

SCANNED

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October 12, 1993

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**ORIGINAL  
FILE COPY**

**AIRBORNE EXPRESS**

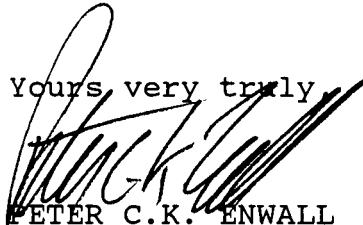
Steve Tribble, Clerk  
Florida Public Service Commission  
101 East Gaines Street  
Tallahassee, Florida 32399-0850

**RE: Application for Certificates to Provide Water and  
Wastewater Service in Alachua County Under Grandfather  
Rights by Turkey Creek, Inc. & Family Diner, Inc. d/b/a  
Turkey Creek Utilities  
Docket No. 9 [REDACTED]**

Dear Mr. Tribble:

Enclosed please find the original and fifteen copies of the  
Prehearing Statement to be filed on behalf of Turkey Creek Master  
Owners Association, Inc., Intervenor, in connection with the above  
referenced matter.

Yours very truly,



PETER C.K. ENWALL

PCKE:daj

1 Enclosures

- ACK \_\_\_\_\_
- AFA \_\_\_\_\_
- APP \_\_\_\_\_
- CAF \_\_\_\_\_
- CMU \_\_\_\_\_
- CTR \_\_\_\_\_
- EAG \_\_\_\_\_
- LEG 1 \_\_\_\_\_
- LIN 3 \_\_\_\_\_
- OPC \_\_\_\_\_
- RCH \_\_\_\_\_
- SEC 1 \_\_\_\_\_
- WAS \_\_\_\_\_
- OTH \_\_\_\_\_

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COMMUNICATIONS SECTION

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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In re: Application for Certificates to  
Provide Water and Wastewater Service in  
Alachua County Under Grandfather Rights  
by TURKEY CREEK, INC. & FAMILY DINER,  
INC. d/b/a TURKEY CREEK UTILITIES

DOCKET NO. 921098-WS  
FILED: August 27, 1993

PREHEARING STATEMENT OF TURKEY CREEK MASTER  
OWNERS ASSOCIATION, INC., INTERVENOR

TURKEY CREEK MASTER OWNERS ASSOCIATION, INC., INTERVENOR, by and  
through its undersigned attorney, files herewith its Prehearing Statement:

**A. All known witnesses that may be called by Intervenor and the subject matter  
of their testimony:**

1. Jim Cherry. Mr. Cherry will provide the Commission with background  
regarding the relationship of the owners in Turkey Creek and Turkey Creek Utility. Mr. Cherry  
will also testify regarding the fire protection charge which the Utility attempted to charge to the  
Owners Association. Mr. Cherry will testify regarding the miscellaneous charges in effect in  
July, 1990, and the extent of the increase in these charges. Mr. Cherry will testify regarding  
the practice of the Utility regarding customer charges and interest. Mr. Cherry will testify about  
the Utility's practice pertaining to its late payment fee; he will testify regarding the service  
availability of the Utility; the unmetered irrigation facilities, and the relationship between the  
owners and the Utility regarding the common areas covered by these facilities; the Utility's  
implementation of its meter replacement policy; the form used by the Utility as an application  
for service; and he will testify regarding the owners' position on the issue of refunds, deposits,  
and interests.

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**B. All known exhibits and the witnesses sponsoring each exhibit:**

1. Jim Cherry will sponsor the following exhibits:
  - (a) Exhibit JC-1, a three page composite exhibit. Page 1 consists of the fire hydrant service bill dated October 12, 1992; Page 2 is Mr. Cherry's letter to Norwood Hope dated October 19, 1992, concerning the payment; Page 3 is the Utility's notice of November 11, 1992, regarding termination of service.
  - (b) Exhibit JC-2, composite exhibit consisting of 6 pages reflecting the rates of the Utility in effect in December, 1990, together with a form application for service.
  - (c) Exhibit JC-3, letter from Norwood Hope to Howard Johnson dated April 7, 1993, setting forth the Utility's estimate of water and wastewater service to the owners' guardhouse.
  - (d) Exhibit JC-4, composite exhibit consisting of Jim Cherry's letter to Joanne Chase dated September 29, 1992, together with water bills for August, 1992, and September, 1992, attached.
  - (e) Exhibit JC-5, letter from Beverly Smith, Owners Association Manager to Norwood Hope dated September 18, 1992; and letter from Norwood Hope to Junius Jones, owner, dated September 24, 1992.
  - (f) Exhibit JC-6, an example of an application fee dated August 3, 1993.

**C. Basic position of Turkey Creek Master Owners Association, Inc., Intervenor.**

The rates and fees charged in July, 1992, and the rates and fees charged at the present time, are not fair, just, or reasonable rates to the owners, and the owners are entitled to a refund.

More specifically:

- (1) The Utility should not be allowed to charge a public fire protection charge.
- (2) Turkey Creek should charge the following miscellaneous service charges:

<u>Type of Service</u>	<u>Water</u>	<u>Wastewater</u>
Initial connection	\$ 15.00	\$ 15.00
Normal reconnection	15.00	15.00
Violation reconnection	15.00	actual cost
Premises visit (in lieu of disconnection)	10.00	10.00

When water and wastewater services is provided only a single charge should be made.

(3) The Utility should be required to pay accrued interest on customer deposits. In addition, the Utility should make refunds of deposits where appropriate.

