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DOCKET NO. 060368-WS: Application for increased in water and wastewater rates in Alachua, Brevard, Highlands, Lake, Lee, Marion, Orange, Palm Beach, Pasco, Polk, Putnam, Seminole, Sumter, Volusia, and Washington Counties by Aqua Utilities Florida, Inc.

WITNESS: Direct Testimony of Richard Durbin, Regulatory Consultant, Appearing on Behalf of the Staff of The Florida Public Service Commission

DATE FILED: August 21, 2007

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FPSC-COMMISSION CLERK

DIRECT TESTIMONY OF RICHARD DURBIN

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Q. Would you please state your name and address.

A. My name is Richard Durbin, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

Q. By whom are you employed and in what capacity?

A. I am employed by the Florida Public Service Commission (Commission) as a Regulatory Consultant in the Division of Regulatory Compliance and Consumer Assistance (RCA).

Q. Please give a brief description of your educational background and professional experience.

A. I graduated from the University of Louisville in 1975 with a Bachelor of Science in Commerce Degree. I have worked at the Florida Public Service Commission since 1992. I first worked in the Division of Consumer Affairs' (CAF) Bureau of Complaint Resolution where I received and resolved customer complaints. I later identified, developed and maintained training resources for CAF, including CAF's Intranet. I also served as the first point of contact when a customer required a higher level of staff member intervention. I currently work in the Consumer Outreach section of RCA where I continue to maintain the division's Intranet and the Commission's Frequently Asked Questions on the My Florida Web site. I produce Consumer Tips for the Commission's Web page, write the Commission's E-Newsletter, and provide assistance to customers at customer meetings and hearings.

Q. What is the purpose of your testimony?

A. The purpose of my testimony is to advise the Commission of the number of complaints filed against Aqua Utilities Florida, Inc. (Aqua or utility) under Rule 25-22.032, F.A.C., Customer Complaints, from January 1, 2005 through March 31, 2007, the type

1 of complaints, whether there have been any apparent rule violations and type of  
2 violations, how the utility responded to the complaints, and whether the company  
3 responded appropriately.

4 Q. What do your records indicate concerning the number of complaints filed against  
5 Aqua?

6 A. From January 1, 2005 through March 31, 2007, customers filed seventy-nine (79)  
7 complaints against Aqua through RCA's Bureau of Complaint Resolution.

8 Q. What have been the most common types of complaints filed against Aqua?

9 A. The highest number of the complaints dealt with customers not receiving accurate bills  
10 due to the company issuing estimated bills. The Bureau of Complaint Resolution also  
11 received a number of complaints concerning high bills and poor water quality.

12 Q. How many of the complaints referenced in your testimony has RCA staff determined  
13 to be an apparent violation of Commission rules or company tariffs?

14 A. Of the 79 complaints filed, thirty-three (33) were determined to be apparent violations  
15 of Commission rules.

16 Q. What was the nature of the apparent rule violations?

17 A. Thirty-two (32) of the apparent rule violations were for failure to respond to either the  
18 customer or the Commission within the time required by Rule 25-22.032(6)(b), F.A.C.  
19 The other apparent violation was due to the company disconnecting a customer's  
20 service for non-payment after the payment was made.

21 Q. Were any of the complaints concerning estimated bills determined to be apparent rule  
22 violations?

23 A. No. Rule 25-30.335(2), F.A.C., Customer Billing, states, "If the utility estimates the  
24 bill, the utility shall indicate on the bill that the amount owed is an estimated amount."  
25 Unlike the rules for the electric and natural gas industries, this rule does not require

1 that, with the third consecutive estimated bill, the company shall contact the customer  
2 explaining the reason for the estimated billing and who to contact in order to obtain an  
3 actual meter reading. Therefore, the complaints were determined not to be in apparent  
4 violation of Commission rules.

5 Q. Has Aqua responded to complaints filed by the Commission on behalf of customers in  
6 a timely manner?

7 A. As previously noted, in thirty-two (32) of the thirty-three (33) complaints closed as  
8 apparent rule violations, the company either failed to respond to the Commission or the  
9 customer within the time frame required by Rule 25-22.032, F.A.C.

10 Q. Has Aqua adequately responded to the complaints referenced in your testimony?

11 A. No. Aqua has repeatedly failed to provide Commission staff with information  
12 adequate to resolve customer complaints, thus resulting in numerous requests by staff  
13 for additional information from the company.

14 Q. Do you have any exhibits attached to your testimony?

15 A. Yes, I am sponsoring Exh. JRD-1, which provides detail of the complaints filed against  
16 Aqua under Rule 25-22.032, F.A.C., for the period beginning January 1, 2005 through  
17 March 31, 2007.

