

1 BEFORE THE
2 FLORIDA PUBLIC SERVICE COMMISSION

3 In the Matter of:

4 DOCKET NO. 100330-WS

5 APPLICATION FOR INCREASE IN WATER/
6 WASTEWATER RATES IN ALACHUA,
7 BREVARD, DESOTO, HARDEE, HIGHLANDS,
8 LAKE, LEE, MARION, ORANGE, PALM
9 BEACH, PASCO, POLK, PUTNAM, SEMINOLE,
10 SUMTER, VOLUSIA, AND WASHINGTON
11 COUNTIES BY AQUA UTILITIES
12 FLORIDA, INC.

13 PROCEEDINGS: OVIEDO SERVICE HEARING

14 COMMISSIONERS
15 PARTICIPATING: COMMISSIONER LISA POLAK EDGAR
16 COMMISSIONER EDUARDO E. BALBIS
17 COMMISSIONER JULIE I. BROWN

18 DATE: Thursday, September 1, 2011

19 TIME: Commenced at 10:13 a.m.
20 Concluded at 12:19 p.m.

21 PLACE: Canterbury Retreat & Conference
22 Center
23 1601 Alafaya Trail
24 Oviedo, Florida 32765

25 REPORTED BY: LINDA BOLES, RPR, CRR
Official FPSC Reporter
(850) 413-6734

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FLORIDA PUBLIC SERVICE COMMISSION

FPSC-COMMISSION CLERK

1 APPEARANCES:

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4 32302-0810, appearing on behalf of Aqua Utilities
5 Florida, Inc.

6 J. R. KELLY, ESQUIRE, and PATRICIA
7 CHRISTENSEN, ESQUIRE, Office of Public Counsel, c/o The
8 Florida Legislature, 111 West Madison Street, Room 812,
9 Tallahassee, Florida 32399-1400, appearing on behalf of
10 the Citizens of the State of Florida.

11 CAROLINE KLANCKE, ESQUIRE, FPSC General
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13 Tallahassee, Florida 32399-0850, appearing on behalf of
14 the Florida Public Service Commission Staff.

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P R O C E E D I N G S

1
2 **COMMISSIONER EDGAR:** Good morning. We're
3 going to go ahead and get started. We will go on the
4 record.

5 And I apologize, I got turned around. I drove
6 back and forth, up and down this road. So I apologize
7 for being a few minutes late, but hopefully that gave
8 everybody a chance to get settled and greet one another.

9 So I call this customer hearing to order. We
10 have a few preliminary matters that we need to run
11 through. I recognize some of you, so I know that some
12 of you have been through this with us before. But we
13 have a few preliminary matters to run through and then
14 we will get to the customer portion of this proceeding,
15 which is what we really are all here for. So just
16 please be patient with us a few minutes longer.

17 What I need to do now is ask our Staff to read
18 the notice.

19 **MS. KLANCKE:** By notice, this time and place
20 has been set for a customer service hearing in Docket
21 Number 100330-WS, application for increase in water and
22 wastewater rates by Aqua Utilities Florida, Inc.

23 **COMMISSIONER EDGAR:** Thank you. And let's go
24 ahead and take appearances of counsel of record.

25 **MR. MAY:** Thank you, Madam Chair. I'm Bruce

1 May with the law firm of Holland & Knight.

2 UNIDENTIFIED SPEAKER: We can't hear you.

3 COMMISSIONER EDGAR: Mr. May, I think you need
4 to turn it on maybe on the button. No button?

5 MR. MAY: Let me try.

6 COMMISSIONER EDGAR: Oh, there you go.

7 MR. MAY: Can you hear me now?

8 UNIDENTIFIED SPEAKER: That's better.

9 UNIDENTIFIED SPEAKER: That's better.

10 UNIDENTIFIED SPEAKER: You've really got to
11 hold it close.

12 MR. MAY: I'm Bruce May with the law firm of
13 Holland & Knight appearing on behalf of Aqua Utilities
14 Florida. To my right is Mr. Rick Fox. Mr. Fox is the
15 President of Aqua Utilities Florida, and at the
16 appropriate time he would ask to make some very brief
17 opening remarks.

18 COMMISSIONER EDGAR: Thank you.

19 OPC?

20 MS. CHRISTENSEN: Patty Christensen with the
21 Office of Public Counsel. And next to me is J. R.
22 Kelly, the Public Counsel, and Mr. Kelly will have a few
23 brief opening remarks at the appropriate time.

24 And I have a preliminary matter that I need to
25 address before we begin the proceedings.

1 **COMMISSIONER EDGAR:** Okay. Give us just a few
2 minutes and we will take that up.

3 And our Staff, please.

4 **MS. KLANCKE:** Caroline Klancke, Commission
5 legal staff.

6 **COMMISSIONER EDGAR:** Thank you.

7 And my name is Lisa Edgar. I'm a Commissioner
8 with the Florida Public Service Commission. And I have
9 colleagues to either side of me, and I will ask them to
10 introduce themselves briefly. To my right.

11 **COMMISSIONER BALBIS:** Good morning. My name
12 is Eduardo Balbis. I'm a Public Service Commissioner,
13 and I want to thank you all for taking time out to
14 attend this meeting. Thank you.

15 **COMMISSIONER EDGAR:** Thank you.

16 And to my left.

17 **COMMISSIONER BROWN:** Thank you.

18 My name is Commissioner Julie Brown, and I
19 also welcome the opportunity to listen to all of your
20 comments and am eager to hear from you all.

21 **COMMISSIONER EDGAR:** Thank you.

22 And just further to the left of us are members
23 of our Staff who will help us if there are questions and
24 can -- and I know that Aqua also, and Mr. May will speak
25 to that, but also has representatives here who can help

1 if there are questions specifically about your bills or
2 your service.

3 Okay. This is a part of the official record
4 of the proceeding for the petition that Aqua has filed
5 with the Commission. We have a court reporter here who
6 is transcribing. When you are called -- the Office of
7 Public Counsel down here at the end will call your names
8 from the list, the sign-up sheet that is outside at the
9 door. So I hope that anybody who would like to speak,
10 if you haven't, please sign up so that we can be sure
11 that we call you in order.

12 We're going to have some presentations here in
13 a moment, and then we will get to the customer testimony
14 portion. But, first, preliminary matters, I understand.
15 Ms. Christensen.

16 **MS. CHRISTENSEN:** Yes. I have a preliminary
17 matter. We had protested both Docket 080121-WS as far
18 as it related to quality of service for Chuluota, and
19 Docket 10330 [sic] regarding the remainder of the rate
20 cases which involved the remainder of the systems and
21 their quality of service.

22 The notice that went out for this proceeding
23 was the 10330 [sic]. But I wanted to make sure that it
24 was clear that the rate case and the rate increase do
25 not involve the Chuluota system, and that we are here

1 because there was a monitoring program in the last rate
2 case and that we were here to take testimony solely as
3 to the quality of service issue and whether or not the
4 quality of service had improved, and the remainder of
5 Docket 080121 should be closed because the monitoring --
6 or because the quality of service should be closed or
7 whether or not the monitoring should continue. And I
8 just needed to make sure that that was clear for the
9 record so that the people here are aware that their
10 rates are not subject to an increase in this particular
11 rate proceeding, although the company may come in
12 shortly and ask for a rate increase for your system
13 that's not currently a part of the rate increase.

14 **COMMISSIONER EDGAR:** Thank you, Ms.

15 Christensen. And I appreciate you bringing that up here
16 at the beginning because, candidly, it is a little
17 confusing. And I do understand that the systems that
18 Aqua has in this area, my understanding, include the
19 Seminole and Brevard Counties area, which are Florida
20 Central Commerce Park, Harmony Homes, Kingswood and
21 Oakwood more specifically. And, Mr. May, if you can
22 maybe speak to that in a little more detail.

23 **MR. MAY:** That is correct, Commissioner.

24 **COMMISSIONER EDGAR:** So much for the more
25 detail. That's fine.

1 Ms. Klancke.

2 **MS. KLANCKE:** So just to encapsulate both
3 comments, we have -- two notices were provided. The
4 first notice was provided to the Chuluota system
5 strictly for quality of service issues, as
6 Ms. Christensen just specified.

7 The second notice was provided to the four
8 systems that Commissioner Edgar just specified, and
9 their rates are impacted. So if you are a member of
10 those four systems, Florida Central Commerce Park,
11 Harmony Homes, Kingswood or Oakwood, please feel free to
12 include in your comments anything with respect to rate
13 impact with regard to your particular system.

14 **COMMISSIONER EDGAR:** Thank you.

15 (Technical difficulties with microphone.)

16 And my thanks to my colleague for coming to my
17 technical assistance there.

18 All right. Thank you again, Ms. Christensen,
19 for bringing that up.

20 We're going to go ahead and move to opening
21 statements, and we'll see where that takes us. So,
22 Mr. May, you're up.

23 **MR. MAY:** Mr. Fox would like to make some very
24 brief opening remarks.

25 **COMMISSIONER EDGAR:** So, Mr. May, obviously --

1 or, excuse me, Mr. Fox to the podium. You're welcome to
2 turn to face the back of the room, if you would like.

3 **MR. FOX:** Great. Thank you. I think I'd like
4 to do that.

5 Good morning. My name is Rick Fox, and I'm
6 the President of Aqua Utilities Florida. Before I
7 begin, we have a number of AUF employees here that will
8 be available to answer any service issues that you might
9 have. I'd like to recognize them.

10 Mr. Harry Householder is our Manager of
11 Operations statewide for Florida. He's standing in the
12 back. Stacey Barnes is next to him, our Customer Field
13 Service Manager. Ms. Tricia Williams, our head
14 Environmental Engineer. And Will Fontaine, Area
15 Coordinator for Central Florida. Some of these
16 employees have computer access and can go into your
17 account and hopefully address any issues that you might
18 have. So please feel free to contact them at your
19 convenience.

20 Commissioners, I'm going to face this way.

21 **COMMISSIONER EDGAR:** That's fine.

22 **MR. FOX:** I want to thank you for the
23 opportunity to speak briefly to our customers in
24 Seminole County this morning, but more importantly,
25 thank you for giving us the chance to listen to our

1 customers and to hear what they have to say. At the end
2 of the day, we are a service company and we value all
3 customer input on the services that we provide.

4 Let me begin by saying that I believe the
5 majority of the customers here today are from the
6 Chuluota system. I want to be clear, as was said
7 earlier, that neither the Chuluota water nor the
8 wastewater system is included in the requested rate
9 increase. The Commission scheduled this service hearing
10 to hear Chuluota customers' comments about quality of
11 service provided from Aqua.

12 In its last rate case the Commission excluded
13 our Chuluota water and wastewater systems from rate
14 relief because it found that the quality of service for
15 those systems was unsatisfactory. That finding was
16 based primarily on water quality compliance issues
17 involving disinfection by-products, TTHMs, which were
18 ongoing issues with the Florida Department of
19 Environmental Protection.

20 At the time of the last rate case, the TTHM
21 and odor issues in Chuluota have now been -- have
22 existed for more than 30 years, and I'm proud to say
23 that Aqua has now corrected both of these problems.
24 Since the last rate case we have made significant
25 improvements to the Chuluota system. To date, we have

1 invested over \$2.1 million in an ion exchange system to
2 address the TTHMs issue. As a result of those
3 improvements, the Chuluota water system has been in
4 compliance for TTHM standards for all of 2010 and 2011.
5 The system has passed all the relevant tests and FDEP
6 has closed the consent order. They closed it in
7 December 2010.

8 The FDEP made a follow-up inspection in
9 January of 2011 and has found that the plant is in good
10 operating condition with no deficiencies. This new ion
11 exchange treatment process has also greatly improved the
12 aesthetic quality of the water. We are proud of the
13 fact that the number of water quality complaint
14 inquiries from Chuluota customers has dropped
15 dramatically.

16 We have also made significant improvements to
17 our Chuluota wastewater system since the last rate case.
18 Specifically, we have made over \$1 million in capital
19 improvements to the wastewater system, including an
20 innovative reuse project to address the effluent
21 disposal requirements imposed by the FDEP.

22 For customers at our Kingswood and Oakwood
23 systems, I want to remind you that the water we provide
24 continues to be purchased directly from Brevard County.

25 Finally, I know that some of you have been

1 inconvenienced by Seminole County's storm water and
2 sidewalk project along 2nd Street. The county's project
3 required us to relocate some of our water lines. We've
4 tried to minimize any inconvenience to you by
5 coordinating with the county and providing as much
6 advanced notice as possible, and by providing bottled
7 water to the affected customers. I'm here to report
8 that we have already completed the relocation of our
9 lines to accommodate the county's project, and I share
10 your hope that the county completes its portion of the
11 project as soon as possible.

12 I know a lot of you want to speak, and we're
13 here to listen. So I just want to thank you for coming
14 out and taking time out of your day to be here. I look
15 forward to hearing what you have to say, and I will be
16 available after the hearing to answer any questions that
17 you have. Thank you.

18 **COMMISSIONER EDGAR:** Thank you.

19 Mr. Kelly.

20 **MR. KELLY:** Thank you, Madam Chair and
21 Commissioners. And if you don't mind, I'm going to turn
22 around also. Thank you.

23 Good morning. My name is J. R. Kelly. I'm
24 with the Office of Public Counsel, here with Ms. Patty
25 Christensen. And for those of you that don't know our

1 office, we represent you, the ratepayers. We're not
2 part of the Public Service Commission. We actually work
3 for the Legislature, we're part of the Legislature
4 family, and they fund us to represent their
5 constituents, you, the ratepayers, in matters that come
6 in front of the Public Service Commission.

7 The reason we're here today, quite frankly, is
8 because we protested the award of \$2.61 million, excuse
9 me, rate increase that the PSC awarded a few months ago
10 to Aqua Utilities. We do not believe that that type of
11 rate increase is justified based upon the evidence that
12 we're going to show at the hearing on your behalf.

13 Excuse me.

14 To give you just a real quick rundown of the
15 issues that we're going to be arguing on your behalf,
16 first and foremost is quality of service. We do not
17 believe that the quality of service provided by Aqua is
18 satisfactory. Moreover, we believe that it is
19 unsatisfactory. We do appreciate Aqua trying to make
20 some improvements and so forth, and I think that's going
21 to be very important today for those of you that speak
22 and come to the podium, please talk about the quality of
23 service that you're now receiving and let the Commission
24 know has it improved, is it the same, worse, better,
25 whatever. They need to hear from you.

1 As a result of the evidence that we intend to
2 show at the hearing, we believe that because the quality
3 of service is unsatisfactory, we believe that Aqua
4 should not be entitled to the return on equity that
5 they're asking for and therefore it should be lowered.
6 We're objecting to certain what are considered pro forma
7 plant adjustments being included in their rate base.
8 And basically that's where you include assets in the
9 rate base, they get an opportunity to return -- to earn
10 a return on those assets, and you pay for them. We do
11 not believe that all of those assets should be included
12 in their rate base.

13 Another area is used and useful. We do not
14 believe that you, the ratepayers, should have to pay for
15 something that's not 100 percent used by and useful for
16 you, the ratepayer.

17 We are contesting their test year revenues.
18 That's how much they are projecting that they need. We
19 believe they've overstated them due to weather
20 conditions, billing errors, and other economic
21 conditions.

22 A big, big part of this case that we intend to
23 provide evidence on deals with what are called
24 affiliated charges and costs. Those are charges and
25 costs that Aqua is trying to collect from you and pass

1 on to their parent company up in Pennsylvania, and we do
2 not believe that they are reasonable and we're going to
3 be providing evidence to contest those.

