

**Diamond Williams**

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**From:** Susan Sherman [Susan.Sherman@arlaw.com]  
**Sent:** Tuesday, September 27, 2011 4:51 PM  
**To:** Filings@psc.state.fl.us  
**Cc:** bruce.may@hklaw.com; kajoyce@aquaamerica.com; kelly.jr@leg.state.fl.us; CHRISTENSEN.PATTY@leg.state.fl.us; Rlloyd1@aol.com; wdco@comcast.net; David Bernstein; Kenneth Curtin; dbussey@hotmail.com; Kelly.Sullivan.Woods@gmail.com; Ralph Jaeger; jrichards@pascocountyfl.net; kkurz@yescommunities.com; Andrew McBride; cecilia\_bradley@oag.state.fl.us  
**Subject:** AQUA UTILITIES FLORIDA, INC. RATE ACTION (Docket. No. 100330-WS); MOTION FOR INVESTIGATION, ENTRY OF CEASE AND DESIST ORDER, etc.

**Attachments:** 2934\_001.pdf

## Electronic Filing

## a. Person Responsible for this electronic filing:

David S. Bernstein, Esq.  
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## b. Docket No. 100330-WS

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

## c. Document being filed on behalf of YES COMPANIES, LLC d/b/a ARREDONDO FARMS

## d. There are a total of 12 pages

e. The document attached for electronic filing is Intervener, YES Companies, LLC d/b/a Arredondo Farms', Motion for Investigation, Entry of Cease and Desist Order, and Entry of Order to Show Cause why Sanctions Should Not Be Imposed Against Petitioner, Aqua Utilities Florida, Inc., for Improperly Retaliating Against Customers Who Testified at the September 12, 2011, Customer Service Hearing in Gainesville, Florida.

Thank you for your cooperation and attention to this matter.

**Sue**

Susan G. Sherman, CP, FRP  
 Certified Paralegal  
 Adams and Reese LLP

DOCUMENT NUMBER - DATE

06993 SEP 27 =

9/28/2011

FPSC-COMMISSION CLERK

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## ADAMS AND REESE LLP

**Baton Rouge | Birmingham | Houston | Jackson | Memphis | Mobile | Nashville | New Orleans | Sarasota | St. Petersburg | Tampa  
| Washington, D.C.**

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9/28/2011

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

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

Docket No. 100330-WS  
Filed: September 27, 2011

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**MOTION FOR INVESTIGATION, ENTRY OF CEASE AND DESIST ORDER, AND ENTRY OF ORDER TO SHOW CAUSE WHY SANCTIONS SHOULD NOT BE IMPOSED AGAINST PETITIONER, AQUA UTILITIES FLORIDA, INC. FOR IMPROPERLY RETALIATING AGAINST CUSTOMERS WHO TESTIFIED AT THE SEPTEMBER 12, 2011 CUSTOMER SERVICE HEARING IN GAINESVILLE, FLORIDA**

Intervener, YES Companies, LLC d/b/a Arredondo Farms ("YES"), by and through its undersigned counsel, files this its Motion for Investigation, Entry of Cease and Desist Order, and Entry of Order to Show Cause Why Sanctions Should not be Imposed against Petitioner, Aqua Utilities Florida, Inc. ("Aqua") for Improperly Retaliating against Customers Who Testified at the September 12, 2011 Customer Service Hearing (the "Gainesville Hearing") in Gainesville, Florida (the "Motion"), and in support states:

1. On or about June 15, 2010, Aqua Utilities Florida, Inc. ("Aqua") informed the Florida Public Service Commission ("PSC") of its intention to submit an application of general rate relief for its water and wastewater systems in Alachua, Brevard, DeSoto, Hardee, Highlands, Lake, Lee, Marion, Orange, Palm Beach, Pasco, Polk, Putnam, Seminole, Sumter, Volusia, and Washington Counties ("Rate Case").

2. As to Alachua County, the water and wastewater systems operated by Aqua and which are part of the Rate Case serve what is known as the Arredondo Farms

Mobile Home Park (“Property”). The Property consists of 445 mobile home lots along with various common area elements and facilities. Aqua supplies the water and wastewater to all of the mobile home lots and the common area elements and facilities.

3. YES is the owner of the Property and also a customer of Aqua as to several lots at the Property.

4. On or about June 13, 2011, the PSC entered Order No. PSC-11-0256-PAA-WS (the “PAA Order”), in which the PSC approved, in part, water and wastewater increases for Aqua as sought in the Rate Action, including as to the Property.

5. In or about July, 2011, the Office of Public Counsel, among other parties, filed a petition contesting the PAA Order (the “Appeal”).

6. As part of the Appeal, the PSC held customer service hearings at various locations across the State to take testimony from Aqua customers regarding the quality of water and service provided by Aqua and the affordability of Aqua’s product.

