

**Antonia Hover**

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**From:** Betty Leland  
**Sent:** Monday, December 14, 2020 12:48 PM  
**To:** Commissioner Correspondence  
**Subject:** Lake Yale Utilities  
**Attachments:** Public Service Commission Docket Number 20200169-WS; Lake Yale Utilities, LLC.  
Docket No 20200169-WS

Good Afternoon:

Please place this email in Docket #20200169.

Thanks.

*Betty Leland, Executive Assistant to  
Commissioner Art Graham  
Florida Public Service Commission  
[bleland@psc.state.fl.us](mailto:bleland@psc.state.fl.us)  
(850) 413-6024*

## Antonia Hover

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**From:** Rebecca Beatty <kostjal13@hotmail.com>  
**Sent:** Monday, December 14, 2020 12:20 PM  
**To:** Records Clerk  
**Cc:** Office of Commissioner Polmann; Office of Commissioner Graham; Office of Chairman Clark; Office of Commissioner Fay; Office of Commissioner Brown; Braulio Baez; Christensen.patty@leg.state.fl.us; Sandy  
**Subject:** Public Service Commission Docket Number 20200169-WS  
**Attachments:** Rebecca Beatty PSC letter.pdf; Letter to Public Service Commission 12-3-2020.pdf

Attached are pertinent letters regarding  
Docket Number 20200169-WS. Lake Yale Utilities.

Application for a staff-assisted rate increase in Lake County

For Lake Yale Utilities, LLC

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Docket Number: 20200169-WS

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Rebecca Beatty

11639 Martell Court

Leesburg, FL 34788

The following are the issues that I, Rebecca Beatty, 11639 Martell Court, Leesburg, FL, would like to address regarding the services provided by Lake Yale Utilities (Docket No. 20200169-WS).

First of all, I read the letter provided to the PSC (see attached document) by Sandy Cole, President of the Lake Yale HOA. I concur with the points that she made in their entirety. There are some additional notes that I would mention.

- a. I lived in the residence (11901 Metcalf Way) facing the compound for about 6 years prior to moving to my current address in Lake Yale Estates (11639 Martell Court). During that time period the smell emanating from the plant was mildly unpleasant mostly in the summertime. I noticed what I think was the previous owners of the Lake Yale Utilities would, on occasion, have a truck go in to drain excess effluent off the system. In short, there was no effluent let into those effluent ponds, which seemed to manage the odor in reasonable manner, they were dry. The important thing to restate here is that: This was done by the previous company that owned the plant.
- b. Since the plant has been owned by Mr. Smallridge, effluent is permitted to drain mostly into the pond that is closest to the storage barn for the HOA. There has been effluent in the other two areas as well, just not as much. The one that was the most full had a large amount of effluent, I

- would say several feet deep, though I never measured it in. On occasion, I have seen a bit of effluent in the other two ponds but never as much as was in the aforementioned pond nearest the storage barn. The smell was intensified significantly and because of the amount of effluent present in that area so did the mosquito population. There was a significant rise in the number of the mosquitoes. This was year round issue since the effluent has been permitted to lie in those ponds.
- c. The fact that these ponds have been mostly dry since we were notified of the impending rate increase tells me that special attention has been given to draining those ponds. Since the ponds are mostly dry with just a bit of effluent the smell is still obnoxious, just not as noxious as it was prior to the rate increase request. What I suspect is that the owner is also manipulating the pond levels so the nasty weeds, trees and brush could be mowed down to improve the areas unkempt appearance in lieu of his rate increase request.
  - d. Please be aware that Mr. Smallridge finally repaired the rotted old wooden fence that surrounded the treatment plant after it had been damage by a hurricane, however it took multiple complaints both to Lake County as well as the PSC, and significant time to do so. There was a long delay in the repair, during which time, the treatment plant was open and without a protective complete fence. This meant that the area where the fence was knocked over by the storm was open to the treatment facility. When he did do the repair, he used old broken and ugly wood panels, and hung a banner on the old fence advertising Lake Yale Utilities. It looked NASTY, and was most certainly a hazard to pets and grandchildren whilst the fence surrounding the treatment facility was open.
  - e. It's only been within the recent months that the chain-link fence was installed. Please also note that the green netting placed on the chain-link fence around the treatment plant has been recently installed, again in an effort to make it look more presentable. The truth here is that the owner would have better managed making it look nicer and even cut the noise a bit by using a privacy-style fence. Furthermore, he left the old