4 Two last points, we believe that the amount of
5 rate case expense that they're asking for is not
6 reasonable. And last, we believe, in accordance with
7 the last order that was entered in Aqua's last rate case
8 just a couple of years ago, that the affordability of
9 the rates that they're asking for in this case is not in
10 compliance with that order, and we'll be providing
11 evidence in that area.

12 Currently we've engaged some topnotch expert
13 witnesses. They are poring through the documents as we
14 speak and preparing their testimony. We're engaged in
15 discovery. And the biggest thing today is why we're
16 here, and we're here so that these Commissioners behind
17 me can hear you, from you, the ratepayer. It is so, so
18 important that you speak up. Your voice is very, very
19 important. It doesn't matter what you have to say,
20 good, bad, whatever.

21 My, my suggestion to you are a couple of
22 things. One, just be truthful. Get up here and speak
23 your heart.

24 Number two, speak to the quality of Aqua's
25 service, especially if you're in the Chuluota area. As

1 was previously discussed, that's really the only issue
2 for Chuluota customers because you're not part of this
3 current rate case.

4 If you are from another system, speak to the
5 impact of the rate increase and how it will affect you
6 and your lifestyle and the affordability aspect of that
7 proposed rate increase. And also, if you can, speak to
8 the impact of the rate increase to your community, the
9 value of your homes, your community, et cetera, how that
10 will impact.

11 The bottom line is we need you to get up here
12 and speak. I can get up here and talk all day long. It
13 does not matter. The Commissioners need to hear from
14 you, so please take advantage of this opportunity and
15 speak to the Commissioners. Thank you very much.

16 **COMMISSIONER EDGAR:** Thank you, Mr. Kelly.

17 Okay. We are just about to the customer
18 portion of our proceeding. I would like to draw your
19 attention to this blue sheet that was at the table out
20 by the door when you came in. I hope y'all picked up a
21 copy. It has some general information about the
22 Commission, about what we do, and also some overview
23 about the case that is before us.

24 Also on the back page there is an opportunity,
25 if you would prefer not to speak, and we hope that you

1 will, but if you would prefer not to speak to us but to
2 write down comments, sometimes people have that
3 preference, you can go ahead and write down comments and
4 hand it to our Staff on your way out. Also, if you know
5 people who would have liked to have been here with us
6 today but could not come, please, please take some with
7 you. They can write down their comments. All they have
8 to do is put a stamp on it, it's self-addressed, and
9 drop it in the mailbox, and it will come to us and also
10 be a part of this proceeding. You can also print that
11 out from our website.

12 When Ms. Christensen calls your name from the
13 sign-up sheet here in just a moment, we will ask you to
14 come forward, tell us your name and spell it for us.
15 That helps us. Also give us your address. After you
16 have shared your comments with us, please hold on for a
17 moment to see if we have any questions for you. The
18 Office of Public Counsel and the representatives from
19 Aqua may have some questions for you as well, so just
20 kind of work with us on, on that.

21 And, also, if you know which system in the
22 Aqua company that provides service to you, please tell
23 us that as well. That's very, very helpful information
24 to us.

25 So because this is a part of our proceeding,

1 I'm going to need to swear you in as a group. So if you
2 would, all of you who have signed up and would like to
3 speak to us, please stand as a group with me together
4 and raise your right hand.

5 (Witnesses collectively sworn.)

6 Thank you very much.

7 And our first speaker that I'm going to ask to
8 come forward is Representative Brodeur, who is from
9 District 33, the Sanford area. And Representative
10 Brodeur, thank you for being with us.

11 Whereupon,

12 **REPRESENTATIVE JASON T. BRODEUR**

13 was called as a witness on behalf of the Citizens of the
14 State of Florida and, having been duly sworn, testified
15 as follows:

16 **DIRECT STATEMENT**

17 **REPRESENTATIVE BRODEUR:** Thank you very much.

18 I don't know exactly where to stand. I kind of want to
19 address a little bit of everybody.

20 First, let me welcome everybody to beautiful
21 District 33. I'm from this area, grew up here, went to
22 high school right up the road, and it's great to have
23 the Public Service Commission here because this is the
24 best example of bringing government to the people. So
25 thank you all for being here.

1 I also want to thank all the residents that
2 have come out, particularly those from other parts of
3 the state that want to be here, that want to invest
4 their time and effort in the government process to make
5 sure that their voices are heard.

6 I will tell you that as a newly elected
7 representative, there are some legacy issues I had to
8 get up to speed on, and Aqua was one of them. I carry
9 this around. This is my Aqua Utilities complaint
10 notebook. But I want to tell you that I think going
11 forward we've done a number of things to make that
12 right. That said, we are working on legislation right
13 now to help make sure that some of these legacy issues
14 don't happen in the future.

15 So what I've done, and I've worked with a
16 number of folks not only at the PSC, the consumers and
17 other stakeholders, environmental engineers, et cetera,
18 to come up with a draft piece of legislation. We've
19 shopped it around a little bit, but there are parts of
20 it that I find to be unconstitutional and confiscatory,
21 so we're working on it. We have until January 2nd to
22 file any legislation for the next session, so I don't
23 think we're under any time constraints. I'm more
24 concerned with getting it right.

25 And so with that, I want to make sure that I

1 can tell everybody here, not only the residents and the
2 constituents, but the PSC, their Staff, all the folks
3 that I've worked with before, Aqua, to say that what I
4 plan to do is address something that both addresses the
5 quality as well as the affordability, if, in fact,
6 that's something that needs to be done.

7 I think all of you have been wonderful and
8 very generous with your time, and I plan to continue to
9 engage you and ask for your ideas. I've gotten great
10 ideas from a lot of the residents on what needs to be
11 done. I've gotten great feedback from both the PSC
12 Staff, from Aqua, from the attorneys that have nothing
13 to do with this, that just have experience in utilities,
14 and I think we're probably going to get to a place that
15 looks very, very good.

16 So with that, I stand ready to assist you all.
17 I stand ready, as always, to assist the constituents in
18 getting to a place where everybody feels like they're
19 getting quality service at an affordable rate. So thank
20 you all very much. And if you need anything, I'll be
21 right back here.

22 **COMMISSIONER EDGAR:** Thank you.

23 Ms. Christensen.

24 **MS. CHRISTENSEN:** Carol Lawrence.

25 **COMMISSIONER EDGAR:** Ms. Lawrence.

1 Whereupon,

2 **CAROL LAWRENCE**

3 was called as a witness on behalf of the Citizens of the
4 State of Florida and, having been duly sworn, testified
5 as follows:

6 **DIRECT STATEMENT**

7 **MS. LAWRENCE:** Thank you. My name is Carol
8 Lawrence. C-A-R-O-L, last name is Lawrence,
9 L-A-W-R-E-N-C-E. I live in Chuluota. Thank you for
10 allowing me to speak.

11 My husband and I moved here a year and a half
12 ago from Texas, and in Texas we had a very quality water
13 system. We have been appalled at what we have
14 encountered in Chuluota. Now when I say that -- and
15 this, these incidents are to the best of my
16 recollection. Okay? I can't give you dates on all of
17 them. I can give you a date or two on some, some of
18 these. I'm elderly, so sometimes I'm a little
19 forgetful, but I've tried to make notes and be as
20 concise and clear as I possibly can.

21 When we moved in June of last year, the water
22 was not drinkable, and this went on for several months.
23 And it smelled and it was -- and it caused the clothes,
24 the whites to yellow. The water is very hard. It
25 stained the commodes. It still is, by the way. It

1 requires extremely frequent cleaning because of the
2 yellowing. It's a hard water ring.

3 And to -- we were in a rental house for about
4 11 months, and in October of last year sprung a leak
5 under the house. The water bill showed up to be 200
6 bucks. And so I called Aqua and they said they would
7 see if they could give me a discount on some of that.
8 And, but I never heard from them again, and I did not
9 get a break on the water bill. So then I went after the
10 landlord, but I still wound up paying half of that.

11 At that time when we lived in the rental
12 house -- and we're not talking about rates apparently
13 for Chuluota, but we've been given one, an increase
14 anyway -- the sewer bill was one and a half times the
15 water bill. And now we bought a house at 127 East 8th
16 Street, moved in there in May, and the sewer bill is
17 double the water bill. And I brought my bill with me so
18 you can see for yourself to verify that.

19 Now there was a problem with one of the bills.
20 I called to ask to speak to a supervisor. I was told
21 there was no mechanism for that, so that was the end of
22 that one. And that was still while I was in the rental
23 house.

24 Now what is our quality of life? Oh, let me
25 tell you in the, in the new house it has something in

1 the front yard called a grinder and it has a sump pump.
2 Now bear in mind we're paying humongous sewer bills.
3 But the -- I called Aqua before we purchased this house
4 and asked them, "What is this," because we weren't
5 familiar with this. I couldn't get -- we couldn't get
6 information from anybody. Even the owners didn't seem
7 to know much about it, so they said. Anyway, I was told
8 I couldn't have that information because the account was
9 not in my name. So we couldn't find anything out about
10 it.

11 Bottom line, here's what we found out. If the
12 power goes off, the sump pump doesn't work. That means
13 we have no commodes, we have no use of the commodes, and
14 we have, we can't use sinks because everything will back
15 up in the house. So we got a generator. But if a major
16 storm comes through or the generator doesn't work or we
17 can't get gasoline, guess what, we would have no use of
18 commodes or sinks for who knows how long. So this is
19 unsatisfactory.

20 And there's only three houses on this street
21 that have these. One is a house they can't sell, and I
22 presume that's why. And then the people next door to us
23 are stuck with this too.

24 We were a little bit under the gun as to
25 purchasing a house, so we got the best thing that we

1 could, a newer house, and here was this monstrosity.
2 But, again, we're -- the sewer pipe is very small, very
3 small. Now since we're paying a sewer bill double the
4 water bill, I can only use the dishwasher about once a
5 week. We put in low-flow commodes, we put in low
6 showerheads. We cannot water anything in the yard. We
7 couldn't pay the bill if we did. My bill for last month
8 was, total was ninety -- \$95.58. Of that, sewer was
9 \$64.48. And this month it was \$81.14.

10 The other thing is you can't get a copy of
11 your bill or see it online unless you sign up for
12 paperless billing. All of the companies that we
13 currently work with, banks included, everybody, you can
14 see your account online, see your bill online. AT&T,
15 for example, there's no problem with that. Where we
16 lived in Texas before, all you had to do was enter your
17 account number and you could look it up. They don't
18 have that unless you sign up for the paperless billing.

19 Many times when you call and ask a question,
20 they can't answer it. That's the bottom line. So what
21 is my opinion about their customer service? Abysmal.
22 And I'm a retired nurse; I think I know good customer
23 service, and this isn't it. Thank you for your time.

24 **COMMISSIONER EDGAR:** Thank you. Ms. Lawrence,
25 if you would, just stay with us for a moment.

1 MS. LAWRENCE: Yes.

2 COMMISSIONER EDGAR: You said that you had
3 brought a copy of your bill?

4 MS. LAWRENCE: Yes, ma'am.

5 COMMISSIONER EDGAR: Is that something that
6 you would like to leave with us?

7 MS. LAWRENCE: You can look at it.

8 COMMISSIONER EDGAR: Thank you, Ms. Lawrence.

9 MS. LAWRENCE: If you want to keep it, we can
10 get somebody to make a copy.

11 MR. DURBIN: I've got a copier. I'll bring it
12 right back. Thank you.

13 MS. LAWRENCE: You're welcome.

14 COMMISSIONER EDGAR: And while we do that, let
15 me see if there are any --

16 MS. LAWRENCE: Any other questions?

17 COMMISSIONER EDGAR: -- if there are questions
18 for you.

19 MS. LAWRENCE: Yes.

20 COMMISSIONER EDGAR: Mr. May?

21 And if you would, come to the, back to the
22 microphone so we can make sure that we can hear you.

23 MS. LAWRENCE: Sure. Well, I've got a big
24 mouth, so you can probably hear without any problem.

25 Yes, sir.

EXAMINATION

1
2 BY MR. MAY:

3 Q Ms. Lawrence, I'm Bruce May with the law firm
4 of Holland & Knight. We represent Aqua.

5 A Yes.

6 Q And I have just a couple of questions. We're
7 going to be filing a response to your testimony on
8 November 3rd of this year, so I want to make sure that
9 we have all the information correct before we do that.

10 A All right.

11 Q So, again, not trying to put you on the spot.

12 A No. That's all right.

13 Q I'm simply trying to get, get the facts.

14 You mentioned that you had a problem with a
15 bill and called a supervisor.

16 A I called to speak to a supervisor, requested
17 it.

18 Q And when was that call made, ma'am?

19 A It was probably October, November. And I told
20 you, I didn't write it down. All I know is it was about
21 that because the bill was so high.

22 Q October or November of 2010?

23 A Yes. That would be it, because we've only
24 been here since end of June last year.

25 Q And you also indicated that you had a leak

1 when you were at the rental house?

2 A That's correct.

3 Q And when did that leak occur?

4 A October. I had to have a re-pipe, a re-pipe
5 done.

6 Q Did you contact Aqua about the leak?

7 A Sure did. But we turned the water off at the
8 main because this happened on a Sunday when the line
9 broke, and so I got a plumber next door to turn it off
10 at the main.

11 Q Were you provided -- I'm sorry. Were you
12 finished?

13 A I'm sorry.

14 Q Were you finished with your response? I
15 didn't mean -- I don't want to cut you off.

16 A No. I just said it was, we cut it off. But,
17 yes, I did notify them.

18 Q When you notified Aqua, were you provided any
19 information regarding Aqua's policy on leak adjustments?

20 A I believe I mentioned that they did say they
21 would ask to see if I could get an adjustment, but I did
22 not.

23 Q And that was in October of last year?

24 A Yes. About October, I think, when that
25 happened. If they would go back on their records,

1 they'd probably see when I called exactly. But that's
2 when the re-pipe was done, so I assume it was about that
3 time.

4 Q Okay. You also testified that you can't see
5 your bill online unless you sign up for paperless
6 billing?

7 A That's correct.

8 Q Have you signed up for paperless billing?

9 A No. I don't want paperless billing, and
10 that's why I mentioned that. As a matter of fact, I
11 called yesterday.

12 Q Do you know if there's a charge for paperless
13 billing?

14 A I believe it is. I believe it is, if I
15 remember correctly, but I'm not sure. I won't say
16 absolutely, but it seems like I read something about
17 there being a small charge.

18 Q Okay.

19 A But I talked to a representative yesterday.
20 She referred me over to a specific website, and that's
21 when I found out you had to sign up for paperless
22 billing. I called her back and asked her about that.
23 She said, yes, that was correct. If I wanted to look at
24 my bill online, I'd have to sign up for paperless
25 billing.

1 Q Again, did the customer representative that
2 you spoke with say that there was a charge for paperless
3 billing?

4 A She didn't say. I said I thought I read that
5 when I looked it up online, that information.

6 Q Ms. Lawrence --

7 A But she did not say.

8 Q -- thank you, thank you so much for coming out
9 today. I really appreciate it.

10 A All right. Anybody else? Thank you.

11 **COMMISSIONER EDGAR:** Any other questions?

12 Excuse me. Ms. Lawrence, stay with us for
13 another moment.

14 Commissioner Brown.

15 **COMMISSIONER BROWN:** Thank you. I actually
16 have a question for Mr. May or Mr. Fox regarding
17 something that Mr. May just referenced.

18 **MS. LAWRENCE:** Is that it for me?

19 **COMMISSIONER EDGAR:** Thank you.

