

State of Florida



Commissioners:
Thomas M. Beard, Chairman
Betty Easley
J. Terry Deason
Susan F. Clark
Luis J. Laredo

Division of Legal Services
Noreen S. Davis,
Director
(904) 487-2740

Public Service Commission

November 9, 1992

RECEIVED

NOV 09 1992

Fla. Public Service Commission
Division of Water and Sewer

Mark Duchon, D.P.A., CMA
Office of City Manager
City of Alachua
Post Office Box 9
Alachua, Florida 32615-0009

RE: City of Alachua Ordinance
No. 0-91-27

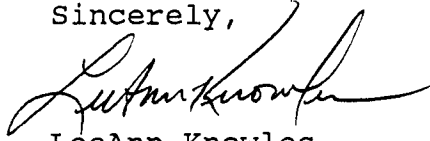
Dear Mr. Duchon:

The Public Service Commission (Commission) received jurisdiction over the regulation of private water and wastewater utilities in Alachua County, Florida, on June 30, 1992, pursuant to Section 367.171, Florida Statutes, after Resolution 92-59 was approved by the Alachua County Board of County Commissioners. However, the Commission's Staff received a letter and a copy of Ordinance No 0-91-27 which provides that the City of Alachua shall continue to regulate small, privately owned water and/or wastewater systems. The ordinance was provided to the Commission's Legal Division for review. This letter is to provide your office with the Legal Division's view of the matter.

The jurisdictional question is the central issue regarding this matter. Pursuant to Section 367.171, Florida Statutes, the county or the Commission has jurisdiction. Due to the Alachua County Board of County Commissioners' vote to pass the resolution granting the Commission jurisdiction, the Public Service Commission has jurisdiction of all privately owned water and wastewater utilities in Alachua, including those located within the City of Alachua. Therefore, if the Commission determines that certain systems are exempt from the Commission's regulation because they qualify for an exemption pursuant to Section 367.021 (12), or Section 367.022, Florida Statutes, those systems may not be regulated. Therefore, due to the passing of jurisdiction to the Commission, it is our view that Ordinance No. 0-91-27, as passed by the City of Alachua, is no longer valid.

If you have any questions or concerns regarding this matter,
please feel free to contact me at (904) 487-2740.

Sincerely,

A handwritten signature in black ink, appearing to read "LeeAnn Knowles". The signature is fluid and cursive, with a large initial "L" and "K".

LeeAnn Knowles
Staff Attorney

LK

cc: Division of Water and Wastewater (Chase)

State of Florida

Commissioners:
THOMAS M. BEARD, CHAIRMAN
BETTY EASLEY
J. TERRY DEASON
SUSAN F. CLARK
LUIS J. LAUREDO



DIVISION OF WATER &
WASTEWATER
CHARLES HILL
DIRECTOR
(904) 488-8482

Public Service Commission

October 21, 1992

Mr. Norwood W. Hope
Turkey Creek Utilities
2900 Turkey Creek Boulevard
158 Turkey Creek
Alachua, Florida 32615-9513

Dear Mr. Hope:

In response to the request in your letter of October 6, 1992, I am enclosing a copy of Chapter 367, Florida Statutes, which is the Water and Wastewater System Regulatory Law, as well as Chapter 25-30, Florida Administrative Code (FAC), which contains the rules promulgated by this Commission to carry out the statutory requirement.

As I explained to you in our conversation, Turkey Creek Utilities became subject to Public Service Commission regulation on June 30, 1992, the effective date of the ordinance passed by the Alachua County Commission transferring jurisdiction of water and wastewater utilities. When staff met with utility system owners in Gainesville on September 2, we advised you that it would be necessary to file an application to obtain a "grandfather" certificate, and we gave you, and all other utilities, a target date of October 30 for filing same. Since that time, we have been contacted by numerous customers of Turkey Creek with many questions and complaints regarding your rates and charges as well as your billing practices and customer relations. Because of this, I contacted you and advised you that it would be necessary that you file the grandfather application sooner than October 30 so that we could adequately address the customers' concerns. I requested that you file the application by Friday, October 9, if possible. While the application has not yet been filed, I was advised in a telephone conversation today with Helen in your office that the application is nearly complete and should be filed on October 22 or 23.

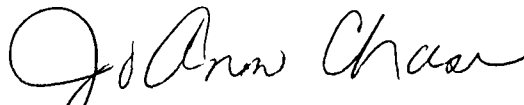
To answer the question posed in your letter, staff has not asked any other utilities to file their applications sooner than October 30. As stated above, I requested you to file sooner so that we could begin addressing the customer concerns. Yours is the only utility about which we have received numerous customer complaints, including an allegation of a rate increase implemented after the PSC received jurisdiction of the utility. It appears from discussions with customers of the utility, that some of your practices may not conform to the

Mr. Norwood W. Hope
October 21, 1992
Page 2

requirements of the Commission, such as customer billing, discontinuance of service and customer deposits. Staff will address these customer concerns during the processing of the grandfather certificate application and advise you of any inconsistencies. In the meantime, please take time to read Part IV of Chapter 25-30, entitled "Customer Relations". If you are not currently operating according to the requirements of these rules, it will be necessary that you change your practices immediately.

Please contact me as soon as possible if you have any questions regarding the material I sent you or any other aspect of this letter.

Sincerely,



JoAnn Chase
Regulatory Analyst Supervisor

/jc

Enclosures

cc: Charles H. Hill, Director
Division of Legal Services (Summerlin)

2900 Turkey Creek Boulevard
158 Turkey Creek
Alachua, Florida 32615-9513
Phone (904)462-5653

RECEIVED

OCT 22 1992

Fla. Public Service Commission
Division of Water and Sewer

October 21, 1992

Mrs. Jo Ann Chase
Public Service Commission
Fletcher Building
101 East Gaines Street
Tallahassee, FL 32399-0850

Re: Water Service Furnished to Turkey
Creek Master Owners Association

Dear Jo Ann:

Forwarded herewith are copies of some correspondence which we would like for you to read, together with a copy of the previous bill for fire hydrant service fees. I will be calling you Thursday concerning these.

Yours very truly,

TURKEY CREEK UTILITIES

Norwood W. Hope
Norwood W. Hope

NWH:hdc

Encl.

OCT 22 1992

114



A Planned Residential and Recreational Community
4 Miles North of Gainesville on US 441 North

2900 Turkey Creek Boulevard
158 Turkey Creek
Alachua, Florida 32615-0513
Phone (904)462-5653

B

October 20, 1992

James Cherry, President
Turkey Creek Master Owners Association
Suite 30
P. O. Box 147050
Gainesville, FL 32614-7050

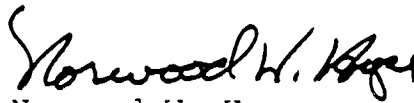
Re: Water Bills

Dear Mr. Cherry:

We are in receipt of your letter of October 19, 1992, relative to the above. Forwarded herewith is a copy of a letter which I wrote to Beverly Smith on July 8, 1992, a copy of which was sent to Mr. Junius Jones on September 24, 1992. He told me later that he had discussed this with you. In our opinion, these letters are very self-explanatory and should be understood by anyone who wants to understand them, so when you said in your letter that we had not answered your letter of September 18, 1992, you just lied. The basis for the charges are also self-explanatory.

Yours very truly,

TURKEY CREEK UTILITIES


Norwood W. Hope

NWH:hdc

Encl.

115



A Planned Residential and Recreational Community
4 Miles North of Gainesville on US 441 North

Turkey Creek Master Owners Association, Inc.

**Suite 30, P.O. Box 147050
Gainesville, FL 32614-7050**

October 19, 1992

Norwood Hope, President
Turkey Creek Utilities, Inc.
158 Turkey Creek
Alachua, FL 32615-9513

Dear Mr. Hope:

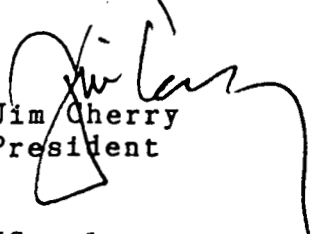
This will acknowledge your notice of October 13th advising of a late fee and a threat to disconnect our service.

The Board of Directors wrote to you on September 18, 1992 asking why our bill for August was \$393.55 when no water was used. We have not had the courtesy of receiving your reply. The board believes this bill to be excessive and deserves an explanation before more payments are made.

When you were President of TCMOA, you had a fiduciary duty to the membership to obtain the best utility rates possible. This was especially so since the utility company was owned by you and your family and there was no "arms length" transaction. Please forward to me any contracts or agreements you entered into as President of TCMOA whereby you obligated the TCMOA to pay a minimum of \$393.55 for no water usage. Is this in line with the minimum rate charged other users?

You also sent TCMOA an invoice on October 12, 1992 for \$1,838.16 for a fire hydrant service fee. I would likewise ask that you forward to me any contracts or agreements you entered into as President of TCMOA to obligate the TCMOA to pay a fire hydrant service fee.

Sincerely,


Jim Cherry
President

JC:rs1

cc: Florida Public Service Commission
Ernest A. Sellers

RECEIVED OCT 20 1992

116

2900 Turkey Creek Boulevard
158 Turkey Creek
Alachua, Florida 32615-9515
Phone (904)462-5655

September 24, 1992

J

Mr. Junius Jones
104 Turkey Creek
Alachua, FL 32615

HAND DELIVERED

Dear Junius:

Thank you for meeting with me this morning. Returned herewith is your copy of the Landscape Maintenance Regulations dated September 1, 1992. We have not received this or any assurance that this has been passed by the Board. I have also asked members of my family as well as several other owners in Turkey Creek and none of us have received it either. The last thing we received along these lines was a copy of the Board minutes of August 12, 1992. If you will remember, the minutes of the Board meeting held on August 4th stated that you had discussed some changes in the landscape regulations and that they would be rewritten and the brought back to the Board for final approval. I should think you would want all the owners in Turkey Creek to be made aware of these so that they can be enforced against all of the owners in Turkey Creek.

Forwarded herewith is a copy of the letter dated July 8, 1992, which I wrote relative to the water bills. These have been billed in this manner for years. Now it seems that the water is trying to be muddied by reading something into it that is not there. There are no meters at any of these locations as stated in our letter, but if you want to have meters installed, we are ready to do so upon the payment of the appropriate charges. As I explained to you, the gallonage that appears on the bill is merely something to put into the computer so that the bill can be generated for the amount billed. Please review the letter as it states plainly our position. There is one location where water is being furnished for which we have not been making a charge and that is at the playground and tennis courts at the end of Turkey Creek Boulevard.

I think that you need to take an objective look at the Board and also how everything is either being done or not being done. All of this in my opinion smacks of things that cause bad reflections on the Board and of everything in Turkey Creek. I do not want any verbal understandings. Anything that I have anything to do with needs to be in writing by both parties. I would appreciate this being done in the future.

Yours very truly,

TURKEY CREEK, INC.

Norwood
Norwood W. Hope
President

cc: Charles Specht
Howard Johnston



A Planned Residential and Recreational Community
4 Miles North of Gainesville on US 441 North

Turkey Creek Master Owners Association, Inc.

Suite 30, P.O. Box 147050
Gainesville, FL 32614-7050

5

September 18, 1992

Mr. Norwood Hope
158 Turkey Creek
Alachua, FL 32615

RE: Turkey Creek Utilities - Water

Dear Norwood:

The Board of Directors have asked me to inquire about the water bills paid by the association each month. The concern which exists is that in August, as well as many other months, the irrigation has not been turned on. In the past eight months, the only irrigation used was for the front island when the annuals were planted.