- rotted wood in a huge heap next to the treatment facility for quite a long time. I must also add that that heap was only recently cleaned up which I suspect was also by design.
- f. The quality of the water that comes into my home is indeed annoying, particularly regarding the smell of it. It smells of sulfur. I have installed a filter on the ice maker. Our hot water tank also has a water filter. A constant issue in my home is that when the dishwasher or the clothes washer empties the water out, sewer gas comes out the double sink in our kitchen. This stinks. I have notified the Lake Yale Utility Company, they came out and checked the water quality and told me the quality of the water was fine. But the sulfurous water smell especially after the taps have been unused for a day or so continues to be unpleasant, and the sewer gas problem persists.

### Summary

Now in regards to the rate increase: Given the fact that the owner of the company wants a substantial rate increase but is slow in regards to our requests for cleaning the sewage treatment area; has delayed cutting the noise; has been slow in decreasing the smell of the treatment plant; has delayed refurbishing the fencing and then using different fencing than that which was promised, and delinquent in mowing the ponds, I am NOT supportive of an increase in the rate. In short, the only thing he has faithfully increased with his management, is the mosquito population.

As to Mr. Smallridge's need for a lawn mower and trailer: The amount he wants to increase our rates far exceeds what a lawnmower/trailer/and extra help would cost. Consider please that there are approximately 110 houses in Lake Yale alone, and that's not even mentioning Sandpiper which has 160 units. Please, do the math. The rate increases are excessive. Additionally, Lake Yale Estates and Sandpiper are likely not the only Utilities that Mr Smallridge owns.

Please understand that the compound area has looked and smelled absolutely disgusting since the plant was sold to this current owner. And that does not even begin to describe the smell of it and the mosquito increase.

Respectfully,

Rebecca Beatty

CC: [Commissioner.Polmann@psc.state.fl.us](mailto:Commissioner.Polmann@psc.state.fl.us)

[Commissioner.Graham@psc.state.fl.us](mailto:Commissioner.Graham@psc.state.fl.us)

[Commissioner.Clark@psc.state.fl.us](mailto:Commissioner.Clark@psc.state.fl.us)

[Commissioner.Fay@psc.state.fl.us](mailto:Commissioner.Fay@psc.state.fl.us)

[Commissioner.Brown@psc.state.fl.us](mailto:Commissioner.Brown@psc.state.fl.us)

[bbaez@psc.state.fl.us](mailto:bbaez@psc.state.fl.us)

[Christensen.patty@leg.state.fl.us](mailto:Christensen.patty@leg.state.fl.us)

[CLERK@PSC.STATE.FL.US](mailto:CLERK@PSC.STATE.FL.US)

[Scolegilead@gmail.com](mailto:Scolegilead@gmail.com)



Lake Yale Estates Condominium  
Board of Directors

President - Sandra Cole  
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38141 Maywood Bay Drive  
Leesburg, FL 34788  
Tel: 352-589-9214  
[clubhouse@lakeyale.com](mailto:clubhouse@lakeyale.com)

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December 3, 2020

To: Florida Public Service Commission

In Re: Application for staff-assisted rate case in Lake County, and request for interim rate increase, by Lake Yale Utilities, LLC. In Docket No. 20200169-WS.

Lake Yale Estates Condominium Association received the Public Service Commission's staff assisted rate case analysis dated November 20, 2020. We are vehemently opposed to the proposal and request the commission take the following into consideration.

The rate analysis staff did not take into consideration the quality of service Lake Yale Utilities has provided to their customers. We have had numerous problems dealing with the company since the system was purchased by Lake Yale Utilities in 2017.

Fencing: Initially the community was promised that new vinyl fencing would replace the old wooden fencing around the waste treatment plant. This is important to us in two ways. The first is that, the waste treatment plant is located in the center of our storage compound and the esthetics of the area are important. The second is that, the waste treatment plant is located close to our residents. The wooden fence or the promised vinyl fence is important as a noise barrier. In our discussions regarding the fence with Mr. Smallridge, he threatened

to lock us out of the compound claiming it was his property. This required us to obtain legal counsel.

