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COMMISSION
CLERK

DOCKET NO.: 060368-WS - Application for increase in water and wastewater rates in Alachua, Brevard, Highlands, Lake, Lee, Marion, Orange, Palm Beach, Pasco, Polk, Putnam, Seminole, Sumter, Volusia and Washington Counties by Aqua Utilities Florida, Inc.

WITNESS: Direct Testimony of Kimberly Dodson,
Appearing on Behalf of the Staff of the Florida Public Service Commission.

DATE FILED: August 21, 2007

CMP _____
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DOCUMENT NUMBER-DATE
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FPSC-COMMISSION CLERK

1 DIRECT TESTIMONY OF KIMBERLY DODSON

2 Q. Please state your name and business address.

3 A. Kimberly Dodson, Florida Department of Environmental Protection, 3319 Maguire Blvd.,
4 Suite 232, Orlando, Florida 32803.

5 Q. Please state a brief description of your educational background and experience.

6 A. I received a B.A. in Environmental Studies from Rollins College, Winter Park, Florida in
7 1995. I worked in environmental analytical laboratories from 1991 to 1996. I have worked
8 for the Florida Department of Environmental Protection Potable Water Program since 1996,
9 where my responsibilities involve inspection of drinking water systems, Consumer Confidence
10 Report (CCR) rule, and enforcement.

11 Q. By whom are you presently employed?

12 A. Florida Department of Environmental Protection (FDEP)

13 Q. How long have you been employed with the FDEP and in what capacity?

14 A. I have been employed with FDEP for 11 years and have been responsible for inspecting
15 drinking water systems, managing the CCR rule program, and conducting enforcement. I am
16 currently the Environmental Manager for the field compliance and enforcement section.

17 Q. What are your general responsibilities at the FDEP?

18 A. I manage the field compliance and enforcement section. The field compliance and
19 enforcement section is responsible for inspecting potable water supply plants; generating
20 inspection reports; entering inspection data in program database; managing the CCR rule
21 program for community water systems; generating reports to determine compliance for CCR;
22 taking enforcement action against systems not in compliance with FDEP rules; taking and
23 referring drinking water complaints to the appropriate County Health Department (DOH) for
24 investigation under the DOH-FDEP Interagency Agreement.

25

1 Q. Are you familiar with Aqua Utilities Florida, Inc. (utility) water systems in Brevard, Lake,
2 Marion, Orange, Seminole and Volusia Counties, particularly the water treatment systems in
3 Brevard County, including Kingswood and Oakwood, the water treatment systems in Lake
4 County, including 48 Estates, Carlton Village, East Lake Harris, Fern Terrace, Friendly
5 Center, Grand Terrace, Haines Creek, Hobby Hills, Holiday Haven, Imperial Terrace, Kings
6 Cove, Morningview, Palms MHP, Picciola Island, Piney Woods/Spring Lake, Quail Ridge,
7 Ravenswood, Silver Lake Estates, Skycrest, Stone Mountain, Summit Chase, Valencia
8 Terrace, Venetian Village and Western Shores, the water treatment systems in Marion County,
9 including 49th Street, Belleair, Belleview Hills Estates, Belleview Hills, Chappell Hills,
10 Fairfax Hills, Hawks Point, Marion Hills, Ocala Oaks, West View, and Woodberry Forest, the
11 Tangerine water treatment system in Orange County and the water treatment systems in
12 Seminole County, including Chuluota and Harmony Homes?

13 A. Yes. I am familiar with these water systems via review of inspection reports and other
14 Department records.

15 Q. Does the utility maintain the required 20 psi minimum pressure throughout the distribution
16 system?

17 A. Yes, based on a review of inspection reports.

18 Q. Does the utility have certified operators as required by Chapter 62-602, Florida Administrative
19 Code?

20 A. Yes.

21 Q. Is the overall maintenance of the treatment plant and distribution facilities satisfactory?

22 A. Sanitary survey inspections of the Chuluota treatment plants were conducted on August 29,
23 2006, and the system was found to be out compliance for failing to use treatment processes
24 previously approved by FDEP as corrective action for total trihalomethane (TTHM) maximum
25

1 contaminant level violations.