The August bills showed meter readings using 30,000 gallons, 90,000 gallons, 80,000 gallons, 90,000 gallons, 80,000 gallons, for a grand total of 370,000 gallons.

You advised us in your letter of July 8, 1992 that there are no meters. The Board has serious concerns about this issue, but we paid the August bill so as not to incur penalties or late charges while we resolve the matter.

Please advise in writing why the association receives bills totalling \$393.55 when no water is used.

Sincerely,

Beverly K. Smith

Beverly K. Smith
Manager

cc: Board of Directors

SEP 22 1992

James Jones
462-5505

July 8, 1992

Mrs. Beverly K. Smith
Association Management Services
of Gainesville, Inc.
P. O. Box 147050, Suite 30
Gainesville, FL 32614-7050

Re: Water Bills

Dear Beverly:

In response to your letter dated 7/2/92 relative to the above, please be advised that the water valves for the Owners Association water service are located as follows:

<u>Valves</u>	<u>Location</u>
*1	Mail Center
*1	Island in front of TCI's office
2	Island in 2700 block of Turkey Creek Blvd.
2	Island in 2800 block of Turkey Creek Blvd.
4	Island in 2900 block of Turkey Creek Blvd.
2	Island in 3300 block of Turkey Creek Blvd.
1	Island at Creek Drive S. & Turkey Creek Blvd.

*Automatic (the remainder operate manually)

As you know, I have told you on several occasions that I will be happy to show you and/or your representative where the water valves are located, and you indicated you would come out so I could do this. However, even though you have never given me the opportunity to do this, I am still ready.

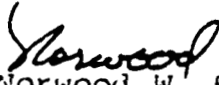
These accounts were set up years ago but can be cancelled by either party upon notification. They were also done with the understanding that the Owners Association would be reasonable in the use of water. For instance, the water would be turned on for approximately an hour. Also, at the present time, the amounts of these bills may increase 4% to 5% per year.

If the Owners Association is interested in having meters installed at these locations, we will be happy to do this upon payment of the appropriate charges.

If you have any further questions, please do not hesitate to contact us.

Yours very truly,

TURKEY CREEK UTILITIES


Norwood W. Hope

NWH:hdc



A Planned Residential and Recreational Community
4 Miles North of Gainesville on US 441 North

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FROM TURKEY CREEK, INC. PLUMBING
 158 TURKEY CREEK
 ALACHUA, FLORIDA 32615-9513

DATE	1/10/91
ACCOUNT NUMBER	501-03-02103
INV. NO.	03-00057

TURKEY CREEK MASTER O A

PAGE 1

AMOUNT ENCLOSED \$ _____

PLEASE RETURN THIS PORTION WITH PAYMENT

DATE	CHARGES AND CREDITS	AMOUNT
	862.00 FIRE HYDRANT SERVICE FEE 91 HYDRANTS @ \$19.40 EACH	1,765.40
<p>A LATE FEE WILL BE AUTOMATICALLY ADDED WITHOUT NOTICE TO THE CURRENT BALANCE IF PAYMENT IS NOT RECEIVED BY 01/25/91.</p>		
	TURKEY CREEK, INC. PLUMBING	1,765.40
<p>TURKEY CREEK MASTER O A INV. # 03-00057 1/10/91</p>		



Turkey Creek Master Owners Association, Inc.

Suite 30, P.O. Box 147050
Gainesville, FL 32614-7050

*Ms Chase -
Per our conversation
today -
Jim Cherry
10/20*

October 19, 1992

Norwood Hope, President
Turkey Creek Utilities, Inc.
158 Turkey Creek
Alachua, FL 32615-9513

Dear Mr. Hope:

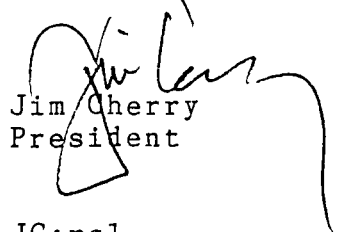
This will acknowledge your notice of October 13th advising of a late fee and a threat to disconnect our service.

The Board of Directors wrote to you on September 18, 1992 asking why our bill for August was \$393.55 when no water was used. We have not had the courtesy of receiving your reply. The board believes this bill to be excessive and deserves an explanation before more payments are made.

When you were President of TCMOA, you had a fiduciary duty to the membership to obtain the best utility rates possible. This was especially so since the utility company was owned by you and your family and there was no "arms length" transaction. Please forward to me any contracts or agreements you entered into as President of TCMOA whereby you obligated the TCMOA to pay a minimum of \$393.55 for no water usage. Is this in line with the minimum rate charged other users?

You also sent TCMOA an invoice on October 12, 1992 for \$1,838.16 for a fire hydrant service fee. I would likewise ask that you forward to me any contracts or agreements you entered into as President of TCMOA to obligate the TCMOA to pay a fire hydrant service fee.

Sincerely,


Jim Cherry
President

JC:rs1

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OCT 23 1992

Fl. Public Service Commission
Division of Water and Sewer

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cc: Florida Public Service Commission
Ernest A. Sellers

Turkey Creek Master Owners Association, Inc.
Suite 30, P.O. Box 147050
Gainesville, FL 32614-7050

October 8, 1992

Ms. Joann Chase
Public Service Commission
Fletcher Building
101 East Gaines Street
Tallahassee, Florida
32399-0850

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OCT 11 1992

Fla. Public Service Commission
Division of Water and Sewer

Ms. Chase:

This will follow-up on our previous conversations and correspondence.

By way of background, Norwood Hope established the Turkey Creek Subdivision in the 1970's, and he and his family owned various companies that also controlled the utility system and the golf course. Norwood Hope also controlled the Turkey Creek Master Owners Association (TCMOA) until earlier this year. At that time, as a result of a settlement agreement in a pending court action, he was required to relinquish control of the TCMOA to an elected Board of Directors.

There has been significant dissatisfaction for years with the Turkey Creek development, including specifically the Turkey Creek Utilities, Inc. (TCU).

Now that Turkey Creek has an elected Board, the homeowners are looking to us to resolve the many problems created by the Hope family, including the poor water and wastewater service.

Our concerns are many and include:

- 1- The rates charged, including late charges and hook-up fees are the highest in the area.
- 2- The water quality is unacceptable and has caused an inordinate amount of damage to homeowners' pipes, appliances, and plumbing fixtures.
- 3- The water's taste is unpleasant and often has an odor.

OCT 11 1992
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DIVISION OF WATER AND SEWER

4- We are concerned about the fiscal integrity of TCU. Companies owned by the Hope family have been in bankruptcy twice in the past few years. We also understand that no reserve is being maintained to provide for future upkeep and renovation. We fear Mr. Hope will "milk" the utility system and then abandon it. I understand there were similar problems with another private system he once owned.

5- Attached as exhibits A,B, & C are letters between TCMOA and TCU which establish that Mr. Hope has been charging \$393.55 monthly for water that wasn't used. The bills gave the false impression that meters existed and a specific amount of gallons were used.

6- I'm attaching hereto letters to provide you with examples of the problems and concerns faced by the users of TCU. Attached are the following letters:

- Exhibit D - Emerson and Jane Babb
- Exhibit E - Marjorie Carter
- Exhibit F - Tom McFarland
- Exhibit G - Whitecraft Homes
- Exhibit H - Jean and June Pequignot
- Exhibit I - Cole and Judy Saxon
- Exhibit J - Marcel Marty
- Exhibit K - Dorothy Long
- Exhibit L - Marjorie Tate
- Exhibit M - Joseph and Marjorie Carter
- Exhibit N - John Benyo

These letters are representative of the sentiments of almost all homeowners at Turkey Creek.

7- I'm attaching as Exhibit O a copy of my letter of September 29th. As previously stated, TCU has raise our rates above the June 30, 1992 level without PSC approval.

This is not intended to be an all-inclusive list of the problems and concerns we have about TCU. Rather it is my intent to alert you to our problems and to request your assistance. I hope you and the other appropriate PSC staff will review these documents and then contact me.

If at all possible, I would request that a PSC representative meet with our TCMOA Board or with a general meeting of the homeowners.

I would also request responses to the following questions:

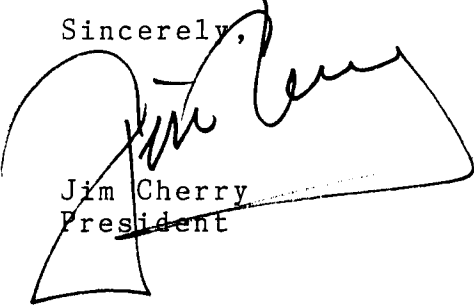
1- The brochure you provided stated that customer deposits must be refunded after 23 months of service, provided there is a good payment record. Also, it stated deposits draw interest of 8%. To my knowledge, TCU does not return deposits or pay interest. Can we now request to have our deposits returned?

- PAGE 3 -

2- Utilities bills are due on the 10th of each month. I am personally aware of bills paid by mail on the 6th or 7th that received late charges. Obviously, there is no way to verify when TCU received the check. Is the postmark sufficient to establish payment?

TCU is an example of a monopoly at its worst: Arrogant, uncaring, poor service, high prices, and questionable business practices. We need your help.

Sincerely,



Jim Cherry
President

LJC:rs1
enclosure

**Association Management Services
of Gainesville, Inc.**

P.O. Box 147050
Suite 30
Gainesville, Florida 32614-7050

(904)374-8090
(904)372-8683
Fax (904)378-0789

June 25, 1992

Mr. Norwood Hope
Turkey Creek Utilities
Box 158, Turkey Creek
Alachua, FL 32615

RE: Water bills


Dear Norwood:

The Board of Directors hereby request a map from you indicating the location of the water meters which are billed to the association. The reference numbers are: 99.0001, 99.0002, 99.0003, 99.0004, and 99.0005.

This will assist the Board of Directors in verifying water usage billed and hopefully be able to reduce water usage.

Thank you for your immediate attention to this matter.

Sincerely,



Beverly K. Smith
Manager

cc: Board of Director

125

Exhibit 12

2900 Turkey Creek Boulevard
158 Turkey Creek
Alachua, Florida 32615-9513
Phone (904)462-5653

July 8, 1992

Mrs. Beverly K. Smith
Association Management Services
of Gainesville, Inc.
P. O. Box 147050, Suite 30
Gainesville, FL 32614-7050

Re: Water Bills

Dear Beverly:

In response to your letter dated 7/2/92 relative to the above, please be advised that the water valves for the Owners Association water service are located as follows:

<u>Valves</u>	<u>Location</u>
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4	Island in 2900 block of Turkey Creek Blvd.
2	Island in 3300 block of Turkey Creek Blvd.
1	Island at Creek Drive S. & Turkey Creek Blvd.

*Automatic (the remainder operate manually)

As you know, I have told you on several occasions that I will be happy to show you and/or your representative where the water valves are located, and you indicated you would come out so I could do this. However, even though you have never given me the opportunity to do this, I am still ready.

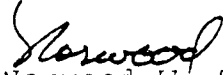
These accounts were set up years ago but can be cancelled by either party upon notification. They were also done with the understanding that the Owners Association would be reasonable in the use of water. For instance, the water would be turned on for approximately an hour. Also, at the present time, the amounts of these bills may increase 4% to 5% per year.

