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October 28, 2011

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VIA OVERNIGHT DELIVERY

Ms. Ann Cole, Director  
Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Blvd  
Betty Easley Conference Center, Room 110  
Tallahassee, Florida 32399-0850

100330-WS

Re: In re: Application for increase in water/wastewater Rates in Alachua, Brevard, DeSoto, Hardee, Highlands, Lake, Lee Marion, Orange, Palm Beach, Pasco, Polk, Putnam, Seminole, Sumter, Volusia, and Washington Counties by Aqua Utilities Florida, Inc.

Dear Ms. Cole:

Enclosed for filing on behalf of Intervener, Yes Companies, LLC d/b/a Arredondo Farms ("Yes") are the original and seven (7) copies of the Prehearing Statement of Intervener, Yes Companies, LLC d/b/a Arredondo Farms

Please let us know if you should need anything further.

Sincerely,

Andrew J. McBride

- cc: David S. Bernstein (via email)
- Ralph Jaeger (via U.S. mail and email)
- D. Bruce May, Jr., Esq. (via U.S. mail and email)
- J.R. Kelly, Esq. (via U.S. mail and email)
- Patricia Christensen, Esq. (via U.S. mail and email)
- Kelly Sullivan, Esq. (via U.S. mail and email)
- Cecilia Bradley (via U.S. mail and email)
- Kimberly A. Joyce, Esq. (via U.S. mail and email)
- Robert Lloyd (via U.S. Mail and email)
- David L. Bussey (via U.S. mail and email)
- Joseph D. Richards, Esq. (via U.S. mail and email)
- William Coakley (via U.S. mail and email)

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FPSC-COMMISSION CLERK

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Application for increase in water/wastewater Rates in Alachua, Brevard, DeSoto, Hardee, Highlands, Lake, Lee Marion, Orange, Palm Beach, Pasco, Polk, Putnam, Seminole, Sumter, Volusia, and Washington Counties by Aqua Utilities Florida, Inc.

Docket No. 100330-WS

Filed: October 28, 2011

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**PREHEARING STATEMENT OF INTERVENER, YES COMPANIES, LLC  
D/B/A ARREDONDO FARMS**

Intervener, Yes Companies, LLC d/b/a Arredondo Farms ("Yes"), pursuant to the Order Establishing Procedure in this docket, Order No. PSC-11-0309-PCO-WS, issued July 25, 2011, submits this Prehearing Statement.

**APPEARANCES:**

David S. Bernstein, Esq.  
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Kenneth M. Curtin, Esq.  
FL Bar No. 087319  
Andrew J. McBride, Esq.  
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**A. WITNESSES:**

<i>Witness</i>	<i>Subject Matter</i> (to include but not limited to)	<i>Issues</i>
1. Kim Kurz	Poor quality of service; predatory billing and metering practices; unaffordability of service; summary of residents' complaints; comparison of cost of water and wastewater service at Arredondo Farms to other communities owned by Yes.	1, 2, 24
2. Shawn Harpin	Affect of poor quality of service, predatory billing and metering practices, and unaffordability of service on ability of Arredondo Farms to operate profitably; high number of resident move outs.	1, 2, 24

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| 3. Jeremy Gray      | Affect of poor quality of service, predatory billing and metering practices, and unaffordability of service on ability of Arredondo Farms to operate profitably; high number of resident move outs; increased maintenance at Arredondo Farms due to poor quality of service.  | 1, 2, 24 |
| 4. Mallory Starling | Poor quality of service; predatory billing and metering practices; inaccurate bills; predatory water shut offs; unaffordability of service; summary of residents' complaints; maintenance issues due to poor quality of service; high number of resident move outs.   | 1, 2, 24 |
| 5. Mike Green       | Poor quality of water and wastewater service; inaccurate meter readings and leaks; sediment build up and damage to plumbing fixtures, heaters, and appliances as a result of build up; maintenance and monitoring required to mitigate effects of sediment build up and inaccurate meter readings and leaks, including explanation of "Gold Key" service; cost of maintenance required as a result of poor quality of water and wastewater service. | 1, 2     |

\* Yes reserves the right to subpoena additional witnesses, including employees of Applicant, Aqua Utilities Florida, Inc. ("AUF") to testify at the Technical Hearing in this matter. Yes also reserves the right to read from and use the deposition transcript of Aqua employee, Steve Grisham, taken October 27, 2011, at the Technical Hearing in this matter.