When the company was purchased by Mr. Smallridge, the wooden fence was a safety hazard and did not provide security for the water or waste treatment plant. Mr. Smallridge was impossible to work with regarding this concern. After we were threatened, bullied and realized he was not going to keep the promise of a new fence, we sent our concerns to the DEP. It was another two years of working with the DEP until a secure chain link fence was placed around the waste treatment plant.

In addition to the fencing issue, since the system was purchase by Lake Yale Utilities in 2017, we have worked through the DEP to address the following related issues.

Noise level: DEP finally required baffles or mufflers on the pumps. This was completed only after insistence from the DEP, not as a customer service or preventive, quality measure from the company.

Sewage Smell: There has been a continuous sewage smell problem from the waste treatment plant. Again, nothing was done as a regular matter of business to address customer concerns by the company. The sewage smell problem was only addressed after the DEP stepped in, and still continues today during the summer season.

Retention Pond maintenance: As stated before, the waste treatment plant is in close proximity of many residents. The retention ponds have not been maintained since the company was purchased. In contrast, the previous owner kept the ponds well-groomed and brush free. It has been an ongoing fight to keep the trees and brush from the ponds. Again, it was only after the DEP stepped in that any action was taken by the company. Again, the company has only made a minimal effort and the banks have not been maintained for four years.

A bigger concern with the retention ponds has been the standing sewage water in the ponds. The ponds have not been maintained to allow for adequate drainage. Also, the runoff water should be altered between the three ponds. The ponds have not been rotated, hence the standing water. This is a serious health



hazard to the community and mosquito breeding ground. No action has been taken, in years, by the company to fix this standing water issue. The mosquitos in the community have been horrible.

We also have issues with the staff analysis. The staff analysis addressed staffing of the facility. Until the last month, we have not seen any staffing for the water or waste treatment plant. We have not had anyone to work with for 4 years.

The staff analysis also states that the DEP has received no complaints since 2015. This is erroneous. The community has been in constant contact with the DEP for the past four years. In fact, the company received a fine from the DEP in 2020 for the above issues. We will send to you examples of the numerous emails and communications we have had with the DEP staff. The communications with the DEP will be sent as soon as we can compile them. Again, Lake Yale Utilities is so difficult to deal with that all of our concerns were directed to the DEP, not directly to the company.

The staff analysis states we are a seasonal community. This is incorrect. 80% of the LYE Condominium are Florida residents.

We understand the Staff Assisted Rate Case method, but; feel strongly that the analysis should not have been submitted without better vetting of the company's performance.

It has been very frustrating for the LYE community to deal with a provider that has absolutely no interest in providing decent drinking water and safe services. And it says something about Lake Yale Utilities that we have to go through a third party to get any issues addressed.

We also question the data that was provided to the Commission regarding expenses, staffing and capital purchases. Of course, we do not have the means to verify the validity of the numbers, but do believe numbers can be adjusted in various ways. Given the honesty we have experienced in dealing with the company regarding the issues discussed above, in our opinion the numbers are questionable. Until this month, we have not seen any consistent staffing by the utility company, lawn tractors, or maintenance activities at the facilities.

Projecting a 40% water rate increase and a 100% waste treatment increase is ridiculous, especially given the level of service and the quality of the water we receive. The icing on the cake is the water is nasty and you cannot drink it! Most of the LYE residents purchase water for drinking! The financial impact on the residents and homeowners will be two-fold, their individual bills will substantially increase and the community assessments may have to be adjusted to meet the financial demands of the rate increases on the community budget.

Lake Yale Estates Condominium Association will address the Commission on the appointed date. However, we want to make the Commission aware of the issues before the meeting so our concerns will be fully considered.

Please do not hesitate contacting us for further information or discussion.

Sandy Cole, Lake Yale Estates Condominium Board President

Hong Wang

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**From:** Brian Patterson <patterson\_brian@hotmail.com>  
**Sent:** Monday, December 14, 2020 11:27 AM  
**To:** Office of Commissioner Polmann; Office of Commissioner Graham; Office of Chairman Clark;  
Office of Commissioner Fay; Office of Commissioner Brown  
**Subject:** Lake Yale Utilities, LLC. Docket No: 20200169-WS  
**Attachments:** Scan\_0144.pdf

I have attached my response to the Rate Case Overview.