2 The utility only recently initiated implementation of the cross-connection control program for
3 systems in Brevard, Lake, Marion, Orange and Seminole Counties. Other than those noted
4 above, deficiencies at the various plants are relatively minor.

5 Q. Can you comment on the type and number of corrections above?

6 A. The failure to re-instate treatment processes previously approved by FDEP as corrective action
7 for TTHM at the Chuluota treatment plants is significant and resulted in enforcement action.
8 With respect to the other systems, it is not uncommon to find a number of small deficiencies at
9 facilities.

10 Q. Has the utility been the subject of any FDEP enforcement action within the past two years?

11 A. The utility is currently under enforcement action for modifications to treatment processes that
12 resulted in maximum contaminant level violations for total trihalomethanes at the Chuluota
13 water system. The utility signed a Consent Order on January 4, 2007 (EX__ KD-1), and
14 permits to modify treatment processes at both water treatment plants were issued by FDEP on
15 March 12, 2007. Pursuant to the Consent Order, modifications were to be completed within
16 60 days of issuance of required permits, or by May 11, 2007; however, due to an error on the
17 permit application, the utility did not receive the permits until April 25, 2007. FDEP has
18 notified the utility that permitted modifications must be complete by June 24, 2007. The
19 utility advised FDEP that the contractor requires 180 days to complete modifications. (EX__
20 KD-2)

21 Q. Does the utility maintain the required chlorine residual or its equivalent throughout the
22 distribution system?

23 A. Yes.

1 Q. Are the plant and distribution systems in compliance with all the other provisions of Title 62,
2 Florida Administrative Code, not previously mentioned?

3 A. Yes.

4 Q. Do you have anything further to add?

5 A. No. I do not.

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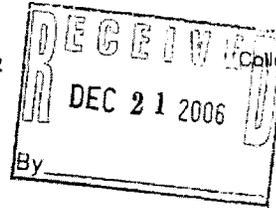
KIMBERLY DODSON
KD-1



Department of Environmental Protection

Jeb Bush
Governor

Central District
3319 Maguire Boulevard, Suite 232
Orlando, Florida 32803-3767



Coleen M. Castille
Secretary

Jack Lihvarcik, President
Aqua Utilities Florida, Inc.
1100 Thomas Avenue
Leesburg, Florida 34738

OCD-PW-CE-06-1248

Seminole County - PW
Chuluota Water System
Consent Order - OGC File No. 06-2432

Dear Mr. Lihvarcik

Enclosed is a Consent Order prepared by this Department for resolution of the referenced enforcement case. The letter requesting a reduction in penalties dated November 12, 2006, was received, and the Department has determined that a penalty reduction is not justifiable. Please review this document, and if satisfactory, sign and date the appropriate spaces and return it to this office **within 20** days of receipt. A copy of the completed document will be sent to you upon entry by the Department's Director.

Should the Consent Order be unacceptable, provide this office with written notification along with any specific comments that you may have within 20 days of receipt of this document.

If you have any questions, you may contact Mrs. Kim Dodson at (407) 893-3990 or by e-mail at Kim.Dodson@dep.state.fl.us.

Sincerely,

Christhanna C. Ferrell

Vivian F. Garfein
Director, Central District

12/21/06
Date

VFG/kmd
Enclosure

cc: Seminole County Health Department
Lea Crandall, Agency Clerk, OGC
Debby Valin, FDEP Pollution Prevention Program
Jeff Prather, FDEP
Kim M. Dodson, FDEP Drinking Water Compliance/Enforcement

RECEIVED
JAN 05 2007
Central Dist. - DEP

BEFORE THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION,

IN THE OFFICE OF THE
CENTRAL DISTRICT

Complainant,

OGC FILE NO. 06-2432

vs.

AQUA UTILITIES FLORIDA, INC.,

Respondent.

CONSENT ORDER

This Consent Order is entered into between the State of Florida Department of Environmental Protection ("Department") and Aqua Utilities Florida, Inc. ("Respondent") to reach settlement of certain matters at issue between the Department and Respondent.

