

In re: Request for approval of amendment to connection/transfer sheets, increase in returned check charge, amendment to miscellaneous service charges, increase in meter installation charges, and imposition of new tap-in fee, in Marion County, by East Marion Sanitary Systems, Inc.

DOCKET NO. 080562-WU

11 SEP 19 PM 3:07

DATED: SEPTEMBER 19, 2011

COMMISSION
CLERK

STAFF'S PREHEARING STATEMENT

Pursuant to Order No. PSC-09-0742-PCO-WU, filed November 10, 2009, as amended by Order No. PSC-10-0116-PCO-WU, issued February 26, 2010, and Order No. PSC-10-0276-PCO-WU, issued April 30, 2010, the Staff of the Florida Public Service Commission files its Prehearing Statement.

a. All Known Witnesses

Shannon Hudson Contact from East Marion Sanitary Systems, Inc. with Staff

b. All Known Exhibits

SJH-1 Transcription of Phone Message from Herbert Hein

SJH-2 Voice Recording of Message left by Herbert Hein on September 26, 2008

c. Staff's Statement of Basic Position

Staff's positions are preliminary and based on materials filed by the parties and on discovery. The preliminary positions are offered to assist the parties in preparing for the hearing. Staff's final positions will be based upon all the evidence in the record and may differ from the preliminary positions stated herein.

d. Staff's Position on the Issues

ISSUE 1: Does the Commission's Order No. PSC-09-0263-TRF-WU, require the Utility to provide properly installed irrigation meters to the homes of Intervenors, Greco, Singel, and Turner?

POSITION: No position at this time.

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ISSUE 2: Did Intervenor's Smith, Politte, Mallon, and Will provide sufficient evidence that their requests for an irrigation meter were initiated with the utility prior to April 7, 2009, as required by Order No. PSC-09-0263-TRF-WU?

POSITION: No position at this time.

ISSUE 3: If any or all of the four Intervenor's, Smith, Politte, Mallon, or Will submitted sufficient evidence to show they requested an irrigation meter before the April 7, 2009 deadline, should East Marion be required to provide irrigation meters to the homes of those Intervenor's at the prior tariff rate of \$70.00 per meter?

POSITION: No position at this time.

ISSUE 4: If the Commission requires East Marion to provide irrigation meters to any or all of the Intervenor's at the prior tariff rate of \$70.00, how should those irrigation meters be configured?

POSITION: No position at this time.

ISSUE 5: If the Commission requires East Marion to provide irrigation meters to the Intervenor's, what is the allowable time in which the Utility must install those irrigation meters?

POSITION: No position at this time.

ISSUE 6: Should the Commission initiate a show cause proceeding to determine if East Marion should be fined up to \$5,000 per day for failure to provide service in its territory in a timely manner pursuant to Rule 25-30.310, Florida Administrative Code and Section 367.111, Florida Statutes?

POSITION: No position at this time.

ISSUE 7: What is the appropriate monthly charge for any irrigation meter installed for the Intervenor's' as a result of this protest proceeding?

POSITION: No position at this time.

ISSUE 8: Reserved for possible issue from East Marion Sanitary Systems, Inc.

POSITION: No position at this time.

ISSUE 9: Reserved for possible issue from East Marion Sanitary Systems, Inc.

POSITION: No position at this time.

ISSUE 10: Should this docket be closed?

POSITION: Yes. Upon expiration of the time for appeal thirty days after the order's issuance, this docket should be closed.

e. Stipulated Issues

Staff is not aware of any stipulated issues at this time.

f. Pending Motions

Staff has no pending motions at this time.

g. Pending Confidentiality Claims or Requests

There are no pending confidentiality claims or requests at this time.

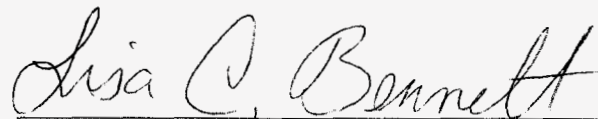
h. Objections to Witness Qualifications as an Expert

Staff has no objections to any witness's qualifications.

i. Compliance with Order Nos. PSC-09-0742-PCO-WU, PSC-10-0116-PCO-WU, and PSC-10-0276-PCO-WU.

Staff has complied with all requirements of the Order Establishing Procedure, as amended, entered in this docket.

Respectfully submitted this 19 day of September, 2011.



LISA C. BENNETT
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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for approval of amendment to connection/transfer sheets, increase in returned check charge, amendment to miscellaneous service charges, increase in meter installation charges, and imposition of new tap-in fee, in Marion County, by East Marion Sanitary Systems Inc.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of STAFF'S PREHEARING STATEMENT has been served by U. S. mail and by facsimile or electronic to the following this 19th Day of September, 2011:

Steven C. Reilly, Office of Public Counsel
c/o The Florida Legislature
on behalf of Intervenors Terry Will, Joseph Singel,
Kevin Politte, Earl Turner, Dennis Smith, David
and Carol Greco, Millicent Mallon
111 West Madison Street, Room 812
Tallahassee, FL 32399-1400

Mike Smallridge Utility Consultant
Mike Smallridge
1645 W. Main Street
Inverness, FL 34450
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Herbert Hein
East Marion Sanitary Systems, Inc.
G-4225 Miller Road, #190
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