Brian G. Patterson  
patterson\_brian@hotmail.com

**Applicatiion for a staff assisted rate increase in Lake County**

**For Lake Yale Utilities, LLC**

**Document number 20200169-WS**

**Dear Sir/Madam**

**Under section 1 of the Rate Case Review, the justification is firstly to recover the costs of purchasing a lawn mower and accompanying trailer. This cannot be justified.**

**The grass surrounding the wells, sewer plant and retention ponds are cared for by Lake Yale Estates. We pay for the grass to be cut. The only areas that Lake Yale Utilities are therefore responsible for are the sewer plant inside the fence area and the actual retention ponds themselves. A lawnmower cannot be used in these locations. The tool for the job is a weedwacker. That is assuming of course that regular maintenance is undertaken by the owner.**

**By proceeding to purchase a lawn mower and trailer provides a clear example that Mr. Smallridge has no concept as to what is required to provide good facilities for the community.**

**Ever since Mr. Smallridge purchased the water and sewer treatment facilities from the previous owners he has clearly demonstrated that he has been unable to provide an acceptable quality of service to the community.**

**The water is of poor quality, low pressure, smells and a substantial number of residents cannot drink it. They are forced to purchase bottled water.**

**The next item to address is the sewer plant. This is without doubt disgraceful. When purchased there was a wooden fence around the facility. It was subsequently damaged in high winds etc but no work was undertaken to secure the facility. Fence sections were blown down and anyone could walk straight into the sewer plant itself. After years, when the wooden fence was eventually replaced with a wire one the wood was left in a pile on community land for the**

best part of a year. Snakes and other rodents were able to use it as a breeding ground. **This was a danger to the community. Safety issues.**

The retention ponds have been a disgrace. One was allowed to fill up to a depth of a few feet from the runoff from the sewer treatment. The water mark clearly indicates the volume of runoff that was allowed to accumulate. It remained in that condition for months/years. It was green and a breeding ground for mosquitoes. The smell has been dreadful. The other two retention ponds had trees and bushes growing in them.. When Mr. Smallwood eventually got round to clearing the ponds the vegetation was dumped on community land to rot for many months. **This has been without question a health hazard for the community.**

Palm Shores is a neighboring community. Its water and sewer treatment are provided by US Water. This is an efficient operation and their sewer plant does minimal smell. If US Water can **operate efficiently then why not Lake Yale Facilities?**

As a community the difficulties that have been experienced were reported to the county and to the state on numerous occasions.. It has been one continuous battle. One would have thought that with the volume of complaints the governing bodies would appreciate that a serious issue existed, investigated and monitored the situation.

**Lake Yale Facilities has been permitted to continue to operate in business without regard to the Health, Safety and Welfare of the community**

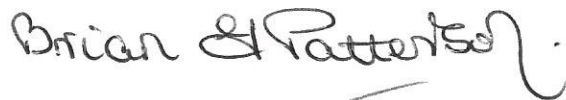
Apparently following one complaint, Mr. Smallridge was fined \$10,000!.

Why has this situation been allowed to continue?

**Now is an appropriate time for Mr. Smallridge to have his license revoked.**

There is no point in the proper authorities advising that henceforth they would clearly monitor the operation. They have not done so in the past and will most certainly not do so in the future. If Mr. Smallridge would happen to be permitted to continue in business it would only be a matter of time before the situation would deteriorate. .He simply does not care to provide safe, secure facilities and satisfactory products. His motivation is money. .The residents are forced to put up with his appalling quality of service.

**Is the State prepared to knowingly and willfully let the residents of Lake Yale Estates be subjected to their Health, Safety and Welfare continuing to be placed at risk? Please refer back to Mr. Smallridge's justification for an increase in charges. He does not even know that a lawnmower is of no use in the community. If he does not even appreciate this simple fact then how can he be expected to deliver a quality of service?**



**Brian G Patterson**

**Board Director Lake Yale Estates.**

**Home address: 11639 Martell Court, Leesburg, Florida. 34788**

**Email: [patterson\\_brian@hotmail.com](mailto:patterson_brian@hotmail.com)**

**Cell phone: 352 205 2510**