The Department finds and the Respondent admits the following:

1. The Department is the administrative agency of the State of Florida having the power and duty to administer and enforce the provisions of the Florida Safe Drinking Water Act, Sections 403.850 *et seq.*, *Florida Statutes*, and the rules promulgated thereunder, Title 62, *Florida Administrative Code*. The Department has jurisdiction over the matters addressed in this Consent Order.
2. Respondent is a person within the meaning of Section 403.852(5), *Florida Statutes*.
3. Respondent is the owner and operator of a community public water system, PWS# 3590186, located at 118 East 7th Street ("Water Treatment Plant #1") and the intersection of Brumley Road and Avenue H ("Water Treatment Plant #2"), Chuluota, Seminole County, Florida, which serves the Chuluota water system.

4. The Department finds that Respondent is in violation of Rule 62-550.310(3), ("Florida Administrative Code"), which establishes the maximum contaminant level ("MCL") for total trihalomethanes ("TTHMs") as 0.080 milligrams per liter ("mg/L"). The running annual average results for samples collected from the system on 12/30/05, 3/09/06, 5/18/06, 8/04/06 and analyzed for TTHMs is 0.135 mg/L.

Having reached a resolution of the matter the Department and the Respondent mutually agree and it is

ORDERED:

5. Respondent shall comply with the following corrective actions within the stated time periods:

a. Within 30 days of the effective date of this Consent Order, Respondent shall retain the services of a Florida-registered professional engineer to evaluate the system and submit an application, along with any required application fees, to the Department for a permit to construct any modifications needed to address the MCL violation(s).

b. The Department shall review the application submitted pursuant to paragraph 5a. above. In the event additional information, modifications or specifications are necessary to process the application, the Department shall issue a written request for information ("RFI") to Respondent for such information. Respondent shall accordingly submit the requested information in writing to the Department within 15 days of receipt of the request. Respondent shall provide all information requested in any additional RFIs issued by the Department within 15 days of receipt of each request. Within 45 days of the date the Department receives the application pursuant to paragraph 5a. above, Respondent shall provide all information necessary to complete the application.

c. Within 60 days of issuance of any required permit(s), Respondent shall complete the modifications approved pursuant to the permit(s) issued in accordance with paragraphs 5a. and 5b. above, and submit to the Department the engineer's certification of completion of construction, along with all required supporting documentation. Respondent shall receive written Department clearance prior to placing the system modifications into service.

d. Respondent shall continue to sample quarterly for TTHMs and HAA5s in accordance with Rule 62-550.514(2), *Florida Administrative Code*. Results shall be submitted to the Department within ten (10) days following the month in which the samples were taken or within 10 days following Respondent's receipt of the results, whichever is sooner.

e. In the event that the modifications approved by the Department pursuant to paragraphs 5a. and 5b. are determined to be inadequate to resolve the MCL violation(s), the Department will notify the Respondent in writing. Within 30 days of receipt of written notification from the Department that the results of the quarterly sampling indicate that the system modifications have not resolved the violation(s), Respondent shall submit another proposal to address the MCL violation(s). Respondent shall provide all information requested in any RFIs issued by the Department within 15 days of receipt of each request. Within 60 days of the date the Department receives the application pursuant to this paragraph, Respondent shall provide all information necessary to complete the application.

f. Within five months of the effective date of this Consent Order, Respondent shall complete all corrective actions needed to resolve the MCL exceedances and submit written certification of completion to the Department for all modifications.

g. Respondent shall continue to issue public notice regarding the MCL violation(s) every 90 days in accordance with Rule 62-560.410(1), until the Department determines that the system is in compliance with all MCLs. Respondent shall submit certification of delivery of public notice, using DEP Form 62-555.900(22), to the Department within ten days of issuing each public notice.

