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December 15, 2009

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COMMISSION
CLERK

Ann Cole, Commission Clerk
Division of the Commission Clerk
and Administrative Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

Re: Docket No. 090313; Complaint of Mad Hatter Utility, Inc., and Paradise Lakes Utility,
LLC against Verizon Florida, Inc.
Our File No. 37098.02

Dear Ms. Cole:

Attached for filing in the above-referenced docket are the original and 15 copies of Rebuttal
Testimony for Larry DeLucenay, on behalf of my clients, Mad Hatter Utility, Inc. and Paradise Lakes
Utility, LLC.

Should you have any questions in this regard, please do not hesitate to contact me.

Sincerely,

ROSE, SUNDSTROM & BENTLEY, LLP

F. Marshall Deterding
For The Firm

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cc: Timisha Brooks, Esq.
Dulaney L. O'Roark III
Mr. Larry DeLucenay

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 090313-WS

MAD HATTER UTILITY, INC. AND PARADISE LAKES UTILITY, LLC

COMPLAINT AGAINST VERIZON FLORIDA, INC.

CERTIFICATE NOS. 340W/297S AND NOS. 458W/392S IN PASCO COUNTY

PREFILED REBUTTAL TESTIMONY OF LARRY G. DELUCENAY

Q. Please state your name and address.

A. My name is Larry G. DeLucenay, and my address is 2348
Raden Drive, Land O' Lakes, Florida 34639.

Q. By whom are you employed and in what capacity?

A. I am the President of Mad Hatter Utility, Inc (MHU) and
the Managing Member of Paradise Lakes Utility, LLC (PLU).

Q. Have you previously provided prefiled direct testimony in
this proceeding?

A. Yes I have.

Q. What is the subject matter of this rebuttal testimony?

A. To respond to the testimony provided by Verizon witness
Deborah B. Kampert on behalf of Verizon Florida, LLC.

Q. What portions of her testimony do you feel require a
response?

A. As discussed in both my direct testimony and hers, there
are two distinct services having been billed for but not
provided. It is unclear to me exactly what the distinc-
tion between them is, since both appear to be services
provided across standard phone lines and use of those

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1 lines. However, I have addressed those separately below.
2 The first one involves service to the water plants which
3 was not requested until 2006 or 2007. This involves
4 three lines to Mad Hatter's water plants and one line to
5 the Paradise Lakes' water plant. Ms. Kampert has
6 concluded that in fact services were not provided during
7 any of the times that Verizon has attempted to examine
8 the services and concludes that they owe us a refund for
9 the failure to provide those services. However, her
10 proposal is only for providing a refund from August of
11 2008 forward. This is the date of our first written
12 complaint to them. However, we had been complaining
13 since the lines were first installed and in fact in at
14 least the case of Paradise Lakes' line, it was never
15 actually installed. We do not believe any of these lines
16 have ever worked and we attempted informally to get them
17 to respond to us concerning those initially. However, we
18 received no responses to our informal inquiry. After
19 several more months they forced us to file a written
20 complaint which was submitted to the company in August of
21 2008. We received no response whatsoever to that written
22 complaint, which then after several more months resulted
23 in the Utility being required to file this formal
24 complaint. All that Ms. Kampert is proposing is that the
25 refund be from the point that we filed our first written

1 complaint with them which received no response. We
2 believe this is inappropriate. We believe that they have
3 never provided us with the services requested until July
4 of 2009, and therefore they owe us a refund for the
5 entire period of time that those facilities were being
6 billed, which is significantly more than the proposal for
7 refund that they have outlined in Ms. Kampert's testi-
8 mony. They have absolutely no proof that they ever
9 provided us with any of those services, and they appar-
10 ently have no record of our phone complaints and more
11 importantly, no records of ever having done anything to
12 respond to the phone or even the letter, which they
13 acknowledge having received a year before this complaint
14 was filed. However, given the other statements in Ms.
15 Kampert's testimony concerning their lack of proper
16 record keeping, I am not surprised by this. Therefore,
17 we believe that it is clear that the services can never
18 be shown to have been provided, despite the billing that
19 has occurred for at least two years.

