

State of Florida



Public Service Commission

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TALLAHASSEE, FLORIDA 32399-0850

RECEIVED-FPSC
FEB 1 4:23 PM

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

DATE: February 1, 2011
TO: Ann Cole, Commission Clerk, Office of Commission Clerk
FROM: Jay Williams, Engineering Specialist, Division of Economic Regulation
RE: Docket No. 100330-WS, Application for increase in water/wastewater rates in Alachua, Brevard, DeSoto, Hardee, Highlands, Lake, Lee, Marion, Orange, Palm Beach, Pasco, Polk, Putnam, Seminole, Sumter, Volusia, and Washington Counties by Aqua Utilities Florida, Inc.

Please add the following e-mail dated February 1, 2011, from Troy Rendell, Manager of Rates for Aqua Utilities Florida, Inc., to me, Commission staff. The e-mail is a response to my January 24, 2011, e-mail requesting a response related to a Maximum Contaminant Level (MCL) violation at the Sunny Hills System in Washington County. Thank you.

DOCUMENT NUMBER: DATE

00787 FEB-1 =

FPSC-COMMISSION CLERK

Jay Williams

From: Rendell, William T. [WTRendell@aquaamerica.com]
Sent: Tuesday, February 01, 2011 10:56 AM
To: Jay Williams
Cc: Lihvarcik, John M.; Williams, Patricia R.; Tom Walden; Stan Rieger; Patti Daniel
Subject: RE: Sunny Hills

Please see the response below.

1. Please provide an explanation for the possible cause of the total coliform MCL violation that occurred at Sunny Hills.

AUF believes the possible cause of the exceedence was most likely due to sampling error. Additional follow-up samples taken in August and September indicated no problems in the distribution system.

2. Please provide an explanation for the cause of the further delay of the public notice after the email problems were resolved.

The email issue was identified in late November. The draft notice was submitted to DEP to review in December. Unfortunately, the public notice was not issued until mid-January. Staffing changes among the Engineering and Compliance staff in December contributed to miscommunication on this particular notice and further delay in getting the notice to customers and published in the newspaper.

3. Please provide information regarding when the utility plans to publish the required notice in the Panama City News Herald. Also, please provide verification once the notice has been published.

The notice was published in the News Herald on Friday, January 28, 2011. I will forward the verification in a separate e-mail.

4. Please describe the steps that the company is taking to ensure that a situation like this can be avoided or handled more efficiently in the future.

AUF has recently hired a new compliance clerk who is responsible for tracking all Public Notices and Non-compliance letters and ensuring noticing requirements are met in a timely manner.

Thanks,
Troy

Troy Rendell
Manager of Rates
AQUA Utilities Florida, Inc.
2228 Capital Circle NE, Ste 2A
Tallahassee, FL 32308
(850) 575-8500 (o)
(850) 228-8655 (c)
wtrendell@aquaamerica.com

DOCUMENT NUMBER DATE
 00787 FEB-11 =
 FPSC-COMMISSION CLERK

2/1/2011

From: Jay Williams [mailto:jewillia@PSC.STATE.FL.US]
Sent: Monday, January 24, 2011 11:58 AM
To: Rendell, William T.
Cc: Lihvarcik, John M.; Williams, Patricia R.; Tom Walden; Stan Rieger; Patti Daniel
Subject: Sunny Hills

Troy,

After talking with Dave Hines at DEP (see attached forwarded email) we would appreciate a response from the company to a few follow up questions.

1. Please provide an explanation for the possible cause of the total coliform MCL violation that occurred at Sunny Hills.
2. Please provide an explanation for the cause of the further delay of the public notice after the email problems were resolved.
3. Please provide information regarding when the utility plans to publish the required notice in the Panama City News Herald. Also, please provide verification once the notice has been published.
4. Please describe the steps that the company is taking to ensure that a situation like this can be avoided or handled more efficiently in the future.

Thanks,
-Jay

Jay Williams
Engineering Specialist
Division of Economic Regulation
Florida Public Service Commission
Phone: (850) 413-6447
Fax: (850) 413-6448
Jay.Williams@psc.state.fl.us

From: Hines, David [mailto:David.Hines@dep.state.fl.us]
Sent: Friday, January 21, 2011 5:50 PM
To: Jay Williams
Cc: Pope, John; Holler, Kevin; Penton, Josie; Duncan, Haley; Cooley, Sally
Subject: RE: Aqua Sunny Hills Drinking Water Violation

Mr. Williams,

Thank you for your interest and assistance in the matter of delayed public notice at the Sunny Hills water system, owned by Aqua Utilities Florida. This note will detail the chronology of the matter and its status up to the minute. All letters and emails between this office and Aqua known to be pertinent to this issue are attached. Some of the delay can be attributed to communication problems, as you will see below. But delays occurring after these were resolved in mid to late November cannot be explained at this end. The actual notice mailed to Aqua customers is contained in the next to last attachment (Aqua Cert of PN Delivery 1-20-11.pdf).

Aqua was originally notified by epost (letter attached) on September 9, 2010 of the August total coliform maximum contaminant level (MCL) violation at Sunny Hills and of the resulting requirement to deliver public notice to its customers. Paul Thompson at Aqua was also notified by phone the day before (on September 8th) of the MCL and Public Notice

2/1/2011

Requirement. On October 15th, when it was realized that delivery of the requested public notice had not been timely certified to this office, a follow-up non-compliance letter (also attached) was posted to Aqua. The letter notified Aqua that it needed to comply with the September 9th request to avoid enforcement action. Apparently, through a combination of personnel changes at Aqua Florida headquarters and our use of an incorrect email address for Mr. Thompson until it was realized on November 30th, a substantial delay occurred in delivering the public notice. (Some of these emails were, however, correctly addressed to two other recipients at Aqua.) After two email reminders in December, Aqua replied on December 22nd with proposed language for its notice, and this language was approved by us the same day. Another query about the public notice was sent to Aqua on January 7th because no certification form had yet been received. Notice was finally delivered to Sunny Hills customers by mail on January 14, 2011 and delivery was certified to this office on January 20th. After review of the certification form submitted, we reminded Aqua on January 20th that they are also required to deliver public notice by a second method, as directed in the original September 9th request. In reply, Aqua has informed us that they will publish the required notice in the Panama City News Herald as soon as possible (email of 1-20, attached above, should say News Herald, rather than News Journal).

Please let me know if you need more information.

Yours,

David Hines

Florida Department of Environmental Protection

Environmental Specialist

Potable Water Section

160 Governmental Center, Suite 302

Pensacola, FL 32502-5794

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The Department of Environmental Protection values your feedback as a customer. DEP Secretary Herschel T. Vinyard, Jr. is committed to continuously assessing and improving the level and quality of services provided to you. Please take a few minutes to comment on the quality of service you received. Simply click on [this link to the DEP Customer Survey](#). Thank you in advance for completing the survey.

From: Jay Williams [mailto:jewillia@PSC.STATE.FL.US]

Sent: Thursday, January 20, 2011 9:30 AM

2/1/2011

To: Hines, David
Subject: Aqua Sunny Hills Drinking Water Violation

Mr. Hines,

It seems that the Aqua customers in Sunny Hills were recently alerted, through a mailed letter from Aqua, of a possible positive test for coliforms in the drinking water within the past 6 months. We would like to know more about this, so if you could provide me with any relevant information, as well as any available copies of the letter mailed to the customers or any correspondence between DEP and the company regarding this, it would be greatly appreciated.

Thanks,
-Jay

Jay Williams
Engineering Specialist
Division of Economic Regulation
Florida Public Service Commission
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2/1/2011