

**Marguerite McLean**

**From:** Ann Cole  
**Sent:** Monday, September 12, 2011 9:40 AM  
**To:** Marguerite McLean  
**Cc:** Hong Wang  
**Subject:** FW: 080562-WU Electronic Filing  
**Attachments:** Motion to Substitute Party and Testimony - Rosemary Turner.pdf

Hey Marguerite,

Please process this e-filing, with a Friday DN, if at all possible. This PFT is actually part of the Motion to be ruled on by the Prehearing Officer.

Please have it scanned internally. When it is on line, please let me know the DN.

Thank you.

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**From:** Filings@psc.state.fl.us [mailto:Filings@PSC.STATE.FL.US]  
**Sent:** Friday, September 09, 2011 4:51 PM  
**To:** DAVIS.PHYLLIS  
**Cc:** Marguerite McLean  
**Subject:** FW: 080562-WU Electronic Filing

Ms. Davis;

We are in receipt of your filing below. However, this filing is not eligible for electronic filing. Please see e-filing requirements on the PSC webpage at: <http://www.psc.state.fl.us/dockets/e-filings/> Specifically:

**Documents Not Eligible for Electronic Filing**

- Minimum filing requirements (MFRs)
- Prefiled testimony
- Tariffs<sup>1</sup>
- Documents containing confidential information
- Documents that must be accompanied by a filing fee or other payment
- Documents over 100 pages
- Documents over 8.5 by 11 inches in size
- Any other documents identified in the Order Establishing Procedure for a particular docket as being ineligible for filing electronically in that docket
- Corrupt documents
- Documents containing a virus or attached to an e-mail containing a virus

Your filing will need to be revised and resubmitted or a hard copy must be filed with our office in order to be accepted for filing. Please call our office if you have any questions.

Thank you,

Diamond Williams  
 Comm. Deputy Clerk I  
 Office of Commission Clerk  
 9/12/2011

DOCUMENT NUMBER-DATE  
 06516 SEP -9 =  
 FPSC-COMMISSION CLERK

Florida Public Service Commission  
Email: [diwillia@psc.state.fl.us](mailto:diwillia@psc.state.fl.us)  
Phone: 850-413-6094

Please note: Florida has a very broad public records law. Most written communications to or from state officials regarding state business are considered to be public records and will be made available to the public and the media upon request. Therefore, your e-mail message may be subject to public disclosure.

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**From:** DAVIS.PHYLLIS [mailto:DAVIS.PHYLLIS@leg.state.fl.us]  
**Sent:** Friday, September 09, 2011 3:18 PM  
**To:** Filings@psc.state.fl.us  
**Cc:** Lisa Bennett; 'rtturner102@cfl.rr.com'; 'dsmith32897@cfl.rr.com'; 'flashpta10@aol.com'; 'millicentmallon@earthlink.net'; 'utilityconsultant@yahoo.com'; 'joes1942@yahoo.com'; 'dgreco@utilitytechnicians.com'; 'terry99wi@aol.com'; REILLY.STEVE  
**Subject:** RE: 080562-WU Electronic Filing

Electronic Filing

a. Person responsible for this electronic filing:

Stephen C. Reilly, Associate Public Counsel  
Office of Public Counsel  
c/o The Florida Legislature  
111 West Madison Street, Room 812  
Tallahassee, FL 32399-1400  
(850) 488-9330  
[Reilly.steve@leg.state.fl.us](mailto:Reilly.steve@leg.state.fl.us)

b. Docket No. 080562-WU

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.

c. Document being filed on behalf of Office of Public Counsel.

d. There are a total of 9 pages.

e. The document attached for electronic filing is **OPC's Motion to Substitute Party and Testimony**

Thank you for your attention and cooperation to this request.