If the Owners Association is interested in having meters installed at these locations, we will be happy to do this upon payment of the appropriate charges.

If you have any further questions, please do not hesitate to contact us.

Yours very truly,

TURKEY CREEK UTILITIES


Norwood W. Hope

NWH:hdc

"EXH. B.T B"

126



A Planned Residential and Recreational Community
4 Miles North of Gainesville on US 441 North

Turkey Creek Master Owners Association, Inc.

Suite 30, P.O. Box 147050
Gainesville, FL 32614-7050

September 18, 1992

Mr. Norwood Hope
158 Turkey Creek
Alachua, FL 32615

RE: Turkey Creek Utilities - Water

Dear Norwood:

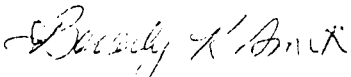
The Board of Directors have asked me to inquire about the water bills paid by the association each month. The concern which exists is that in August, as well as many other months, the irrigation has not been turned on. In the past eight months, the only irrigation used was for the front island when the annuals were planted.

The August bills showed meter readings using 30,000 gallons, 90,000 gallons, 80,000 gallons, 90,000 gallons, 80,000 gallons, for a grand total of 370,000 gallons.

You advised us in your letter of July 8, 1992 that there are no meters. The Board has serious concerns about this issue, but we paid the August bill so as not to incur penalties or late charges while we resolve the matter.

Please advise in writing why the association receives bills totalling \$393.55 when no water is used.

Sincerely,



Beverly K. Smith
Manager

cc: Board of Directors

"Exhibit e"

131 Turkey Cr.
Alachua FL

TCMOA Board of Directors
Gainesville FL

Following is a list of complaints
we have concerning TC water system.

1. Sulfur content is so high that we
have to use bottled water.
2. In seven years we have replaced
two water heaters, faucets, and pipes
that have been damaged from TC water,
according to plumbers.
3. We pay exorbitant prices to "treat"
all water, even that used for lawn.
4. We receive no warning before hydrant
flushings which dumps sediment into
our supply.

Sincerely,
Emerson and
Jane Babb

"Exhibit D"

9-28-92
181 Turkey Creek
ALACHUA, FL. 32615

TURKEY CREEK UTILITIES
1.55 TURKEY CREEK
ALACHUA, FL. 32615

Mrs. Hope,

I AM ENCLOSED A COPY OF MY LAST WATER BILL. I EXPECTED IT TO BE THE MINIMUM CHARGE THIS MONTH. MY HUSBAND HAS BEEN AWAY THREE WEEKS, I HAVE NOT HAD ANY COMPANY, I HAVE NOT WASHED THE CAR, I HAVE WATERED NOTHING AS WE HAVE HAD PLENTY OF RAINFALL. NOW, YOU EXPLAIN TO ME, WHY IS THIS BILL SO HIGH? CAUSE BEFORE, I WENT INTO YOUR OFFICE TO COMPLAIN ABOUT A BILL THAT WAS OVER FORTY EIGHT DOLLARS AND YOU DIDN'T HAVE THE GUTS TO FACE ME. YOU SENT YOUR SECRETARY HELEN WHO SAID TO ME, "YOU KNOW YOU DON'T HAVE TO LIVE IN HERE."

I AM FED UP WITH THE WAY YOU HAVE TREATED PEOPLE (YOUR NEIGHBORS), AND YOU STILL CONTINUE TO DO SO!

Copy to: Homeowners Assoc. Sincerely,
Copy to: Public Service Commission Marjorie Carter

"M.L.F."

Aug. 26, 1992

TCMOA Board of Directors
c/o Association Management Services
Suite 30, P.O. Box 147050
Gainesville, FL 32614-7050

Gentlemen:

I am responding to your request for written statements regarding price structure charged by Turkey Creek Utilities. Although I do not reside in the home I own at Turkey Creek, my Mother does, and she has told me many times about the high cost of the Turkey Creek Utilities. She previously lived in the City of Alachua and can give accurate information comparing rates.

In particular - she once had a plumbing problem and a very bad leak that necessitated turning the water off. It cost \$70.00 to turn the water off, then on again. This was not a time-consuming, labor intensive, technical situation. She could have turned it off herself with a pair of pliers. This \$70.00 charge by Turkey Creek Utilities (i.e. Norwood Hope) is an example of a monopoly by a utility company. He has the residents at his "mercy" - one must pay the high fees or no water. Isn't this against the law? If not against the written law, it most certainly is against the laws of fairness and good business.

If you'd like more information, please contact my mother Lorraine McFarland at 462-1891 or at the Alachua Recreation Dept. 462-1610.

Sincerely,

Tom McFarland

Tom McFarland

" Exhibit 6 "

August 10, 1992

Events of Water Hook-up @ Turkey Creek:

- 1) Before Construction started, Ralph Fenstermacher and myself (Dan Whitcraft) went to Turkey Creek office to get hook-up fee. Quoted \$170.00.
- 2) During stem wall stage, the water was ready to be used and immediately a lock was placed on it.
- 3) Melissa Whitcraft went to the Turkey Creek office to pay the fee so we could start the water service, She paid a sum of \$170.00 on each house we were doing, which is Paul & Ingrid Moore on Cellon Cir, and Ralph & Arlene Fenstermacher on Oak Dr. When she returned home with her receipt in hand showing she had paid and water would be turned on, Turkey Creek office called and demanded her return that afternoon to pay a total sum of \$1925.00 for each home under construction. Needless to say my wife and I were in total shock.
- 4) My wife then called the city of Alachua to find out rates for water hook-up in there city and find out why Turkey Creek was so high, She did discover that Turkey Creek had an increase on hook-up fees without approved permission from the board. And the City of Alachua's fee was 1/2 the cost of Turkey Creek.
- 5) We did not pay the fee immediately because we were so upset at what had happened to us. On July 6, 1992 Church's Plumbing called and complained that Turkey Creek would not stake out for plumbing, So I immediately got my personal check book, Called my wife on mobile (she had the business checkbook) and told her to transfer \$3850.00 into our personal account. Turkey Creek tried to cash the check while my wife was depositing the money. The check bounced. 2 days later I received a certified letter stating I must pay in full with cash (No money order) which the bank suggested, and 20% value of the check. I immediately called Barnett Bank to find out what had happened, (why my check in fact has bounced) they said Turkey Creek must have tried to CASH the check the same day as received. Barnett Bank sent a Certified Letter stating that the check bounced in error, But there was no response. Barnett covered the 20% and I paid in full. \$4,042.50 CASH.
- 6) The \$4042.50 was paid on July 16, 1992. On Monday July 20, 1992 the water had not been turned on. Dan Whitcraft called Turkey Creek and asked that the

water be turned on. 3:30 that afternoon the water was on.

7) Our water was turned on Monday July 20, 1992. On Saturday July 25, 1992 we received a bill for water usage, when in fact we have only had water hook-up for approximately 4 1/2 days, and had not used a drop of water.

8) Dan Whitcraft called Turkey Creek on Monday July 27, 1992 to ask about our bill, we were told to disregard the bill.

9) Melissa Whitcraft called Turkey Creek on Wednesday July 29, 1992, to receive something in writing stating that we indeed had a credit for the bill received. (On the bill it states if payments are not received by the 20th of the month, water will be disconnected.) Our request for something in writing was denied.

10) Melissa Whitcraft paid Turkey Creek Utilities on Thursday July 30, 1992 and received in writing a receipt.

Whitcraft Homes

904-332-8279

September 1, 1992

TCMOA Board of Directors
c/o Association Management Services
Suite 30, P. O. Box 147050
Gainesville, Florida 32614-7050

Dear TCMOA Board of Directors:

The last thing you need is another complaint letter and we are probably repeating what has already been said by our friends and neighbors but here we go anyway - - - -

We have enclosed a copy of our most recent water bill. As you can see by the previous balance there is an increase of \$11.60 this month. We did wash our car once and water a few flower beds a couple of times - does this constitute an \$11.60 increase? There are 2 adult people in our household and the \$35.14 seems extremely high but the \$46.74 is exorbitant. The comparison to other water supplies, i.e., Gainesville, is absolutely ridiculous.

Mr. Hope's lots are something to behold. How can we let him get away with down grading our Turkey Creek this way?

Please continue your efforts to put this individual in his place. We understand his 4th grade mentality as we have lived here for nearly 9 years. Hopefully he will get his spanking soon and things can progress as they should in Turkey Creek. We sincerely appreciate what you are doing and have done. This is the first time we have been able to feel comfortable living here.

Sincerely,

Jean and June Requinot

"Exhibit H"



TURKEY CREEK UTILITIES
 158 Turkey Creek
 Alachua, FL 32615-9513

TURKEY CREEK UTILITIES
KEEP THIS HALF FOR YOUR RECORDS

	AMOUNT	CODE
PRIOR	551.200	10
8/27/92	557.600	20
GAL USED	6,400	04
WASTEWATER	12.39	
10X CITY TAX	33.11	
PREVIOUS BALANCE	1.24	
PAYMT--THANK YOU	35.14	
	35.14	

LATE FEE APPLIED IF NOT PAID BY 10TH. SERVICE DISCONNECTED IF NOT PAID BY 20TH.

PEQUIGNOT, JEAN AND JUNE
 138 TURKEY CREEK
 ALACHUA, FL 32615-9513

TC 10 BL 10 LOT 1

RETURN THIS HALF WITH PAYMENT

\$	AMOUNT PAST DUE	\$	AMOUNT PAST DUE
\$	CURRENT BILLING	\$	CURRENT BILLING
			TOTAL
			46.74

BILLS ARE DELINQUENT AFTER THE 10TH OF THE MONTH!

BILLING DATE	ACCOUNT NO
8/28/92	10.1001000.1

\$	AMOUNT PAST DUE	\$	AMOUNT PAST DUE
\$	CURRENT BILLING	\$	CURRENT BILLING
			TOTAL
			46.74

BILLS ARE DELINQUENT AFTER THE 10TH OF THE MONTH!

BILLING DATE	ACCOUNT NO
8/28/92	10.1001000.1

September 1, 1992

Cole and Judy Saxon
188 Turkey Creek
Alachua, Florida 32615

Mr. James Cherry, President
Board of Directors
Turkey Creek Home Owners' Association
Alachua, Florida

Dear Jim,

I would like to bring to your attention my concern regarding our recent 8/27/92 billing from Turkey Creek Utilities. I don't believe our usage was 42% higher than the same time period of 1991 (See attached copies of bills).

Also, below you will find the "Gal. Used", per previous bills, for the years of 1991 and 1992 to be used for comparable historical analysis of billings for presumed gallons used:

<u>1992 Billing Dates</u>		<u>1991 Billing Dates</u>		<u>Variance</u>
01-27-92	16,300 Gal.	01-24-91	20,700 Gal.	- 4,400 Gal.
02-25-92	13,900	02-26-91	15,500	- 1,600
03-26-92	19,400	03-23-91	12,700	+ 6,700
04-23-92	14,500	04-24-91	21,300	- 6,800
05-26-92	35,100	05-28-91	19,600	+ 15,500
06-25-92	28,300	06-25-91	15,500	+ 12,800
07-23-92	32,800	07-26-91	16,900	+ 15,900
08-27-92	34,000	08-27-91	19,700	+ 14,300
		09-24-91	15,800	
		10-24-91	14,000	
		11-25-91	15,800	
		12-26-91	15,800	

I can think of absolutely no reason that my family could be consuming 40% to 50% more water in 1992 than it was using in 1991. Because Turkey Creek Utilities has had virtually no governmental agency effectively controlling it's operation since inception, I am very concerned about the accuracy and integrity of its billings procedures, as well as the quality of water.