18 Q. Does this conclude your testimony?

19 A. Yes, it does.

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RICHARD DURBIN  
EXH. JRD-1

Complaint Number	Customer Name	Opened Date	Preliminary Type	Closeout Type*	Savings	Apparent Rule Infraction	Timely/Late T/L	Company Code
638099W	Sarah Shaw	1/13/2005	Improper Bills	GI-25	\$0.00	No	T	WS888
638311W	Fred T. Brooks	1/14/2005	Improper Bills	GI-25	\$0.00	No	T	WS885
641768W	Dorothy Pisciotta	2/11/2005	Improper Bills	GI-25	\$0.00	No	T	WS885
648659W	Gerald S. Bartlett	4/12/2005	Delay in Connection	GI-29	\$0.00	No	T	WS768
658166W	Pat Kelly Construction Company	7/7/2005	Delay in Connection	GI-29	0.00	No	T	WS881
658537W	Nancy McGowan	7/11/2005	Improper Bills	GI-25	\$0.00	No	T	WS886
660280W	Kim D. Hoffman	7/25/2005	Quality of Service	GI-30	0.00	No	T	WS880
661103W	Albert Tice Jr.	8/15/2005	Improper Bills	GI-25	\$0.00	No	T	WU174
662783W	Mary Ann Dematas	8/12/2005	Improper Bills	GI-25	\$25.60	No	T	WS688
663031W	Tim Wessner	8/15/2005	Improper Bills	GI-05	\$0.00	No	T	WU174
663043W	Socrates Figueoras	8/15/2005	Improper Bills	GI-05	\$0.00	No	T	WU174
664148W	Eugene Flanagan	8/23/2005	Deposit	WB-49	0.00	Yes	L	WS880
665698W	Hattie Turner	9/2/2005	Improper Bills	GI-25	\$0.00	No	T	WS888
668425W	James Bowe	9/26/2005	Quality of Service	GI-25	\$0.00	No	T	WS688
668796W	Geraldine Weakley	9/28/2005	Quality of Service	WS-50	\$0.00	Yes	L	WS888
668844W	Wayne Bechtel	9/28/2005	Outages	WS-50	\$0.00	Yes	L	WS885

668845W	Richard Vanguten	9/28/2005	Outages	WS-50	\$0.00	Yes	L	WS885
668888W	David Maultsby	9/28/2005	Quality of Service	WS-50	\$0.00	Yes	T	WS885
669143W	Roy Catchpole	9/30/2005	Improper Bills	GI-25	\$0.00	No	T	WS688
669159W	Jerry Franzoso	9/30/2005	Outages	WS-50	\$0.00	Yes	T	WS885
669176W	Diane Crews	9/30/2005	Outages	WS-50	\$0.00	Yes	T	WS885
673609W	Carol Wright	11/2/2005	Improper Bills	GI-31	\$0.00	No	T	WS883
674527W	Robert Phares	11/4/2005	Improper Bills	GI-25	\$0.00	No	T	WS886
678110W	Jerry Franzoso	11/28/2005	Quality of Service	GI-30	\$12.53	No	T	WS885
682952W	Tom Russell	1/5/2006	Improper Bills	GI-25	0.00	No	T	SU821
685124W	Jim Geresy	1/23/2006	Quality of Service	GI-30	0.00	No	T	SU821
685235W	Rosa Lopez	1/24/2006	Improper Disconnects	GI-28	\$0.00	No	T	WU174
685240W	Jean and Willia Fahnanstiel	1/24/2006	Quality of Service	GI-30	\$0.00	No	T	WS883
686672W	Tom Alvey	2/2/2006	Improper Bills	GI-25	\$0.00	No	T	WS883
686710W	Raymond McDowell	2/2/2006	Improper Bills	GI-25	\$0.00	No	T	WS883
690116W	Felix Yglesias	2/28/2006	Improper Bills	GI-25	\$0.00	No	T	WS883
694196W	Maria Lampert Varkonyi	4/3/2006	Improper Bills	GI-32	\$0.00	No	T	WS883
694467W	Jack Eccleston	4/5/2006	Improper Bills	GI-25	\$0.00	No	T	WS885

698223W	Berthenia Arnold	5/12/2006	Improper Bills	GI-25	\$0.00	No	T	WU174
701216W	William Renner	6/12/2006	Improper Bills	GI-25	0.00	No	T	WS881
701464W	Maribel Fisher	6/14/2006	Improper Bills	GI-25	0.00	No	T	WS880
703421W	American Condominium Parks, Inc.	7/3/2006	Improper Bills	GI-31	\$0.00	No	T	WS883
703658W	Mary Walls	7/5/2006	Improper Bills	GI-25	\$0.00	No	T	WS883
704071W	Maria Singer	7/10/2006	Quality of Service	GI-30	\$0.00	No	T	WU174
708311W	Norma Dutton	8/15/2006	Improper Bills	GI-25	\$0.00	No	T	WS883
709457W	Keith Vardman	8/23/2006	Improper Bills	WB-49	\$0.00	Yes	L	WS883
712403W	Judy Cruden	9/18/2006	Improper Bills	WB-49	\$0.00	Yes	L	WS886
714423W	Golfside Marketplace LLP	10/5/2006	Delay in Connection	GI-29	0.00	No	T	WU882
721102W	Brenda McCreary	12/12/2006	Improper Bills	WB-49	\$0.00	Yes	L	WS884
721103W	Jack Beeler	12/12/2006	Quality of Service	GI-31	\$0.00	No	T	WS884
721143W	Robert Whittle	12/12/2006	Improper Bills	WB-49	\$0.00	Yes	L	WS884
721212W	Lauretta A. Carpino	12/12/2006	Improper Bills	WS-50	\$0.00	Yes	T	WS886
723378W	Patti Nguyen	1/9/2007	Delay in Connection	WS-12	\$0.00	Yes	T	WS887
723531W	Mike Henke	1/9/2007	Improper Bills	GI-32	\$0.00	No	T	WU174
723770W	Russell Moyer	1/11/2007	Repair	WS-50	0.00	Yes	T	WS881



