



Public Service Commission

ORIGINAL
FILE COPY

-M-E-M-O-R-A-N-D-U-M-

DATE: May 26, 1996
 TO: Division of Records and Reporting
 FROM: Patricia Brady, Division of Water and Wastewater *pb BCM*
 RE: Docket No. 960229-SU, Application for amendment of Certificate No. 300-S in Lee County by Forest Utilities, Inc.

Please add the attached letter dated June 11, 1996, from Mr. F. Marshall Deterding to Ms. Pat Brady to the docket file. Thank you.

Attachment
cc: Alice Crosby (with attachment)

- ACK _____
- AFA _____
- APP _____
- CAF _____
- CMU _____
- CTR _____
- EAG _____
- LEG _____
- LIN _____
- OPC _____
- RCH _____
- SEC 1
- WAS _____
- OTH _____

DOCUMENT NUMBER - DATE

06926 JUN 27 86

FPSC-RECORDS/REPORTING

LAW OFFICES

ROSE, SUNDSTROM & BENTLEY

A PARTNERSHIP INCLUDING PROFESSIONAL ASSOCIATIONS

2548 BLAIRSTONE PINES DRIVE

TALLAHASSEE, FLORIDA 32301

(904) 877-6555

CHRIS H. BENTLEY, PA
JENNIFER S. BRUBAKER
F. MARSHALL DETERDING
BRIAN L. DOSTER
MARTIN S. FRIEDMAN, PA
JOHN H. JEFFERS, PA
STEVEN T. MINDUN, PA
ROBERT M. C. ROSE
DAREN L. SHIPPY
WILLIAM E. SUNDSTROM, PA
DIANE D. TREMOR, PA
JOHN L. WHATTON

MAILING ADDRESS
POST OFFICE BOX 1567
TALLAHASSEE, FLORIDA 32302-1567

TELECOPIER (904) 656-4022

June 11, 1996

VIA HAND DELIVERY

RECEIVED
JUN 11 1996

Florida Public Service Commission
Division of Water and Wastewater

Ms. Pat Brady
Division of Water and Wastewater
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Re: Forest Utilities, Inc.; Docket No. 960229-SU
Application for Amendment of Certificate No. 300-S in Lee
County by Forest Utilities, Inc.
Our File No. 25052.07

Dear Pat:

I received a message late yesterday indicating your desire for some additional information concerning quality of wastewater operations and the need for service in the new area in order to complete your Staff Recommendation in the above referenced docket. On these two issues, I offer the following additional comments in addition to those previously provided to the Staff:

Need for Service - While there are existing septic systems within the proposed territory, there is also substantial vacant property. Owners of both of these types of properties have indicated an immediate desire and need for wastewater service. There are two car dealerships currently under developer agreement with the Utility who are currently on a temporary pump out permitted by the HRS which allows them to accumulate sewage and twice a week pump that out via truck to a sewage treatment facility. These business owners are awaiting approval of the extension of service territory so that they can interconnect permanently with the central wastewater treatment system of Forest Utilities. In addition, the Utility is receiving daily inquiries from persons in the proposed territory who either have existing septic tank systems or who wish to develop their currently vacant parcels of property within the proposed territory and who are desiring commitment for sewer service. The Utility has told all of those individuals that until approval by the PSC, the Utility cannot serve them. Based upon these facts and circumstances, the need for service is not only immediate, but is substantial.

Ms. Pat Brady
June 11, 1996
Page 2

Quality of Service - You had inquired about whether or not the Utility had been recently Cited by DEP or has entered into a Consent Order with that Agency in 1995. I discussed this matter with the Utility's consulting engineer, Mr. Jim Elliott, P.E. Mr. Elliott notes that the Utility has in fact entered into a short form Consent Agreement in May of 1995 with the Florida Department of Environmental Protection. There have been some alleged violations noted by DEP in informal discussions with the Utility and its engineer just prior to that time. While the Utility did not concede that a violation existed, it took corrective action that satisfied the Florida Department of Environmental Protection in advance even of the execution of the Consent Agreement. The Consent Agreement existed as a formality to resolution of the alleged violations by DEP without any admission of guilt by the Utility. In this, as in all such cases, the Utility and the DEP have worked out appropriate corrections, testing requirements, improvements or upgrades to the satisfaction of the environmental regulatory agency. I am informed by Mr. Elliott that such is not at all uncommon among utilities who have treatment plants which were constructed and permitted approximately 10 to 15 years ago. Often, the DEP with it ever increasing requirements attempts to impose additional conditions upon utilities, especially at the time of renewal of operating permits which the Utility recently undertook. As part of the Utility's operating permit application, the Utility included a self-imposed improvement schedule in hopes of satisfying any concerns of the DEP about needed upgrading of the system.

However, I must reiterate that the Utility has never been Cited by the DEP during its history for a violation or ultimately found to be in violation of any DEP requirements. The most recent short form Consent Agreement resulted from some relatively minor on-site concerns of DEP and that was resolved without adjudication through that short form Agreement a little over a year ago.

If you have any further questions in this regard, please let me know.

Sincerely,

ROSE, SUNDSTROM & BENTLEY



P. Marshall Deterding
For The Firm

FMD/lts

ROSE, SUNDSTROM & BENTLEY

2548 BLAIRSTONE PINES DRIVE, TALLAHASSEE, FLORIDA 32301