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STATE OF FLORIDA



OFFICE OF THE GENERAL COUNSEL
S. CURTIS KISER
GENERAL COUNSEL
(850) 413-6199

Public Service Commission

January 20, 2012

COMMISSION
CLERK

12 JAN 20 PM 3:40

RECEIVED-FPSC

Ted Apple
19521 SW 77th Place
Dunnellon, Florida 34432

FPSC, CLK CORRESPONDENCE
<input type="checkbox"/> Administrative <input type="checkbox"/> Parties <input checked="" type="checkbox"/> Consumer
DOCUMENT NO. 00152-12
DISTRIBUTION:

Re: Docket No. 120011-WS - Joint notice of transfer of Rainbow Springs Utilities, L.C., and water and wastewater assets located in Marion County to the City of Dunnellon, Florida and request for cancellation of certificates.

Dear Mr. Apple:

We appreciate your letter and the concerns you have raised, however, under Florida Law, the Public Service Commission (Commission) does not have jurisdiction over this particular matter. Pursuant to Section 367.071, Florida Statutes, "the sale of facilities, in whole or in part, to a governmental authority shall be approved as a matter of right by the Public Service Commission." This means that the City of Dunnellon's (City's) decision to purchase the Rainbow Springs Utilities, L.P. is a matter between the City and the current utility owner over which the Commission, as a matter of law, has no authority to approve or disapprove.

As for the rates imposed by the City, the-Commission does not have any jurisdiction over the rates and other charges set by a municipal government. Under Florida Law, the Commission cannot intervene in this matter or take any action to investigate or attempt to alter the rates imposed by the City.

I hope this information has been helpful. If the Commission can be of any further service please do not hesitate to contact our office.

Sincerely,

Michael T. Lawson
Senior Attorney
Office of the General Counsel

MTL/sh

cc: Office of the Commission Clerk

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD • TALLAHASSEE, FL 32399-0850

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PSC Website: <http://www.floridapsc.com>

Internet E-mail: contact@psc.state.fl.us

Eric Fryson

120011-WS

From: Dorothy Menasco
Sent: Friday, January 13, 2012 12:26 PM
To: Eric Fryson
Cc: Patti Daniel; Pat Brady; Hong Wang
Subject: RE: Docket 120011-WS, Joint notice of transfer of Rainbow Springs Utilities, L.C.

Eric,

Please place this information in Docket Correspondence - Consumers and their representatives, in Docket No. 120011-WS; DN 00152-12.

FPSC, CLK CORRESPONDENCE		
<input type="checkbox"/> Administrative	<input type="checkbox"/> Parties	<input checked="" type="checkbox"/> Consumer
DOCUMENT NO. 00152-12		
DISTRIBUTION:		

-----Original Message-----

From: Pat Brady
Sent: Friday, January 13, 2012 12:11 PM
To: Dorothy Menasco
Cc: Patti Daniel
Subject: FW: Docket 120011-WS, Joint notice of transfer of Rainbow Springs Utilities, L.C.

Dorothy,

I believe the following e-mail should go in the Docket's correspondence file, which I believe is 00152-12. If you need me to file it a different way, just let me know.

Thanks,
Pat B.

-----Original Message-----

From: Pat Brady
Sent: Wednesday, January 11, 2012 12:05 PM
To: 'arnrodg@bellsouth.net'
Cc: Patti Daniel; Rhonda Hicks; Ruth McHargue
Subject: Docket 120011-WS, Joint notice of transfer of Rainbow Springs Utilities, L.C.

Mr. Rogers,

Thank you for the opportunity to talk with you this morning. According to Section 367.071(4)(a), Florida Statutes, the sale of facilities, in whole or part, to a governmental authority shall be approved as a matter of right by the Florida Public Service Commission (Commission). The Commission also has no jurisdiction over the rates and charges set by governmental entities. I'm sorry I couldn't be more helpful, but if you need further assistance, please let me know.

Pat Brady
(850) 413-6686 or
pbrady@psc.state.fl.us

-----Original Message-----

From: Patti Daniel
Sent: Wednesday, January 11, 2012 10:25 AM
To: Pat Brady
Subject: FW: To CLK Docket 120011

Can you come talk to me about this? Tks.

-----Original Message-----

From: Marshall Willis
Sent: Monday, January 09, 2012 4:25 PM
To: Patti Daniel
Cc: Rhonda Hicks
Subject: RE: To CLK Docket 120011

-----Original Message-----

From: Rhonda Hicks
Sent: Monday, January 09, 2012 3:57 PM
To: Marshall Willis
Subject: FW: To CLK Docket 120011

See below.