7. At the Gainesville Hearing on September 12, 2011, dozens of residents of the Property, including Mr. Eugene Davis (Lot 46) and Ms. Regina Lewis (Lot 2639) gave testimony regarding the poor quality of water and service and predatory billing practices of Aqua. Additionally, YES representatives Mr. Jeremy Gray, Ms. Mallory Starling, and Mr. Mike Green also gave testimony in opposition to Aqua at this time.

8. Aqua was present at the Gainesville Hearing and took detailed notes of each witness’s testimony and asked follow up questions to the witnesses as to specific bills referenced, addresses, and spelling of names.

9. Aqua represented to the PSC that it was taking these notes so that it could file rebuttal testimony in the Appeal. However, upon information and belief, Aqua was

taking this information so that it could retaliate against the brave customers who spoke against it at the Gainesville Hearing, including, *to wit*:

- a. Mr. Eugene Davis, who had a heated exchange with the attorney for Aqua at the Gainesville Hearing, was retaliated against by Aqua by receiving a shut off notice from Aqua the day following the Gainesville Hearing. A copy of the pertinent documentation relating to this retaliation is attached hereto as Exhibit "A";
- b. Ms. Regina Lewis, a longtime Aqua customer who spoke at the Gainesville Hearing in opposition to Aqua, received a "Dear OCCUPANT" letter from Aqua the next day following the Gainesville Hearing which required her to "apply" for service from Aqua or face discontinued water service. A copy of the pertinent documentation relating to this retaliation is attached hereto as Exhibit "B";
- c. YES, a former customer of Aqua at Lot 2440 at the Property, was improperly sent to collections on September 22, 2011 on an account that Aqua knew was paid in full as of April, 2011. This followed the extremely damaging testimony of YES representatives Mr. Jeremy Gray, Ms. Mallory Starling, and Mr. Mike Green at the Gainesville Hearing. A copy of the pertinent documentation relating to this retaliation is attached hereto as Exhibit "C"; and
- d. Others who bravely testified in opposition to Aqua but have not yet come forward to reveal the retaliation they are suffering at the hands of Aqua.

10. This retaliation and harassment by Aqua against witnesses to this Appeal is improper and unjust, makes a mockery of this proceeding, and should be immediately investigated by the PSC, ordered to cease, and sanctioned. *See e.g.* PSC-96-0624-FOF-WS, issued May 9, 1996, in Docket No. 950495-WS, *In Re: Application for rate increase and increase in service availability charges by Southern States Utilities, Inc. for Orange-Osceola Utilities, Inc. in Osceola County, and in Bradford, Brevard, Charlotte, Citrus, Clay, Collier, Duval, Highlands, Lake, Lee, Marion, Martin, Nassau, Orange, Osceola, Pasco, Putnam, Seminole, St. Johns, St. Lucie, Volusia, and Washington Counties* (holding that PSC has authority to sanction misconduct).

WHEREFORE, Intervener, YES Companies, LLC d/b/a Arredondo Farms, respectfully requests that this Public Service Commission grant its Motion, investigate the retaliation alleged herein, order Aqua to immediately cease and desist all retaliation against witnesses to this proceeding, enter an order to show cause why sanctions should not be imposed against Aqua, and any further relief that is necessary, just and proper.

Respectfully submitted,

ADAMS AND REESE, LLP  
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150 Second Avenue North, Suite 1700  
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Direct: (727) 502-8200  
E-Fax: (727) 502-8282  
David.Bernstein@arlaw.com

By: 

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FL Bar No. 454400  
Andrew J. McBride, Esq.  
FL Bar No. 0067973  
Attorneys for YES

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY a true and correct copy of the foregoing has been furnished via email (where provided below) and U.S. Mail on September 21, 2011 to:

**Kimberley A. Joyce**  
Aqua American, Inc.,  
762 West Lancaster Avenue,  
Bryn Mawr, PA 19010  
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\_\_\_\_\_  
Attorney



EUGENE DAVIS  
7117 SW ARCHER RD LOT 46  
GAINESVILLE, FL 32608

Account Number  
**001410993 1049504**  
ARREDONDO FARMS  
1336568 F123

Aqua Utilities Florida, Inc.  
762 W. LANCASTER AVENUE  
BRYN MAWR, PA 19010-3489

Tel: 877.987.2782  
Fax: 866.780.8301  
eMail: custserv@aquaaamerica.com

**10 Day Shut Off Notice**  
**COLLECTION DEPARTMENT OFFICE HOURS ARE**  
**7:30 AM - 5:00 PM WEEKDAYS**

Date of Notice September 13, 2011 Shut Off Date September 26, 2011 Total Amount Due \$ 239.52

