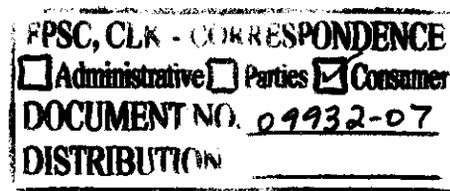


Kimberley Pena

060368

From: Kimberley Pena
Sent: Thursday, January 03, 2008 2:37 PM
To: Cheryl Bulecza-Banks
Cc: 'gschwerdt@cfl.rr.com'
Subject: FW: Question and Request re: DOCKET NO. 060368-WS



Cheryl, we will place this email in the consumer correspondence.

From: Commission Clerk
Sent: Thursday, January 03, 2008 2:18 PM
To: Kimberley Pena
Subject: FW: Question and Request re: DOCKET NO. 060368-WS

this was received in the rarfax inbox.

From: Gary Schwerdt [mailto:gschwerdt@cfl.rr.com]
Sent: Thursday, January 03, 2008 2:19 PM
To: Commission Clerk; Cheryl Bulecza-Banks; Consumer Contact
Cc: cecilia.bradley@myfloridalegal.com; reilley.steve@leg.state.fl.us; 'Sullivan, Kelly (ORL) Legal'; 'Kelly Sullivan'
Subject: Question and Request re: DOCKET NO. 060368-WS

Please provide confirmation that the letter and request below have been received and addressed by all Florida Public Service Commissioners. I am requesting formal response by the Commissioners as confirmation.

Thank you very much.

Gary Schwerdt
342 Osprey Lakes Circle
Chuluota, FL 32766
gschwerdt@cfl.rr.com

To the Florida Public Service Commission:

Regarding DOCKET NO. 060368-WS and the review of "Aqua Utilities Florida, Inc.'s response time performance relative to the Commission's complaint process, and any other service quality issues that may have arisen....," I am requesting a response from the FPSC with a statement of the metrics used to calculate improvements in water quality since Aqua Utilities became the water utility for Chuluota, Florida ---- and how that calculation measures Aqua's overall performance and future considerations as a water utility provider.

I heard no mention of metrics for water quality improvement in the informal call on 11/29, nor have I seen (or heard) of any performance threshold or metric that would track Aqua Utilities' performance since they became the water utility for Chuluota, Florida --- outside of the public notices that are required quarterly from Aqua, which state conclusively each quarter, year after year, that Aqua's water quality does not meet EPA guidelines (i.e., TTHMs exceeding EPA guidelines). I am therefore requesting that the FPSC provide explanation of the tracking of water quality improvement during the period of Aqua Utilities Florida, Inc.'s service from inception to current, especially during this follow-up period after the company's rate increase request and withdrawal. It is imperative that residents understand what they are getting in return for the high rates that FPSC granted first FWS, and now Aqua Utilities. If the DEP is the sole source of responsibility on water quality, then the FPSC needs to clearly state how it supports Florida Statutes 350 and 364-368 with respect to incorporating DEP guidelines within its performance criteria.

The current performance tracking seems inappropriately focused on customer service views that omit water quality altogether. The fact is that Aqua customers have seen no relief from the life-impacting, dramatic health issues they have been under for years now.

1/3/2008

With no other public comment from the FPSC on the performance of Aqua's delivery of water quality, the most recent memorandum from Rosanne Gervasi in reporting on current status as reflected by Aqua officials' comments seems to perpetuate this lack of perspective. For example, the quote from Aqua that "Water quality complaints are received as well; however, those calls are not in the top ten reasons why customers call Aqua. Water quality complaint calls account for less than 2% of total calls in all states in which Aqua serves, including Florida," paints the picture that there are no water-quality issues simply because Aqua's customers are not calling them about it. The fact is that Florida's citizens do not have the responsibility to monitor water-quality and report on it. That responsibility belongs to the EPA, and they have reported for year after year that Aqua fails its tests. Because these health issues are well-known, many Florida citizens are left to conclude that the FPSC is failing to provide oversight and deliver on its public promise to citizens to provide "...competitive market oversight; and monitoring of safety, reliability, and service."

It is common knowledge for Chuluota customers of Aqua utilities that TTHMs have exceeded EPA guidelines for consecutive years and are a specific health risk. If the company's performance includes water quality, then it is reasonable to include performance measures related to them --- regardless whether DEP enforcement measures are in place, active, and adequate. This is necessary because Aqua's reasons for *requesting increased rates was to improve water quality, and Aqua customers have seen no improvement in water quality. Chuluota residents are still at health risk --- for the 5th consecutive year.*

Residents receive notice after notice of failure to meet water quality guidelines, yet little or no mention is made of the problems during public discourse. Meanwhile, the EPA states explicitly how these TTHMS impact our health, as exhibited by their public health notices:

- "Many of these disinfection by-products (DBPs) have been shown to cause adverse **health effects.**"
- "We discovered a new pathway by which certain trihalomethanes (**THMs**) cause cancer in laboratory animals."