-----Original Message-----

From: Ruth McHargue
Sent: Monday, January 09, 2012 2:33 PM
To: Rhonda Hicks
Subject: FW: To CLK Docket 120011

The below e-mail was forwarded to the Clerk's office to be added to docket 120011. However the customer has questions regarding the transfer of his service from Rainbow Springs to the City of Dunnellon, could someone in technical take a look at this one.
Ruth

-----Original Message-----

From: Ruth McHargue
Sent: Monday, January 09, 2012 2:29 PM
To: Eric Fryson
Cc: Matilda Sanders; Hong Wang
Subject: FW: To CLK Docket 120011

Customer correspondence

-----Original Message-----

From: Consumer Contact
Sent: Monday, January 09, 2012 1:19 PM
To: Ruth McHargue
Subject: To CLK Docket 120011

Copy on file, see 1047375C. DH
Patti, can you provide Rhonda with background on this transfer and the statutory matter of right that a government entity has by statute.

-----Original Message-----

From: consumerComplaint@psc.state.fl.us [mailto:consumerComplaint@psc.state.fl.us]
Sent: Monday, January 09, 2012 1:10 PM
Cc: Consumer Contact
Subject: E-Form Improper Billing TRACKING NUMBER: 30781

CUSTOMER INFORMATION

Name: Arnold Rodgers
Telephone: 352 489 0387
Email: arnrodg@bellsouth.net
Address: 19811 SW 88th Place Road Dunnellon FL 34432

BUSINESS INFORMATION

Business Account Name: Arnold Rodgers
Account Number: 100280
Address: 19811 SW 88th Place Road Dunnellon Florida 34432

Water County Selected: MARION

COMPLAINT INFORMATION

Complaint: Improper Billing against Rainbow Springs Utilities, L.C.
Details:
Recently, Rainbow Springs Utilities, L.C. sold their company to The City of Dunnellon. Now, without any approval from the PSC who has controlled our water rates forever, the City of

Dunnellon increases our water rates by a considerable amount. My question is: How can that happen without an approval from the PSC? Who controls the City of Dunnellon from increasing the rates to double of what they were? There is something very wrong here when suddenly I have to pay the City for my water when I live 3 miles from the City. This effects about 900 homes here in Rainbow Springs along with Juliette Falls. There has to be some protection for the consumer from these type things happening without any warning or alternative. Someone please tell me how this can happen.

Arnold G. Rodgers

Catherine Potts

From: Ann Cole
Sent: Tuesday, January 10, 2012 1:22 PM
To: Catherine Potts
Cc: Commissioners Advisors; Administrative Assistants - Commission Suite; Pamela Paultre
Subject: FW: docket # 120001 - CORRECTION
Attachments: 0112 ted apple.pdf

Cathi, please note this correction: Print and place this attachment, along with this e-mail, in Docket Correspondence, Consumers and their Representatives, for Docket No. 120011-EI, not 120001-EI.

From: Ann Cole
Sent: Tuesday, January 10, 2012 11:14 AM
To: Pamela Paultre
Cc: Commissioners Advisors; Administrative Assistants - Commission Suite; Catherine Potts
Subject: FW: docket # 120001
Thank you. This attachment will be printed, along with this e-mail, and placed in Docket Correspondence, Consumers and their Representatives, for Docket No. 120001-EI.

From: Pamela Paultre
Sent: Tuesday, January 10, 2012 10:40 AM
To: Ann Cole
Subject: docket # 120011

Ann,

Please place the attached document in Docket Correspondence, Consumers and their Representatives for Docket no. 12001-EI.

Thank you,

Pamela

January 9, 2012

Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

Dear Sir or Madam:

I am a resident of Rainbow Springs, a large unincorporated development in Marion County near Dunnellon, FL. Rainbow Springs is mostly populated with retirees who live on fixed pensions or shrinking investment. The purpose of this letter is to seek any assistance you might be able to provide in undoing an unjust action being taken by the City of Dunnellon.


Rainbow Springs has been served by a private water and sewer company that was built out over the past decades to serve the development as it grew. As for the City of Dunnellon, it has an entirely separate old municipal system, one that is dilapidated and costly, with one of the highest customer rate structures in the State. Dunnellon also has other financial problems, primarily a huge debt created when the City attempted to launch a multi-million dollar information system that is failing in its development.