20 Q. What is the second area that you have discussed?

21 A. This involves the billings for lift station monitoring,
22 which Ms. Kampert refers to as "voice monitoring cir-
23 cuits." These are standard voice phone lines that were
24 put in by Verizon as a test marketing item at their
25 request, not at ours, in 1995. We never requested them,

1 we never agreed to pay for them, and the fact that Ms.
2 Kampert can find no contracts is not at all surprising
3 since we never entered into one, nor did we ever file any
4 sort of verbal, formal or informal request for these
5 services. Ms. Kampert states that Mad Hatter requested
6 that the predecessor, GTE, leave the four voice monitor-
7 ing services in place where their equipment was removed
8 and the services ceased in 1996. This is not true. We
9 had no basis for utilization of those lines once the
10 equipment that GTE had installed in 1995 was removed in
11 1996. In fact, we had no way to use the lines since they
12 were tied into an alarm center operated by the phone
13 company in Tampa and once GTE/Verizon removed their
14 printer from our offices in 1996, we had no way of
15 receiving the "alarms." We did not even know that there
16 were active lines. To suggest that we asked that they be
17 left in place would imply that we had some use for those
18 lines. As noted repeatedly, we never requested them, we
19 never agreed to them, and we never agreed to be billed
20 for them. The question has to be asked why would we ask
21 for such lines to be left in place. There was no
22 requirement for us, and still is no requirement for us,
23 to have telephone lines to monitor our lift stations.
24 Therefore, there is no logical purpose for us to ever
25 have requested those lines be left in place, since we

1 never requested them to be installed in the first place
2 and there is no requirement that we have such facilities
3 in place. While it is true that they continued to send
4 us bills, we contend that those bills were difficult if
5 not impossible for us to decipher and they certainly were
6 commingled with other bills sent to the Utility through-
7 out these years.

8 Q. Do you have any further comments on these issues.

9 A. Yes, to summarize our position. We should be entitled to
10 a refund for all of the non-functioning water plant
11 monitoring lines that have been in place since 2006 and
12 2007, since they have never shown to have been in working
13 order. With regard to the lift station monitoring lines
14 that have been in place since 1995, these were never
15 requested by the Utility, we never contracted for them,
16 nor even informally requested these services to be
17 operational. Verizon's suggestion that the Utility ever
18 requested that they be retained is clearly absurd and
19 totally illogical. We had no use for those facilities
20 and had no need for them. Therefore, we should be
21 entitled to a full refund for the 13 years that those
22 have been billed.

23 Despite our request, they have provided nothing to show
24 that the billings did not continue from 1996 forward and
25 have shown nothing to indicate that any services were

1 provided for these billings from 1996 through July of
2 2009.

3 I would also note that Verizon still has not even
4 addressed the sewer line break that Verizon caused over
5 three years ago, in which Mad Hatter incurred substantial
6 damage to its facilities and Verizon has never sought to
7 respond to numerous requests that they pay for the repa-
8 irs to it. This occurred despite the fact that we clearly
9 marked the location of our facilities at their request at
10 that time. This is just further indication of their
11 inability to properly maintain their system and to
12 respond to complaints or to pay for errors caused by
13 them.

14 Finally, I believe since we are a regulated Utility and
15 all of our costs have to be passed onto our customers,
16 our attempts to enforce these failures on Verizon's part
17 both in the billing for services not provided, and for
18 damage to the Utility's property, have required us to
19 undertake formal legal action in order to obtain any
20 response from them whatsoever, and we believe that our
21 costs of approximately \$20,000 in pursuing these matters
22 should also be recovered from them, as we have no other
23 basis other than through increased rates to our customers
24 to recover those costs.

25 Q. Does that conclude your testimony?

1 A. Yes it does.
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