723919W	Destin Holden	1/12/2007	Quality of Service	WB-50	\$0.00	Yes	T	WS883
724054W	Bob Brubaker	1/16/2007	Quality of Service	GI-30	\$0.00	No	T	WS886
724497W	Edith Meldon	1/19/2007	Quality of Service	WS-49	\$0.00	Yes	L	WU174
724658W	Roger Raine	1/22/2007	Quality of Service	GI-30	\$0.00	No	T	WS883
724981W	Gail Axtell	1/24/2007	Improper Bills	WB-49	\$0.00	Yes	L	WS688
725512W	Daniel or Carol Zutler	1/29/2007	Improper Bills	WB-49	\$355.66	Yes	L	WS883
725603W	Rogetr Griffith	1/30/2007	Improper Bills	WB-49	\$0.00	Yes	L	WS768
725605W	Betty Meirus	1/30/2007	Improper Bills	WB-50	\$246.92	Yes	T	WS883
725626W	Carl Huberman	1/30/2007	Improper Bills	GI-25	\$0.00	No	T	WS883
725899W	Joe Lindsey	2/1/2007	Improper Bills	WB-49	\$0.00	Yes	T	WS768
727360W	Lawrence Caruso	2/16/2007	Improper Bills	GI-25	\$142.80	No	T	WS688
727635W	Virginia Peterson	2/20/2007	Improper Bills	WB-50	\$0.00	Yes	L	WS884
727707W	Patrick and Arlen Blake	2/21/2007	Improper Bills	GI-25	\$0.00	No	T	WS688
727710W	Arlene Blake	2/21/2007	Improper Bills	GI-25	\$0.00	No	T	WS688
728225W	Ledonia Fields	2/26/2007	Improper Bills	WB-49	\$0.00	Yes	L	WS688
728274W	Bruca Bana	2/26/2007	Improper Bills	WB-49	\$139.09	Yes	L	WS688
728305W	Victor Dematas	2/27/2007	Improper Bills	GI-25	\$0.00	No	T	WS688

728762W	Mary Dematas	3/2/2007	Quality of Service	WS-50	\$0.00	Yes	L	WS688
729047W	Robert Goetz	3/6/2007	Quality of Service	GI-30	\$0.00	No	T	WS688
729290W	Jimmy Lecompte	3/7/2007	Quality of Service	WS-50	\$0.00	Yes	L	WS688
729345W	Patricia Miskar	3/8/2007	Quality of Service	WS-49	\$81.17	Yes	L	WS883
729527W	Tracy Smith	3/9/2007	Improper Bills	WB-49	\$0.00	Yes	L	WS883
729591W	George Wehmeyer	3/12/2007	Improper Bills	GI-25	\$0.00	No	T	WS688
729756W	Billie Jean Goins	3/13/2007	Quality of Service	WS-49	\$0.00	Yes	L	WS688
729858W	Gregory Johnston	3/14/2007	Improper Bills	WB-50	\$0.00	Yes	T	WS886
729883W	Reg Ison	3/14/2007	Improper Bills	GI-25	\$0.00	No	L	WS688
729996W	Albert McCracken	3/15/2007	Improper Bills	WB-49	\$0.00	Yes	L	WS688
730051W	Bonnie Black	3/15/2007	Improper Bills	WB-49	\$0.00	Yes	L	WS884
730134W	Lonnie Cole	3/16/2007	Improper Bills	WB-49	\$0.00	Yes	L	WU174

BEFORE THE PUBLIC SERVICE COMMISSION

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

DOCKET NO. 060368-WS

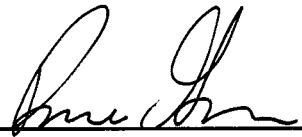
DATED: AUGUST 21, 2007

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the DIRECT TESTIMONY OF RICHARD DURBIN has been served by U.S. Mail to Kenneth A. Hoffman and Marsha E. Rule, Esquires, Rutledge, Ecenia, Purnell & Hoffman, P. A., P.O. Box 551, Tallahassee, FL 32302-0551, on behalf of AQUA UTILITIES FLORIDA, INC., and that a true and correct copy thereof has been furnished to the following by U. S. Mail, this 21st day of August, 2007:

Stephen Burgess & Stephen Reilly, Esquires  
Office of Public Counsel  
c/o The Florida Legislature  
111 W. Madison Street, Room 812  
Tallahassee, FL 32399-1400

Cecilia Bradley, Esquire  
Office of the Attorney General  
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