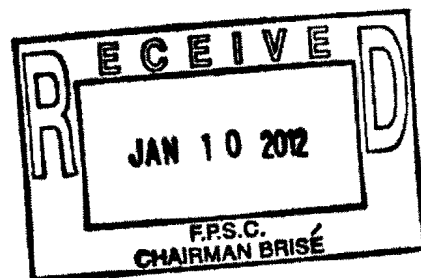
Just several weeks ago, the City suddenly released information that it was buying Rainbow Springs Utilities and taking over the administration of utility operations and billing in the Rainbow Springs development. A confiscatory rate structure is being implemented, including dropping the current two-tier water billing rate (which allows for lawn irrigation at reduced rates) for a flat rate. Water bills are set to skyrocket, exacerbated by a 25% surcharge permitted by Florida statute. The surcharge statute was intended to enable municipal systems to defray investment costs related to building up capacity and coverage to serve communities outside the City. Dunnellon is using this law, on top of artificially high rates, to scalp outside residents and help balance their City budget.

This is wrong on several levels, not the least of which is that it violates the principle of fairness in pricing when a monopolistic utility system is in place.

I respectfully ask that you inquire into this matter and take any possible action to overturn this grossly unjust scheme.

Yours truly,


Ted Apple
19521 SW 77th Place
Dunnellon, FL 34432
352-489-0692



Eric Fryson

120011

From: Ruth McHargue
Sent: Monday, January 09, 2012 4:10 PM
To: Eric Fryson; Matilda Sanders; Hong Wang
Subject: FW: To CLK Docket 120011

Customer correspondence

-----Original Message-----

From: Consumer Contact
Sent: Monday, January 09, 2012 9:41 AM
To: Ruth McHargue
Subject: To CLK Docket 120011

CONSUMER

Copy on file, see 1047259C. DH

-----Original Message-----

From: consumerComplaint@psc.state.fl.us [mailto:consumerComplaint@psc.state.fl.us]
Sent: Sunday, January 08, 2012 12:15 PM
Cc: Consumer Contact
Subject: E-Form Other Complaint TRACKING NUMBER: 30777

CUSTOMER INFORMATION

Name: Ted Apple
Telephone: 352-489-0692
Email: tedapple@hotmail.com
Address: 19521 SW 77th Place Dunnellon FL 34432

BUSINESS INFORMATION

Business Account Name: Ted Apple
Account Number:
Address: 19521 SW 77th Place Dunnellon Florida 34432

Water County Selected: MARION

COMPLAINT INFORMATION

Complaint: Other Complaint against Rainbow Springs Utilities, L.C.

Details:

This is not a personal complaint, but rather concerns the ongoing purchase of Rainbow Springs Utilities, LC by the neighboring City of Dunnellon. The City is purchasing the water and sewer system, which has been fully operational and serving unincorporated Rainbow Springs for decades. The City, saddled by its own separate, dilapidated systems and further in deep financial trouble in the wake of an over-reaching attempt to establish a regional information network, has made it clear: they are purchasing the Rainbow Springs Utilities company in order to gain access to the customer base, so that they can fix their budgetary woes by slamming the residents with a confiscatory pricing increase. Dunnellon stands to reap millions of profits from the captive group that resides outside their city limits.

DOCUMENT NUMBER-DATE

00152 JAN-9 2

FPSC-COMMISSION CLERK

Eric Fryson

120011

From: Ruth McHargue
Sent: Monday, January 09, 2012 2:29 PM
To: Eric Fryson
Cc: Matilda Sanders; Hong Wang
Subject: FW: To CLK Docket 120011

Customer correspondence

-----Original Message-----

From: Consumer Contact
Sent: Monday, January 09, 2012 1:19 PM
To: Ruth McHargue
Subject: To CLK Docket 120011

Copy on file, see 1047375C. DH

-----Original Message-----

From: consumerComplaint@psc.state.fl.us [mailto:consumerComplaint@psc.state.fl.us]
Sent: Monday, January 09, 2012 1:10 PM
Cc: Consumer Contact
Subject: E-Form Improper Billing TRACKING NUMBER: 30781

CUSTOMER INFORMATION

Name: Arnold Rodgers
Telephone: 352 489 0387
Email: arnrodg@bellsouth.net
Address: 19811 SW 88th Place Road Dunnellon FL 34432

BUSINESS INFORMATION

Business Account Name: Arnold Rodgers
Account Number: 100280
Address: 19811 SW 88th Place Road Dunnellon Florida 34432

Water County Selected: MARION

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Complaint: Improper Billing against Rainbow Springs Utilities, L.C.

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Arnold G. Rodgers