20 **MS. LAWRENCE:** Thank you.

21 **COMMISSIONER BROWN:** Mr. May, you said that
22 Aqua has a leak adjustment policy. Can you please
23 explain, or Mr. Fox, speak to that matter for us?

24 **MR. MAY:** Yes, ma'am. And I will provide the
25 information as the attorney. We will also provide the

1 information under oath when we file our rebuttal
2 testimony.

3 Florida law and your rules do not require a
4 water utility to provide any leak adjustment to
5 customers. In an effort to address customers' concerns
6 and address customer satisfaction, Aqua does have a leak
7 adjustment policy. That policy is that once a leak is
8 detected, the customer is asked to provide a, some kind
9 of proof or some kind of evidence or indication that
10 there was a leak and the leak was repaired. That's
11 submitted to Aqua. Aqua looks at it, and essentially
12 the policy is to -- if indeed those circumstances are in
13 fact correct and if there was a leak and it was
14 repaired, then I think the policy, and I'll be, we'll be
15 specific in our response, the policy is to give the
16 customer a 50% credit for the amount of water used or
17 flowing during the leak incident. So, again, that is
18 not required by Florida law, it's not required by your
19 rules, but my client has taken it on as an effort to
20 address customer satisfaction.

21 **COMMISSIONER BROWN:** Thank you.

22 **COMMISSIONER EDGAR:** Thank you.

23 Ms. Christensen. Oh, excuse me. Wait, before
24 we do that -- thank you. I do want to go ahead and
25 mark -- we have distributed copies of the bill

1 information that Ms. Lawrence shared with us. We're
2 going to mark that as Exhibit Number 8, and we will
3 label it Lawrence Bill 8/22/2011.

4 (Exhibit 8 marked for identification.)

5 Okay. Now, Ms. Christensen.

6 **MS. CHRISTENSEN:** The next customer we have
7 signed up is Susan Mortenson.

8 Whereupon,

9 **SUSAN MORTENSON**

10 was called as a witness on behalf of the Citizens of the
11 State of Florida and, having been duly sworn, testified
12 as follows

13 **DIRECT STATEMENT**

14 **MS. MORTENSON:** They say a picture is worth a
15 thousand words, but.

16 (Witness handing out cups of water.)

17 Good morning. My name is Susan Mortenson. I live
18 in Chuluota. Let's see. I brought you a little taste
19 of our water so you could enjoy that. Yeah. The water
20 is pretty bad.

21 So I've been there nine years in my home. I
22 bought my home nine years ago. And the new system, very
23 chlorine. In fact, I did a little test, which I
24 probably should have brought in but I was trying not to
25 get too, you know, lengthy, and I'm not a scientist, but

1 I did take -- I have a Jacuzzi and an aboveground
2 swimming pool. And I took the Jacuzzi, the aboveground
3 swimming pool and the water and I did the test strips in
4 it. And they were almost pretty steady across the
5 board, so I'm kind of warning you since -- but this is
6 out of the faucet. I don't drink out of my pool or my
7 Jacuzzi. But if you saw the test strips, you would
8 probably be a little careful about drinking that.

9 So that said, I just kind of -- I'm compelled
10 to be here because water is so important to all of us.
11 And, you know, we're again here. You know, Aqua wants a
12 raise, and those of us that have to pay for it say no.
13 It's like *Groundhog Day*, you know that movie, where it's
14 over and over again.

15 Water is a necessity. Okay? Without good
16 water, people cannot live, exist or survive. That's
17 science; it's pure and simple science. And it's got to
18 be affordable. I've heard those words a couple of times
19 and it warmed my heart, affordable. It has to be
20 affordable.

21 It's my understanding that the Public Services
22 Commission is delegated and obligated to protect the
23 public by regulating utilities from requesting erroneous
24 increases. And it's also my understanding that Aqua
25 Utilities has the obligation to provide the necessity of

1 water at an affordable rate, and it would be really nice
2 if we could drink it. Now they want the 31% increase.
3 I understand it doesn't affect Chuluota, but, I mean,
4 we're all living together in this world. It's not
5 realistic, it's not affordable. The majority of the
6 people, there's elderly on fixed income. They did not
7 get the government cut out, that 2% that they get. The
8 unemployment, there's disabled people on fixed incomes,
9 there's people making minimum wage in this world. I
10 mean, it's -- many people are suffering for the bare
11 necessities in life, food, medicine, just necessities.
12 And water is a necessity. It has to be affordable.

13 I don't know any of you, I don't know how you
14 live, where you live, I don't know what you dream of at
15 night. But we have to have water, and there's already
16 too many people who can't afford this necessity. So I'm
17 appealing to your sense of humanity. Our purpose is to
18 care for each other. That's our purpose. People must
19 have water. It has to mandatorily be affordable for
20 everyone, never at gain or profit. They have to eat, we
21 have to have water to exist.

22 So I have a solution. I mean, if you're going
23 to complain, you should have a solution. So Aqua gets
24 10%, we flush it down the toilet, and we'll all go off
25 to the store and continue buying our water to drink at

1 35 cents a gallon.

2 I thank you for your time and sincerely hope
3 all your decisions are affordable.

4 COMMISSIONER EDGAR: Thank you, Ms. Mortenson.
5 Any questions?

6 MS. MORTENSON: Do you have a question?

7 COMMISSIONER EDGAR: Ms. Christensen.

8 EXAMINATION

9 BY MS. CHRISTENSEN:

10 Q Yeah. Just one clarification. You brought
11 water with you today.

12 A Yes. Just so -- a taste.

13 Q Was that out of your faucet today?

14 A Yes, ma'am. That would be what you would
15 drink. I won't drink it. My dog won't even drink it.
16 I don't think I'd give it to my dog honestly.

17 Q I just wanted to clarify whether or not you
18 used the -- you got the water out today.

19 A It's, it's -- yes. This morning, and it was
20 put in Kerr jars with lids, fresh and clean right out of
21 the faucet this morning at 4:30 when I had to leave for
22 work. So a couple of hours old.

23 COMMISSIONER EDGAR: Thank you. And, Ms.
24 Mortenson, I have Commissioner Brown.

25 MS. MORTENSON: Oh, sorry.

1 **COMMISSIONER BROWN:** Ms. Mortenson, which
2 system -- are you on the Chuluota system?

3 **MS. MORTENSON:** Chuluota.

4 **COMMISSIONER BROWN:** Okay.

5 **MS. MORTENSON:** The -- yeah. I guess it's
6 the -- and it's the new system. And since they changed
7 that system -- it's always been odorous. And actually I
8 noticed the lady was talking about her toilets, and I
9 actually happen to clean houses for a living. So, and
10 my house is even clean. And I have noticed like you get
11 a calcium buildup. And when you use certain product,
12 you can sometimes get a black spot. Usually with just a
13 little bleach you can get that off, but now I have to
14 use a scrubbing stone. So it's like if you look in the
15 tank, there's black. But, I mean, I understand that the
16 houses were built in 1959. I understand all the issues.
17 I understand about business. I understand all these
18 things, you know. I work to make money, business, but I
19 understand these things, but we're still talking about
20 water.

21 You don't -- look at Haiti. They're dying
22 because -- it's not because they don't have shelter, not
23 really the weather, it's warm there, they're dying of
24 cholera there because of the lack of good water and not
25 being able to even get it. It has to be affordable.

1 That's, I guess, my main point.

2 COMMISSIONER BROWN: And have you ever
3 contacted the company about your, to voice your
4 complaints?

5 MS. MORTENSON: Yes.

6 COMMISSIONER BROWN: Okay.

7 MS. MORTENSON: Yes. This is -- I've actually
8 went -- I should have brought my folder. I just was
9 trying not to get too carried away.

10 COMMISSIONER BROWN: Thank you.

11 MS. MORTENSON: But, yeah, I've done
12 petitions, I've -- yeah. I've been here before, I've
13 spoken before, and they were all addressed. And, you
14 know, it is what it is. Water has to be affordable. I
15 guess that's my bottom line.

16 Anybody else question that it should be
17 affordable?

18 COMMISSIONER EDGAR: Thank you, Ms. Mortenson.

19 MS. MORTENSON: Thank you.

20 COMMISSIONER EDGAR: Ms. Christensen.

21 MS. CHRISTENSEN: The next customer that we
22 have signed up to speak is Carolyn Bennett.

23 Whereupon,

24 **CAROLYN BENNETT**

25 was called as a witness on behalf of the Citizens of the

1 State of Florida and, having been duly sworn, testified
2 as follows:

3 **DIRECT STATEMENT**

4 **MS. BENNETT:** Good morning. My name is
5 Carolyn Bennett, C-A-R-O-L-Y-N B-E-N-N-E-T-T. And I've
6 lived in Chuluota for 44 years, and it's sad to say the
7 water has not changed that much at all. It's changed
8 about this much. But it still smells. You get up in
9 the morning, you walk in, you turn your faucet on to put
10 on for water for your coffee or your tea and it smells
11 like strong bleach or dog poop. And it's back and
12 forth; it's never the same thing every day. You get a
13 glass and you can set it up, and if there's stuff that's
14 in it and it will settle down to the bottom.

15 I brought a pan that I have been using for the
16 past month only to boil water for tea. You can look in
17 the bottom of it and see what's left after you boil
18 water. You cannot get this out with a scrubby pad that
19 you wash dishes with. You can scrape it with a
20 fingernail or a razor blade, and you won't ruin the
21 bottom of your pan but it's still there. This is what
22 we're drinking from Chuluota water. This is your great
23 water, I'm sorry to say. And I have been complaining
24 about it forever.

25 On their little project, they turned the water

1 off. Nobody on my street, 3rd Court, knew they were
2 turning the water off because of this. I called in,
3 "Why don't we have water? My whole street has no
4 water." "It was on the news. Why didn't you watch the
5 news?" If you miss the news, you don't know anything
6 that's going on with Aqua Utilities.

7 And they said, "We posted signs." And I said,
8 "I'm disabled. Did you post one in my front yard?"
9 "No. It's out on 419. Sorry." You don't get to know
10 what's going on with Aqua unless you watch the news or
11 drive a vehicle or are able to go out on 419 wherever
12 they posted it. And apparently no one on my street seen
13 it posted because nobody knew, and they work and travel
14 down 419 every day. So that was bad.

15 Then we get a notice in the mail stating "2nd
16 Street and surrounding residents," I'm right behind 2nd
17 Street, "boil water while we're doing this. We will let
18 you know." Have they let us know when to quit boiling
19 water? No. "We will bring you bottled water." Anybody
20 on my street get bottled water? No, nobody did. And
21 it's welcomed because we have to buy it in order to
22 drink it or we have to boil it, period, and let it sit
23 overnight so we can drink it.

24 My next-door neighbor has a baby, brand new
25 baby. He'll be three months old tomorrow. They have to

1 go out and buy water because they're scared to death to
2 give Chuluota water to the baby. She would have loved
3 to have been here but she couldn't be. Her water is
4 actually worse than mine because she can't even boil
5 their water and make tea out of it for iced tea because
6 it's bad. You think that tasted bad, you should taste
7 some of the water that comes out of Chuluota water. I
8 don't know what else to say because it's just bad. And
9 I wouldn't mind paying their prices, anything, if it was
10 good water, but it's never been good water.

11 **COMMISSIONER EDGAR:** Are there any questions
12 for Ms. Bennett?

13 Mr. May.

14 **EXAMINATION**

15 **BY MR. MAY:**

16 Q Ms. Bennett, just a couple of questions.
17 Again, thank you for coming.

18 With respect to the no water issue that you
19 just discussed, was that associated with the 2nd Street
20 project that the county is relocating?

21 A Uh-huh. Uh-huh. Uh-huh.

22 Q And what street do you live on again?

23 A 3rd Court. It's right behind, backs right up
24 to 2nd Street.

25 Q And your water was temporarily shut off?

1 A Yes. The whole street was. Yes.

2 Q And that was in order to move the county's
3 storm water line and sidewalk; correct?

4 A I don't know what it was for because we didn't
5 watch the news and we didn't see their little signs
6 posted on 419. I don't know why it was shut off.

7 Q Okay. Thank you, ma'am.

8 **COMMISSIONER EDGAR:** Ms. Bennett, thank you.
9 Ms. Christensen.

10 **MS. CHRISTENSEN:** The next customer we have
11 signed up to speak is Tina Crews.

12 Whereupon,

13 **TINA CREWS**

14 was called as a witness on behalf of the Citizens of the
15 State of Florida and, having been duly sworn, testified
16 as follows:

17 **DIRECT STATEMENT**

18 **MS. CREWS:** Good morning. I live in Chuluota
19 also. First name Tina, T-I-N-A. Last name is Crews,
20 C-R-E-W-S. I've been in Chuluota for 21 years. And I
21 have to agree with Carolyn, the water is, it's just
22 never good. It's reached a point where it's tolerable.
23 I still have issues with toilets, laundry. And it'll go
24 for a while and it'll be somewhat fine, it still has a
25 chlorine smell or sometimes it's an odor almost like a

1 gasoline. I don't know how to describe it any other
2 way. And it, you know, that'll linger for a day or so,
3 then it'll disappear. Then it'll come back.

4 One of the things that I did want to address
5 is the fact that you have a 10:00 meeting. And even
6 though this is not, the meeting is not for Chuluota, it
7 is still for Chuluota complaints.

8 What I'm concerned about is you have a
9 10:00 meeting. The only reason that I could make it
10 here is I'm unemployed. If you're going to have a
11 meeting, you need to either have two, one in the
12 morning, one in the evening. Or if you can only have
13 one meeting, you need to have an evening meeting so that
14 people can make the meeting. Although I did get a
15 notice on this, it was confusing as to whether or not,
16 as a Chuluota person, that I needed to show up. If you
17 read it, it's, it's like a -- you're not sure if you
18 should or shouldn't because if I don't show up and make
19 sure that you're still listening to the complaints, then
20 I'm worried they're going to die off and you're going to
21 think that your new system has fixed everything. If I
22 show up and complain, I still want it on record that
23 we're still having problems. What I'm concerned about
24 is even though your rate increase is not before us
25 today, I'm worried about when you're going to catch up

1 with us and that we're going to pay highly for this new
2 system.

3 And until you get the water to where it's --
4 like I said, it's tolerable. I can, you know, wash
5 things and -- now I do keep an entire fridge of bottled
6 water. I do coffee and cooking with bottled water.
7 I've paid for it for years. I don't know what else to
8 do. Because the water is, it's just not consistent.
9 It'll be good for a little bit, and then next thing you
10 know you're back to the smell. And you're thinking
11 you're doing something wrong with detergents or cleaning
12 products or whatever, and it's not what you're doing,
13 it's the water.

14 The other thing is I did want to address the
15 bills online. It's taken Aqua a long time to get it to
16 a online, where you can go online and address like if
17 you want to make a payment. If you call your customer
18 service people, they tend to tell you one thing. When
19 you get online, it's different.

20 I was told there was no charge to pay a bill
21 online. When you get online, there is a charge. The
22 other thing is when you call them and you try to address
23 issues, they will take your call, they will take your
24 complaint, they will take whatever it is you're calling
25 about, and they will tell you that someone will either

1 come out and check something or someone will call you.
2 You never hear back. You never get a notice that
3 someone has come to your house, checked your meter,
4 whatever the issue is. You never hear back from the
5 company. When you call back to ask has someone
6 addressed this, they end up having no record of your
7 first call that you ever even made, you know, made an
8 issue. So I did want to point that out.