(4) An appropriate late payment charge is \$3.00. The customer should also be allowed 20 days within which to pay the bill and a late charge should only be assessed after 5 working days written notice.

(5) Service Availability Charges. The Utility should be required to implement the following meter installation charges:

<u>Meter Size</u>	<u>Charge</u>
5/8 x 3/4 inch	\$ 100.00
1 inch	175.00
Above 1 inch	actual cost

The Utility should be allowed to collection a customer connection charge based on the actual charge of connecting a customer to the Utility main system.

(6) Unmetered Irrigation Uses. The Utility should be required to install appropriate meters as requested by the Owners Association for the common areas. The Utility should then charge the appropriate rate for the meter size installed.

(7) Meter Replacement. The Utility should be required to (1) install a standard 5/8" x 3/4" meter at all locations in which the Utility on its own initiative has installed 1" meters, the cost of installation being at no cost to the customer; or (2) not change the meter, but bill the customer as if the customer were receiving the smallest meter.

(8) Application For Service. The form used by the Utility is its application for service should be revised to reflect the above.

(9) The Utility should be required to make a full refund of all charges, excessive rates, and fees collected since July, 1992, which are above and beyond those set forth above, with interest at the highest lawful rate. Further, the Utility should be required to refund all inappropriately retained customer deposits with interest at the highest lawful rate.

**D. Factual issues.**

1. Should the Utility be permitted to charge a separate public fire protection charge?

Owners position: No. The fire protection charge should be charged only through the monthly billings.

2. Should the Utility be allowed to continue its present miscellaneous services charges?

Owners position: No. The Utility should be required to only charge the following miscellaneous service charges:

<u>Type of Service</u>	<u>Water</u>	<u>Wastewater</u>
Initial connection	\$ 15.00	\$ 15.00
Normal reconnection	15.00	15.00
Violation reconnection	15.00	actual cost
Premises visit (in lieu of disconnection)	10.00	10.00

When water and wastewater services is provided only a single charge should be made.

3. Are the Utility's customer deposits appropriate and should the Utility refund its customer deposits with interest?

Owners position: The amount of the Utility's deposits is excessive and the Utility should be required to make refunds of these deposits with interest at the highest lawful rate.

4. Is the Utility's late payment fee appropriate?

Owners position: No. The late payment fee should be \$3.00, which should be payable only after allowing the customer 20 days to pay the bill and providing 5 working days written notice of the imposition of the late fee.

5. Should the Utility be allowed to continue charging its present service availability charges?

Owners position: No. The Utility should be required to make the following service availability charges:

<u>Meter Size</u>	<u>Charge</u>
5/8 x 3/4 inch	\$ 100.00
1 inch	175.00
Above 1 inch	actual cost

The Utility should be allowed to collection a customer connection charge based on the actual charge of connecting a customer to the Utility main system.

6. Should the Utility be permitted to continue to charge for unmetered irrigation uses?

Owners position: No. Meters should be appropriately sized. Meters should be installed at locations requested by the owners and bills based upon the metered data should be delivered under the general service rates.

7. Is the Utility's meter replacement policy appropriate?

Owners position: No. The Utility should not be allowed to remove a 5/8 x 3/4 inch meter and replace it with a 1 inch meter. The Utility should be required to replace any 1 inch meter so installed or to be allowed to bill for such meter as if it were a 5/8 x 3/4 inch meter.

8. Is the Utility's application for service form appropriate?

Owners position: No. The application should be revised to reflect appropriate rates and deposits and indicate that interest is accruing on the deposits.

9. What is the geographic territory to be allocated as the Utility's service area?

Owners position: The Utility should be allowed to provide service consistent with the territory set forth in its DRI application.

**E. Statement of each question of law that the party considers at issue:**

The owners are not aware of any questions of law which need to be resolved in order to complete this proceeding.



**F. Policy questions:**

The owners are not aware of any policy questions which must be considered as a part of this proceeding.

**G. Parties' positions on each issue:**

The owners have set forth their positions as to the above issues. Mr. Jim Cherry will testify as to each issue.

**H. Stipulated issues:**

The owners are not aware of any issue which has been stipulated.

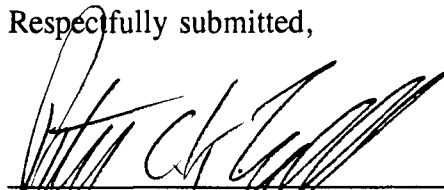
**I. Pending motions:**

The owners are not aware of any pending motions which must be resolved prior to the hearing.

**J. Requirements that cannot be complied with:**

The owners are not aware of any requirements that cannot be complied with.

Respectfully submitted,



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Florida Bar Number: 161601

Attorney for Intervenor

**CERTIFICATE OF SERVICE**

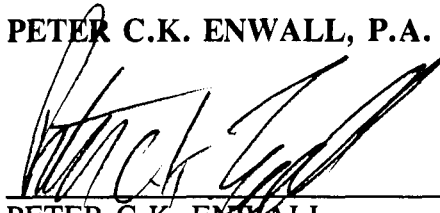
I HEREBY CERTIFY that a true copy of the foregoing has been provided by U.S. Mail,  
on this 19th day of October, 1993, to the following persons:

JOHN L. WHARTON, ESQUIRE  
Rose, Sundstrom & Bentley  
2548 Blairstone Pines Drive  
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TURKEY CREEK UTILITIES

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