

**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

Filed: April 19, 2010

**PETITION TO INTERVENE**

Petitioner, Joseph M. Singel, pursuant to Florida Public Service Commission, ("Commission") Rule 25-22.039, Florida Administrative Code ("F.A.C."), hereby files his petition to intervene in this docket and states:

**A. AGENCY AFFECTED**

1. Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

**B. IDENTIFICATION OF THE PETITIONER AND EXPLANATION OF HOW PETITIONER'S SUBSTANTIAL INTERESTS WILL BE AFFECTED**

2. Joseph M. Singel  
1215 NE 130<sup>th</sup> Terrace  
Silver Springs, FL 34488-3556  
Tel. No. (352) 625-1875
3. Joseph M. Singel will be representing himself and is authorized to receive all notices, pleadings and other communications in this docket.

- COM \_\_\_4. Petitioner is a customer of East Marion Sanitary Systems, Inc. ("East Marion", "Utility" or "Company"). East Marion applied for and was approved for increases in the charges and fees the Utility can charge its customers. Part of the order approving the increased charges and fees required East Marion to provide irrigation meters at the old rate (\$70.00)
- APA \_\_\_  
ECR 14  
GCL 1  
RAD \_\_\_  
SSC \_\_\_  
ADM \_\_\_  
OPC \_\_\_  
CLK \_\_\_

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4/25/10  
-DM*

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to customers who had requested these irrigation meters prior to the April 7, 2009 date of the Agenda Conference approving the new charges and fees. East Marion protested the portion of the order directing it to provide irrigation meters at the old rate to the customers who had requested the meters prior to April 7, 2009.

5. Petitioner's protracted efforts to receive a properly installed irrigation meter for the \$70.00 charge was never successful. While East Marion eventually accepted Petitioner's payment of the \$70.00 charge, it never provided a properly installed irrigation meter at his residence. The less expensive improperly installed irrigation meter exposes the Petitioner to the added cost of maintaining the water line on the inlet side of the irrigation meter, and the added convenience and potential inaccuracy of calculating net gallons used for irrigation purposes. This docket is the appropriate proceeding to permit Petitioner to present evidence of East Marion's failure to abide by its previously established tariff charge for the proper installation of irrigation meters, and to seek relief from the Company's failure to properly install his irrigation meter. Petitioner's rights and interests as intervenor cannot be adequately represented by any other party in this proceeding.

**C. RECEIPT OF NOTICE OF AGENCY'S PROPOSED ACTION**

6. Petitioner received notice of East Marion's protest of Commission PAA Order No. PSC-09-0263-TRF-WU, issued in this docket, by reviewing the docket file on the Commission's website.

**D. DISPUTED ISSUES OF MATERIAL FACT**

7. Does East Marion's previously established tariff require the Utility to provide its customers with a properly installed irrigation meter, upon a customer paying the Utility the Commission approved charge of \$70.00?
8. Did the Petitioner pay East Marion the approved \$70.00 meter installation charge?
9. Did the Petitioner receive a properly installed irrigation meter?

10. Should East Marion be required to provide the Petitioner with a properly installed irrigation meter?
11. Does the improperly installed irrigation meter expose the Petitioner to potential added costs to maintain the water line on the inlet side of the irrigation meter?
12. Does the improperly installed irrigation meter subject Petitioner to the inconvenience and potential inaccuracy of calculating net gallons used for irrigation purposes?

**E. CONCISE STATEMENT OF ULTIMATE FACTS ALLEGED**

13. East Marion failed to abide by its previous tariff requirement to provide a properly installed irrigation meter upon a customer paying the \$70.00 meter installation charge to the Utility. The specific issues of material fact that need to be resolved are presented above in Section D.

**F. STATUTES AND RULES THAT REQUIRE RELIEF REQUESTED**


14. The specific statutes and rules that require the relief sought by the Petitioner include, but are not limited to, Section 367.081, 367.111, 367.121, Florida Statutes ("F.S."), Rules 25-30.520, 25-22.039 and 28-106.201(2), F.A.C. Section 367.081, F.S., provides that a utility may only charge rates and charges that have been approved by the Commission. Section 367.111, F.S., requires each utility to provide service to customers in its service territory within a reasonable time. Further, Section 367.111, F.S., requires that each utility shall provide to each person reasonably entitled thereto such safe, efficient and sufficient service as is prescribed by Part VI of Chapter 403 and Parts I and II of Chapter 373, or rules adopted pursuant thereto, but such service shall not be less safe, less efficient, or less sufficient than is consistent with the approved engineering design of the system and the reasonable and proper operation of the utility in the public interest. Section 367.121, F.S., provides that the Commission shall prescribe service rules to be observed by each utility. Rule 25-30.520, F.A.C., provides that it is the responsibility of the utility to provide service within its certified territory in accordance with the terms and conditions on file with the Commission. Rule 25-22.039, F.A.C., provides the requirements for filing a

petition to intervene, and Rule 25-106.201(2), F.A.C., provides the information that should be included in a petition to intervene, to demonstrate that the intervenor is entitled to participate in the proceeding or that the substantial interests of the intervenor are subject to determination or will be affected through the proceeding.

**G. RELIEF SOUGHT BY PETITIONER**

15. Petitioner requests the Commission to grant his petition to intervene in this docket, and to be afforded the opportunity to provide testimony to support his positions taken in this docket.

Respectfully submitted this 19<sup>th</sup> day of April 2010.


  
Joseph M. Singel

**CERTIFICATE OF SERVICE**  
**DOCKET NO. 080562-WU**

I HEREBY CERTIFY that a true and correct copy of the foregoing Petition to Intervene has been furnished by Electronic and U.S. Mail to the following parties this 19<sup>th</sup> day of April, 2010.

Lisa Bennett, Esquire  
Florida Public Service Commission  
Division of Legal Services  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

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

  
Stephen C. Reilly  
Associate Public Counsel