9 But I am concerned not only with the fact that
10 the water still isn't consistent, but the fact that
11 you're going to come around and we're going to pay
12 highly for this. Thank you.

13 **COMMISSIONER EDGAR:** Thank you, Ms. Crews.
14 And would you stay with us for just a moment? I think
15 Mr. May has a question for you.

16 **EXAMINATION**

17 **BY MR. MAY:**

18 **Q** Thank you, Ms. Crews. Just to clarify for,
19 for our purposes, again, not to put you on the spot, but
20 what we're trying to do is to pinpoint when you made the
21 call to the customer service center that you're
22 complaining about now. Can you give me the date, the
23 month and the day?

24 **A** I had spoke earlier with your representative,
25 Ms. Williams, and I, I don't keep records of the calls,

1 I'll be honest with you, because when I do call, I don't
2 get any service. So what happens is I wait to see if
3 the water gets better. If it gets better, then it, I
4 let it go until it happens again. And, you know, like I
5 was telling her, I will keep better records now because
6 I feel like somebody is listening and gonna pay
7 attention. It's just that it never quite goes away.

8 I did have one other thing, if you don't mind.
9 You mentioned something, some kind of filing, I hope I
10 heard right, November 3rd that has to do with Chuluota?

11 Q No, ma'am. I, I don't want to confuse you.
12 What we're going to be filing is testimony under oath
13 with the Commission responding to some of the concerns
14 that you all are identifying today. So that's one --
15 that's really the purpose of my question. Again, not to
16 put you on the spot. I'm trying to get the facts right
17 from our end so that we can provide the information to
18 the Commission.

19 A Okay. Well, the only thing I can tell you is
20 that my calls have been through, I would say the last
21 few years, even probably further back, and I get the
22 same exact answers and lack of follow-up no matter what.
23 It doesn't matter when I've called or what it's been
24 about, I always have to call back. And I feel like I
25 have to double back. And then when I do double back,

1 nothing has happened. So that's, that's the best
2 feedback I can give you.

3 **COMMISSIONER EDGAR:** Ms. Crews, thank you.

4 **MS. CREWS:** Thank you.

5 **COMMISSIONER EDGAR:** Ms. Christensen.

6 **MS. CHRISTENSEN:** The next customer we have
7 signed up is Theodore Mello.

8 Whereupon,

9 **THEODORE MELLO**

10 was called as a witness on behalf of the Citizens of the
11 State of Florida and, having been duly sworn, testified
12 as follows:

13 **DIRECT STATEMENT**

14 **MR. MELLO:** How are you doing? My name is
15 Theodore Mello, T-H-E-O-D-O-R-E M-E-L-L-O.

16 Basically what I came down here for today is
17 to complain a little bit about the water. You can soak
18 your socks in it. It's -- I wouldn't let my -- I'm a
19 single father living on 2nd Street. I understand
20 construction. I've been in construction for 15 years
21 and landscaping the rest. I understand what it takes
22 to, you know, move pipes around and change water lines,
23 change levels, and change roads and everything. I've
24 done everything from 60-inch pipe all the way up to
25 sheet metal mechanic, and you have to learn to be that

1 way in the State of Florida because it's seasonal.
2 We've come to a time to where it's not, it's not that
3 great out there economically. I mean, we're not making
4 the money that we need to make and everything keeps
5 rising, the price of food, the price of everything.

6 It used to be, used to be a day when we didn't
7 buy bottled water, but now I'm seeing that I've had --
8 you know, I've got two water bills. I've got to buy
9 bottled water and I've got to pay for the water that's
10 at the house.

11 And the only questions I've got is mainly to
12 find out what -- if they're prorating this -- I mean, I
13 just do the math when I sit at the house. I can't see
14 me using maybe more than 50 gallons a day, you know, and
15 I just do the math out of 30 days. And I've lived in
16 Alafaya Woods, the water was okay there. I was only
17 paying 35, \$35.10 a month, and that's for both water and
18 sewer.

19 And when I first moved into my, my father's
20 old house over here on 2nd Street about a year ago, I
21 was at \$12.50, but the meter wasn't running. Then two
22 months later I was there and I was paying about \$35, but
23 that's without sewer. I think I'm on septic there. And
24 that was okay, but I couldn't let my son drink it and I
25 had to buy my own water.

1 And then, then they put a read-a-meter on the,
2 on the meter out there. I don't know if the guy hit it.
3 I'm thinking the guy that put the reader on there hit
4 it, and then I come back home from working all day and
5 my whole yard is flooded. Well, they sent a guy to
6 service me, and he said, "Well, it's busted from the
7 meter back to the house. I can't touch it." And then
8 I, I, I was up until about 11:30 that night fixing it.
9 Got it turned off, got it, got it back in order. I
10 can't blame it on him because I wasn't there to see it,
11 but the, the white piece of plastic thing that it had on
12 the meter wasn't there the day, I mean a few days
13 beforehand because I had been going out there and
14 checking the bill, I mean, checking the bill. My dad
15 has me check, check to make sure I ain't got no leaks,
16 so I've been constantly out there wiping, you know, when
17 I'm not using the water, constantly out there wiping it
18 and making sure that there's no leaks in the house,
19 making sure the meter is not, you know, running in
20 circles. So I get -- you know, it's, it's not there and
21 then all of the sudden when that reader is there it's
22 busted. So I just, you know, put blame with, you know,
23 with whatever. I was just aggravated. I was up until
24 11:30 fixing the thing.

25 But anyhow, I can't, I can't drink the water.

1 I've got to pay -- now, now you want to raise it. So
2 that's just, that's just ridiculous. I mean, I've got
3 two spring-fed lakes right there. I'd rather drink the
4 water out of the lakes than to pay somebody to try to
5 fix something that ain't -- that I don't see them fixing
6 it. I mean, it's just, I don't understand what, what
7 we're paying for here. I don't understand what I'm
8 paying for at all. I mean, to wash my truck, soak my
9 socks?

10 I can't -- I've got to watch my kid, he's
11 seven, I've got to watch him in the bath. Kids like to
12 drink bath water. I've got to watch him to make sure he
13 doesn't drink the bath water.

14 If a year ago I had been drinking the water, I
15 probably wouldn't be standing here right now. I mean,
16 the first letter that I got from them was if anybody was
17 on dialysis or any of that situation, that they
18 shouldn't drink the water. So you pay for something
19 that you want to drink, you should be able to drink it.
20 That's it. That's all I have to say.

21 And I've gotten, well, I've got two 10,000
22 gallon bills on top of that. And I'm a single father, I
23 can't be using -- there's no way. Am I filling a pool
24 up, filling neighbors' pools up or something? I don't,
25 I don't get it, so.

1 **COMMISSIONER EDGAR:** Mr. Mello, can you share
2 your address with us? I don't think you did.

3 **MR. MELLO:** 80 East -- well, they've changed
4 the addresses out there, they're changing a lot of
5 things out there, but it's 56 East 2nd Street.

6 **COMMISSIONER EDGAR:** Thank you.

7 Commissioner Brown.

8 **COMMISSIONER BROWN:** Thank you. You mentioned
9 that you received a letter. Was that from the company?

10 **MR. MELLO:** Yes, ma'am. That's been probably
11 about six or seven months ago when I got, when I, when I
12 first got into the place.

13 About a, yeah, about a couple, couple of
14 months after I moved in I had letters coming in from
15 Aqua. We're constantly, I mean, I'm constantly getting
16 letters. I don't know if anybody else is, but I'm
17 constantly getting letters in. And I read them, but I
18 mean, you, you kind of get to the point to where you
19 get, you get to where you don't want to, you don't even
20 want to read it. You can't drink the water, so it's
21 just, it's, it's all, it's all placing blame. I don't
22 know -- I don't have enough money, I don't have enough
23 --

24 **COMMISSIONER BROWN:** Was it, was it a boil
25 water notice?

1 **MR. MELLO:** Yeah. Well, it's always a boil
2 water notice. It's always been a boil water notice, so.

3 **COMMISSIONER EDGAR:** Other questions for
4 Mr. Mello?

5 Okay. All right. Thank you.

6 **MR. MELLO:** Yes, ma'am.

7 **MS. CHRISTENSEN:** The next customer we have
8 signed up to speak, Ann Winiarski.

9 Whereupon,

10 **ANN WINIARSKI**

11 was called as a witness on behalf of the Citizens of the
12 State of Florida and, having been duly sworn, testified
13 as follows:

14 DIRECT STATEMENT

15 **COMMISSIONER EDGAR:** And I am going to ask you
16 to spell your name for us, please.

17 **MS. WINIARSKI:** Okay. Ann Winiarski,
18 W-I-N-I-A-R-S-K-I. I live at 162 Osprey Lakes Circle.
19 Okay. This is Addison. She's two years old today, and
20 I'm very lucky to have her. There are several, several
21 families that have infertility issues because of the
22 water. I'm a lucky one.

23 My children, I have four of them, they do not
24 bathe. They take showers. We used to use the fridge
25 filter through the Brita filter, through a Zero Water

1 filter to make it drinkable. I was going through
2 filters every eight days. That adds up.

3 So now we have -- we buy the five-gallon jugs
4 through a company and I then pay for those. When I
5 invite people over to my home, I welcome them in and
6 usually say, "Would you like something to drink? Oh,
7 don't drink that water there. Use that over there."
8 That's one of the first things I say to people that come
9 to my home.

10 What else? I know there was something else.
11 The bad bathing, I told you that. The bottled water
12 jugs. I just -- I also am a nurse, and I don't know if
13 any of you have seen patients from renal failure,
14 patients on dialysis. I highly recommend you go meet
15 one of them and speak with them. Imagine your life
16 three times a week for three to four hours because your
17 kidneys can't filter out all the toxins because they
18 failed from drinking a basic necessity, water. Thank
19 you. That's it.

20 **COMMISSIONER EDGAR:** We certainly want to say
21 happy birthday to Addison.

22 **MS. WINIARSKI:** Happy birthday.

23 **COMMISSIONER EDGAR:** Any questions? Thank
24 you. Thank you for your comments.

25 **MS. CHRISTENSEN:** The next customer we have

1 signed up to speak is Nancy Evans. I think the
2 remaining customers may not have been sworn in because
3 they came in later. So I don't know if you want to do
4 that as a group before the next three customers come up
5 or individually as they come up.

6 **COMMISSIONER EDGAR:** Ms. Evans. You did say
7 Nancy Evans? Did I hear that?

8 **MS. CHRISTENSEN:** Yes. Correct. Uh-huh.

9 **COMMISSIONER EDGAR:** Is there a Nancy Evans?

10 **MS. EVANS:** Yes.

11 **COMMISSIONER EDGAR:** Okay.

12 **MS. EVANS:** I didn't hear. She said after
13 this one, there's a break and we have to come back after
14 lunch?

15 **MS. CHRISTENSEN:** Oh, no, no, no.

16 **COMMISSIONER EDGAR:** I'm sorry. Ms. Evans, I
17 couldn't, I couldn't hear you. But come on forward.
18 And I think Ms. Christensen was, was saying we had a few
19 people who maybe came in after we got started. Have you
20 been sworn?

21 **MS. EVANS:** No.

22 **MS. CHRISTENSEN:** That's what I was getting
23 at.

24 **COMMISSIONER EDGAR:** Okay. Thank you.
25 Then -- and you have a few others that have signed up?

1 **MS. CHRISTENSEN:** Yeah.

2 **COMMISSIONER EDGAR:** Could you go ahead and
3 give us the names?

4 **MS. CHRISTENSEN:** Nancy Evans, Christen
5 Castro, and Jason Ream. And they came in later, so they
6 weren't originally sworn in, so that's why I was --

7 **COMMISSIONER EDGAR:** Okay. Mr. Ream and
8 Mr. Castro, if you would stand with me, and if you'd
9 just work with us. I mentioned at the very beginning
10 that this is a part of the official record of the
11 hearing that we will also have later; therefore, your
12 testimony needs to be under oath. And so if you would
13 with me, all of you raise your right hand together.
14 Thank you.

15 (Witnesses collectively sworn.)

16 Whereupon,

17 **NANCY EVANS**

18 was called as a witness on behalf of the Citizens of the
19 State of Florida and, having been duly sworn, testified
20 as follows:

21 **DIRECT STATEMENT**

22 **COMMISSIONER EDGAR:** Thank you all.

23 Ms. Evans.

24 **MS. EVANS:** Hi. I'm Nancy Evans. I am a
25 refugee of Chuluota and Aqua's water. I did reside

1 there until what you just heard from just the handful
2 that can finally make it here on Labor Day weekend on a
3 holiday could do. That was a big thing that I heard is
4 a lot of people were having a problem with the time
5 today, especially during the workday.

6 But I currently reside at 3370 Red Ash Circle
7 in Oviedo, about a quarter mile from my old subdivision.
8 In fact, if you stand on a hill, you can see the trees
9 in the neighboring subdivision. I now have perfectly
10 compliant water that I can't tell you what it felt like
11 to finally open up your life again and be able to live
12 without the weight of that and what that, what falls
13 apart around you when you're living there.

14 Obviously still very connected. It was a
15 horrible experience. Still in shock that I hear stories
16 from there, and that's why I'm here. I'm actually -- my
17 family is party to a lawsuit with Aqua right now, and
18 I've been advised that anything I say can be used
19 against me in the State of Florida. So I know I'm
20 risking that today, but I feel it's important.

21 So many of those kids out there will have to
22 go through what we did or to have to think about this at
23 night before you go to bed wondering what's the matter
24 with your family, what's the matter with your neighbors,
25 what's the matter with your house, your finances, what

1 can you do? Meanwhile you know you still have to live
2 your day-to-day life.

3 Thankfully we've been past that. It doesn't
4 upset me as much as it used to. But there are a lot of
5 children and I'm really tired of hearing the stories.
6 I'm tired of getting a notice because somebody knew I
7 lived there and knew about the water to ask me why is
8 there, you know, sludge in my pipes still or what are
9 they doing about it or what happened when you were here
10 or, you know, what changed? And, yes, due to a consent
11 order Aqua put in this nice new ion system, which I'm
12 not sure if it serves the whole community or not. I'm
13 under the impression there's still another system
14 running out there. But regardless, I know these people
15 don't have a choice except to buy bottled water. The
16 choice is, is to do what happened to us, which is to
17 leave and do what it takes to try and get rid of your
18 house.

19 When you're truthful with what happened to
20 your house with the banks, they're all too well aware of
21 the risk it causes. We went through a lot in order just
22 to give our house back free and clear due to the
23 environmental issues (inaudible). Thank you. At the
24 same time as we're going through that, we're recovering
25 from what happened to us there. For those that don't

1 know, my husband had renal failure. My dog was covered
2 in cysts within a year of moving there, and then
3 deteriorated from there with kidney and renal failure.
4 At the same time my son developed growing these same
5 growths. I had, within a year of leaving, found two
6 more cysts on myself.

7 Our neighbors at that time were deteriorating
8 with liver failure, diagonally across the street from
9 me, a 40-year-old; and then a 16-year-old with liver
10 failure nextdoor to him. Both were seen at Shands, both
11 testified here in -- I don't even know the years. I
12 can't keep up with them anymore. It seems to be, like
13 she said, *Groundhog Day*.

14 A neighbor across the street had renal
15 failure. The other neighbor across the street, the
16 builder has been out to his house twice to clean out
17 sludge out of their lines. Again, this was previous,
18 those people have already testified.

19 The reason I'm here today is to show you what
20 happens before Aqua came into that picture. This was
21 our house. This was our house. And I know there's
22 people from Aqua sitting back here. There's at least
23 one lady I recognize who got sick in one of the homes
24 while she was visiting. We don't know why she was ill.
25 It could have been any reason. But I will swear from my

1 own experience that those fumes and what comes out of
2 those pipes seeps into your house on a constant basis.

