

Florida P.S.C
2540 Shumard Oaks Blvd.
Tallahassee, FL 32399

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09 MAY 19 AM 9:18
COMMISSION
CLERK

EAST MARION SANITARY SYSTEMS, INC.
G 4225 Miller Road #190
Flint, Michigan 48507
810 733-6342

May 15th, 2009.

PETITION TO PROTEST ORDER

Docket # 080562-WU

To whom it may concern;

East Marion Sanitary Systems Inc. is protesting the Commissions order regarding the installation of irrigation meters for four customers and other applicants as stated on page 6 & page 8 of order #PSC09-0263-TRF-WU as specifically to Mr. Will and Mr. Turner. Mr. Will has never contacted the Company in any form or manner to even request an irrigation meter. The commission stated it had received correspondence from Mr. Will regarding a request for an irrigation meter. The staff has provided the Company with a copy of all correspondence from Mr. Will and there is nothing in any of the correspondence that in any way indicates that he had contacted the company in any fashion for a meter. The company is in concurrence with installing irrigation meters for Mr. Greco & Mr. Single as these customer have sent in an application along with the appropriate funds necessary for the installation. In regards to Mr. Turner, Mr. Turner did send a letter not to the Company but to the bill processing P.O. Box which was then forwarded on to the company. Mr. Turner was sent an application along with a letter stating that the application needed to be filled out & the appropriate funds mailed to the Utility and no response was received. Further the staff has provided copies of four additional letters that were provided to the PSC by Mr. Will purporting to be customers that had applied for irrigation meters prior to the deadline and the company protest these for the following reasons.

- 1) RE: letter from Mr. & Mrs. Smith at 1384 NE 130th Terrace
In reviewing this letter it is clear that this letter was not sent to the utility, just by reviewing the mailing address. This is an incorrect address.
- 2) RE: letters from Mr. Tarsitano & the Costello's
In reviewing these letters it is clear that these letters were solicited by Mr. Will and given either to Mr. Will or the Lakeview Woods Property Owners Association and not sent to the company, nor do they indicate that there ever was any contact made by them to the company, either by phone, fax or letter.

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3)RE: Kevin & Candy Politte

This letter was solicited by Mr. Will and is a letter that was never mailed to the Utility. Mr. & Mrs. Politte would have filed a complaint with the Florida PSC, had they actually sent the letter and not received a response.

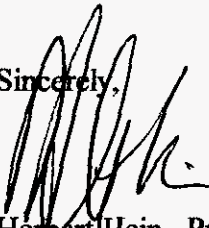
The only letter that has any credibility is Mr. Turner's and the Utility is willing to install an irrigation meter at that location should Mr. Turner so desire and properly fill out an application and pay the appropriate charges. Any others the Utility fully protests!

The Petitioner ask the Commissioner to amend its order to require the Utility to only install three irrigation meters and no others. The three being: Mr. Greco, Mr. Single and Mr. Turner should he complete the application process as required by the Utilities Tariff's.

The Utility received a copy of the PSC's order by fax from a customer and again from the PSC along with copies of the letters provided by Mr. Will.

Petitioners interest shall be substantially affected if the Utility is required to install irrigation meters at a cost of \$1,400.00 or more and only collect \$70.00. Especially as this was an oversight by the staff during the staff assisted rate case, as the \$70.00 meter installation fee took into consideration the existing piping, valves & meter box which costs are offset by the tap-in fee. However none of that applies to irrigation meters as additional piping, valves and meter box are required. This Utility is a very small utility with only 87 customer and it will be very difficult for the Utility to survive with 30 to 70 percent of its net revenue lost due to irrigation meters. The Utility should be allowed to charge the Water tap-in fee for the irrigation meters that are to be installed at \$70.00, as this fee was set to help pay for the piping and other necessary costs of installing a meter.

Sincerely,



Herbert Hein, President
East Marion Sanitary Systems Inc.

Petitioner: Herbert Hein of East Marion Sanitary Systems Inc.
G 4225 Miller Road, Suite 190
Flint, MI 48507
810 733-6342

Representative: Mike Smallridge
15827 Cedar Elm Terrace
Land O Lakes, FL 34638
352 302-7406