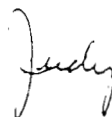
"Exhibit I"

The second issue I'd like to address is the matter of Turkey Creek having locks on water valves from the street to each house, which prevents people from turning their water on/off into their house unless they have a separate valve installed at their house. Turkey Creek Utilities charges \$35.00 to have someone come to our house to turn the water off, and another \$35.00 to have someone come to our house to turn the water back on (See my enclosed 6/25/92 bill). This service was requested by us because we were repair work we were having performed on our property. Though sometime back, Turkey Creek did send letters to residents advising them to install separate valves in order to avoid this charge, I still do not believe this justifies the billing by Turkey Creek of a total of \$70.00. Even more ludicrous is the fact that it takes less than two minutes of time for the person to actually turn the valve off, or on; with Turkey Creek Utilities' plant and staff all located within five minutes, max, of any home within Turkey Creek Development, surely 'travel time' cannot substantiate the balance of the billing. Also, no special vehicle is needed to perform this service; only a certain type of wrench. If this same request was given to the City of Alachua or to the City of Gainesville, by their water customer, absolutely no charge at all would be assessed; this was verified by me today with each city.

A final issue I'd like to discuss is the \$20.00 late fee (equal sometimes to 50% or more of some given monthly water bills) that is charged if the water bill payment is not in the Turkey Creek Utility office by the 10th of each month. The City of Alachua requires utility payments to be postmarked by the 10th of each month. There have been several discrepancies between various residents and T.C.U. regarding the date payments were received in the office by T.C.U.---to the point that I have, for the past year, received a date and signature of the person accepting payment for my water bill, which means I must take my bill into the office rather than mailing it. I would like to see the deadline changed to reflect all postmarked payments by the 10th would be timely payment; also, for any late fee charged, Turkey Creek Utility would be required to keep the mailed envelope (for at least three months) in which the relevant payment was received---to justify T.C.U.'s bill, in case a customer questions the late fee assessment.

I will very much appreciate your attention to this matter, and I trust that you will forward copies of this letter to the appropriate people such as Beverly Smith, as well as any governmental agencies that might be able to address any issues contained herein.

Sincerely,



Judy L. Saxon

(fn: TCMOA.WTR)

7/10/92
(date)

My signature below indicates that I have accepted,
on behalf of TURKEY CREEK INC.,
a payment from Cole Saxon
in the amount of \$ 139.55
for W & S 6/26/92

Hand delivered to me on: 7/10/92
(date)

Signature of Receipt: [Signature]

TURKEY CREEK UTILITIES
KEEP THIS HALF FOR YOUR RECORDS

	AMOUNT	CODE
PRIOR 5/25/92	53,500	
GAL USED	28,300	
WASTEWATER	31.00	10
10% CITY TAX	35.45	20
	3.10	04
PREVIOUS BALANCE	75.91	
CONNECTION	35.00	13
PAYMT-THANK YOU	75.91	
DISCONNECTION	35.00	15

cut out off for sprinkler km

LATE FEE APPLIED IF NOT PAID
BY 10TH. SERVICE DISCONNECTED
IF NOT PAID BY 20TH.

TURKEY CREEK UTILITIES
158 Turkey Creek
Alachua, FL 32615-9513



SAXON, COLE
188 TURKEY CREEK
ALACHUA, FL 32615-9513

TC 1 LOT 19

RETURN THIS HALF WITH PAYMENT

\$	\$	\$ 139.55
AMOUNT PAST DUE	CURRENT BILLING	TOTAL

\$	\$	\$ 139.55
AMOUNT PAST DUE	CURRENT BILLING	TOTAL

TURKEY CREEK UTILITIES
KEEP THIS HALF FOR YOUR RECORDS

	AMOUNT	CODE
PRIOR 8/27/92	114,600	
GAL USED	148,600	
WASTEWATER	34,000	10
10% CITY TAX	35.85	20
	3.59	04
PREVIOUS BALANCE	73.76	
PAYMT-THANK YOU	73.76	

8/27/92 34,000
- 19,700 ← 8/27/91
14,300 diff

LATE FEE APPLIED IF NOT PAID
BY 10TH. SERVICE DISCONNECTED
IF NOT PAID BY 20TH.

\$	\$	\$ 74.89
AMOUNT PAST DUE	CURRENT BILLING	TOTAL

TURKEY CREEK, INC.
KEEP THIS HALF FOR YOUR RECORDS

	AMOUNT	CODE
PRIOR 8/27/91	3873,200	
GAL USED	3892,900	
WASTEWATER	19,700	10
10% CITY TAX	23.69	20
	35.45	04
PREVIOUS BALANCE	2.37	
PAYMT-THANK YOU	58.89	
	58.89	

LATE FEE APPLIED IF NOT PAID
BY 10TH. SERVICE DISCONNECTED
IF NOT PAID BY 20TH.

\$	\$	\$ 61.51
AMOUNT PAST DUE	CURRENT BILLING	TOTAL

TC -
Water Complaints

MARCEL E. MARTY
1101 OFFICE NW 39TH AVENUE
GAINESVILLE, FL. 32609
1-904-373-6800

September 4, 1992

TCOMA BOARD OF DIRECTORS
ASSOCIATION MANAGEMENT SERVICES
SUITE #30
BOX 147050
GAINESVILLE, FLORIDA 32614

RE: REQUEST FOR WRITTEN STATEMENTS / WATER SERVICE

Dear Members of the Board;

My water bill at Turkey Creek averages approximately \$28.00 a month.

I am one person living alone and I am home approximately 3 weeks of the month. My home receives light use as I have showers and kitchen at my office in Gainesville and spend more time at work than at home.

I am enclosing five water bills for apartments in Gainesville.

1. 1001 NW 39th avenue is a four unit apartment building.
2. 1009 NW 39th Avenue is a four unit apartment building.
3. 1020 NW 39th Avenue is a four unit apartment building.
4. 1023 NW 39th Avenue is a four unit apartment building.
5. 310 NW 13th Avenue is a two family duplex.

All of the above properties use the same meter for exterior use watering as for interior use. My home at Turkey Creek has separate supply for the exterior watering.

The monthly bills are as follows:

1. \$27.32
2. \$28.48
3. \$66.33
4. \$45.03
5. \$22.71

The conclusion you should draw from the enclosed information is water is too expensive at Turkey Creek. In some cases, it is less expensive to pay for water in a four unit apartment building in Gainesville than for one person to live in a Villa at Turkey Creek.

"Exhibit 1"

Additionally, the late fee for a late payment of a water bill in Gainesville is 10% of the bill. This seems to be an industry standard for water in Florida.

The late fee for water at my home in Turkey Creek is a flat fee of \$25.00. A late fee of \$25.00 on an average bill of \$28.00 is an 89% late fee.

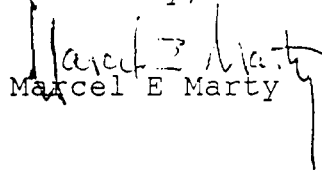
It is my belief that a 89% late fee is excessive.

I would like to suggest that a 89% late fee is even abusive.

I know that examples such as mine outlined above are plentiful. I did want the Board of Directors to know by the time taken to compose this letter that I approve of the leadership and the direction of the Board and that you have my cooperation.

Thank you.

Sincerely,


Marcel E Marty

NAME **DUPLEX 13 APTS**
 SERVICE **310 NW 13 AV WAT**
 ADDRESS **GAINESVILLE, FL**

DAYS SERVICE ON BILL **30**
 CUSTOMER CLASS **R**

ACCOUNT NUMBER 55018103-01-7		PREVIOUS BALANCE \$3.63		← TO AVOID DISCONNECTION - PLEASE PAY BY 06/16/92	
TYPE OF SERVICE		AMOUNT DUE	READING	USAGE	
WATER -GEN SERV		\$9.27	678	7000	
SEWER -RES		\$12.51			
UTILITY TAX		\$.93			
METER READ DATE 06/03/92		CURRENT CHARGES → \$22.71	← PLEASE PAY CURRENT CHARGES BY 06/29/92		
BILL DATE 06/09/92		TOTAL AMOUNT DUE → \$26.34			
E L E C T R I C	METER NO.	G A S	METER NO.	W A T E R	METER NO. 34617874
	MULTIPLIER		MULTIPLIER		GALLONS WATER USED SAME MONTH LAST YEAR
	AVERAGE KWH USED PER DAY SAME MONTH LAST YEAR		AVERAGE THERMS USED PER DAY SAME MONTH LAST YEAR		
	AVERAGE KWH USED PER DAY THIS MONTH		AVERAGE THERMS USED PER DAY THIS MONTH		MAXIMUM GAL. FOR WASTE WATER 2252

NAME MARCEL MARTY
SERVICE 1020 NW 38 AV WAT
ADDRESS GAINESVILLE, FL

DAYS SERVICE ON BILL 30
CUSTOMER CLASS R

ACCOUNT NUMBER 67224000-01-5		PREVIOUS BALANCE \$0.00		← TO AVOID DISCONNECTION - PLEASE PAY BY	
TYPE OF SERVICE		AMOUNT DUE	READING	USAGE	
WATER -GEN SERV		\$22.92	270	22000	
SEWER -RES		\$41.12			
UTILITY TAX		\$2.29			
METER		CURRENT CHARGES →	\$66.33	← PLEASE PAY CURRENT CHARGES BY 06/30/92	
READ DATE 06/04/92		TOTAL AMOUNT DUE →	\$66.33		
BILL DATE 06/10/92					
E L E C T R I C	METER NO.	G A S	METER NO.	W A T E R	METER NO. 44507931
	MULTIPLIER		MULTIPLIER		
	AVERAGE KWH USED PER DAY SAME MONTH LAST YEAR		AVERAGE THERMS USED PER DAY SAME MONTH LAST YEAR		GALLONS WATER USED SAME MONTH LAST YEAR 19
	AVERAGE KWH USED PER DAY THIS MONTH		AVERAGE THERMS USED PER DAY THIS MONTH		MAXIMUM GAL. FOR WASTE WATER 4222

NAME MARCEL MARTY
SERVICE 1023 NW 39 AV WAT
ADDRESS GAINESVILLE, FL

DAYS SERVICE ON BILL 30
CUSTOMER CLASS R

ACCOUNT NUMBER 67225600-01-3		PREVIOUS BALANCE \$0.00		← TO AVOID DISCONNECTION - PLEASE PAY BY	
TYPE OF SERVICE		AMOUNT DUE	READING	USAGE	
WATER -GEN SERV		\$13.82	6665	12000	
SEWER -RES		\$29.83			
UTILITY TAX		\$1.38			
METER READ DATE 06/04/92		CURRENT CHARGES → \$45.03	← PLEASE PAY CURRENT CHARGES BY 06/30/92		
BILL DATE 06/10/92		TOTAL AMOUNT DUE \$45.03			
E L E C T R I C	METER NO.		METER NO.		METER NO. 18310252
	MULTIPLIER		MULTIPLIER		
	AVERAGE KWH USED PER DAY SAME MONTH LAST YEAR	G A S	AVERAGE THERMS USED PER DAY SAME MONTH LAST YEAR	W A T E R	GALLONS WATER USED SAME MONTH LAST YEAR 9
	AVERAGE KWH USED PER DAY THIS MONTH		AVERAGE THERMS USED PER DAY THIS MONTH		MAXIMUM GAL. FOR WASTE WATER 3096