Phyllis W. Philip-Guide  
Assistant to Stephen C. Reilly  
Associate Public Counsel.  
Office of Public Counsel  
Telephone: (850) 488-9330  
Fax: (850) 488-4491

9/12/2011

**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.

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Docket No. 080562-WU

Filed: September 9, 2011

**MOTION TO SUBSTITUTE PARTY AND TESTIMONY**

The Citizens of the State of Florida ("Citizen") by and through their undersigned attorney with Office of Public Counsel ("OPC"), file this Motion to Substitute Rosemary Turner, widow of Earl Turner, to replace her deceased husband as a Party to this proceeding, and to substitute her attached testimony for the previously filed testimony of her deceased husband. In support of this motion, OPC states:

1. On April 19, 2010, Earl Turner petitioned the Commission to intervene in this docket. On the same day he prefiled testimony supporting his contention that he in good faith sought and irrigation meter from East Marion Sanitary Systems, Inc., ("East Marion", "Utility", or "Company"), and that the Utility wrongfully refused to provide the requested meter for the tariff charge in effect at the time of the request. Earl Turner petitioned the Commission to be a Party and provided prefiled testimony on behalf and for the benefit of himself and his wife, Rosemary. The benefit he sought for himself and his wife was the installation of an irrigation meter located at 787 NE 130<sup>th</sup> Court, Silver Springs, Florida, 34488 ("Homestead"), for the tariff charge in effect at the time of the request.
2. Earl Turner passed away on February 19, 2011. Rosemary Turner is the surviving real party in interest with regard to the installation of an irrigation meter at their homestead property.
3. Rosemary Turner has prepared substitute testimony to support the Turner's position that the Utility wrongfully denied their payment and request for an irrigation meter to be installed at their homestead property. Rosemary Turner will be available for the hearing to defend her testimony. A copy of the substitute testimony is attached.

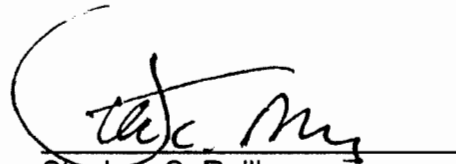
DOCUMENT NUMBER-DATE

06516 SEP -9 =

FPSC-COMMISSION CLERK

WHEREFORE, for the reasons stated above, OPC respectfully requests the Commission to substitute Rosemary Turner for her deceased husband Earl Turner, as a Party to this proceeding and to accept her substitute testimony in lieu of her deceased husband's prefiled testimony.

Respectfully submitted this 9<sup>th</sup> day of September, 2011.

A handwritten signature in black ink, appearing to read "Stephen C. Reilly", is written over a horizontal line. The signature is stylized and cursive.

Stephen C. Reilly  
Associate Public Counsel

Office of Public Counsel  
c/o The Florida Legislature  
111 West Madison Street  
Room 812  
Tallahassee, FL 32399

(850) 488-9330

Attorney for the Citizens  
of the State of Florida

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

I HEREBY CERTIFY that a true and correct copy of the foregoing Motion to Substitute Party and Testimony has been furnished by U.S. Mail and electronic mail to parties who have provided e-mail addresses, on this 9<sup>th</sup> day of September, 2011.

Lisa Bennett, Esquire  
Florida Public Service Commission  
Division of Legal Services  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850  
[lbennett@psc.state.fl.us](mailto:lbennett@psc.state.fl.us)

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

Rosemary Turner, Widow of  
Earl Turner  
787 NE 130<sup>th</sup> Court  
Silver Springs, FL 34488  
[rtuner102@cfl.rr.com](mailto:rtuner102@cfl.rr.com)

Mike Smallridge Utility Consultant  
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[utilityconsultant@yahoo.com](mailto:utilityconsultant@yahoo.com)

Dennis U. Smith  
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[dsmith32897@cfl.rr.com](mailto:dsmith32897@cfl.rr.com)

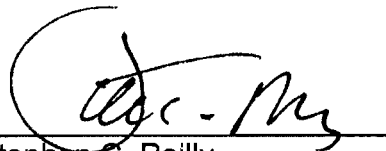
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Stephen C. Reilly  
Associate Public Counsel

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: September 9, 2011

**DIRECT TESTIMONY**

**OF**

**ROSEMARY TURNER**

**Customer of East Marion Sanitary Systems, Inc.**

DOCUMENT NUMBER-DATE

06516 SEP-9 =

FPSC-COMMISSION CLERK

1 **BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

2 **DOCKET NO. 080562-WU**

3 **DIRECT TESTIMONY OF ROSEMARY TURNER**

4 **Q. PLEASE STATE YOUR NAME AND ADDRESS.**

5  
6 A. Rosemary Turner, 787 NE 130<sup>th</sup> Court, Silver Springs, Fl. 34488

7  
8 **Q. WHAT IS YOUR AFFILIATION WITH EAST MARION SANITARY SYSTEMS,**  
9 **INC.?**

10  
11 A. I am a customer.