**B. EXHIBITS**

<u>Exhibit</u>	<u>Witness</u>	<u>Description</u>
<u>(KK-1)</u>	Kurz	Yes Water/Wastewater rate comparisons spreadsheet
<u>(KK-2)</u>	Kurz	Aqua rate increase analysis
<u>(KK-3)</u>	Kurz	Resident Complaint forms with statements and copy of bills
<u>(KK-4)</u>	Kurz	Photos of plumbing parts and sediment damage

(SH-1)	Harpin	Gainesville Apartment Market Trends
<u>(SH-2)</u>	Harpin	Gainesville Stick Built Market Trends
<u>(SH-3)</u>	Harpin	Arredondo Farms Repo/Lease Turn Report August 2011
<u>(SH-4)</u>	Harpin	Arredondo Farms 2011 Move Out Report
<u>(14)</u>	Starling	“Customer complaints and pictures,” as introduced at the Customer Service Hearing in Gainesville, Florida on September 12, 2011, and subsequently filed on September 20, 2011.

\* Yes reserves the right to introduce and/or reference any other exhibits submitted, introduced, filed, or referenced at any hearing in this matter, including any exhibits submitted, introduced, filed, or referenced at the customer service hearing in Gainesville, Florida on September 12, 2011.

### **C. STATEMENT OF BASIC POSITION**

AUF is entirely undeserving of any rate increase. AUF’s quality of service, as defined in Section 367.081, *Florida Statutes*, is unacceptable. AUF provides poor quality water and wastewater service; commits predatory metering and billing practices against its customers resulting in exaggerated and inaccurate bills; employs rude and condescending customer service representatives; and fails to provide affordable service. AUF exemplifies everything a utility provider should not be. AUF’s application for rate increase should be denied and the Monitoring Program (the “Monitoring Program”) imposed by this Commission in Order No. PSC-09-0385-FOF-WS, Order No. PSC-10-0218-PAA-WS, and Order No. PSC-10-0297-PAA-WS should be continued.

### **D. STATEMENT OF FACTUAL ISSUES AND POSITIONS:**

**Issue 1:** What is AUF’s quality of service?

**YES:** Unacceptable.

**Issue 2:** What, if any, additional actions should be taken by the Commission based on AUF’s quality of service?

**YES:** AUF should be denied any rate increase. Further, the Monitoring Program should be continued.

**Issue 24 (tentative):** Are the total operating expenses prudently incurred such that the resulting rates are affordable within the meaning and intent of fair, just, and reasonable pursuant to Sections 367.081 and 367.121, *Florida Statutes*?

**YES:** No. AUF's water and wastewater rates are unaffordable to its customers. Accordingly, AUF should be denied any rate increase.

**All Other Issues:**

Yes defers to the Office of Public Counsel's position on these issues.

**E. STIPULATED ISSUES:**

Yes stipulates on all issues previously stipulated to by the Office of Public Counsel, except as to any stipulations involving issues number 1, 2, and 24.

**F. PENDING MOTIONS:**

None.

**G. REQUESTS FOR CONFIDENTIALITY:**

None.

**H. REQUIREMENTS OF ORDER**

There are no requirements of the Order Establishing Procedure with which Yes cannot comply.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY a true and correct copy of the foregoing has been furnished via email (where provided below) and U.S. Mail on October 28<sup>th</sup>, 2011 to:

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