern Daylight Time, THenry@PSC.STATE.FL.US writes:

On behalf of Lisa Bennett, Senior Attorney

Please find the attached:

1. Follow up letter in re: Docket No. 080562-WU
2. Copy of order

Thanking you in advance!

*Ms. Timolyn Henry
Florida Public Service Commission
Office of General Counsel
2540 Shumard Oak Blvd.
Tallahassee, FL 32399*

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March 4, 2007

RECEIVED-FPSC

09 MAY -6 AM 10:48

COMMISSION
CLERK

COMMUNICATION CENTER
MAY -6 11 7:18

To: East Marion Sanitary Sys
P.O. Box 101
Silver Springs, FL 34489

From: Dennis & Karin Smith
1384 NE 130th Terrace
Lakeview Woods
Silver Springs, FL 34488

080562

Subject: Account #144
Lawn Irrigation Water Meter

This is a request for the installation of a water meter for my existing lawn irrigation system.

The use of water for lawn irrigation does not enter the sanitary sewer system and as such, should be exempt from sanitary sewer fees.

Please advise me of the fee structure for the installation of the lawn irrigation water meter.

Thank you,

DOCUMENT NUMBER-DATE

04326 MAY-68

FPSC-COMMISSION CLERK

Mr Richard J Tarsitano
888 NE 130th Terrace
Silver Springs, FL 34488
December 26, 2008

Lakeview Woods Property Owner's Association

To Whom It May Concern:

I have recently moved into this subdivision on December 19, 2008, and was told that the cost of a separate meter for a lawn irrigation system is \$70.00. I wish to make a request to have a separate meter for a lawn irrigation system installed at the cost of \$70.00.

Sincerely,



12-28-08

Richard J Tarsitano

DOCUMENT NUMBER-DATE
04326 MAY-6 8
FPSC-COMMISSION CLERK

Frank & Mary Costello
821 NE 130th Terrace
Silver Springs, FL 34488
December 26, 2008

Lakeview Woods Property Owner's Association

To Whom It May Concern:

When we first moved into this subdivision on December 17, 2007, we had inquired as to the cost of a separate meter for a lawn irrigation system. At that time we were told the cost would be \$700.00. Having recent expenses for moving we did not go forth with the meter at that time. Now we have been told recently that such a meter would cost \$70.00. We now wish to make a request to have a separate meter for a lawn irrigation system installed at the cost of \$70.00.

Sincerely,



Frank J. Costello



Mary R. Costello

**To: Whom it may concern
East Marion Sanitary Systems
Address PO Box 234
Silver Springs Fl 34489**

Reference: Additional Water Meter for irrigation

My wife and I are requesting that an additional/second water meter be installed for our residence. This second meter is for irrigation purposes only. The property is located in the community known as Lakeview Woods. The property address is 13075 NE 7th Loop, Silver Springs Florida 34488 Account #148. We are aware there is already a meter box next to ours, but we do not see a meter within. We have attempted to contact via telephone but got no answer or only a recording. Please answer ASAP on a time frame for installation and cost.

We can be reached at.

Kevin & Candy Politte

Mailing address 13075 NE 7th Loop

Silver Springs, Florida 34488

Phone (352) 289-3460 or cell (954) 551-9412

Date 5/2/2008



Earl & Rosemary Turner
787 N.E. 130th Court
Silver Springs Fl. 33488

East Marion Sanitary system
P.O. Box 234
Silver Springs Fl. 33489

To Whom It May Concern:


We are requesting a second water meter for our home at 787 N.E. 130th Court.

Respectfully:



Earl Turner

Signed before me this 20 day of October 20 08.
by Earl Turner Jr who is personally
known to me or has provided F.I.D.L. Exp. 8/14/2013
as identification.

 , notary Public.

effective for a period set by the commission not exceeding 18 months, unless the commission finds, for good cause, that the protection from disclosure shall be for a specified longer period. The commission shall order the return of records containing proprietary confidential business information when such records are no longer necessary for the commission to conduct its business. At that time, the commission shall order any other person holding such records to return them to the person providing the records. Records containing proprietary confidential business information which have not been returned at the conclusion of the period set pursuant to this subsection shall no longer be exempt from s. 119.07(1), unless the public utility or affected person shows, and the commission finds, that the records continue to contain proprietary confidential business information. Upon such finding, the commission may extend the period for confidential treatment for a period not to exceed 18 months, unless the commission finds, for good cause, that the protection from disclosure shall be for a specified longer period. During commission consideration of an extension, the records in question will remain exempt from s. 119.07(1). The commission shall adopt rules to implement this provision which shall include notice to the public utility or affected person regarding the expiration of confidential treatment.