NAME MARCEL MERTY
1009 NW 39 AV WAT
SERVICE GAINESVILLE, FL
ADDRESS

DAYS SERVICE ON BILL 30
CUSTOMER CLASS R

ACCOUNT NUMBER 67229207-01-1		PREVIOUS BALANCE \$0.00	← TO AVOID DISCONNECTION - PLEASE PAY BY		
TYPE OF SERVICE		AMOUNT DUE	READING	USAGE	
WATER -GEN SERV		\$9.27	578	7000	
SEWER -RES		\$18.28			
UTILITY TAX		\$.93			
METER		CURRENT CHARGES →	\$28.48	← PLEASE PAY CURRENT CHARGES BY 06/30/92	
READ DATE 06/04/92	BILL DATE 06/10/92	TOTAL AMOUNT DUE	\$28.48		
E L E C T R I C	METER NO.	G A S	METER NO.	METER NO. 38525824	
	MULTIPLIER		MULTIPLIER		
	AVERAGE KWH USED PER DAY SAME MONTH LAST YEAR		AVERAGE THERMS USED PER DAY SAME MONTH LAST YEAR	GALLONS WATER USED SAME MONTH LAST YEAR	7
	AVERAGE KWH USED PER DAY THIS MONTH		AVERAGE THERMS USED PER DAY THIS MONTH	MAXIMUM GAL. FOR WASTE WATER	3659

NAME MARCEL MARTY
SERVICE 1001 NW 39 AV WAT
ADDRESS GAINESVILLE, FL

DAYS SERVICE ON BILL 30
CUSTOMER CLASS R

ACCOUNT NUMBER	67248147-01-5	PREVIOUS BALANCE	\$0.00	← TO AVOID DISCONNECTION - PLEASE PAY BY
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TYPE OF SERVICE	AMOUNT DUE	READING	USAGE
WATER -GEN SERV	\$11.09	744	9000
SEWER -RES	\$15.12		
UTILITY TAX	\$1.11		

METER READ DATE	06/04/92	CURRENT CHARGES →	\$27.32	PLEASE PAY CURRENT CHARGES BY 06/30/92
BILL DATE	06/10/92	TOTAL AMOUNT DUE →	\$27.32 ✓	

ELECTRIC	METER NO.		METER NO.		WATER	METER NO. 37004875
	MULTIPLIER		MULTIPLIER			GALLONS WATER USED SAME MONTH LAST YEAR
	AVERAGE KWH USED PER DAY SAME MONTH LAST YEAR		AVERAGE THERMS USED PER DAY SAME MONTH LAST YEAR			MAXIMUM GAL. FOR WASTE WATER 1408
	AVERAGE KWH USED PER DAY THIS MONTH		AVERAGE THERMS USED PER DAY THIS MONTH			

September 3, 1992

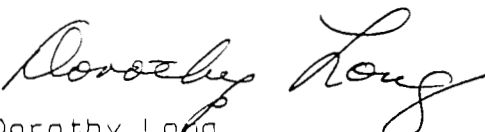
SUBJECT: Water Quality at Turkey Creek

TO: Turkey Creek Master Owners Association, Inc.

Please consider the following comments on the quality of water at Turkey Creek. This matter has always been of concern to me because of the taste and, sometimes, the odor. I hope the water is being tested for quality and that we will receive a report of the test.

I would also like to state that this is the first house we've lived in where we are constantly replacing faucets, inside and outside, and the works in the toilet tanks. We've also had to replace parts in the water heater due to corrosion eating away the pipe and connection as well as the heating element. There is far too much mineral buildup on all the faucets and on the icemaker. The entire plumbing system is a worry because of the water. Is there some treatment that should be implemented by the water company to improve the quality so that the water is not so damaging to the plumbing?

Thank you for your consideration and attention to the water problems at Turkey Creek.


Dorothy Long
for Valley View Dairy, Inc.

"Exhibit K"

9-11-92

TURKEY CREEK MANAGMENT ASSOC.

I WOULD LIKE TO FILE A COMPLAINT ABOUT THE WATER SITUATION AT 7115-1 N. BAHIA, IN TURKEY CREEK. THE SMELL IS ABSOLUTELY NAUSEATING.

I HAVE BEEN TO THE OFFICE 4 TIMES TO ASK ABOUT IT. EACH TIME THEY SAY THEY WILL CORRECT IT. BUT AS 9/11/92 IT IS NOT ANY BETTER.

IT IS VERY HARD TO BATH, BRUSH YOUR TEETH, DRINK, AND COOK WITH THIS WATER. THE WHOLE HOUSE HAS THIS ODOR.

THE PRICE OF WATER IN TURKEY CREEK IS SO OUTRAGEOUS, YOU WOULD THINK IT WOULD SMELL BETTER.

MARJORIE TATE
7115-1 N. BAHIA
ALACHUA, FL.
116 TURKEY CREEK
32615

"Exhibit L"

TCMOA Board of Directors
c/o Association Management Services
Suite 30, P.O.Box 147050
Gainesville, Fl. 32614-7050

Aug. 24 1992

Attention Board Members;


This writing will serve to offer our support to the apparent and overall dissatisfaction on the part of many residents in this community towards Turkey Creek Utilities.

We too, have found our monthly bill for water usage to be exorbitant; far in excess for similar charges we experienced in like communities where we previously resided. Absents while on vacation for two to three week periods revealed no relief on our monthly statement. The standard procedure of "minimum charge", we believe, is not a good standard. One should be required to pay for what one uses.

Also, we would like to mention that on several occasions a contaminated and/or discolored water discharge rendered the water unusable until numerous gallons passed as waste through the lines, adding to an already high bill.

We will eagerly anticipate further information emanating from the meetings of the Board of Directors following their meeting with city of Alachua utilities officials.

Yours truly,


Joseph Cartier & Marjorie Cartier

"Exhibit M"

August 20 1992

TCMCA
C/O ASSOCIATION MANAGEMENT SERVICES
SUITE 30
P.O. BOX 147050
GAINESVILLE FLA 32614-7050

RE: WATER SYSTEM

To Whom It May Concern:

You have asked for written statements concerning the utility services provided by Turkey Creek Inc.

My family and I have been residents here since Sept. 1991. We love the neighborhood and see great potential for Turkey Creek and future property owners in this area.

Upon moving in we discovered that Dry Creek B at the corner of 75th & 38th Pl has a major drainage problem. We had a sink hole due to a leak in the storm sewer pipes which was reported to Turkey Creek Inc. (Oct. 1991) and was dealt with very shabbily. The flooding of the intersection as well as all four corner lots should be ample evidence that there is a definite problem here (our sink hole keeps coming back due to improperly repaired pipes.

Any attention to be given to this matter would be greatly appreciated.

Re: water service--Is this run off from Deer Haven, Gates Energy Products, or is getting pumped from the pond on the golf coarse??

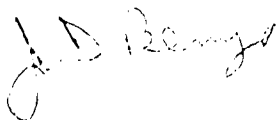
The quality of water her is unexceptable due to smell, taste, and heavy lime or chemical content which destroys all appliances (the ones that need water as dishwasher, washing machine, etc.)

I have a 10 year old child who I have instructed not to drink the water here (we buy bottled water) and I wonder if it's safe to bath in!!

Change is good, we like it here.

Sincerely,

John D. Benyo



"Exhibit W"

Turkey Creek Master Owners Association, Inc.

Suite 30, P.O. Box 147050
Gainesville, FL 32614-7050

September 29, 1992

Ms. Joann Chase
Regulatory Analyst Supervisor
Florida Public Service Commission
Fax #: 904-487-0509

Dear Ms. Chase:

This will follow-up on our telephone conversation of yesterday. As we discussed, and as is set forth in your letter of Sept. 23rd, the PSC now is responsible for regulating Turkey Creek Utilities, Inc. (TCU).

TCU has just raised rates without the consent of the PSC or the City of Alachua. As an example, I'm including my August and September bills. A review will show that 29,500 gallons cost \$33.80 in September, while 31,100 gallons cost less in August. The wastewater fee is raised from \$35.45 to \$37.25. Also, a pass through of government charges is added.

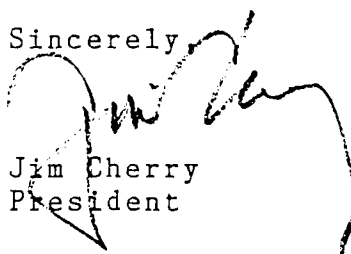
I called TCU today and spoke to Tom, the bookkeeper. He verified that the rates are higher this month.

On behalf of the homeowners of Turkey Creek, I would ask that the PSC immediately enjoin TCU from implementing this increase and that TCU promptly mail out revised bills.

I appreciate your assistance in this matter. I can be reached at telephone: (904)-372-4026 and Fax: (904)-372-9400.

I will be writing you with a more detailed explanation of our concerns. This unauthorized rate increase is typical of the conduct of TCU.

Sincerely,



Jim Cherry
President

JC:rs1

"Exhibit 0"

TURKEY CREEK UTILITIES
KEEP THIS HALF FOR YOUR RECORDS

	AMOUNT	CODE
9/24/92 514,300		
GAL USED 20,500	33.20	10
WASTEWATER	37.38	20
10% CITY TAX	3.33	04
PASS THRU		
GOVT. CHARGES	.25	00
PREVIOUS BALANCE	72.17	
PAYMT-THANK YOU	72.17	

LATE FEE APPLIED IF NOT PAID

\$	\$	\$
AMOUNT PAST DUE	CURRENT BILLING	TOTAL

BILLS ARE DELINQUENT AFTER THE 10TH OF THE MONTH

BILLING DATE	ACCOUNT NO.
--------------	-------------

TURKEY CREEK UTILITIES
KEEP THIS HALF FOR YOUR RECORDS

	AMOUNT	CODE
PRIOR 453,700		
8/27/92 484,800		
GAL USED 31,100	33.33	10
WASTEWATER	38.40	20
10% CITY TAX	3.33	04
PREVIOUS BALANCE	61.88	
PAYMT-THANK YOU	61.88	

pl 9/5/92

LATE FEE APPLIED IF NOT PAID
 BY 10TH. SERVICE DISCONNECTED
 IF NOT PAID BY 20TH.

\$	\$	\$
AMOUNT PAST DUE	CURRENT BILLING	TOTAL

BILLS ARE DELINQUENT AFTER THE 10TH OF THE MONTH.

BILLING DATE	ACCOUNT NO.
8/28/92	2.0034000.2

2900 Turkey Creek Boulevard
158 Turkey Creek
Alachua, Florida 32615-9513
Phone (904)462-5653

October 6, 1992

Mrs. Jo Ann Chase
Public Service Commission
Fletcher Building
101 East Gaines Street
Tallahassee, FL 32399-0850

Re: Turkey Creek Utilities

Dear Mrs. Chase:

I left word for you to call me at 4:20 P.M. on Friday, October 2, 1992, but since you have not returned my call, I have taken to writing this letter. We would appreciate it if you would send us a copy of the rules and regulations that govern the Public Service Commission as contained in the Florida Administrative Code for water and sewer. When you first sent me the Florida Statutes along with the invitation to attend our first meeting it was outdated, so please make sure this is an up-to-date copy. We would appreciate your help.

