# ANDY GARDINER President of the Senate

J.R. Kelly Public Counsel

## STATE OF FLORIDA OFFICE OF PUBLIC COUNSEL

C/O THE FLORIDA LEGISLATURE
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1-800-342-0222

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FILED FEB 08, 2016 DOCUMENT NO. 00771-16 FPSC - COMMISSION CLERK

STEVE CRISAFULLI Speaker of the House of Representatives



February 8, 2016

Carlotta S. Stauffer, Director Office of Commission Clerk Florida Public Service Commission 2540 Shumard Oak Blvd. Tallahassee, FL 32399-0850

Re: Docket 130265 -- Application for staff-assisted rate case in Charlotte County by Little

Gasparilla Water Utility, Inc.

Dear Ms. Stauffer:

Attached is a list of issues that the Office of Public Counsel has prepared to identify concerns we have with information discovered about Little Gasparilla Water Utility, Inc. We believe that these are critical issues that should be reviewed and addressed by staff before Phase II rates are implemented. If you should have any questions, please feel free to call or e-mail me.

Respectfully submitted,

s/ Danielle M. Roth

Danielle M. Roth Associate Public Counsel roth.danielle@leg.state.fl.us

c: Division of Accounting & Finance (Bulecza-Banks, Mouring, Cicchetti, Golden, Vogel, & Brown)
Division of Economics (Daniel, Hudson, & Bruce)
Division of Engineering (King, Lewis, Vickery, & Buys)
Office of the General Counsel (Murphy)
Office of Auditing and Performance Analysis (Deamer)

Little Gasparilla Water Utility, Inc. Diane Boyer, President P. O. Box 5159 Grove City, FL 34224-0159

Office of Public Counsel (Vandiver & Roth)

# OPC Issues and Concerns Little Gasparilla Water Utility, Inc. 130265-WU

#### **Unlicensed Plumbing**

1. The Charlotte County Community Development Department was notified of a possible licensing violation by Mr. John (Jack) Redmond Boyer at 3 homes on Little Gasparilla Island:

8854 Bay Street 8808 Grand Avenue 8814 Grand Avenue

Mr. Boyer was said to be connecting meters to the houses without a plumbing license. Compliance officers inspected the homes and observed a newly installed water meter box and meter at each location. After inspecting the homes, Mr. Boyer was contacted and confirmed that he had connected the meters to the houses without a plumbing license.

On October 12, 2015, Mr. Boyer was served in person with the following citations for violation of Florida Statute 489.127(1)(f), for acting in the capacity of a contractor without being duly registered or certified. Mr. Boyer was fined \$1,000.00 for each said violation.

#4004 (Attachment A) #4006 (Attachment B) #4008 (Attachment C)

#### Non Permitted Water Connection

2. The Charlotte County Community Development Department was notified of a possible permit violation by Mr. John (Jack) Redmond Boyer at 3 homes on Little Gasparilla Island:

8854 Bay Street 8808 Grand Avenue 8814 Grand Avenue

Mr. Boyer was said to be connecting meters to the houses without obtaining a building permit as required by Charlotte County Code 3-2-27(A). Compliance officers inspected the homes and observed a newly installed water meter box and meter at each location. After inspecting the homes, Mr. Boyer was contacted and confirmed that he had connected the meters to the houses without a building permit.

On October 12, 2015, Mr. Boyer was served in person with the following citations for violation of Florida Statute 489.127(1)(h), for performing work for which a building permit is required without such building permit being in effect. Mr. Boyer was fined \$1,000.00 for each said violation.

#4005 (Attachment D) #4007 (Attachment E) #4009 (Attachment F)

# OPC Issues and Concerns Little Gasparilla Water Utility, Inc. 130265-WU

#### Water Tariff

3. The Rules and Regulations portion of the Utility's Water tariff approved by the Public Service Commission provides:

All Customer's water service installations or changes shall be inspected upon completion by a competent authority to ensure that the Customer's piping, equipment, and devices have been installed in accordance with accepted standard practice and local laws and governmental regulations. Where municipal or other governmental inspection is required by local rules and ordinances, the Company cannot render water service until such inspection has been made and a formal notice of approval from the inspecting authority has been received by the Company.

As evidenced by the Charlotte County citations, we believe the utility is in violation of its tariff. While Charlotte County has cited the utility on three counts, we believe the Commission should investigate all new connections that have been completed since the PAA Order was issued to determine compliance with and adherence to the utility's tariff and other applicable laws and regulations. The Commission should require the utility to provide sufficient proof that it connected the new customers only after the service connections were inspected and a formal notice of approval was provided to the utility as required by the tariff.