History.—ss. 10, 15, ch. 82-25; ss. 20, 26, 27, ch. 89-353; s. 4, ch. 91-429; s. 169, ch. 96-406.

367.161 Penalties.—

(1) If any utility, by any authorized officer, agent, or employee, knowingly refuses to comply with, or willfully violates, any provision of this chapter or any lawful rule or order of the commission, such utility shall incur a penalty for each such offense of not more than \$5,000, to be fixed, imposed, and collected by the commission. However, any penalty assessed by the commission for a violation of s. 367.111(2) shall be reduced by any penalty assessed by any other state agency for the same violation. Each day that such refusal or violation continues constitutes a separate offense. Each penalty shall be a lien upon the real and personal property of the utility, enforceable by the commission as statutory liens under chapter 85. The proceeds from the enforcement of any such lien shall be deposited into the General Revenue Fund.

(2) The commission has the power to impose upon any entity that is subject to its jurisdiction under this chapter and that is found to have refused to comply with, or to have willfully violated, any lawful rule or order of the commission or any provision of this chapter a penalty for each offense of not more than \$5,000, which penalty shall be fixed, imposed, and collected by the commission; or the commission may, for any such violation, amend, suspend, or revoke any certificate of authorization issued by it. Each day that such refusal or violation continues constitutes a separate offense. Each penalty shall be a lien upon the real and personal property of the entity, enforceable by the commission as a statutory lien under chapter 85. The collected penalties shall be deposited into the General Revenue Fund unallocated.

History.—s. 1, ch. 71-278; s. 3, ch. 76-168; s. 1, ch. 77-457; ss. 21, 25, 26, ch. 80-99; ss. 2, 3, ch. 81-318; ss. 6, 8, ch. 84-149; ss. 21, 26, 27, ch. 89-353; s. 4, ch. 91-429.

367.165 Abandonment.—It is the intent of the Legislature that water or wastewater service to the customers of a utility not be interrupted by the abandonment or placement into receivership of the utility. To that end:

(1) No person, lessee, trustee, or receiver owning, operating, managing, or controlling a utility shall abandon the utility without giving 60 days' notice to the county or counties in which the utility is located and to the commission. Anyone who violates the provisions of this subsection is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. Each day of such abandonment constitutes a separate offense. In addition, such act is a violation of this chapter, and the commission may impose upon the utility a penalty for each such offense of not more than \$5,000 or may amend, suspend, or revoke its certificate of authorization; each day of such abandonment without prior notice constitutes a separate offense.

(2) After receiving such notice, the county, or counties acting jointly if more than one county is affected, shall petition the circuit court of the judicial circuit in which such utility is domiciled to appoint a receiver, which may be the governing body of a political subdivision or any other person deemed appropriate. The receiver shall operate the utility from the date of abandonment until such time as the receiver disposes of the property of the utility in a manner designed to continue the efficient and effective operation of utility service.

(3) The notification to the commission under subsection (1) is sufficient cause for revocation, suspension, or amendment of the certificate of authorization of the utility as of the date of abandonment. The receiver operating such utility shall be considered to hold a temporary authorization from the commission, and the approved rates of the utility shall be deemed to be the interim rates of the receiver until modified by the commission.

History.—ss. 23, 26, ch. 80-99; ss. 2, 3, ch. 81-318; s. 7, ch. 84-149; ss. 22, 26, 27, ch. 89-353; s. 51, ch. 91-224; s. 4, ch. 91-429.

367.171 Effectiveness of this chapter.—

(1) The provisions of this chapter shall become effective in a county of this state upon the adoption of a resolution by the board of county commissioners of such county, or, in counties operating under a countywide charter, by the appropriate board, declaring that such county is subject to the provisions of this chapter. Any board of county commissioners which adopts such a resolution shall immediately notify the commission of its adoption and submit the resolution to the commission. A county, after 10 continuous years under the jurisdiction of the commission, may by resolution or ordinance rescind any prior resolution or ordinance imposing commission jurisdiction and thereby exclude itself from the provisions of this chapter, except that the county may not exclude itself from the provisions of this section.

(2)(a) Within 30 days after this chapter becomes applicable to a county, each utility shall register by filing with the commission a written statement setting forth the full legal name of the utility, its mailing address, and a brief description of its service area.