3 It costs ten grand to do forensics. I want
4 you to know that. There's a lot of effort that goes
5 into finding where sulfur comes from, where bacteria
6 comes from, where growth comes from, how things
7 multi-populate in lines after they're already existing
8 regardless of new systems. There's just a lot. I mean,
9 you basically -- you know, it depends on the risk you
10 want to take again, whether you want to live there or
11 not, who wants to buy your house. This is what happens
12 after you try to sell your home and you expose what
13 happened to your family.

14 That's what your house turns into. This is
15 the house your child can't go by to wonder what his
16 bedroom looked like or who lives in your house now
17 because you fear for more damage that will be caused to
18 him, what we already went through, what he saw his
19 friends go through and his friends' parents. Kids
20 should not have to worry about being hurt or suffering
21 through pain when they go to a doctor, and worry about
22 swimming in a lake on vacation for fear that the water
23 might cause him to have to go back through a procedure
24 to remove something.

25 I grew up in a lake. I grew up on fresh water

1 lakes; they were awesome. Never had to think of that.
2 Never would have crossed my mind my son would correlate
3 that three years later until a point where a doctor
4 said, "You know, he kind of needs some help to deal."
5 Luckily he's on a 504 plan, and his school has been very
6 accommodating to deal with his anxiety. He also
7 suffered quite a bit of trauma watching what his parents
8 went through on top of that.

9 This is his bedroom. This is after they've
10 torn it apart, vandals and what not, as the house has
11 been shut, set up for years. This is after it caught on
12 fire twice and they boarded it up. This is after two
13 private companies out of Cape Coral and Louisiana, tore
14 through it looking for drywall, as they did many of our
15 homes on that street. And I'm not the only one. The
16 others have previously testified at other hearings as
17 well.

18 This is what my toilet looked like when I left
19 my home. This is what was in it. Now I'm speaking
20 previous. I know that doesn't have to do today, but
21 today has to do with what they're still finding in their
22 toilets, what's still coming up in the morning, what's
23 still being posted on Facebook. "Did you have black
24 crap in your toilets this morning?" I mean, this is how
25 we wake up. I don't even live there and I'm still

1 affected by it.

2 This is a picture of my, underneath my sink in
3 my bathroom from that home. That is what it looked like
4 when I left. Those are black pieces of sludge that
5 creep out of the lines. That's a larger picture of
6 under the sink. Again, these have been put in testimony
7 before; it's not new. But I felt it important, as hard
8 as it is, to come back here, speak again, tell the
9 story, and at least say, look, why do I get a call from
10 somebody who's desperate because their kids both have
11 E.coli in their blood and their urine and one has
12 bladder problems, and the little girl who's three years
13 old across the street has issues? I don't know the
14 causes of everything all the time. I don't. I'm just a
15 single person out there knowing how it affected me
16 trying to move on, trying to just get away from it.

17 Now they say this didn't have to do with
18 Aqua's water. They came out and visited. That's when a
19 person got sick in that house. But, I mean, we don't --
20 it got there at some point. And so the builder got
21 involved in this and he submitted a letter to this
22 customer's house, who she's going to testify next,
23 Christen Castro. And he's basically saying that there
24 are no plumbing defects causing this. And if Aqua says
25 this has to happen -- you know, anything between the

1 meter and the house is your fault, so anything that
2 happens inside the house is your fault, how do you keep
3 it out? How do you get rid of what was sitting in
4 there? How do you tell the next owner, "Here's what I
5 would do"? Yes, we all know to get a water system, we
6 all know all the drill now. We've been through that.

7 But, I mean, how do you do it when you get a
8 newspaper article, 2010, you know, water looks like
9 sewer. Yes, we're getting an ion system. But that
10 doesn't help undo the damage when Facebook is still
11 posting -- and I'm not even a member of Facebook, by the
12 way. I just get an e-mail from somebody that says,
13 look -- excuse me -- posted on Facebook, lives in our
14 old subdivision. "Anyone experience black dirt water in
15 their toilets? No, it's not the obvious. All of our
16 toilets are filling with very dark dirt but not smelly
17 water. This just started today." I don't even know
18 that person. I don't know who she is, but you can see
19 how it follows our life. We don't -- I mean, it's like,
20 yeah, well, good luck to you. Come to another hearing,
21 spend another year, listen to how where the money comes
22 from, why we need more to do it, you know.

23 I don't know. I'm just frustrated, and I feel
24 like I needed to just make sure that anybody who didn't
25 realize some of the severity or didn't read the 2007 and

1 '9 hearings, you know, didn't read that testimony from
2 those people who packed these buildings, who closed them
3 down two years in a row. Because there's only one
4 person left, Ms. Edgar, that I know of that -- and I
5 believe you were here and maybe a couple of more, Office
6 of Public Counsel obviously has been involved for good
7 reason, but you just need to know.

8 And on one last note, if anybody ever wants to
9 try to figure out, which is what we've tried to do, what
10 chemicals were left in there that cause this black,
11 whether it's compliant or not, when it comes in black
12 like that -- you know, we've been through a few
13 different engineers trying to find that. I mean, they
14 have their ideas. And, you know, we can leave this
15 here. Maybe it would help. I, I don't think in my
16 heart that anybody is going to take note to do that, but
17 maybe at some point.

18 And I know the health things scare people, so
19 this isn't to scare anybody whatsoever. I just -- this
20 is my fear. This is what ran through my head. This is
21 the things I had to compare when I decided to stay or
22 go. I really had to ask so many people. I got so much
23 advice in the professional realm, so many levels --
24 what, what do you do? The number one thing I was told
25 so many times is take care of yourself. You've got to

1 keep your family safe. You can't make any decisions
2 until you can get out of there.

3 And luckily, I mean, we're happy. I mean,
4 once we got out, we knew we made the right decision
5 because there was coliform in our lines again
6 afterwards. And I think the main fear now is that,
7 okay, if you hear somebody gets sick again, you're like,
8 oh, gosh, was that it? Because there was such a swarm
9 of it at one time, you know. And to live like that, you
10 know, to have to know the elementary school is
11 scrambling for 70 filters last week (phonetic) to start
12 the school year because nobody knows when they were
13 changed. And, you know, you just, it's just constant
14 stress and it does affect your values of your homes. It
15 affects them greatly. Because my house where I'm at now
16 is the same size, everything, nothing has changed other
17 than the location, which is a quarter mile away. Still
18 in the A schools, it's still, everything is the same.

19 **COMMISSIONER EDGAR:** Ms. Evans, let me say, I
20 do remember you being here and talking before us in the
21 past, and I thank you for coming again and sharing your
22 story with us. But I do want to see if there are any
23 questions for you. Are there any questions for
24 Ms. Evans?

25 Yes. Mr. May.

EXAMINATION

1
2 **BY MR. MAY:**

3 Q Ms. Evans, I really do appreciate you coming
4 out today. I know it was an effort, and we listened
5 closely to what you said.

6 I do have a couple of follow-up questions
7 regarding the quality of service because that's why
8 we're here today is to discuss --

9 **UNIDENTIFIED SPEAKER:** Excuse me. Could you
10 please speak up?

11 **BY MR. MAY:**

12 Q I do want to ask you a couple of questions
13 regarding quality of service because that's really why
14 we're here today. The rates at Chuluota are not the
15 subject of this case. We're really focused on the
16 quality of service.

17 Just for the record, you're no longer a
18 customer of Aqua Utilities; correct?

19 **A** No.

20 **Q** Okay.

21 **A** Just a recipient of what's left of, yeah,
22 years of this, how I've seen people who were here
23 20 years before me that complained about quality before
24 the state turned the systems over privately. And I --
25 yeah.

1 Q So --

2 A It doesn't leave. It stays for some reason,
3 even when you try to get away.

4 Q In April of 2011 were you a customer of Aqua
5 Utilities?

6 A April of 2011? No. Does that mean this won't
7 be officially on the record or something?

8 COMMISSIONER EDGAR: No. Ma'am, your
9 comment -- Ms. Evans, your comments absolutely are a
10 part of, a part of our record.

11 BY MR. MAY:

12 Q Absolutely. On April 9 of 2011 you wrote a
13 letter to Senator Bill Nelson complaining about the
14 presence of high volatile organic compounds and black
15 sludge.

16 A I wrote him -- the pictures from Christen
17 Castro, I forwarded her e-mail and said, "Look, you
18 know, we understand that this is still an issue." Now I
19 also heard that we had the Florida Flow Group in contact
20 with him, and he went on to a national broadcast that
21 day and went out to our subdivision for some reason. I
22 had no contact with anybody other than that. My usual
23 notes, "Hey, I can't let that pass. I used to live
24 there." Let somebody, you know, pay attention. That
25 was it.

1 Q Sure.

2 A Is that a problem?

3 Q No, ma'am, not at all.

4 A Can I ask why you're asking me to confirm
5 these?

6 Q You're also, you're also aware that when
7 Senator Nelson received your letter of April 9, he
8 forwarded that letter to the Secretary of the Department
9 of Environmental Protection, Mr. Herschel Vinyard?

10 A I believe he -- somebody -- I got a chain
11 letter, automated letter, form letter back saying
12 that -- no, I don't know what it said. It might have
13 said that --

14 Q May I approach the witness and provide her
15 with the document so that we can kind of move this
16 along?

17 COMMISSIONER EDGAR: Mr. Durbin, can you help
18 us with that? Mr. May, let's do it that way.

19 Ms. Evans, just, just bear with --

20 MS. EVANS: Can we make the point of the
21 questioning or should I --

22 COMMISSIONER EDGAR: Yeah. Just, just bear
23 with us. No worries. No worries. Just bear with us.

24 MS. CHRISTENSEN: Can I make an objection? I
25 think this is probably getting outside the scope of this

1 witness's testimony.

2 **MR. MAY:** I don't see how it's outside the
3 scope of the testimony. She continues to --

4 **COMMISSIONER EDGAR:** Well, I was just going to
5 say, if you will to me, where, where are you taking
6 this, Mr. May?

7 **MR. MAY:** I've got two questions regarding the
8 letter that was sent to her by Ms. Vivian Garfein,
9 Director of the Central District of the Florida
10 Department of Environmental Protection, regarding the
11 black sludge that she's been talking about.

12 **COMMISSIONER EDGAR:** Then I'm going to let him
13 proceed and we'll see where we go. I appreciate your
14 comment, Ms. Christensen.

15 And, Ms. Evans, again, you've been here with
16 us before and you know we are just really trying to get
17 additional information.

18 **MS. EVANS:** Well, I'm more concerned about the
19 position I'm in today, but in the same time this letter
20 just talks about -- I expressed concerns about the VOC
21 sampling data from now to the present.

22 **THE COURT REPORTER:** Excuse me. Excuse me.
23 Slow down just a little bit.

24 **MS. EVANS:** Oh, sorry.

25 **MR. MAY:** Madam Chair, just two questions, if

1 we can.

2 **COMMISSIONER EDGAR:** Ms. Evans, we do want to
3 make sure that we get your comments accurate. And so,
4 so one more time a little more slowly, go ahead with
5 what you were going to say, please.

6 **MS. EVANS:** It's a standard letter, and it
7 says that, "I express concerns about the VOCs and black
8 sludge, and that they reviewed data from 1983 to the
9 present and the system has no violations." And I think
10 that they're saying they didn't find VOCs in the system,
11 but that's different from other things that we've been
12 told and seen and given quotes by so many engineers.
13 And, you know, I'm not sure why this matters because all
14 we were writing about is the sludge and that we've heard
15 it could be environmental -- VOCs and volatile organic
16 compounds and that they repopulate and that -- we just
17 wanted to send that picture and tell them.

18 **COMMISSIONER EDGAR:** And, Ms. Evans, I'm not
19 sure --

20 **MS. EVANS:** I'm not an expert either, so I
21 don't know why they referred back like -- we know Aqua
22 was compliant for a couple of quarters, if that makes
23 anybody feel better. I mean, that's fine. I'm happy.
24 That's great. I'm just here to say, look, it doesn't
25 end even when you leave. And to hear it over and over

1 another year is just exhausting and so you report when
2 you hear something.

3 COMMISSIONER EDGAR: I --

4 MS. EVANS: But I've been told not to probably
5 do that, so I probably will keep my mouth shut.

6 COMMISSIONER EDGAR: No. No. No. No. No.
7 No.

8 MS. EVANS: Is that all?

9 COMMISSIONER EDGAR: Ms. Evans, nobody has
10 suggested that at all. Nobody has suggested that.

11 MS. EVANS: I mean, not here. I'm sorry.
12 Not -- nobody in this room has suggested that.

13 COMMISSIONER EDGAR: Thank you. Thank you.

14 MS. EVANS: But I'm feeling that right now.

15 COMMISSIONER EDGAR: Okay. We are going to --
16 here in just a moment we will mark this as an exhibit.
17 And I understand that Mr. May would like to ask you one
18 or two questions, and we're going to allow that. So
19 just bear with us for a moment or two more.

20 Mr. May.

21 MS. EVANS: Okay.

22 BY MR. MAY:

23 Q Again, Ms. Evans, certainly we're not here,
24 and I didn't want you to believe that I, or to think
25 that I don't want you to say anything. I would like you

1 to answer just two questions regarding this document.

2 One, you received this document from
3 Ms. Vivian Garfein, did you not?

4 A That is the name at the bottom of it.

5 Q And for the record, could you please read into
6 the record the second full paragraph in its entirety?

7 COMMISSIONER EDGAR: Mr. May, we're going to
8 mark it, so it will be --

9 MS. EVANS: I don't think I would be advised
10 to answer anymore questions.

11 COMMISSIONER EDGAR: So it will, so it will be
12 a part of the record. I don't think that's necessary.

13 MR. MAY: Okay. No problem. Could we get an
14 exhibit number for this?

15 COMMISSIONER EDGAR: Yes, we will. Yes, we
16 will do that. Are you done with your questions?

17 MR. MAY: I am. Thank you very much,
18 Ms. Evans.

19 COMMISSIONER EDGAR: Okay. Are there any
20 other questions?

21 MS. CHRISTENSEN: Yes.

22 COMMISSIONER EDGAR: Ms. Christensen.

23 MS. CHRISTENSEN: Can I do a follow-up
24 question?

25 EXAMINATION

1 **BY MS. CHRISTENSEN:**

2 Q Ms. Evans, did you speak with Ms. Garfein, who
3 wrote this letter?

4 A No. I have no idea who she is. I only
5 corresponded with Bill Nelson, and I wrote him a picture
6 about the sludge and that was it.

7 Q And do you have any personal knowledge of
8 anything that's contained in this letter? I mean, do
9 you have any personal knowledge of anything that's
10 contained in the letter?

11 A No. No.

12 Q Okay. Thank you.

13 **COMMISSIONER EDGAR:** All right. Ms. Evans,
14 thank you. And thank you for your patience with us.

15 **MS. EVANS:** Thank you. Thanks for being here.
16 Again, the new people, maybe we won't have to be here as
17 many years now since it seems to be going in another
18 direction. Thank you.

19 **COMMISSIONER EDGAR:** Thank you.

20 We are going to mark this. It will be Exhibit
21 Number 9.

22 (Exhibit 9 marked for identification.)

23 Mr. May, why don't you help me with a title.

24 **MR. MAY:** Letter from DEP Director, Central
25 District, to Ms. Nancy Evans.