#### **Tangible Property Taxes**

4. As of February 5, 2016, Little Gasparilla Water Utility, Inc. owes a total of \$23,212.68 in tangible property taxes to the Charlotte County Tax Collector (Attachment G). The utility owes \$9,254.94 from the 2013 tax year, \$11,017.93 from the 2014 tax year, and \$2,939.81 from the 2015 tax year.

#### **Boil Water Notices**

5. On or about January 26, 2016, Little Gasparilla Water Utility, Inc. shut off the water on the Island to repair a water break. According to the Department of Environmental Protection, total pressure loss should always result in a precautionary boil water notice to the utility's customers. However, we do not believe that a boil water notice was issued to the customers before or after the January 26, 2016 water shut off. In addition, we cannot find evidence that the utility provided notice to Charlotte County or the Florida Department of Environmental Protection.

### Attachment A 4004

CHARLOTTE COUNTY
COMMUNITY DEVELOPMENT
LICENSING DIVISION
CODE ENFORCEMENT CITATION / LICENSING

The undersigned Code Compliance official certiffies that he/she has just and reasonable grounds to issue this citation on:  DAY OF WEEK MONTH DAY YEAR TIME: AM PM  TO: NAME (PRINT) FIRST M.I.  STREET  CITY STATE  CITY STATE  CITY STATE  CITY STATE  CITY STATE  CITY STATE  CIPY STAT
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#### THE VIOLATOR HAS THE OPTION TO:

- Pay the civil penalty <u>within thirty days</u> of the issuance of this citation at Charlotte County Community Development.
- Contest the citation by requesting a hearing before the Charlotte County Construction Industry Licensing Board within 10 working days of the issuance of this citation.
   You may be liable for the cost of the hearing if found guilty and be subject to the maximum civil penalty of \$2,500.

WILLFUL REFUSAL TO SIGN AND ACCEPT CITATION IS A MISDEMEANOR OF THE SECOND DEGREE, PUNISHABLE AS PROVIDED IN SECTION 775.082 OR 775.083 FLORIDA STATUTES. Your signature does not constitute an admission of guilt.

Signature of Code Compilance Official Date

Date

Date

Date

White Copy - Code Compliance Clerk

Rink Copy - Clerk (Licensing)

Yellow Copy - Violator

#### Attachment B

4006

com -15-00911 CHARLOTTE COUNTY COMMUNITY DEVELOPMENT LICENSING DIVISION

	CODE ENFORCEMENT CHATION / LICENSING						
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	1st VIOLATIONREPEAT VIOLATION						

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Yellow Copy - Violator

## Attachment C 4008

CHARLOTTE COUNTY
COMMUNITY DEVELOPMENT
LICENSING DIVISION
CODE ENFORCEMENT CITATION / LICENSING

The undersigned Code Compliance official certiffies that he/she has just						
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Signature of Code Compliance Official Date

Signature of Code Compliance Official Date

Date

White Copy - Code Compliance Clerk

Pink Copy - Clerk (Licensing)

Yellow Copy - Violator

#### Attachment D

4005

	CHARLOTTE COUNTY COM-15-009/0							
	COMMUNITY DEVELOPMENT							
LICENSING DIVISION								
	CODE ENFORCEMENT CITATION / LICENSING							
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- 2. Contest the citation by requesting a hearing before the Charlotte County Construction Industry Licensing Board within 10 working days of the Issuance of this citation. You may be liable for the cost of the hearing if found guilty and be subject to the maximum civil penalty of \$2,500.

WILLFUL REFUSAL TO SIGN AND ACCEPT CITATION IS A MISDEMEANOR OF THE SECOND DEGREE. PUNISHABLE AS PROVIDED IN SECTION 775.082 OR 775.083 FLORIDA STATUTES. Your signature below does not constitute an admission of guilt. Signature of Date Pink Copy - Clerk (Licensing) White Copy - Code Compliance Clerk

Yellow Copy - Violator

#### Attachment E

4007

CHARLOTTE COUNTY
COMMUNITY DEVELOPMENT
LICENSING DIVISION
CODE ENFORCEMENT CITATION / LICENSING

CODE ENFORCEIVIENT CHATION / LICENSING						
The undersigned Code Compliance official certiffies that he/she has just						
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STATE / ZID 4224						
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IS A MISDEMEANOR OF THE SECOND DEGREE,
PUNISHABLE AS PROVIDED IN SECTION 775.082
OR 775.083 FLORIDA STATUTES. Your signature
below does not constitute an admission of guilt.
Signature of Violation Date