As I previously told you, we will do the best we can to get our application out by Friday. If we cannot, we will call you Friday afternoon. We would like to know if you are requiring all other applicants in Alachua County to do the same. If not, why not?

Also, you asked me the other day what we intended to do about the customers who did not pay their water bills on time. Please be advised that we intend to follow Turkey Creek Utilities rules, regulations and policies as we have for the past 15 years.

Yours very truly,

TURKEY CREEK UTILITIES


Norwood W. Hope

NW:H:hdc

RECEIVED

OCT 08 1992

Fla. Public Service Commission
Division of Water and Sewer

151



A Planned Residential and Recreational Community
4 Miles North of Gainesville on US 441 North

Commissioners:
THOMAS M. BEARD, CHAIRMAN
BETTY EASLEY
J. TERRY DEASON
SUSAN F. CLARK
LUIS J. LAUREDO



DIVISION OF WATER &
WASTEWATER
CHARLES HILL
DIRECTOR
(904) 488-8482

Public Service Commission

September 23, 1992

Mr. Jim Cherry
President
Turkey Creek Master Owners Association
Post Office Box 1325
Gainesville, Florida 32602

Re: PSC regulation of Turkey Creek Utilities, Inc.

Dear Mr. Cherry:

This is in response to your letter which you hand-delivered to me on September 2 at the PSC staff meeting with utilities held in Gainesville. I understand from your letter that the City of Alachua has been regulating Turkey Creek Utilities, Inc. and that the Turkey Creek Master Owners Association would prefer continued regulation on a local level. Let me advise you that on June 30, 1992, the Alachua County Commission adopted a resolution transferring jurisdiction of privately-owned utilities in Alachua County to the Public Service Commission (PSC) pursuant to the provisions of Chapter 367, Florida Statutes. This means that the Commission now has sole jurisdiction over the rates and charges of Turkey Creek Utilities, Inc. (Turkey Creek). We are aware that the City of Alachua had passed an ordinance invoking some regulation over Turkey Creek in September, 1991. However, since Alachua County passed jurisdiction to the PSC, that ordinance has no effect.

Pursuant to the statute that governs the Commission's regulation of private water and wastewater utilities, Turkey Creek is entitled to be "grandfathered" in as an existing utility in Alachua County. This means that it is entitled to receive a certificate to operate in the territory it is currently authorized to serve and to continue charging its authorized rates and charges as of June 30, 1992. The City of Alachua has provided staff with a copy of the water and wastewater rates of Turkey Creek. Be assured that the Commission will grant the utility only that territory and level of rates it is entitled to pursuant to the statute. Staff will be happy to advise you when the application for certificate is filed by the utility. However, please keep in mind that a certificate will be granted as a matter of right along with its currently authorized rates and charges.

Mr. Jim Cherry
September 23, 1992
Page Two

I am enclosing two brochures for your review and that of other members of your homeowners' association. One explains some of the policies and procedures of the PSC relating to customers of regulated utilities. The other explains rate case procedures for water and wastewater utilities.

In your letter you indicate that Turkey Creek Utilities, Inc. (TCU) is providing poor quality water service. Please be aware that the Public Service Commission is the agency responsible for the economic regulation of private utilities. The Commission also has rules regarding utilities' provision of water service. However, the Department of Environmental Regulation (DER) is the agency with primary responsibility for the water quality standards that must be met by the utilities.

If our office can be of further assistance, feel free to contact me.

Sincerely,



JoAnn Chase
Regulatory Analyst Supervisor

Enclosures

cc: Charles H. Hill, Director
Leeann Knowles, Division of Legal Services

Jim Cherry
Post Office Box 1325
Gainesville, Florida 32602

September 2, 1992

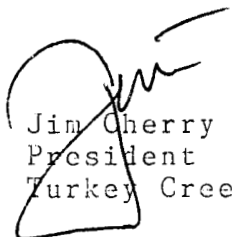
TO WHOM IT MAY CONCERN:

The residents of Turkey Creek are extremely dissatisfied with Turkey Creek Utilities, Inc. (TCU). We have poor water quality, poor service and the highest rates in the area. We are also concerned about the financial responsibility of TCU.

The City of Alachua has passed an ordinance regulating TCU to some degree. We believe even more control is needed. However, we prefer continued regulation by the city instead of regulation by the Public Service Commission. We would prefer to work with our local elected officials.

I request that no change in the regulation of TCU be made without advance notice to the Turkey Creek Master Owners Association so that we can provide our input and represent the interest of the homeowners.

Respectfully submitted,



Jim Cherry
President
Turkey Creek Master Owners Association

City Of Alachua



ALACHUA COUNTY, FLORIDA

P.O. BOX 9
ALACHUA, FLORIDA 32615-0009
904/462-1231
FAX 904/462-1985

DEPARTMENT City Manager

July 20, 1992

Mr. Norwood W. Hope, President
Family Diner, Incorporated
158 Turkey Creek
Alachua, Florida 32615-9513

RE: Proposed Increase of Water
and Wastewater Charges by
Family Diner, Inc.

Dear Mr. Hope:

Your letter of July 17, 1992, with accompanying rate increases, reference above, has been received.

Unilateral increases in utility rates by "Privately Owned Water and Sewer Utility Companies Doing Business in the City of Alachua, Florida" is in contravention of Section 8, Ordinance No. 0-91-27, dated October 7, 1991, a copy of said ordinance having been previously furnished to you.

To apply for a rate increase the procedures outlined in Section 12, Ordinance No. 0-91-27 must be followed. Your letter of July 17, 1992 does not follow procedures cited above. Receipt of your proposal containing all required information to include affirmation cited in Section 8.e. will be directed to the City Commission for appropriate action as provided for in Ordinance No. 0-91-27.

155

EVELYN HOLLAND
Mayor

JAMES A. LEWIS
Vice Mayor

FRED BOWERS
Commissioner

GERALD CRISWELL
Commissioner

C.H. HATCHCOCK, SR.
Commissioner

DR. MARK DUCHON
City Manager

NEIL A. MALPHURS
City Attorney

City Of Alachua

SUBJECT: Proposed Increase of
Water & Wastewater Charges
by Family Diner, Inc.
Page 2

Your cooperation in this matter will be most appreciated. An additional copy of cited ordinance is enclosed for your guidance.

Sincerely,



Mark Duchon, D.P.A.
City Manager

Incl: Ordinance No. 0-91-27 (cy)

MD/tc

City of Alachua



RECEIVED

10 42 AM '92 ALACHUA COUNTY FLORIDA

P.O. BOX 9
TALLAHASSEE, FLORIDA 32303-0009
904/462-1231
CY 904/462-1983

ADMINISTRATION
MAIL ROOM

DEPARTMENT City Attorney

September 9, 1992

RECEIVED

SEP 14 1992

Ms. Jo Ann Chase
Fletcher Building
101 East Gaines Street
Tallahassee, Florida 32399-0850

Fla. Public Service Commission
Division of Water and Sewer

Dear Ms. Chase:

Enclosed is a copy of the water and sewer rates of TURKEY CREEK, INC. dated December 26, 1990, a copy of City Manager Mark Duchon's letter dated July 20, 1992 and a copy of a memo which at least gives the chronological order of events.

On October 7, 1991, the City of Alachua passed an ordinance regulating utility rates in the municipality. TURKEY CREEK, INC., SEWER AND WATER SYSTEM is in the City of Alachua. At the time the City of Alachua passed the ordinance the December 26, 1990 rates were still in effect. TURKEY CREEK, INC. has not applied to the City of Alachua for a rate increase. Therefore, the grandfathered rates of TURKEY CREEK., INC. should be those set on December 26, 1990.

We agree Section 367.011, Florida Statutes pre-empts the regulation of TURKEY CREEK., INC. to the Public Service Commission.

It is our understanding the utility is now being operated as FAMILY DINER, INC.

Sincerely,
Neil A. Malphurs
Neil A. Malphurs
City Attorney

NAM/ch

SINGLE FAMILY RESIDENTIAL WASTEWATER SERVICE

Prior to the connection to Turkey Creek Utility Wastewater System, the following must be completed:

(1) An initial one time water capital facilities charge must be paid as follows:

<u>Water Meter Size (Inches)</u>	<u>Wastewater Capital Facilities Charges</u>
5/8 x 3/4	\$440.00
1	\$590.00
1-1/2	\$725.00
2	\$950.00

(2) A building permit must be in force and all plans approved by approval authority for compliance with restrictive covenants and any other rules and regulations.

(3) Domestic effluent - The charges for residential wastewater service apply to wastewater flows made up entirely of domestic effluent not exceeding the characteristics listed below under the heading of Domestic Maxima:

<u>Domestic Maxima</u>	
<u>Constituent</u>	<u>Concentration mg/l</u>
Total Solids	500
Volatile	350
Fixed	150
Suspended Solids	300
Volatile	250
Fixed	50
Dissolved Solids	200
Volatile	100
Fixed	100
BOD (5-day, 20° C)	200
COD	300
TOC	150
Total Nitrogen	50
Organic Nitrogen	20
Free Ammonia Nitrogen	30
Nitrate (NO ₂) Nitrogen	0.05
Nitrate (NO ₃) Nitrogen	0.20
Chlorides	100
Alkalinity (as CaCO ₃)	100
Fats, Oils, and Grease	20

12/26/90

(4) An inspection must be made of the entire wastewater line from the residence to its connection with Turkey Creek, Inc., wastewater system, and said wastewater line and all connections must be approved by Turkey Creek, Inc.

(5) In addition to the above charges the user must agree to and abide by all rules and regulations contained in user's application for water and wastewater service and as same rules and regulations may subsequently change and pay any other charges and rates as set forth in said application and as same charges and rates may subsequently change.

SINGLE FAMILY RESIDENTIAL WASTEWATER RATES

All bills for water service are subject to the following:

(1) The rates and charges to be charged and collected from consumers of wastewater furnished by Turkey Creek, Inc., will be as follows:

Minimum monthly charge	\$23.75 (includes wastewater charge associated with 4,000 gallons of water consumption).
Rate per 1,000 gallons of water used over 4,000 gallons thru 7,000 gallons	\$3.90 per 1,000 gallons
Maximum monthly charge	\$35.45

(2) Turkey Creek, Inc., in its wastewater rates takes into consideration its furnishing of water at the same time and Turkey Creek, Inc., will not furnish wastewater service without serving water at same time.

Turkey Creek, Inc., presently only has single family residential wastewater service and rates as listed above. Rates for any other type wastewater service which may be furnished in the future will be set at that time.

The above single family residential wastewater service charges and single family residential wastewater rates of Turkey Creek, Inc. are subject to change without notice.

2900 Turkey Creek Boulevard
158 Turkey Creek
Alachua, Florida 32615-9513
Phone (904)462-5653

July 17, 1992

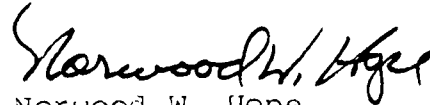
Mr. Mark Duchon
City Manager
P. O. Box 9
Alachua, FL 32615

Dear Mr. Duchon:

Enclosed herewith is a copy of our water and wastewater service rates which will go into effect approximately August 27, 1992. These rates represent an approximate 4% increase plus 25¢ per sewer customer per month to offset the \$725.00 per year charge the County initiated this year for sewer plant inspection. The first time the customer will receive a bill for the new rates will be approximately October 1, 1992. We will also notify our customers with our August billing. If you have any constructive suggestions, we would appreciate them.