6. Within 30 days of the effective date of this Consent Order, Respondent shall pay the Department \$9,500 in settlement of the matters addressed in this Consent Order. This amount includes \$500 for costs and expenses incurred by the Department during the investigation of this matter and the preparation and tracking of this Consent Order. (A) The civil penalties are apportioned as follows: *\$1,000 for violation of Rule 62-555.520(1)(b), pursuant to Section 403.121(4)(e), Florida Statutes; \$4,000 for violation of Rule 62-550.310(3), pursuant to Section 403.121(3)(a), Florida Statutes; and \$4,000 for violation of Rule 62-550.300, pursuant to Section 403.121(3)(a), Florida Statutes.* Payment shall be made by cashier's check or money order. The instrument shall be made payable to the "Department of Environmental Protection" and shall include thereon the OGC number assigned to this Consent Order and the notation "Ecosystem Management and Restoration Trust Fund." Payment shall be sent to the Department of Environmental Protection, 3319 Maguire Boulevard, Suite 232, Orlando, FL 32803.

7. In lieu of making cash payment of \$9,000.00 in civil penalties as set forth in paragraph 6, above, Respondent may elect to offset this amount by implementing a pollution prevention project, which is subject to approval by the Department. A pollution prevention project must be a source reduction, waste minimization, or on-site recycling project.

If Respondent chooses to implement a pollution prevention project, Respondent shall notify the Department of its election by certified mail within 15 days of the effective date of this Consent Order. Notwithstanding the election to implement a pollution prevention project, Respondent must pay the remaining \$500.00 in costs within 30 days of the effective date of the Consent Order. If Respondent elects to implement a pollution prevention project, then Respondent shall comply with all of the requirements and time frames in Exhibit I.

8. Respondent agrees to pay the Department stipulated penalties in the amount of \$100.00 per day for each and every day Respondent fails to timely comply with any of the requirements of paragraph 5 of this Consent Order. A separate stipulated penalty shall be assessed for each violation of this Consent Order. Within 30 days of written demand from the Department, Respondent shall make payment of the appropriate stipulated penalties to "The Department of Environmental Protection" by cashier's check or money order and shall include thereon the OGC number assigned to this Consent Order and the notation "Ecosystem Management and Restoration Trust Fund." Payment shall be sent to the Department of Environmental Protection, 3319 Maguire Boulevard, Suite 232, Orlando, Florida 32803. The Department may make demands for payment at any time after violations occur. Nothing in this paragraph shall prevent the Department from filing suit to specifically enforce any of the terms of this Consent Order. Any penalties assessed under this paragraph shall be in addition to the settlement sum agreed to in paragraph 6 of this Consent Order. If the Department is required to file a lawsuit to recover stipulated penalties under this paragraph, the Department will not be foreclosed from seeking civil penalties for violations of this Consent Order in an amount greater than the stipulated penalties due under this paragraph.

9. If any event, including administrative or judicial challenges by third parties unrelated to the Respondent, occurs which causes delay or the reasonable likelihood of delay, in complying with the requirements of this Consent Order, Respondent shall have the burden of proving the delay was or will be caused by circumstances beyond the reasonable control of the Respondent

and could not have been or cannot be overcome by Respondent's due diligence. Economic circumstances shall not be considered circumstances beyond the control of Respondent, nor shall the failure of a contractor, subcontractor, material man or other agent (collectively referred to as "contractor") to whom responsibility for performance is delegated to meet contractually imposed deadlines be a cause beyond the control of Respondent, unless the cause of the contractor's late performance was also beyond the contractor's control. Upon occurrence of an event causing delay, or upon becoming aware of a potential for delay, Respondent shall notify the Department orally within 24 hours or by the next working day and shall, within seven calendar days of oral notification to the Department, notify the Department in writing of the anticipated length and cause of the delay, the measures taken or to be taken to prevent or minimize the delay and the timetable by which Respondent intends to implement these measures. If the parties can agree that the delay or anticipated delay has been or will be caused by circumstances beyond the reasonable control of Respondent, the time for performance hereunder shall be extended for a period equal to the agreed delay resulting from such circumstances. Such agreement shall adopt all reasonable measures necessary to avoid or minimize delay. Failure of Respondent to comply with the notice requirements of this Paragraph in a timely manner shall constitute a waiver of Respondent's right to request an extension of time for compliance with the requirements of this Consent Order.