1 **COMMISSIONER EDGAR:** Okay. How about we do
2 this: DEP/Garfein Letter/Evans.

3 **MR. MAY:** Perfect.

4 **MS. CHRISTENSEN:** And for the record, Office
5 of Public Counsel would like to reserve our right to
6 object to the letter at the appropriate time for lack of
7 personal knowledge and --

8 **COMMISSIONER EDGAR:** And we will --

9 **MS. CHRISTENSEN:** -- essentially hearsay at
10 that point.

11 **COMMISSIONER EDGAR:** We will -- noted for the
12 record, and we will take that up, as with any other
13 issues with any exhibits marked through the customer
14 hearing, at the beginning of the technical portion of
15 the proceeding.

16 Commissioner.

17 **COMMISSIONER BROWN:** I just wanted to make
18 sure that Ms. Evans, Ms. Evans, if she wanted to enter
19 any of the exhibits that she presented for us into the
20 record? Is she still with us?

21 **COMMISSIONER EDGAR:** Ms. Evans, and I think I
22 can see you back there. There you are. Did you want to
23 leave copies of any of the pictures -- thank you,
24 Commissioner Brown -- with us?

25 **MS. EVANS:** Sure. We better clarify that. I

1 don't want to be misspoken.

2 **COMMISSIONER EDGAR:** All right. Those that
3 you showed us while you were speaking, are those extras
4 that you can leave with us, or do we need to make a copy
5 for you so that you can take that? You can leave that
6 with us. And you have others at home and all of that?
7 Okay.

8 **MS. EVANS:** I do.

9 **COMMISSIONER EDGAR:** Thank you.

10 Mr. Willis.

11 Thank you, Ms. Evans. And we will make sure
12 that copies are distributed to all of the parties. We
13 will mark this as Exhibit Number 10, and we will call it
14 Evans Demonstrative.

15 (Exhibit 10 marked for identification.)

16 And, Mr. May, of course you will have the
17 opportunity to review and go from there.

18 Okay. Ms. Christensen.

19 **MS. CHRISTENSEN:** The next customer that we
20 have signed up to speak is Christen Castro.
21 Whereupon,

22 **CHRISTEN CASTRO**

23 and

24 **MILTON CASTRO**

25 was called as a witness on behalf of the Citizens of the

1 State of Florida and, having been duly sworn, testified
2 as follows:

3 **DIRECT STATEMENT**

4 **MS. CASTRO:** Good morning. My name is
5 Christen Castro, C-H-R-I-S-T-E-N, Castro, C-A-S-T-R-O.
6 I am a current customer of Aqua Utilities, though we do
7 not reside in the home. Our water was shut off due to a
8 current bill that is \$1,400 -- \$1,420.43, with a usage
9 of 35,000 gallons. As stated, we don't reside in the
10 house. We moved out May 21st. This bill was from
11 May 16th to June 16th. I have a current signed lease.
12 That's five days worth of usage for that house.

13 We moved out of the house six months ago, and
14 I am the recipient of thousands of pictures of sludge.
15 I'm the sludge victim -- another sludge victim, I should
16 say. It's disgusting, the water damage over the last
17 five years when we bought the house in 2006. Aqua's
18 deficiencies have completely corroded every piece of
19 plumbing that we have in our house. It is not
20 habitable. It is not. You cannot have your child
21 drinking water out of the taps that looks like this. It
22 comes from somewhere. It comes from somewhere.

23 We all know the history of Aqua. It's
24 disgusting. They've paid fines after fines after fines
25 after fines. I don't know how they're still in business

1 in Chuluota.

2 Most recently at the end of the school year we
3 got a call from the school nurse that my daughter was
4 experiencing paralysis in her hands. The pediatrician
5 had referred us to a pediatric neurologist, who then
6 rushed an MRI for my daughter who is ten years old.
7 After explaining to him the history of the water and
8 showing him violations from Aqua, he deemed it necessary
9 to have my daughter tested for arsenic, mercury and lead
10 from violations, written documentation of the violations
11 in the past from Aqua.

12 She has also had -- it's a whole folder of
13 medical. I mean, I don't know how detailed in history.
14 It's ruined our lives. Had we known of the violations
15 five years ago, we never would have put \$40,000 down on
16 that house to buy, only to have it damaged, completely
17 damaged to where you cannot live in that house anymore.
18 The house, it's appraised at 150. Again, we're doing --
19 selling the home. Again, it's been disclosed of the
20 poor, piss poor quality of water.

21 Last week, August 19th, I had Wes Brook come
22 to the house to get a quote to have the house re-piped.
23 His exact quote, "No need to re-pipe house. Already has
24 CPVC water lines. The black sludge is coming from the
25 water supply." Again, had we known of the quality of

1 Aqua's water five years ago, we would have never bought
2 that house. We've ruined five years of our lives, our
3 credit, and, more importantly, health issues. Health
4 issues. The water is poison. It's poisoned. You guys
5 are selling poison.

6 I could go on and on. I don't know how much
7 documentation -- I have files after files after files.
8 So I'll take any questions that you have.

9 **COMMISSIONER EDGAR:** Thank you. Ms. Castro,
10 do you have something with you that you would like to
11 leave with us?

12 **MS. CASTRO:** I have several documents. I'm
13 not sure exactly what you're -- you want medical
14 records? Would you like photos?

15 **COMMISSIONER EDGAR:** No. My question to you
16 --

17 **MS. CASTRO:** Would you like documentation? Go
18 ahead. Sorry.

19 **COMMISSIONER EDGAR:** That's all right. My
20 question to you is do you have some paper records that
21 you would like to share with us?

22 **MS. CASTRO:** Yes. Sure.

23 **COMMISSIONER EDGAR:** And is that something
24 that you can give --

25 (Simultaneous conversation.)

1 **MS. CASTRO:** This is only a portion of it. I
2 couldn't physically carry all of it in. But I will be
3 more than happy to submit anything back from 2006 when
4 we bought the home and started the correspondence with
5 Aqua and the PSC and Commissioners.

6 And Tricia Williams has sat in my kitchen and
7 just told me six months ago that the water was fine.
8 It's not fine. And Judy Wallingford, I'm not sure where
9 she's at either, but they both attest that this water is
10 fine.

11 **COMMISSIONER EDGAR:** Let's take it -- I'm
12 sorry to speak over you. Let's go this way. Let me
13 start with and see if there are any questions for you.

14 Mr. May, any questions for Ms. Castro?

15 **MR. MAY:** Just a couple.

16 **COMMISSIONER EDGAR:** Okay. Why don't you go
17 ahead, and we'll go from there.

18 **EXAMINATION**

19 **BY MR. MAY:**

20 Q Ms. Castro, I'm Bruce May representing Aqua.
21 Thank you for appearing this morning.

22 **COMMISSIONER EDGAR:** A little louder.

23 **UNIDENTIFIED SPEAKER:** A little louder,
24 please.

25 **UNIDENTIFIED SPEAKER:** Nobody can hear you at

1 all. Can you please speak up? Not closer to the
2 microphone but louder.

3 **COMMISSIONER EDGAR:** Thank you. We're working
4 on that. And the acoustics are a little difficult.
5 We're --

6 **UNIDENTIFIED SPEAKER:** I hear you fine.

7 **COMMISSIONER EDGAR:** Oh, good. Great.

8 Mr. May, you just have kind of a low voice, so
9 a little louder, please.

10 **BY MR. MAY:**

11 **Q** Good morning, Ms. Castro.

12 **A** Good morning.

13 **Q** I'm Bruce May representing Aqua Utilities.

14 And thank you for coming out this morning.

15 You mentioned that your service with Aqua was
16 discontinued.

17 **A** Disconnected. We're in the middle of a
18 payment dispute for the usage of 35 gallons for five
19 days.

20 **Q** How many warning --

21 **A** 35 gallons -- 35,000. I'm sorry.

22 **Q** How many warning notices did Aqua give you
23 before service was disconnected?

24 **A** (By Mr. Castro) We don't live there.

25 **A** (By Ms. Castro) We don't currently reside in

1 the home. I'd have to pull my file. I don't have the
2 records with me, but I can provide that to you.

3 Q Before Aqua disconnected your service, did
4 Aqua representatives come to your house to discuss your
5 concerns?

6 A (By Ms. Castro) Yes.

7 A (By Mr. Castro) Yes.

8 A (By Ms. Castro) And there was no resolution.
9 I had to --

10 A (By Mr. Castro) What I want to say was -- I'm
11 sorry. I'm sorry. I've got to get into this. There
12 was -- I had the President of Aqua --

13 COMMISSIONER EDGAR: I'm going to ask you --

14 MR. CASTRO: I'm sorry.

15 COMMISSIONER EDGAR: That's okay. That's
16 okay. I would ask you to please share your name with
17 us.

18 MR. CASTRO: I'm Milton Castro.

19 COMMISSIONER EDGAR: And speak into the
20 microphone because I am having a hard time hearing you.

21 MR. CASTRO: Milton Castro. We refused to pay
22 for water we cannot use. My kids were getting sick. We
23 think that, you know, to take a loss of a house, okay,
24 fortunately we could. Some of these people can't.
25 Okay? And I feel sorry for them.

1 We had the President of Aqua come to our house
2 with -- who was the lady, the engineer?

3 **MS. CASTRO:** Tricia Williams.

4 **MR. CASTRO:** Tricia Williams sit at our table,
5 because we had \$1,200, \$1,200 at the time water that we
6 refused to pay because their billing system from the
7 beginning was never right. The first year we moved in
8 there we were paying, the first two bills were actual
9 that we were paying \$70, \$80. So we paid that every
10 month because the bill after the -- the two actuals,
11 after that came estimated. Okay? So we paid our bills
12 on time.

13 Come to the end of the year, we get a bill for
14 \$2,500. \$2,500 at the end. We're like, "What is this?"
15 You guys had a meeting here. We came with all our
16 documentations, because if you want documentation, we
17 have it. We check our meter. I work in the maintenance
18 business, so I know what I'm doing.

19 We documented the water. I tested the water.
20 I tested the meter, put a gallon -- I know it might be
21 off a little bit here. And I told the guy at the time
22 here, you know, "You're off. We're not getting a
23 gallon. We're paying for a gallon." "Well, it can be
24 off here and there." I said, "Well, off here and here,
25 pennies adds to millions." Okay? If you're one

1 customer, and every customer adds to millions.

2 We came here with all our documentations and
3 they looked at it. Okay. We walked out of here with a
4 credit of \$178. So you tell me you're going to send me
5 a bill that I owe \$2,500 and walk out with a credit?

6 MS. CASTRO: This was in 2007. Excuse me.

7 MR. CASTRO: I mean, you know, so right there
8 that's when we got the bad taste. We -- this was our
9 dream house. This is, this is where we wanted to live.
10 Okay? The American dream turned into a nightmare, an
11 American nightmare. Okay?

12 You know, we're not, we're not asking for
13 money, we're not asking for anything. We just want our
14 peace of mind and these, you know, peace of mind.

15 So, like I said, she came to our house to, to
16 work out a deal with us. This was how long ago? Before
17 we moved out. The president in the house and said that
18 she was willing to drop it for \$700. Okay?

19 And now we look at each other, "Why is she
20 willing to drop this?" She's making a deal, and we have
21 it on -- like I said, we've got every kind of record you
22 can imagine. We look at ourselves, "You know what, if
23 she wants to drop it," I said, "I'm not going to pay it.
24 They can take me to court, they can do whatever they
25 want. I am not paying this." Because, yes, we have the

1 means to do it, but if the president comes and tries to
2 negotiate with us --

3 **MS. CASTRO:** At my kitchen table in my house.

4 **MR. CASTRO:** Some of these people can't, some
5 of these people can't. And I refused. I said, "You
6 know, we're going to move." We left the water running
7 because we've got it tested. I mean, we have water, air
8 tests, we have everything you can imagine because I
9 don't think it's right. I think these people, which I
10 call in the big companies it's called bean counters.
11 Okay? Just like cars, you know, they know that the
12 brakes are defective. They're not going to fix it.
13 They're going to say send it out, the lawsuits is not
14 going to outweigh our profits. Basically they know that
15 they're going to get sued. So that's what I think what
16 happened. They knew coming in that there was a profit
17 to be made no matter what. They knew the condition.
18 You cannot tell me -- they knew. I mean, all the
19 records here show violation after violation. I mean,
20 it's ridiculous. So we're sitting here, and I'm doing
21 it for the other people that are not even here.

22 **COMMISSIONER EDGAR:** Mr. Castro, let me, let
23 me ask you to stop for a moment. I want to make sure
24 that we finish the questions and then we'll see where we
25 need to go.

1 Mr. May.

2 **EXAMINATION**

3 **BY MR. MAY:**

4 Q I just wanted to follow up just briefly on
5 the -- two things. One, did you share your concerns
6 with respect to the water quality and environmental
7 issues with the Florida Department of Environmental
8 Protection?

9 A (By Ms. Castro) Yes, I did.

10 Q And also with the -- was it the Seminole
11 County Health Department?

12 A (By Ms. Castro) Yes, I did. I was told that
13 there's no money for testing, that the sludge was placed
14 under a microscope. My five-year-old son could do a
15 study under a microscope.

16 **MR. MAY:** Madam Chair, I'd like to have
17 Mr. Durbin provide this copy of this document to the
18 witness and also --

19 **COMMISSIONER EDGAR:** Okay. Well, he has
20 stepped away; however, I think Mr. Willis will help us
21 out.

22 **MR. WILLIS:** I can do that.

23 **COMMISSIONER EDGAR:** Thank you. Thank you. I
24 want to make sure that OPC gets a copy and then --

25 **MR. WILLIS:** There's not enough.

1 **COMMISSIONER EDGAR:** Commissioner Brown, can
2 you share with me, and we'll get additional copies made?

3 **COMMISSIONER BROWN:** Yes.

4 **COMMISSIONER EDGAR:** Can you -- thank you.
5 Thank you, Mr. Willis.

6 Mr. May.

7 **BY MR. MAY:**

8 **Q** Ms. Castro, please take a minute to, to review
9 this document, if you would.

10 **A** (By Ms. Castro) Uh-huh.

11 **Q** Do you recognize this document?

12 **A** (By Ms. Castro) Yes, I do.

13 **Q** And is this the response that you received
14 from the Florida Department of Environmental Protection
15 regarding your concerns?

16 **A** (By Ms. Castro) Yes, it is. Uh-huh.

17 **Q** For the record, could you read the next to the
18 last paragraph that's highlighted here?

19 **A** (By Ms. Castro) Nathan Hess's, quote, his
20 opinion. "Based on the above chlorine residuals and
21 bacteriological analysis, we believe that the water,
22 believe that the water being provided to your home by
23 the utility is meeting all required standards and that
24 the issues you have noted are the result of internal
25 plumbing beyond the water meter problems." It's Nathan

1 Hess's --

2 A (By Mr. Castro) Opinion.

3 A (By Ms. Castro) -- belief. Belief. It's
4 right there, B-E-L-I-E-V-E. That's not a fact.

5 A (By Mr. Castro) And I took my own test. I'm
6 CPO certified, so I can test water. And my test came
7 way different than his. I don't know why.

8 A (By Ms. Castro) Unfortunately there's just not
9 a lot of money personally that we can invest anymore
10 and --

11 A (By Mr. Castro) Regardless of why, this is
12 after the ion --

13 A (By Ms. Castro) Ion exchange.

14 A (By Mr. Castro) -- system put on. We're
15 talking about back when we first bought the house the
16 poison that you guys were selling. Yes, it might be a
17 little bit better, like these people said, but it's
18 still not the quality to pay. I mean, you can't even
19 use it. We, like, we use bottled water. When we moved
20 into our new house, I was so used to carrying jugs of
21 water that my wife said, "What are you doing?" I said,
22 "It's just, after four or five years doing this you get
23 accustomed to it." And I finally, I don't do that
24 anymore because we can actually drink our water.