Yours very truly,

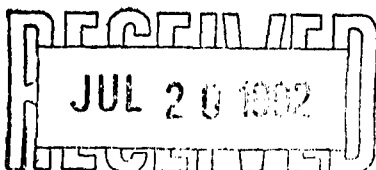
FAMILY DINER, INC.



Norwood W. Hope
President

NWH:hdc

Encl.



A Planned Residential and Recreational Community
4 Miles North of Gainesville on US 441 North

SINGLE FAMILY RESIDENTIAL WATER RATES

All bills for water service are subject to the following:

(1) Ten percent (10%) City of Alachua utility tax will be added to the total water service bill and will be collected monthly. This utility tax is not subject to any discount.

(2) The rates and charges to be charged and collected from consumers of water furnished by Family Diner, Inc., will be as follows:

Customer service charge	\$6.81	\$6.55 per month per bill rendered
Rate per 1,000 gallons for first 4,000 gallons	\$1.25	\$1.20 per 1,000 gallons
Rate per 1,000 gallons over 4,000 gallons	\$.99	\$-.95 per 1,000 gallons

Minimum Monthly Charges

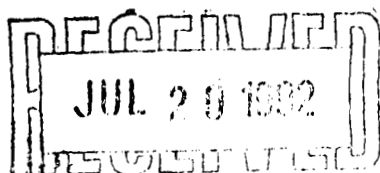
<u>Water Meter Size (Inches)</u>	<u>Minimum Charge</u>	<u>Gallons Included in Minimum Charge</u>
5/8 x 3/4	\$11.35 \$11.81	4,000
1	13.25 13.79	6,000
1-1/2	26.55 27.65	20,000
2	45.55 47.45	40,000

Family Diner, Inc., presently only has single family residential water services and rates as listed above. Rates for any other type water service which may be furnished in the future will be set at that time.

The above single family residential water service charges and single family residential water rates of Family Diner, Inc., are subject to change without notice.

GENERAL

Family Diner, Inc., will not be held responsible for any action or inaction connected with serving water to the customer.



SINGLE FAMILY RESIDENTIAL WASTEWATER RATES

All bills for water service are subject to the following:

(1) The rates and charges to be charged and collected from consumers of wastewater furnished by Family Diner, Inc., will be as follows:

Minimum monthly charge \$29.89 ~~\$28.50~~ (includes wastewater charge associated with 4,000 gallons of water consumption).

Rate per 1,000 gallons
of water used over 4,000
gallons thru 7,000 gallons \$4.89 ~~\$4.70~~ per 1,000 gallons

Maximum monthly charge \$44.56 ~~\$42.60~~

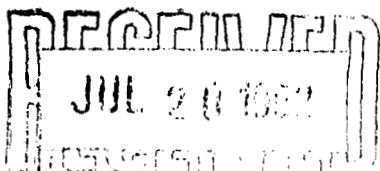
(2) Family Diner, Inc., in its wastewater rates takes into consideration its furnishing of water at the same time and Family Diner, Inc., will not furnish wastewater service without serving water at same time.

Family Diner, Inc., presently only has single family residential wastewater service and rates as listed above. Rates for any other type wastewater service which may be furnished in the future will be set at that time.

The above single family residential wastewater service charges and single family residential wastewater rates of Family Diner, Inc. are subject to change without notice.

GENERAL

Family Diner, Inc., will not be held responsible for any action or inaction connected with serving wastewater to the customer.



REGULATION OF PRIVATE UTILITIES SYSTEMS

CHAPTER 367 SECTION 367.011 Gives the Public Service Commission (P.S.C.) exclusive jurisdiction over private utilities systems.

BUT Section 367.171 (3) excluded Alachua County from Chapter 367 until County Commission made it applicable.

PRIOR To June 30, 1992 Alachua County had not chosen to be regulated by P.S.C. Alachua County had chosen to regulate the rates outside municipalities.

UTILITIES In the City of Alachua were thus unregulated until the city passed an ordinance regulating same.

JUNE 30, 1992 Alachua County opted for the P.S.C. to regulate privately operated utilities in Alachua County.

THUS Section 367.011 probably preempts the regulation of private utilities to the P.S.C.

DISCLAIMER This is a memo based on minimal research. The matter will be researched in depth and a final opinion will be given.

City Of Alachua



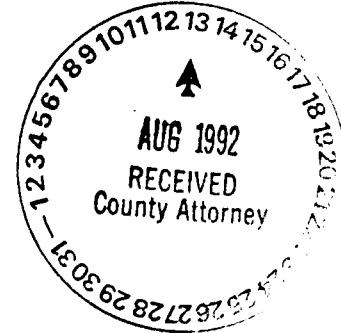
ALACHUA COUNTY, FLORIDA

P.O. BOX 9
ALACHUA, FLORIDA 32615-0009
904/462-1231
FAX 904/462-1985

DEPARTMENT City Manager

August 12, 1992

Bob Ott
Office of County Attorney
Alachua County
P.O. Box 2877
Gainesville, Florida 32602-2877



Re: City of Alachua Ordinance
No. 0-91-27

Dear Bob,

In light of the County having adopted Resolution No. 92-59, and attending ramifications, I felt you should have a copy of our subject Ordinance.

Our City Attorney has put together a very comprehensive document and in adopting it the City Commission felt it would provide for adequate control of rates and charges.

Should you wish to discuss the matter further please contact me or Neil Malphurs, City Attorney, at 462-2736.

Sincerely,

Mark Duchon, D.P.A., CMC
City Manager

MD/db

Incl: Ordinance No. 0-91-27

EVELYN HOLLAND
Mayor

JAMES A. LEWIS
Vice Mayor

FRED BOWERS
Commissioner

GERALD CRISWELL
Commissioner

C.H. HATCHCOCK, SR.
Commissioner

DR. MARK DUCHON
City Manager

NEIL A. MALPHURS
City Attorney

164

ORDINANCE NO. 0-91-27

AN ORDINANCE AUTHORIZING THE CITY COMMISSION OF THE CITY OF ALACHUA, FLORIDA TO REGULATE THE ESTABLISHMENT, LOCATION, CONSTRUCTION, DESIGN, OPERATION, AND RATES OF PRIVATELY OWNED WATER AND SEWER UTILITY COMPANIES DOING BUSINESS IN THE CITY OF ALACHUA, FLORIDA, PROVIDING FOR HEARINGS ON THE ESTABLISHMENT OF NEW SYSTEMS, EXTENSION OF SERVICES, ALTERATION OF EXISTING SYSTEMS AND RATE CHANGES; PROVIDING FOR FILING OF CURRENT RATES AND SCHEDULE OF CHARGES FROM TIME TO TIME; MAKING VIOLATION A MISDEMEANOR; PROVIDING FOR LIBERAL CONSTRUCTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, several utilities presently operating in the incorporated area of The City of Alachua, Florida will continue to be largely unregulated unless addressed by the City Commission of Alachua, Florida; and,

WHEREAS, in fulfilling its continued responsibility to protect the health, safety, and welfare of all residents of The City of Alachua, Florida, the Commission is instituting positive and constructive efforts to regulate utilities in the incorporated area of the City of Alachua, Florida;

NOW, THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF ALACHUA, FLORIDA:

Section 1. Definitions. As used in this ordinance, the following words and terms shall have the following meanings unless the context shall indicate another or different meaning:

a. "Commission" means and is limited to the City Commission of Alachua, Florida, and all of its related departments and divisions, as well as all contractual agents, if any, who are directly and specifically related to the subject matter of this ordinance.

b. "Water system" means and includes, but is not limited to any real estate, attachments, fixtures, impounded water, water mains, laterals, valves, meters, plant, wells, pipes, tanks, reservoirs, systems, facility or other property real or personal, use or uses, or having the present capacity or proposed capacity to serve 100 or more persons in connection with the obtaining, treatment, supplying, and distribution of water to the public for

human consumption, fire protection, irrigation, consumption by business or industry and, without limiting the generality of the foregoing definition, embraces all necessary appurtenances and equipment and includes all property, rights, easements, and franchises relating to any such system and deemed necessary or convenient for the operation thereof, but shall not include property used solely for or principally in connection with the business of bottling, selling, distributing, or furnishing bottled water, nor water systems utilized by manufacturing plants primarily for the purpose of providing water in connection with its manufacturing operations. The term "water system" as used herein excludes municipally owned or operated water systems, or systems which have the present capacity to serve 101 or fewer persons.

c. "Sewer system" means and includes, but is not limited to, any plant, system, facility, or property used or useful or having the present capacity or proposed capacity to serve 100 or more persons, in connection with the collection, treatment, purification, or disposal of sewage and sewage effluent and residue for the public, and without limiting the generality of the foregoing definition, embraces treatment plants, pumping stations, intercepting sewers, pressure lines, mains, laterals, and all necessary appurtenances and equipment and shall include all property, rights, easements, and franchises relating to any such system and deemed necessary or convenient for the operation thereof. The term "sewer system" as used herein, specifically excludes municipally owned or operated sewer systems and systems for the collection, treatment, purification, or disposal of industrial wastes for manufacturing plants owned or operated by such manufacturing plants, as well as systems which have the present capacity to serve 101 or fewer persons.

d. "Territory" means the incorporated area of the City of Alachua, Florida.

e. "Persons" means and includes any natural person, firm, association, corporation, except municipal corporations, business, trust or partnership owning, leasing or operating any private water or sewer system or part thereof within the City of Alachua, Florida.

f. "Public hearing" means a hearing duly advertised in a newspaper with general circulation in the City at least fifteen (15) days before the scheduled date of such hearing stating the date, time, place, and general nature of the matters to be considered by the Commission.

g. "Utility" means a water or sewer utility, and includes every person, lessee, trustee, or receiver owning, operating, managing, or controlling a system or proposing construction of a system, who is providing or proposes to provide water or sewer service with the capacity or proposed capacity to serve one hundred (100) or more persons for compensation.

Section 2. General Purpose/Intent. The regulation of privately-owned water and sewer utility companies with the capacity or proposed capacity to serve 100 or more persons, and the jurisdiction conferred upon the Commission by this ordinance is deemed to be in the public interest and an exercise of the police powers for the protection of the public health, safety, and welfare.

Section 3. General Powers. In fulfilling and exercising its power and jurisdiction under this ordinance, the Commission shall have the following general authority, in addition to, and not in lieu of its other statutory, charter, and constitutional powers:

a. To prescribe a uniform system and classification for all utilities which, among other things, shall establish and maintain fair, reasonable, adequate, and nondiscriminatory rates and charges.

b. To review, enact, and administer appropriate rules to be observed by each utility, unless and except to the extent said

authority and power is expressly vested in the county, state or a federal agency.

c. To request and require written regular or emergency reports from a utility about their service system operation, including, but not limited to, financial reports, as the Commission deems necessary. If the Commission finds a financial report to be incorrect, incomplete, or inconsistent with the uniform system and classification of rates/charges, then the Commission may require a new report or a corrected supplemental report, either or both of which the Commission may require to be certified by an independent certified public accountant.

d. To adopt, if necessary, rules/regulations reasonably necessary and appropriate for the administration and enforcement of this ordinance.