10. Persons who are not parties to this Consent Order, but whose substantial interests are affected by this Consent Order, have a right, pursuant to Sections 120.569 and 120.57, Florida Statutes, to petition for an administrative hearing on it. The Petition must contain the information set forth below and must be filed (received) at the Department's Office of General Counsel, 3900 Commonwealth Boulevard, MS #35, Tallahassee, Florida 32399-3000, within 21 days of receipt of this notice. A copy of the Petition must also be mailed at the time of filing to the District Office named above at the address indicated. Failure to file a petition within the 21 days constitutes a waiver of any right such person has to an administrative hearing pursuant to Sections 120.569 and 120.57, *Florida Statutes*.

11. The petition shall contain the following information:

- a. The name, address, and telephone number of each petitioner; the Department's Consent Order identification number and the county in which the subject matter or activity is located;
- b. A statement of how and when each petitioner received notice of the Consent Order;
- c. A statement of how each petitioner's substantial interests are affected by the Consent Order;
- d. A statement of the material facts disputed by petitioner, if any;
- e. A statement of facts which petitioner contends warrant reversal or modification of the Consent Order;
- f. A statement of which rules or statutes petitioner contends require reversal or modification of the Consent Order;

g. A statement of the relief sought by petitioner, stating precisely the action petitioner wants the Department to take with respect to the Consent Order.

12. If a petition is filed, the administrative hearing process is designed to formulate agency action. Accordingly, the Department's final action may be different from the position taken by it in this Notice. Persons whose substantial interests will be affected by any decision of the Department with regard to the subject Consent Order have the right to petition to become a party to the proceeding. The petition must conform to the requirements specified above and be filed (received) within 21 days of receipt of this notice in the Office of General Counsel at the above address of the Department. Failure to petition within the allowed time frame constitutes a waiver of any right such person has to request a hearing under Sections 120.569 and 120.57, *Florida Statutes*, and to participate as a party to this proceeding. Any subsequent intervention will only be at the approval of the presiding officer upon motion filed pursuant to Rule 28-106.205.

13. A person whose substantial interests are affected by the Consent Order may file a timely petition for an administrative hearing under Sections 120.569 and 120.57, *Florida Statutes*, or may choose to pursue mediation as an alternative remedy under Section 120.573, *Florida Statutes*, before the deadline for filing a petition. Choosing mediation will not adversely affect the right to a hearing if mediation does not result in a settlement. The procedures for pursuing mediation are set forth below.

14. Mediation may only take place if the Department and all the parties to the proceeding agree that mediation is appropriate. A person may pursue mediation by reaching a mediation agreement with all parties to the proceeding (which include the Respondent, the Department, and any person who has filed a timely and sufficient petition for a hearing) and by

showing how the substantial interests of each mediating party are affected by the Consent Order. The agreement must be filed in (received by) the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, MS #35, Tallahassee, Florida 32399-3000, within 10 days after the deadline as set forth above for the filing of a petition.

15. The agreement to mediate must include the following:

- a. The names, addresses, and telephone numbers of any persons who may attend the mediation;
- b. The name, address, and telephone number of the mediator selected by the parties, or a provision for selecting a mediator within a specified time;
- c. The agreed allocation of the costs and fees associated with the mediation;
- d. The agreement of the parties on the confidentiality of discussions and documents introduced during mediation;
- e. The date, time, and place of the first mediation session, or a deadline for holding the first session, if no mediator has yet been chosen;
- f. The name of each party's representative who shall have authority to settle or recommend settlement;
- g. Either an explanation of how the substantial interests of each mediating party will be affected by the action or proposed action addressed in this notice of intent or a statement clearly identifying the petition for hearing that each party has already filed, and incorporating it by reference; and
- h. The signatures of all parties or their authorized representatives. As provided in Section 120.573, *Florida Statutes*, the timely agreement of all parties to mediate will toll the time limitations imposed by Sections 120.569 and 120.57, *Florida Statutes*, for