12  
13 **Q. WHAT IS THE PURPOSE OF YOUR TESTIMONY?**

14  
15 A. To receive an irrigation meter. Docket No. 080562-WU.

16  
17 **Q. PLEASE STATE YOUR FULL EXPERIENCE IN OBTAINING AND/OR**  
18 **RECEIVING AN IRRIGATION METER FROM EAST MARION SANITARY**  
19 **SYSTEMS, INC.**

20  
21 A. On October 20, 2008, my husband hand delivered a request to install an irrigation meter  
22 at my residence. A copy of the letter is attached as Exhibit RT-1. The person he  
23 delivered it to was Beata Jordan, representative of East Marion Sanitary Systems, Inc.

1 Ms. Jordan's response was that they were not putting irrigation meters in at that time.  
2 She would send our request to Herb Hein for approval. He did not respond. In  
3 December, 2009, Ms. Jordan told my husband to fill out an application and give her  
4 \$70.00 for the meter. By that time, we were so discouraged we did not respond.  
5 Approximately the middle of February, 2010, Ms. Jordan gave us an application finally!  
6 My husband filled it out along with our \$70.00 and hand-delivered it to Ms. Jordan on  
7 March 19<sup>th</sup>. Ms. Jordan stated she would send the application to Herb Hein for approval.  
8 Subsequently, Bea Jordan returned our check.

9  
10 On April 27, 2009 the Commission issued Order No. PSC-09-0263-TRF-WU ("PAA  
11 Order"), which ordered East Marion to provide an irrigation meter to Earl Turner for the  
12 \$70.00 tariff charge in effect at the time of our request.

13  
14 Both of East Marion's petitions expressly did not protest the Commission's PAA Order  
15 with regard to East Marion's obligation to install an irrigation meter at the Turner  
16 homestead property. Consequently, the PAA Order became a Final Order on May 18,  
17 2009, with regard to the Company's obligation to provide an irrigation meter to my  
18 homestead property for the \$70.00 charge.

19  
20 On September 7, 2011, I sent by certified mail a renewed demand for East Marion to  
21 install an irrigation meter at my homestead property. Included with my demand letter  
22 was a new check made payable to the Utility in the amount of \$70.00.

23



1 To date, East Marion has refused to provide the irrigation meter for my homestead  
2 property in direct violation of Commission Order No. PSC-09-0263-TRF-WU.

3

4 **Q. DOES THIS CONCLUDE YOUR TESIMONY?**

5

6 **A. Yes.**

7

Docket No 080562-WU  
Exhibit No. \_\_\_\_\_ (RT-1)  
Page 1 of 1

Earl & Dorothy Turner  
787 N.E. 130<sup>th</sup> Court  
Silver Springs FL 32488

Earl & Dorothy Turner  
P.O. Box 234  
Silver Springs FL 32488

To Whom It May Concern:

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

Respectfully,

*Earl Turner*

Earl Turner

Signed before me this 20<sup>th</sup> day of October 2008  
by *Earl Turner Jr.* who is personally  
known to me or has provided *E.O. 12812*  
as identification.

*Dee* Notary Public

DOCUMENT NUMBER-DATE

06516 SEP-9 =

FPSC-COMMISSION CLERK

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

I HEREBY CERTIFY that a true and correct copy of the foregoing Direct Testimony of Rosemary Turner has been furnished by U.S. Mail and electronic mail to parties who have provided e-mail addresses, on this 9<sup>th</sup> day of September, 2011.

Lisa Bennett, Esquire  
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\_\_\_\_\_  
Stephen C. Reilly, for  
Rosemary Turner