25 And, like what I was saying, when she was in

1 our home, she told my wife we could cut this down. And
2 my wife is very passionate, we are. And she started
3 talking about the quality of water. "Oh," she said,
4 "well, it's good now." What about the past? What about
5 the past?

6 A (By Ms. Castro) Aqua has ruined our home.

7 Q (By Mr. Castro) You know, and a lot of
8 people's lives.

9 COMMISSIONER EDGAR: Let me, let me see if we
10 have any additional questions for you, if you will work
11 with me.

12 Mr. May.

13 MR. MAY: Just I wanted to make sure, has
14 Mr. and Mrs. Castro been sworn?

15 MS. CASTRO: Yes.

16 MR. CASTRO: Yes.

17 MR. MAY: Okay.

18 COMMISSIONER EDGAR: And, yes, they have.

19 MR. MAY: I would just ask that this document
20 be identified as an exhibit for the record.

21 COMMISSIONER EDGAR: Okay. We will mark it.
22 That will be Exhibit Number 11.

23 (Exhibit 11 marked for identification.)

24 Mr. May, a brief title.

25 MR. MAY: E-mail from Nathan Hess, DEP, to

1 Christen Castro, 3/25/2011.

2 COMMISSIONER EDGAR: Okay. And we are going
3 to call that DEP Hess/Castro E-mail proffered by Aqua.

4 Ms. Christensen, did you have questions?

5 EXAMINATION

6 BY MS. CHRISTENSEN:

7 Q Yes. I had a few follow-up questions for you
8 all. And just on the e-mail that was sent back to you
9 from Mr. Hess, on the third paragraph it says that they
10 took a black substance from your home to be tested?

11 A (By Ms. Castro) Yeah.

12 Q Can you tell us where and how that substance
13 was collected? Did you all provide it?

14 A (By Mr. Castro) Well, no, it was still stuck
15 on the -- right here. Here's a picture. It was stuck
16 on the aerator. They came out and scraped it off. We
17 never touched it.

18 Q Okay. So that was taken from your home?

19 A (By Mr. Castro) From our house.

20 Q And when -- was that in May 2011 that they
21 took --

22 A (By Ms. Castro) March.

23 Q March 2011?

24 A (By Ms. Castro) I'm not sure. Let me go back
25 to the actual date that they were there. I don't know

1 off --

2 Q Okay. Was it in 2011?

3 A (By Ms. Castro) Yes.

4 A (By Mr. Castro) Yes. Yes. We have everything
5 documented. We just don't have it with us.

6 Q All right. In the pictures that you have
7 shown with the black sludge in the toilet, is that from
8 this year?

9 A (By Ms. Castro) Yes.

10 Q Is that in the March to May 2011 time frame?

11 A (By Ms. Castro) Yes.

12 Q Okay.

13 A (By Mr. Castro) Well, and the previous too.
14 I mean, you know, we just didn't know what it was. You
15 know, we -- from the time we moved there, like I said,
16 we couldn't take baths. The first day we did our
17 laundry, we put white towels and they came back stained.

18 A (By Ms. Castro) Yellow.

19 A (By Mr. Castro) Yellow. So I'm thinking,
20 okay, being in the, in the maintenance business, I might
21 have a leaking transmission. Okay? Well, that's not
22 the case. It wasn't the case.

23 But we did another load, and we lost -- and
24 the smell. You know how when you wash clothes and you
25 have that new clean smell? Well, it didn't have that.

1 It had like I'm not putting this on. It's just, that's
2 how it was, you know. But we, that was our dream house.
3 This is -- you know, we, we did it for years. I don't
4 know how, I don't know why.

5 Q You spoke about your daughter and her health
6 issues. Has that improved?

7 A (By Mr. Castro) Uh-huh. And my son. Oh, yes.

8 Q Since you left the home?

9 A (By Mr. Castro) Uh-huh. Yes?

10 A (By Ms. Castro) Unexplained cysts, growths .

11 A (By Mr. Castro) My son was on nebulizers since
12 he was born because he was born at the house -- not the
13 house, but, you know, he lived there all his life on
14 nebulizers because of his breathing. Since we left, he
15 has not used it one time, not once.

16 A (By Ms. Castro) My daughter has, my daughter
17 has also been found to have E.coli in her urine, which
18 has also been reported in -- or Aqua has been in
19 violation of.

20 COMMISSIONER EDGAR: Ms. Christensen.

21 BY MS. CHRISTENSEN:

22 Q And just to be clear, since you moved from the
23 home, have you, have your children continued to
24 experience these health issues?

25 A (By Ms. Castro) Just ironically when school

1 started two weeks ago, my daughter attends Jim Walker
2 Elementary, and she came home within the first week,
3 within the first week complaining of bladder issues.
4 Again, we are attributing that to the water filtration
5 system at the school. I've yet to hear back from the
6 school board as to when the last time the water filters
7 were replaced. I know that coincidentally after I had
8 e-mailed them that there was an order put in the
9 following day for 70 new filters.

10 Q Do you know who services the school?

11 A (By Ms. Castro) Originally Rain Soft installed
12 the system.

13 Q No. Who provides the water to the school?

14 A (By Ms. Castro) Aqua Utilities.

15 Q Okay.

16 A (By Mr. Castro) The last record they had of
17 filters being changed was in '09.

18 Q Okay.

19 A (By Ms. Castro) Then they never -- they
20 provided the initial filters, but since then they have
21 not provided any as previously stated.

22 A (By Mr. Castro) Why would you need to if your
23 water is so good?

24 A (By Ms. Castro) Why would -- yeah. Exactly.
25 Why do you need filters in, in a school if you're

1 providing so-called quality water as you state? Why?

2 **COMMISSIONER EDGAR:** Ms. Christensen,
3 additional questions?

4 **MS. CHRISTENSEN:** Just one follow up. I know
5 they wanted to provide some documentation and they have
6 some medical record. But because of the confidentiality
7 issues of medical records --

8 **MS. CASTRO:** Sure.

9 **MS. CHRISTENSEN:** -- and given that this is a
10 public, open public records law, be reminded that if you
11 do provide the medical records, they would be open to
12 public review for the medical records. I'm not sure
13 that the other records you want to provide are quite as
14 sensitive. So I just want to make sure that you're
15 aware of that. I mean, I think you've given the
16 testimony on the medical.

17 **MS. CASTRO:** Sure.

18 **MS. CHRISTENSEN:** And we've developed that a
19 little bit more, so I don't know if you want to provide
20 that.

21 **COMMISSIONER EDGAR:** So to follow up on that,
22 Mr. and Mrs. Castro, you did say that you have some,
23 obviously some more information at home. But do you
24 have anything with you that you would like to share with
25 us, recognizing that that would make it a public

1 document under the law?

2 **MS. CASTRO:** Yes.

3 **COMMISSIONER EDGAR:** You do have some
4 documents that you would like to leave with us?

5 **MS. CASTRO:** I have this folder of pictures
6 here, but I have additional documentation out in the
7 parking lot, if that's okay to --

8 **MR. CASTRO:** We have some from the first day
9 where they, after what I told you with the, that we
10 walked out of here with 170 something dollars instead of
11 paying \$2,500. They went out without our knowledge,
12 changed the meter without our knowledge. And they
13 changed all our neighbors'. And then the reason why I
14 found out, because I guess the people who were changing
15 the meters, one of the meters fell off the truck and I
16 kept the meter. Trust me. I kept it.

17 **MS. CASTRO:** That was submitted at the last
18 hearing.

19 **MR. CASTRO:** And it was submitted at the last
20 hearing. I didn't keep it, you know, but.

21 **COMMISSIONER EDGAR:** I think I remember that.

22 **MR. CASTRO:** Yeah.

23 **MS. CASTRO:** But, again, we still have an
24 outstanding water bill. And, again, it was cut off due
25 to nonpayment for a usage of 35,000 gallons within five

1 days.

2 **MR. CASTRO:** And the reason, and the reason
3 why we kept it on, because we moved out and it was five
4 days we left it on because we're selling the house. Now
5 we paid 340,000 for the house. It's on the market right
6 now for 139. Okay?

7 **COMMISSIONER EDGAR:** And I understand that --
8 and you disclosed that to us and I appreciate that, that
9 there is an issue that is in dispute. And our Staff has
10 taken that down, and I know OPC and Aqua, of course,
11 were probably aware of that prior, but have definitely
12 taken that information and it is on the record.

13 Ms. Klancke, do you have a suggestion for me
14 as to how to best work with the additional demonstrative
15 that the Castros have referred to?

16 **MS. KLANCKE:** Perhaps the most seamless way of
17 addressing this issue is to mark a composite exhibit
18 consisting of all the documentation. We don't want to
19 deprive you of your original copies. We have copying
20 facilities and you can work with Mr. Durbin right there.
21 We'll identify it on our exhibit list, provide it with a
22 name, and then work with -- Mr. Durbin will work with
23 you to make copies of any documentation, however
24 voluminous, you would like. And it will all be included
25 in one demonstrative exhibit.

1 **COMMISSIONER EDGAR:** Ms. Klancke, I appreciate
2 that suggestion.

3 **MR. CASTRO:** I hope you have a lot of time and
4 a lot of paper. I'm just saying, you know.

5 **COMMISSIONER EDGAR:** We are used to a lot of
6 paper, and I assure you that there will be many people
7 who will look through all of it. Absolutely.

8 **MS. CASTRO:** Also, one last note, Will
9 Fontaine also from Aqua witnessed the sludge in the home
10 himself. And he also took, I believe, the aerator for
11 testing. We never got any formal in writing. It was
12 just never really followed up with.

13 **COMMISSIONER EDGAR:** Okay. Let me close this
14 out. We are going to mark -- Mr. May, work with me. We
15 are going to mark Number 12 as Castro Composite
16 Demonstrative.

17 **MS. KLANCKE:** Excellent.

18 **COMMISSIONER EDGAR:** And our Staff will work
19 with the Castros and obviously OPC and Aqua. And,
20 again, there will be certainly the opportunity to review
21 and any concerns will be taken up at the same time as
22 the other exhibits at the beginning of the technical
23 portion of the hearing.

24 **MR. MAY:** Thank you.

25 **COMMISSIONER EDGAR:** Thank you.

1 **MR. CASTRO:** I just have one more thing. Does
2 anybody here have \$500 an hour?

3 **COMMISSIONER EDGAR:** Not me.

4 **MR. CASTRO:** Okay. Exactly. Because that's
5 what it's going to take --

6 **MS. CASTRO:** Per the neurologist.

7 **MR. CASTRO:** -- for my daughter to get
8 toxicology. Okay? \$500 an hour.

9 **MS. CASTRO:** Testing.

10 **MR. CASTRO:** And that's why I think they know
11 that people can't afford it.

12 **COMMISSIONER EDGAR:** Let me -- Commissioner
13 Brown, I think, has a question.

14 **COMMISSIONER BROWN:** I do. And thank you,
15 Madam Chair.

16 I have a question for Mr. May, and I have to
17 ask this question because I was a little confused by it.

18 The Castros indicated that the president of
19 Aqua came out to the Castros' house to discuss or
20 negotiate the modification of a bill. Do you have --
21 can you, can you explain that, please?

22 **MR. MAY:** Yes, ma'am. This -- the Castros
23 have expressed some concerns for some time now regarding
24 the bill that they just explained. My client is always
25 willing to talk with customers to try to address their

1 concerns, and actually drove out to their home, met
2 for -- I think it was several hours, wasn't it,
3 Ms. Castro?

4 **MS. CASTRO:** About an hour and a half, and
5 then she got really irritated and she left and said,
6 "We're not going anywhere with this." Because I was
7 literally in tears. And she said, "We'll just deal with
8 this later." And Tricia Williams is sitting on my
9 kitchen table rubbing her head like she's totally
10 annoyed for being there. Let's just throw that one in
11 too.

12 **COMMISSIONER EDGAR:** Okay. Thank you.
13 Mr. May, you did ask.

14 **MR. MAY:** I did.

15 **MS. CASTRO:** The truth hurts.

16 **MR. MAY:** We will, we will be supplying a
17 detailed response, but essentially the president of
18 Aqua, Ms. Wallingford at the time, and Ms. Tricia
19 Williams visited the home in an effort to address their
20 concerns. At that time there was a credit offered, and
21 also the Castros were placed on a payment plan, which is
22 not required by law and is not required by rules.
23 Again, we'll put that under oath in our filing on
24 November 3rd.

25 **MS. CASTRO:** I don't think I ever got

1 notification of any proposed payment plan. Can you
2 provide that to me?

3 **COMMISSIONER EDGAR:** There will be --

4 **MR. MAY:** We'll provide the letter as part of
5 our late-filed rebuttal testimony. Yes, ma'am.

6 **MR. CASTRO:** So is it customary of Chuluota to
7 give credits like that of, you know, \$500? Because I'm
8 pretty sure there's a lot of people in Chuluota who can
9 use that kind of credit.

10 **COMMISSIONER EDGAR:** Commissioner Brown.

11 **COMMISSIONER BROWN:** Thank you.

12 **COMMISSIONER EDGAR:** All right. Mr. and
13 Mrs. Castro, thank you for being here today.

14 **MR. CASTRO:** Thank you.

15 **COMMISSIONER EDGAR:** Ms. Christensen.

16 **MS. CHRISTENSEN:** The final customer that I
17 have signed up to speak is Jason Ream.

18 **COMMISSIONER EDGAR:** Mr. Ream.

19 Whereupon,

20 **JASON REAM**

21 was called as a witness on behalf of the Citizens of the
22 State of Florida and, having been duly sworn, testified
23 as follows:

24 **DIRECT STATEMENT**

25 **MR. REAM:** Hey, guys. How you doing? My name

1 is Jason Ream. I live at 311 Knot Hole Circle. Like
2 others have mentioned, I would suggest to try to hold
3 these meetings at a different time other than the middle
4 of the week, work week and stuff. I had to dip out of
5 work taking vacation time to come to do this. And I
6 know there's tons more people that wanted to come and
7 they can't be here because it's -- and people just don't
8 have the luxury of just dipping out and going and doing
9 what they got to do.

10 I'm one of the newer guys that's in the
11 subdivision, about three years we've been there. I fall
12 in the same lines like a lot of people. I'd have never
13 moved there if I would have known this nonsense going on
14 with this company being there and the stuff that they've
15 told.

16 You know, I lived in Oviedo before I moved
17 there. We, you know, not being environmentally
18 conscious, you know, you pissed away water like it was
19 nobody's business. You didn't care, you know. I had
20 \$30 water bills. You know, I come out here now, we've
21 got high energy efficient electric, high energy water
22 efficiencies, you know, low flow toilets. You know,
23 \$75, \$85 a month water bills is what I have to pay.
24 They were in the hundreds when I -- before I had to
25 spend the \$3,500 to put a sprinkler system in because

1 the Aqua people were taking advantage of you left and
2 right by saying, well, you're going to get hit for all
3 your sewage charges that's going through your water
4 system to your sprinklers. I was like, "Well, you're
5 not getting sewer from this. This is going straight
6 back in the ground into your system and you're getting
7 the money back." So to me that's theft, you know, to
8 charge me for something I'm not using.