requesting and holding an administrative hearing. Unless otherwise agreed by the parties, the mediation must be concluded within sixty days of the execution of the agreement. If mediation results in settlement of the administrative dispute, the Department must enter a final order incorporating the agreement of the parties. Persons whose substantial interests will be affected by such a modified final decision of the Department have a right to petition for a hearing only in accordance with the requirements for such petitions set forth above, and must therefore file their petitions within 21 days of receipt of this notice. If mediation terminates without settlement of the dispute, the Department shall notify all parties in writing that the administrative hearing processes under Sections 120.569 and 120.57, *Florida Statutes*, remain available for disposition of the dispute, and the notice will specify the deadlines that then will apply for challenging the agency action and electing remedies under those two statutes.

16. Entry of this Consent Order does not relieve Respondent of the need to comply with applicable federal, state or local laws, regulations or ordinances.

17. The terms and conditions set forth in this Consent Order may be enforced in a court of competent jurisdiction pursuant to Sections 120.69 and 403.121, *Florida Statutes*. Failure to comply with the terms of this Consent Order shall constitute a violation of Section 403.859, *Florida Statutes*.

18. Respondent is fully aware that a violation of the terms of this Consent Order may subject Respondent to judicial imposition of damages, civil penalties up to \$5,000.00 per day per violation, and criminal penalties, except as limited by the provisions of this Consent Order.

19. Respondent shall allow all authorized representatives of the Department access to the facility at reasonable times for the purpose of determining compliance with the terms of this Consent Order and the rules and statutes of the Department.

20. All submittals and payments required by this Consent Order to be submitted to the Department shall be sent to the Florida Department of Environmental Protection, 3319 Maguire Boulevard, Suite 232, Orlando, FL 32803.

21. The Department, for and in consideration of the complete and timely performance by Respondent of the obligations agreed to in this Consent Order, hereby waives its right to seek judicial imposition of damages or civil penalties for alleged violations addressed in this Consent Order.

22. Respondent acknowledges and waives its right to an administrative hearing pursuant to Sections 120.569 and 120.57, *Florida Statutes*, on the terms of this Consent Order. Respondent acknowledges its right to appeal the terms of this Consent Order pursuant to Section 120.68, *Florida Statutes*, and waives that right upon signing this Consent Order.

23. No modifications of the terms of this Consent Order shall be effective until reduced to writing and executed by both Respondent and the Department.

24. In the event of a sale or conveyance of the facility or of the property upon which the facility is located, if all of the requirements of this Consent Order have not been fully satisfied, Respondent shall, at least 30 days prior to the sale or conveyance of the property or facility, (1) notify the Department of such sale or conveyance, (2) provide the name and address of the purchaser, or operator, or person(s) in control of the facility, and (3) provide a copy of this Consent Order with all attachments to the new owner. The sale or conveyance of the facility, or the property upon which the facility is located shall not relieve the Respondent of the obligations imposed in this Consent Order.

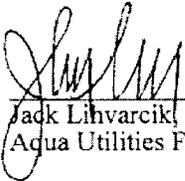
25. This Consent Order is a settlement of the Department's civil and administrative authority arising under Florida law to resolve the matters addressed herein. This Consent Order

is not a settlement of any criminal liabilities, which may arise under Florida law, nor is it a settlement of any violation, which may be prosecuted criminally or civilly under federal law.

26. This Consent Order is a final order of the Department pursuant to Section 120.52(7), Florida Statutes, and it is final and effective on the date filed with the Clerk of the Department unless a Petition for Administrative Hearing is filed in accordance with Chapter 120, *Florida Statutes*. Upon the timely filing of a petition this Consent Order will not be effective until further order of the Department.

FOR THE RESPONDENT

JANUARY 4, 2007
Date



Jack Lihvarcik, President
Aqua Utilities Florida, Inc.

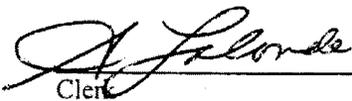
DONE AND ORDERED this 10th day of January, 2007,
in Orlando, Florida.

**STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION**



Vivian F. Garfein
Director, Central District

FILED, on this date, pursuant to Section 120.52, F.S., with the designated Department Clerk, receipt of which is hereby acknowledged.



Clerk

1/10/2007
Date

cc: Lea Crandall, Agency Clerk

KIMBERLY DODSON
KD-2



Florida Department of Environmental Protection

Central District
3319 Maguire Boulevard, Suite 232
Orlando, Florida 32803-3767

DATE: _____
TIME: _____
BY: _____
TITLE: _____

VIA CERTIFIED MAIL
7099 3400 0010 5323 6200

June 6, 2007

Jack Lihvarcik, President
Aqua Utilities Florida, Inc.
6960 Professional Parkway East
Sarasota , Florida 34240

OCD-PW-CE-07-0659

Seminole County - PW
Chuluota Water System
OGC File No. 06-2432

Dear Mr. Lihvarcik:

The Department is in receipt of your letter dated May 17, 2007, explaining the delay in construction for modifications to the Chuluota Water System. The letter states that the contractor requires 180 days from the start of construction to complete the modifications.

Pursuant to paragraph 5c of Consent Order # 06-2432 ("Order"), modifications approved pursuant to the permit(s) issued shall be completed **within 60 days** of issuance of said permit(s). The permits were issued March 12, 2007; however, copies of the permits were not received by Aqua Utilities, Inc. until April 25, 2007. In accordance with the Order, modifications shall be complete by June 24, 2007.

The Department will make a demand for payment of stipulated penalties pursuant to paragraph 8 of the Order for failing to complete the permitted modifications by **June 24, 2007**.

If you have any questions, please contact Ms. Kim Dodson at (407) 893-3990 or by e-mail at Kim.Dodson@dep.state.fl.us.

Sincerely,

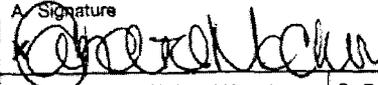
Vivian F. Garfein
Director, Central District

June 6, 2007
Date

VFG/kmd/njh

cc: Patrick Farris, Aqua Utilities Florida Inc. [PAFarris@aquaaamerica.com]
Seminole County Health Department [joyce_bittles@doh.state.fl.us]
Jeff Prather, FDEP
Kim Dodson, FDEP Drinking Water Compliance and Enforcement

8/3 cc. Tom Wilton. psc

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee </p> <p>B. Received by (Printed Name) <input type="checkbox"/> C. Date of Delivery Candice Macke 6/11/07</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>1. Article Addressed to:</p> <p>JACK LIHVARIK, PRESIDENT AQUA UTILITIES FLORIDA INC 1100 THOMAS AVE LEESBURG FL 34748</p>	<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number 7099 3400 0010 5323 6200 OCD-PW CE-07-0659 (Transfer from service label) PW/K. Dodson /Re: OGC #06-2432 6/8</p> <p>PS Form 3811, February 2004 Domestic Return Receipt DRINKING WATER 4/02585-02-M-1540</p>	

BEFORE THE PUBLIC SERVICE COMMISSION

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

DOCKET NO. 060368-WS

DATED: AUGUST 21, 2007

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the DIRECT TESTIMONY OF KIMBERLY DODSON has been served by U.S. Mail to Kenneth A. Hoffman and Marsha E. Rule, Esquires, Rutledge, Ecenia, Purnell & Hoffman, P. A., P.O. Box 551, Tallahassee, FL 32302-0551, on behalf of AQUA UTILITIES FLORIDA, INC., and that a true and correct copy thereof has been furnished to the following by U. S. Mail, this 21st day of August, 2007:

Stephen Burgess & Stephen Reilly, Esquires
Office of Public Counsel
c/o The Florida Legislature
111 W. Madison Street, Room 812
Tallahassee, FL 32399-1400

Cecilia Bradley, Esquire
Office of the Attorney General
The Capitol – PL01
Tallahassee, FL 32399-1050



ROSANNE GERVASI
SENIOR ATTORNEY
FLORIDA PUBLIC SERVICE COMMISSION
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850
(850) 413-6224