I don't know whether the FPSC considers cancer in rats to be of importance, but I can assure you that people drinking the water do --- at least if they're lucky enough to understand the health risks, since they seem to be omitted from accountability.

After this prolonged period of time with lack of enforcement on health protection, it would be helpful to citizens to understand the role of the FPSC by answering these simple questions:

1. How is the "competitive market oversight; and monitoring of safety, reliability, and service," being enforced with respect to Aqua's performance?
2. Why has there been no direct water-quality metric assigned to Aqua's performance over the last 3 years?
3. Why is Aqua's performance being portrayed from the myopic, singular view of customer service as represented by the way its customer phone calls are handled, rather than the inclusion of water quality?
4. Why would the FPSC consider the expenditure that Aqua put into a new sewer system as being appropriate in the rate structure, when the most pressing problem is water quality? Their new system serves 10,000 homes when current customer base is ~ 1300-1400.
5. Why should we pay for a new sewer system infrastructure that can never be used to capacity, when Aqua is free to profit from that expenditure by selling sewer services to other communities?
6. Why hasn't the PSC sought to rescind Aqua's Certificate of Authority to provide service when it has performed so poorly?
7. Why has Aqua been allowed to operate as an inadequate provider of safe water to Chulota citizens for the past 3 years, rather than the FPSC proposing the alternative of a safe water quality provider, such as Seminole County?

The time to answer these questions, address the associated problems and correct them is incumbent on all of us. Not in another 3 years when the health impacts are being felt, but NOW.

Thank you for your consideration of these issues.

Respectfully,

Gary Schwerdt

342 Osprey Lakes Circle
Chuluota, FL 32766
gschwerdt@cfl.rr.com

Kimberley Pena

060368

From: Kimberley Pena
Sent: Monday, December 31, 2007 3:13 PM
To: 'DAVIS.PHYLLIS'
Subject: RE: Name substitution

FPSC, CLK - CORRESPONDENCE		
<input type="checkbox"/> Administrative	<input checked="" type="checkbox"/> Parties	<input type="checkbox"/> Consumer
DOCUMENT NO. 09932-07		
DISTRIBUTION:		

Per this e-mail, we will make the change in all active docket. Thank you.

Kimberley M. Peña
Chief Deputy Commission Clerk
Office of Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850
(850) 413-6770

From: DAVIS.PHYLLIS [mailto:DAVIS.PHYLLIS@leg.state.fl.us]
Sent: Monday, December 31, 2007 1:45 PM
To: Records Clerk
Subject: Name substitution

PSC Clerk:

Please substitute Charlie Beck's name with J. R. Kelly. Mr. Kelly was appointed Public Counsel on November 20, 2007. Please contact me at 488-9330 if you have questions.

Thanks,
Phyllis W. Philip-Guide

12/31/2007

Ruth Nettles

From: Ruth Nettles
Sent: Monday, August 06, 2007 4:25 PM
To: 'KIRBY.KIMBERLY'
Cc: Dorothy Menasco
Subject: RE: Reconsideration on discovery

PARTIES

Ms. Kimberly,

Please resubmit your e filing by correcting the signatures. Documents shall be signed by typing "s/" followed by the signatory: s/Frist M. Last [s/Stephen C. Burgess]. Please see the filing requirements listed in our website <http://www.floridapsc.com/dockets/e-filings>.

If you desire to call me with specific questions, please call me directly at 850-413-6758.

Thank you very much for your cooperation,

Ruth Nettles

From: KIRBY.KIMBERLY [mailto:KIRBY.KIMBERLY@leg.state.fl.us]
Sent: Monday, August 06, 2007 4:04 PM
To: Filings@psc.state.fl.us
Cc: Ralph Jaeger; Rosanne Gervasi; Ken Hoffman; Katherine Fleming; Marsha Rule; cecilia_bradley@oag.state.fl.us; NLGuth@aquaamerica.com; BURGESS.STEVE
Subject: Reconsideration on discovery

Electronic Filing

a. Person responsible for this electronic filing:

Steve Burgess, Associate Public Counsel
Office of Public Counsel
c/o The Florida Legislature
111 West Madison Street, Room 812
Tallahassee, FL 32399-1400
(850) 488-9330

Burgess.steve@leg.state.fl.us

b. Docket No. 060368-WS

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 Utility Florida, Inc.

c. There are a total of 5 pages.

d. The documents attached for electronic filing are Citizens' Motion for Reconsideration of Order No. PSC-07-0598-PCO-WS.

RECEIVED-FPSC
07 AUG - 6 PM 4: 47
COMMISSION
CLERK

COMMISSION NUMBER-DATE

09932 NOV-15

8/6/2007

FPSC-COMMISSION CLERK

Kimberly D. Kirby
Assistant to Steve Burgess, Associate Public Counsel.
Office of Public Counsel
Telephone: (850) 488-9330
Fax: (850) 488-4491