Section 4. Regulation. From and after the effective date of this ordinance, the Commission is authorized to regulate the establishment, location, construction, design, operation, and rates of privately-owned water and sewer utility companies, with the capacity or proposed capacity to serve 100 or more persons, doing business in the incorporated area of the City of Alachua, Florida and, in connection with regulation, to establish such rules as the Commission shall deem appropriate in the interest of the general public using said utilities, and in the interest of public health, safety and welfare of the citizens at large in all of the incorporated area of the City.

Section 5. Service/Sanitary Quality. Each utility addressed by this ordinance shall provide to each person efficient, safe, and sufficient service, as prescribed by the Florida Safe Drinking Water Act, and the Florida Air and Water Pollution Control Act, or rules adopted pursuant thereto, or, if applicable, Chapter 17-22, Florida Administrative Code, and any subsequent revisions. Moreover, such service shall not be less efficient, less safe, or less sufficient than is consistent with the approved engineering

design of the system and the reasonable and proper operation of the utility in the public interest. Whenever, upon its own motion or upon verified complaint, and after public hearing, as provided herein, the Commission finds that any water or sewer system covered under this act is operating in an unsafe or unsanitary manner in violation of any existing rule or regulation of the Alachua County Public Health Unit, Environmental Health Division, an order of the Commission shall be entered directing that such deficiency be immediately corrected.

Section 6. Notice to Existing Utilities. Within thirty (30) calendar days after the effective date of this ordinance, the Commission shall notify all known and then existing utility companies within the City, coming under the provisions of this ordinance, by certified mail, return receipt requested, that no extension or enlargement of any existing system shall be made except by written authority of the Commission, and all lawful rates in effect by such utility companies on the effective date of this ordinance shall continue in effect as lawful rates and charges unless and until changed by the Commission, as provided in this ordinance; and provided, further, that no extension of an existing system nor major alteration thereof shall be made unless and until the design and location thereof has first been approved by the Commission.

Section 7. Registration. No more than thirty (30) calendar days after receipt or knowledge of the notice provided in Section 4 hereof, all such utility companies shall register by filing with the Commission a verified written statement setting forth the full legal name of the utility, its mailing address, a brief, accurate description of its area of service, as well as file with the Commission a schedule of the current, lawful rates and charges, and such other financial information as may be required by the Commission. The utility shall also file with the Commission a map showing in detail the location and identity of all of the

facilities within the incorporated area of the City of Alachua, and a copy of the operating regulations and procedures of the utility then in effect, which shall be deemed to remain in effect until thereafter lawfully changed.

Section 8. Rates; Setting/Charging. Rates and charges being applied and collected by a utility shall be changed only by approval of the Commission.

a. The Commission shall, either upon petition or upon its own motion, set rates which are just, reasonable, compensatory, and not unfairly discriminatory. In every such proceeding, the Commission shall, among other factors, consider the value and quality of the service and the cost of providing the service, which shall include, but not be limited to, debt interest; the requirements of the utility for working capital; maintenance, depreciation, tax, and operating expenses incurred in the operation of all property used and useful in the public service; and a fair return on the investment of the utility in property used and useful in the public service.

b. The Commission, in setting rates, may determine the prudent cost of providing service during the period of time the rates will be in effect following entry of a final order relating to the rate request of the utility and may use such costs to determine the revenue requirements that will allow the utility to earn a fair rate of return.

c. The Commission, in setting rates for usage shall also evaluate the cost of services ancillary to water and sewer utility systems, i.e., amount of deposit; cut on charges for water service; transfer fee; cut off and on in event of non-payment of utility bill (charges for periods 8:00 A.M. to 5:00 P.M. and after 5:00 P.M. and before 8:00 A.M.); cost of meter installation; separate water meter installation charge; non-sufficient check charge; and capital facilities charges.

d. Where charges for sewer service is based upon the amount of water used, the utility shall allow separate water meter/s to

be installed at the expense of the user to measure water usage not entering the sewer utility system, for which there shall not be a sewer system charge.

e. Before accepting or implementing a change in rates or charges under this section of the ordinance, the utility shall file an affirmation under oath as to the truthfulness and accuracy of the calculations upon which the change in rates is based. Whoever makes a false statement in the affirmation required herein in regard to any material matter hereof, shall be guilty of a misdemeanor, punishable as provided in Section 17 of this ordinance.

Section 9. Interim Rates; Conditions/Procedure.

a. The Commission may, during any proceeding for a change of rates, upon its own motion or upon petition from any party, authorize a utility to collect interim rates until the effective date of the Commission's final rate approval for an increase or decrease in utility rates. To establish an entitlement for interim relief, the petitioning party, or the utility, shall demonstrate that the utility is, or will be, severely, financially damaged by any delay in the Commission considering/approving a proffered rate change/increase.

b. In granting the imposition of interim rates, the Commission may, in an expedited hearing, but within forty-five (45) calendar days of the beginning of the formal public hearing for rate changes, upon petition or upon its own motion, preclude the recovery of any imprudently or extraordinary expenditures, as well as end its approval/application of any interim rate increase or decrease.

c. Nothing in this section shall be understood or construed to prohibit the Commission from authorizing interim rates for a utility which does not have an authorized rate/charge, previously established and approved by the Commission.

Section 10. Rates; New Class of Service. If any request for service of a utility shall be for a new class of service not

previously approved by the Commission, then the utility may proceed to furnish the new class of service, as well as determine and charge just, reasonable, non-discriminatory rates or charges for the new services. However, the utility shall immediately present a verified schedule of rates and charges and file, within the procedural dictates of Section 7 and 8 of this ordinance, with the Commission within ten (10) calendar days after the new service is furnished. After review and any requisite public hearing, the Commission may approve such rates or charges as filed, or may approve other rates or charges for the new class of service, which the Commission determines are reasonable, just, and non-discriminatory.

Section 11. Unreasonable Rate/Change Procedure. Whenever, upon its own motion or upon verified complaint, and after public hearing as provided for herein, the Commission finds that the existing rates of any privately-owned utility operating within the City of Alachua are unreasonable, insufficient, non-compensatory, unreasonably discriminatory, or in any way is in violation of the provision of this ordinance, or any order, rule, or regulation prescribed under this ordinance, the Commission shall determine just, reasonable and sufficient rates to be thereafter observed and enforced, and shall fix them by order.

Section 12. Rate Change/Procedure. Any utility system under the provisions of this ordinance desiring to change any rate or charge, or any rule or regulation relating thereto, shall file with the Commission a written notice showing the change or changes proposed and shall file with the notice a written explanation, along with the reasons for and the reasonableness of the proposed change or changes. Such utility company or companies also shall give such public notice of their proposed change or changes to its users or other persons as the Commission, in its discretion, may direct.

Section 13. Rate Change - Public Hearing. When any increases in a schedule of rates or changes are proposed or any extension or

alteration of any existing water or sewer system is proposed or contemplated, no such change shall be made nor effected until after a public hearing shall have been held before the Commission, as explained and referenced above.

Section 14. New Utility Systems/Permit. Any person not presently operating a water or sewer system, as defined in this ordinance, shall not commence operation nor install any part of such a system without first submitting the plans and specifications thereof to the Commission and Alachua County Public Health Unit, Environmental Health, for approval as to location and design, and without having first obtained a permit from the Commission for the operation of such a system, and then only after a public hearing.

Section 15. Utility System/Inspections. The Commission or its duly authorized representatives may, during all reasonable hours, enter upon any premises occupied by any utility system covered under the terms of this act and may set up and use thereon all necessary apparatus and appliances for the purpose of making investigations, inspections, examinations, and tests, and for the purpose and of exercising any power conferred by this ordinance; provided, however, that any such utility company shall have the right to be notified of and be represented at the making of such investigations, inspections, examinations, and tests.

Section 16. Power/Construction. The provisions of this ordinance shall be deemed cumulative insofar as the powers now vested in the Commission and any of its agencies, including the Alachua County/State Health Departments, in regulating any such utilities and not in limitation thereof.

Section 17. Penalties. Any person operating a utility system coming within the terms of this act who shall violate any provisions of this law or who fails, refuses, or neglects to obey, observe and comply with any order, direction, or requirement of the Commission under the terms hereof shall, upon conviction, be guilty of a misdemeanor and punished as provided by law for each and every offense. Every violation of the provisions of this law or of any

such order, direction, or requirement of the Commission shall be a separate and distinct offense. As to all persons, the Commission is authorized to utilize all statutory and civil process for the enforcement of all of the provisions of this ordinance.

Section 18. Limited Public Hearing Proceedings. Upon petition or upon its own motion, the Commission may conduct limited public hearing proceedings into any matter, the resolution of which requires a utility to adjust its rates. The Commission shall determine the issues to be considered during such a proceeding and may grant or deny any request to expand the scope of the proceeding to include other related matters. However, unless the issue of rates is specifically addressed in the subject limited proceeding, the Commission shall not adjust rates if the effect of the adjustment would be to change the last authorized and Commission-approved rate.

Section 19. Abandonment. In keeping with its police powers, as well as the general health, safety, and welfare of all citizens, the intent of this ordinance remains that high quality water and/or sewer service to the customers of a utility not be interrupted by the abandonment or involuntary placement into receivership of the utility under any circumstances.

a. No person, trustee, lessee, or receiver owning, managing, controlling, or operating a utility covered by this ordinance shall abandon the utility without giving one hundred twenty (120) calendar days' written notice to the Commission. Anyone who violates the provisions of this section of the ordinance shall be guilty of a misdemeanor, punishable as provided in Section 17 of this ordinance, or, with the assistance of the City Attorney, by actions for mandatory injunctive or other legal/equitable remedies. Each day of such abandonment shall constitute a separate offense.

b. After receiving such notice, the Commission shall petition the Circuit Court of the judicial circuit in which such utility is domiciled to appoint a receiver, which may be the governing body of a political subdivision or any other person deemed appropriate.

The receiver shall operate the utility from the date of abandonment until such time as the receiver disposes of the property of the utility in a manner designed to continue the efficient and effective operation of utility service.

c. The receiver operating said utility shall be considered to hold a temporary authorization from the Commission, and the approved rates of the utility shall be deemed to be the interim rates of the receiver until, or unless modified by the Commission.

Section 20. Fees. An application by a utility, made pursuant to any section of this ordinance, shall be accompanied by a fee, to be set by the Commission, and to be based upon the existing or proposed capacity of the system, within the following area: service to one hundred (100) through one thousand (1000) persons; not more than Two Thousand Dollars (\$2,000.00).

Section 21. Ordinance to be Liberally Construed. This ordinance shall be liberally construed in order to effectively carry out the purposes hereof which are deemed to be in the best interest of the public health, safety, and welfare of the citizens and residents of the City of Alachua, Florida.

Section 22. Severability. It is the declared intent of the City Commission that, if any section, subsection, sentence, clause, phrase, or provision of this ordinance is held invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be so construed as to render invalid or unconstitutional the remaining provisions of this ordinance.

Section 23. Inclusion in the Code. It is the intention of the City Commission of the City of Alachua, Florida, and it is hereby provided that the provisions of this ordinance shall become and be made a part of the Code of Laws and Ordinances of the City of Alachua, Florida; that the sections of this ordinance may be renumbered or relettered to accomplish such intention; and that the word "ordinance" may be changed to "section", "article", or other appropriate designation.


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Section 24. Effective Date.

This Ordinance shall take effect immediately upon its adoption.

PASSED on first reading this 16th day of September, A.D., 1991.

ADOPTED on second and final reading this 7th day of October, A.D., 1991.


MAYOR-COMMISSIONER

ATTEST:


CITY CLERK