Signature of Code Compliance Official Date

White Copy - Code Compliance Clerk

Pink Copy - Clerk (Licensing)

Yellow Copy - Violator

#### Attachment F

4009

,	CHARLOTTE COUNTY  COMMUNITY DEVELOPMENT LICENSING DIVISION  CODE ENFORCEMENT CITATION / LICENSING	2					
	The undersigned Code Compliance official certiffies that he/she has just and reasonable grounds to issue this citation on:						
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DRIVER'S LICENSE NUMBER OR OTHER ID:

STATE

STATE COUPATION: EMPLOYER:

and that the undersigned Code Compliance Official has reasonable grounds to believe that the above person did lawfully commit the following offense or violation of the Charlotte County Code or Ordinance or Florida Statute based on the following (DATE/TIME/FACTS):

CODE SECTION VIOLATION:

LOCATION OF VIOLATION:

THE SECTION VIOLATION:

REPEAT VIOLATION

REPEAT VIOLATION

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White Copy - Code Compliance Clerk

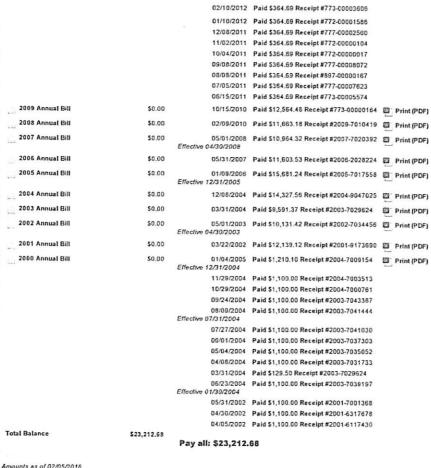
Pink Copy - Clerk (Licensing)

Yellow Copy - Violator



Accuracy of the information provided on this web site is not guaranteed for legal purposes. Changes may occur daily and to get the most current information, please contact The Tax Collector's Office.

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Get Bills by Email				
Amounts as of 02/05/2016				
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2013 Annual Bill	\$9,254.94			Print (PDF)
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			Paid \$1,000.00 Receipt #775-00000004	
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			Paid \$1,000.00 Receipt #776-00002384	
			Paid \$1,000.00 Receipt #772-00000306	
		04/30/2014	Paid \$1,000.00 Receipt #776-00002164	
		04/01/2014	Paid \$1,000.00 Receipt #772-00000144	
			Paid \$1,000.00 Receipt #776-00001740	
			Paid \$1,000.00 Receipt #776-00001628	
			Paid \$1,000.00 Receipt #776-00001437 Paid \$1,000.00 Receipt #776-00000920	
			Paid \$927.28 Receipt #776-00000237	
2010 Annual Bill	\$0.00		Paid \$72,72 Receipt #776-0000237	Print (PDF)
5,4	4,		Paid \$500.00 Receipt #772-00003467	2
		08/30/2013	Paid \$500.00 Receipt #776-00002471	
		07/31/2013	Paid \$500.00 Receipt #776-00002349	
			Paid \$500.00 Receipt #776-00002168	
			Paid \$500.00 Receipt #776-00002059	
			Paid \$500,00 Receipt #776-00001968 Paid \$500,00 Receipt #776-00001899	
			Paid \$364.69 Receipt #776-00001504	
			Paid \$364.69 Receipt #776-00001391	
		01/02/2013 Effective 12/31/2012	Paid \$364.69 Receipt #772-00001860	
			Paid \$364.69 Receipt #776-00001069	
			Paid \$384.69 Receipt #776-00000213	
			Paid \$364.69 Receipt #776-00000023	
			Paid \$364.69 Receipt #776-00001633 Paid \$364.69 Receipt #776-00001538	
			Paid \$364.69 Receipt #776-00001538	
			Paid \$364.69 Receipt #776-00001353	
			Paid \$364.69 Receipt #776-00001279	
			Paid \$364.69 Receipt #776-00001113	
		Effective 04/02/2012	Paid \$364.69 Receipt #772-00001853	
		03/13/2012	4007.00 Incesipt #172-00001033	



Amounts as of 02/05/2016



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