9 I -- last week we went to Outback to eat
10 lunch. They screwed up my girlfriend's order. They
11 didn't have it right at all. She didn't pay for the
12 stuff; they messed up the order. Okay. We went to the
13 grocery store the other and the food was bad. I took it
14 back and they gave me back my money. I've been sitting
15 and paying these people for years and years with getting
16 notifications in the mail about don't drink this, stay
17 off of this, we're not at the government guidelines for
18 this, that and the other thing. I've still got to pay
19 the tab. So, you know, I want my money back. You know,
20 these people have been taking advantage of everybody in
21 this community out here left and right since they moved
22 in here. The people are fed up with it, they're tired
23 of it, they want them gone. There's absolutely no
24 reason that these companies should be allowed to sit out
25 here where we live and put off the stuff that they've

1 put out to us that's unusable 90 percent of the time up
2 until they done their magical thing that we've got to
3 pay the tab for now because they put in their new
4 filtration system, which they should have done when they
5 come in and bought it out the gate. Okay?

6 This water system now, if it's getting up to
7 code and it's finally meeting standards, I don't know.
8 I don't have time to sit here. That's your guy's job is
9 to make sure that these guys are doing what they're
10 supposed to be doing. And what I've seen for the years
11 gone by, you guys haven't been doing your job to make
12 sure that these guys are doing what they're supposed to
13 do. Because the robbery that they've been getting away
14 with for years would not be taking place if -- I
15 understand out here a lot of you guys are new people,
16 but your previous people that were here, you still work
17 for the PSC, so you guys fall under that umbrella that
18 you guys are in that group unfortunately. But it's your
19 job to make sure that these guys do what they're
20 supposed to do.

21 I moved into this place, went through the same
22 rigamarole that everybody else did, the back and forth
23 nonsense of, oh, well we screwed up your meters and, oh,
24 we don't understand what we're doing, we've got our
25 billing back and forth, yada ya. It turns into 13,

1 \$1,400 water bill that I get threatened, "We're shutting
2 your water off. We're shutting your water off." I'm
3 like, "You guys can't even give me an accurate water
4 reading here on my stuff. How am I supposed to just
5 throw money your way when you have no, no idea what you
6 guys are doing?" The whole back and forth, back and
7 forth.

8 The point that there's government officials,
9 Sandy Adams from, somebody up north, the head people --
10 I mean, I'm getting calls from governors, and I'm like
11 over a friggin' water bill. This is ridiculous. Okay?
12 People have got much better time -- much better things
13 to do with their time than to sit here and worry about
14 making sure that something that we don't have a choice
15 to begin with, you know, can't go to McDonald's, Burger
16 King, Taco Bell. You're stuck with it. And I'm told
17 from the Aqua people themselves, "You are stuck with it.
18 You can't do anything about it. You're going to pay the
19 base fees for this and this."

20 Because I went through the whole rigmarole --
21 I'm putting in a well because I can't sit here and pay
22 you people the thousands of dollars a month you want for
23 water. Okay. So I'm going to put in a well, I'm going
24 to put in a septic tank and yada ya. I'm not going to
25 deal with you people at all. Well, you're still going

1 to have a base charge of such and such per month because
2 you have a residence in, in the Knot Hole Circle, yada
3 ya.

4 So, so basically what you're telling me is
5 there's no choice. I have no way to get away from you
6 people. I have no way at all to segregate myself and to
7 do something to make a choice. I'm cornered. It
8 doesn't -- you know, that ain't right. It's not right.
9 None of, none of you guys would sit and sit back and
10 being in the same boat would say that that's right.

11 I've dealt with the Aqua people who are in
12 touch or work with Aqua people who use them as their
13 service. On the same -- Stacey Barns, I believe the
14 guy's name was I was dealing with, was like I understand
15 your system or I understand your situation, blah, blah,
16 blah. I also have them and I feel your pain and I
17 understand exactly what you're going through, and I
18 don't like it either, and yada ya. So you've got your
19 own people who work for your company complaining and
20 whining about what you guys do. Okay? It's just
21 completely ridiculous.

22 So had we known three years ago what was going
23 on out here at this place -- you know, our builder
24 didn't tell us. The Maronda folks out there just said,
25 "Oh, yeah, the water bills are a couple bucks more, but

1 the electric is a couple of bucks less, so therefore
2 it's going to be a wash." Well, you know, three or four
3 hundred dollar water bills for watering my yard, which I
4 can't choose not to do because then an HOA is going to
5 come back and you're going to get penalized and have
6 fees and stuff from your yard being trash.

7 So it's, the whole system is crooked. It's
8 definitely crooked. And as I said, you guys -- have you
9 guys been out of compliance and not providing what
10 you're supposed to be providing me in the past years?
11 And you go like this. (Speaker nodding head.)

12 **COMMISSIONER EDGAR:** Mr. Ream, to us.

13 **MR. REAM:** Oh, I'm sorry. I'm not allowed to
14 talk to those guys? Can you, can you -- sorry, Lisa.
15 Can you ask those guys if they've been out of compliance
16 and providing me what they're not supposed to provide?

17 **COMMISSIONER EDGAR:** We will look into that.

18 **MR. REAM:** Okay.

19 **COMMISSIONER EDGAR:** Let me see if there are
20 questions for you.

21 **MR. REAM:** Okay.

22 **COMMISSIONER EDGAR:** Are there questions for
23 Mr. Ream? None. Seeing no here. Any questions for
24 Mr. Ream?

25 **MR. MAY:** I do have one question.

1 **COMMISSIONER EDGAR:** Okay.

2 **EXAMINATION**

3 **BY MR. MAY:**

4 **Q** You mentioned that you received around a
5 \$1,300 bill from Aqua.

6 **A** Yeah. Like 13, 1,400 bucks.

7 **Q** When was that, sir?

8 **A** Years ago. Two years ago, something like
9 that. Like I said, we moved in, it was back and forth.
10 They messed up the meters left and right, they had all
11 the numbers all black. The people that I talked to on
12 the phone didn't have anything right, so they just kept
13 giving all of us threats, "We're gonna sue you, we're
14 gonna turn off your water," you know, all that nonsense.

15 **MR. MAY:** Thank you, sir.

16 **COMMISSIONER EDGAR:** Thank you. Thank you,
17 Mr. Ream.

18 **MS. CHRISTENSEN:** Can I follow up one more,
19 Mr. Ream?

20 **COMMISSIONER EDGAR:** I'm sorry.

21 **MR. REAM:** Sorry for the attire too. I
22 usually dress a little nicer than this. But since I
23 haven't made it to the dry cleaners, because I don't use
24 the water for my house for clothing, as well as the
25 thousands of dollars we spend a year in bottled water

1 because you can't drink the water, and --

2 COMMISSIONER EDGAR: Ms. Christensen.

3 EXAMINATION

4 BY MS. CHRISTENSEN:

5 Q I wanted to clarify a few things.

6 A Yeah. Sure.

7 Q What system are you in currently?

8 A System?

9 Q Are you in Chuluota?

10 A Yeah. I'm in the Trails, the Chuluota Trails,
11 out that way.

12 Q Okay. And have you recently had dealings with
13 customer service? What's --

14 A I -- they didn't mail me my bill last month.
15 I didn't get the bill in the mail. I sent them, talked
16 to them and just said, "Hey, I didn't get a bill." "We
17 don't know what happened." "Send us, send us a bill."

18 Q Okay. So would you -- and has your water
19 quality improved at all?

20 A No. No. I mean, you know, like I said, from
21 what I hear and the things that I've seen, there's like
22 a two different world scenario that goes on with the
23 older part of the Trails subdivision, which there was a,
24 I think there was two, two or three sections of the
25 four-section trail where the older part of the

1 community, whatever, and then the old 1st Street, 5th
2 Street, all that stuff that's on the old system, I hear
3 those are even more nightmares than the stuff that, the
4 ones that were in the latest and greatest. You know,
5 when you pull in the subdivision, that's all the newest,
6 you know, newfangled everything you've got.

7 Regardless of being the newest portion of it,
8 we still have, you know -- I'm not -- and that's the
9 thing, you guys aren't going to see these billions of
10 pictures from every stupid house in the place that's got
11 crap in their toilet, crap in their sinks. Because
12 people are embarrassed. I do not want to come up here
13 and stand -- I don't mind doing it in front of these
14 guys because they've all got the same problem. But it
15 sucks for me to have to sit here and tell you, it's like
16 I'm embarrassed when people come to my house to see
17 what's in the toilet or I'm embarrassed to sit here and
18 have people try to drink from glasses that come out of
19 the dishwasher because it looks like you've been washing
20 it in a pond. Okay? You're not going to get -- you
21 don't see a lot of people that come and complain about
22 this stuff to the level that they do because there's a
23 high level of embarrassment and shame that you sit here
24 that I'm living like I'm in a Third World country and I
25 just spent \$285,000 on this house. You know, so there's

1 a lot of people that won't come out and do this stuff.

2 We are in the new section over there. We
3 basically have had better quality than what the other
4 people have had as far as like pulling black snakes of
5 stuff out of this dirty level, quantity level of black
6 snakes, but you still have black sludge in your toilets.
7 You still have -- I go in the shower this morning, I was
8 taking a shower. I cleaned it last week. And me taking
9 a shower because my fiancée doesn't even shower there
10 because she doesn't want to sit in the water. But I'm
11 looking, I'm like what is this black crap all over the
12 showerheads just dripping off, hanging down? I mean,
13 it's utterly disgusting.

14 And so we're in the brand new, best part, best
15 part, as we've been told, part of the communities, and
16 we still have all this stuff. The toilets, you know,
17 there's rings that are in there in like four and five
18 days. And I'm like, you know, back when I was in
19 college I didn't wash the toilet for three months and it
20 was like it was perfect all the time. Here I'm -- you
21 know, now I'm supposed to be responsible and I look and
22 I'm cleaning my toilet once every four or five days
23 because I've got to because I need a chisel to get the
24 toilet clean.

25 **COMMISSIONER EDGAR:** Thank you.

1 **MR. REAM:** It's disgusting. But these, you
2 know, the Aqua people -- can I talk as long as I want or
3 --

4 **COMMISSIONER EDGAR:** No.

5 **MR. REAM:** I can't?

6 **COMMISSIONER EDGAR:** No.

7 **MR. REAM:** You're cutting me off?

8 Our community, the -- what has really
9 aggravated a lot of people too that's out that way, it
10 is so bad that our builders have gone to putting in
11 filtration systems for stuff. They've gone into putting
12 in sprinkler systems for people when you purchase the
13 homes -- or I'm sorry. Not sprinkler systems, wells.
14 The builder now puts in wells for everybody that comes
15 and moves into the place because of the nonsense that's
16 gone on with these guys and taking people for rides as
17 much as they have. People were getting wind of all this
18 stuff finally because there's been so much commotion.
19 People have stopped moving there because they don't want
20 to have to deal with it. So the builder now is now
21 taking that additional four or five thousand dollar jolt
22 of putting in sprinkler -- or putting in well systems
23 for people for their sprinklers and filtration systems
24 so you can try to drink the water that these guys give
25 to you.

1 **COMMISSIONER EDGAR:** Ms. Christensen.

2 **MR. REAM:** Sorry.

3 **MS. CHRISTENSEN:** No. No. No. I think
4 you've answered the questions that I had and covered
5 areas that I wanted to cover. Thank you.

6 **COMMISSIONER EDGAR:** Thank you.

7 **MR. REAM:** Okay. Thanks, guys.

8 **COMMISSIONER EDGAR:** Mr. Ream, thank you.

9 **MR. REAM:** Sorry for all the --

10 **COMMISSIONER EDGAR:** That's okay. Thank you.
11 Ms. Christensen.

12 **MS. CHRISTENSEN:** We have no other customers
13 that are signed up to speak.

14 **COMMISSIONER EDGAR:** Okay. Then let me ask,
15 is there anybody who has not yet come forward to address
16 us that would like to today?

17 **MR. REAM:** Hey, Lisa, I was just curious. One
18 other thing I was wanting to ask, what was the, what is
19 the purpose of you guys coming here?

20 **COMMISSIONER EDGAR:** Mr. Ream, do you have a
21 question for me? And if so, it's a little out of order,
22 but we're going to work with it.

23 **MR. REAM:** Oh, I'm sorry. I didn't know that
24 --

25 **COMMISSIONER EDGAR:** No. No. No. No. Come

1 forward to the microphone so that we can get you on the
2 record and make sure -- although I can hear you, I want
3 to make sure that everybody can.

4 **MR. REAM:** Well, no, that I guess just goes
5 back to I don't understand -- I was just curiosity, what
6 exactly is the purpose of you guys coming? I just --
7 all we got was, hey, the PSC is coming to talk about the
8 nonsense with Aqua people again. That's all I really
9 got wind of. I was curious.

10 **COMMISSIONER EDGAR:** Okay. The purpose, the
11 purpose of this proceeding is to take testimony from
12 customers on the quality of service that they are
13 receiving from Aqua and for comments about the rate
14 request that is before us.

15 **MR. REAM:** Okay. But the rate, the rate
16 request is pulled though; right?

17 **COMMISSIONER EDGAR:** For Chuluota.

18 **MR. REAM:** Okay.

19 **COMMISSIONER EDGAR:** For some of the other
20 Aqua systems they do have a request to change the rates
21 that are, that is before us, and we will have an
22 evidentiary hearing on that later this year.

23 **MR. REAM:** The rates, the rates going up.
24 They want to charge more for everything.

25 **COMMISSIONER EDGAR:** They, they have requested

1 a rate increase. Yes, sir.

2 **MR. REAM:** Wow. Amazing. Okay. Thanks.

3 **COMMISSIONER EDGAR:** All right. Thank you.

4 **MS. CHRISTENSEN:** That was all the customers.

5 **COMMISSIONER EDGAR:** Okay. All right. Before
6 we, before we adjourn, are there any other matters that
7 we need to address? I'm hearing none.

8 Commissioner Balbis, would you like to give us
9 a closing comment?

10 **COMMISSIONER BALBIS:** Thank you, Madam Chair.

11 I just want to thank everyone for coming here
12 today. We do listen to your comments. We take them
13 seriously. I do appreciate, especially the comments
14 that are specifically on customer service issues,
15 because that's something that we are charged with
16 looking at as well. So, again, I just want to thank you
17 for your time and, and your effort for coming here
18 today. Thank you.

19 **COMMISSIONER EDGAR:** Thank you.

20 Commissioner Brown.

21 **COMMISSIONER BROWN:** And I would, I would
22 reiterate the same comments that Commissioner Balbis
23 made, and thank you again for coming. We will consider
24 your comments seriously. Thank you.

25 **COMMISSIONER EDGAR:** Thank you. And thank you

1 to everyone for your patience and working with me as we
2 try to move forward and hear from everyone. And with
3 that, we are adjourned.

4 (Proceeding adjourned at 12:19 p.m.)
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STATE OF FLORIDA)
 : CERTIFICATE OF REPORTER
COUNTY OF LEON)

I, LINDA BOLES, RPR, CRR, Official Commission Reporter, do hereby certify that the foregoing proceeding was heard at the time and place herein stated.

IT IS FURTHER CERTIFIED that I stenographically reported the said proceedings; that the same has been transcribed under my direct supervision; and that this transcript constitutes a true transcription of my notes of said proceedings.

I FURTHER CERTIFY that I am not a relative, employee, attorney or counsel of any of the parties, nor am I a relative or employee of any of the parties' attorneys or counsel connected with the action, nor am I financially interested in the action.

DATED THIS 19th day of September, 2011.

Linda Boles
LINDA BOLES, RPR, CRR
FPSC Official Commission Reporter
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