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Sent: Tuesday, December 30, 2008 5:00 PM
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Subject: DOcket No. 080121-WS Attorney General's Post-Hearing Brief

Attachments: Attorney General's Post-hearing Brief.pdf; Attorney General's Post-hearing Brief.docx



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Attached for filing in Docket No. 080121-WS, is the Attorney General's Post-Hearing Brief. Thank you for your cooperation in this matter.

(See attached file: Attorney General's Post-hearing Brief.pdf)(See attached file: Attorney General's Post-hearing Brief.docx)

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Please note that Florida has a broad public records law, and that all correspondence to me via email may be subject to disclosure.

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

DOCKET NO. 080121-WS

FILED: December 30, 2008

ATTORNEY GENERAL BILL McCOLLUM'S POST-HEARING BRIEF

Attorney General Bill McCollum defers to the Office of Public Counsel on the technical issues but will address the following issues separately because of their great importance.

I. **INABILITY OF CUSTOMERS TO DRINK, SHOWER WITH OR WASH CLOTHES IN AQUA WATER**

Aqua customers are afraid to drink the Aqua water. They fear they are poisoning their children and pets if they let them drink the Aqua water. They have testified at the hearings that their pediatricians have told them not to let their children drink or even bathe in the water and their veterinarians have told them the same thing about their pets. Oviedo Tr. 1, page 133, Tr. 2, page 25. Some customers compared this water to third world countries but in a sense this is worse because persons in third world countries do not have to pay such exorbitant prices for the filthy water. Customers testified about sick children and beloved pets getting sick and dying. They testified their illness improved when they switched to bottled water but became worse when they switched back to water from the faucet. Oviedo Tr. 1, pages. 68, 168, 199. This Commission has seen the filthy water which Aqua pumps into the homes in Chuluota and other

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areas and no one on this Commission, its staff or the employees of Aqua have been willing to drink the Aqua water.

The excessive rate increases requested by Aqua should be enough for this Commission to deny that request under its mandate to ensure that the citizens of Florida are provided affordable water. Oviedo Tr. Page 131,162, Mt. Dora Tr. Pages 67,70. However, the excessive rate increases coupled with the poor water quality demand that this Commission deny these rate requests until Aqua corrects its water quality. We are pleased that Aqua claims it is taking steps to fix its water quality problems but this is not the first time that Aqua has made such claims to the Commission and a few months later the water quality was in trouble once again. In light of Aqua's lack of success in past efforts, this Commission should require Aqua to demonstrate a year of success as approved by a third party before granting any rate increase for Chuluota and other areas with filthy water.

II. UNACCEPTIBLE CUSTOMER SERVICE

A second complaint about which many customers complained was the customer service representatives and the lack of returned calls. The lack of customer service is demonstrated by the complaints to this Commission which continued through the time of the hearing. The most telling testimony was that of Christopher Franklin who testified that they had no video of these customer representatives and relied on what the representatives wrote down. It is easy to see how the customers who called repeatedly and were hung up on were not noted by customer service representatives who had control of what was recorded. Many customers testified about appointments that were not kept, calls that were not returned and rude customer service representatives. However, it was revealed that at least one of the representatives with the most

problems was returned to duty in this area after Aqua investigated and found nothing wrong. Although Aqua customers were quick to recognize the occasional representatives who were helpful, the amount of ongoing customer service complaints demonstrates that this is a problem that Aqua has not corrected and the lack of recognition by Aqua should be extremely troubling to this Commission. Despite ten service hearings where customers repeatedly complained about the rude and unresponsive customer service treatment, such complaints continued through the time of the hearing. *See also* Exh. 208 (certain complaints sent to staff) and Exh.193 (consumer correspondence from Aqua customers filed through December 10, 2008).

III. BILLING ERRORS

The history of this case has demonstrated the ongoing billing errors which Aqua has been unable or unwilling to correct. Although Aqua initially took some responsibility for these errors, blaming them first on rogue employees and then on rogue zeros with their new meters, the case culminated in Aqua taking little or no responsibility and instead blaming the errors on their customers and their excessive water useage. Oviedo Tr. 1, page 18. Aqua's refusal to take responsibility for their billing errors and their efforts to blame the customers in light of the record in this case to the contrary, should be very disturbing to the Commission. The record in this case demonstrates that Aqua's customers, especially in the Chuluota area, are afraid to drink the water or even bathe in it. Aqua customers testified about how they measure their water useage in the morning and at night so they know exactly how much water they are using, they have taken steps to decrease or eliminate water useage for irrigation, any customers that can afford it are using bottled water, customers that can afford it are putting in wells, and a number of customers testified about the timed showers for their family while others testified about using bottled water

for drinking and bathing at the advice of their pediatricians and veterinarians. Oviedo Tr. 1, page 133, Tr. 2, page 25, Gainesville Tr. Page 61, Mt. Dora Tr. Page 42. The testimony in this case clearly demonstrates that Aqua's records are not accurate and such inaccurate records cannot be the basis for such an exorbitant rate increase.

Based on the foregoing, this Commission should deny Aqua's rate request for Chuluota and other areas with unsafe, dirty water.

Respectfully submitted,

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CERTIFICATE OF SERVICE
DOCKET NO. 080121-WS

I HEREBY CERTIFY that a true and correct copy of Attorney General Bill McCollum's Post-hearing Brief has been furnished by electronic mail and U.S. Mail to the following parties on this 30th day of December, 2008.

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