Your bill for \$ 239.52 is overdue. Because your bill is overdue, we will SHUT OFF service to:  
**7117 SW ARCHER RD LOT 46 after 8:00 AM on or after September 26, 2011.**

To stop the shut off, you must do the following immediately:

1. Pay the total amount overdue. To pay by phone, call our toll free number at 866.269.2906 or go to the payment website at <https://paynow7.speedpay.com/aqua/index.asp>.
2. Contact Aqua at 877.987.2782 (Select Collections) to let us know that you made a payment, to make a payment arrangement, or to dispute the overdue bill. You can also contact Aqua at our address above.
3. Call 877.987.2782 (Select Collections) if you or someone in your home has a serious illness or a medical condition.

**Important Notice:** Payments will not be accepted by Aqua representatives visiting the property. To avoid service termination due to unpaid bill(s), you must make payments at an authorized payment location. For the nearest location, please call 877.987.2782 (Select Collections). If we shut off your service, you may have to pay the following charges to have service restored:

Overdue amount:	\$ 239.52
Reconnect Fee :	35.00
Service Deposit (if required):	50.00
<b>Total if we shut off your service:</b>	<b>\$ 324.52</b>

If your service is shut off for non-payment, after making the required payment you must contact Aqua at 877-987-2782 and schedule to have your service reconnected. Your service will be reconnected in accordance with your state approved utility regulations. In most cases service will not be restored until the next business day after your required payment amount has been confirmed.

Keep top portion for your records.  
Return this portion with your payment.

Service To:  
**EUGENE DAVIS**  
**7117 SW ARCHER RD LOT 46**  
**GAINESVILLE, FL 32608**



Aqua Utilities Florida, Inc.  
PO Box 328 • BRYN MAWR, PA 19010-0328  
**URGENT NOTICE - OPEN IMMEDIATELY**

Seq=5462 Cyc= 1up=1059814 PC=T

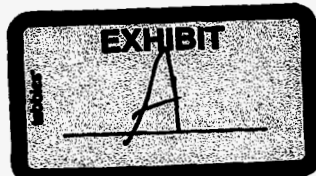
\*\*\*\*\*AUTO\*\*MIXED AADC 189 C 23 P 51  
EUGENE DAVIS  
7117 SW ARCHER RD LOT 46  
GAINESVILLE FL 32608-4674



Account Number  
**001410993 1049504**  
Total Amount Due **\$ 239.52** Due Date **PAST DUE**  
Amount Enclosed



Please make check payable to Aqua Util. FL.  
Print your account number on your check, then  
mail to address on back.



00141099310495040000000239525  
DOCUMENT NUMBER-DATE  
**06993 SEP 27 =**  
FPSC-COMMISSION CLERK



**AQUA**

**Aqua America, Inc.**  
762 Lancaster Avenue  
Bryn Mawr, PA 19010-3489

361-2339

Premises Number: 649289

Date 09/13/2011

Dear OCCUPANT:

Our records indicate that we have not received an application for service at this address where water and/or wastewater service is being used.

Please call us immediately at **1-877-987-2782** and apply for service so that we can continue supplying this service. Our office hours are weekdays from 7:30 a.m. to 5 p.m.

We cannot leave the service on if we do not receive an application for service.

Thank you for your prompt attention to this matter.

Cordially,

Aqua Customer Service

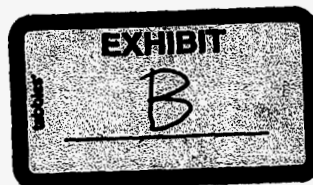
PAP513-A-3

**AQUA**

**Aqua America, Inc.**  
762 Lancaster Avenue  
Bryn Mawr, PA 19010-3489

Seq=05

OCCUPANT  
7117 SW ARCHER RD UNIT 2639  
GAINESVILLE, FL 32608-4661



DOCUMENT NUMBER-DATE  
06993 SEP 27 =  
FPSC-COMMISSION CLERK



Service To:  
**REGINA LEWIS**  
 7117 SW ARCHER RD UNIT 2639  
 GAINESVILLE, FL 32608-4661  
 Lot: 13261437 Block:

Account Number  
**001630714 0649289**  
 ARREDONDO FARMS  
 1336568 PWSID # FL2010042

**Aqua Utilities Florida, Inc.**  
 762 W. Lancaster Avenue  
 Bryn Mawr, PA 19010-3489

Tel: **877.987.2782**  
 Fax: **866.780.8292**  
 e Mail: **custserv@aquaaamerica.com**

Questions about your water/sewer service?... Contact us before the due date.  
 Bill Date **August 18, 2011** Total Amount Due **\$ 292.83** Current Charges Due Date **September 09, 2011**

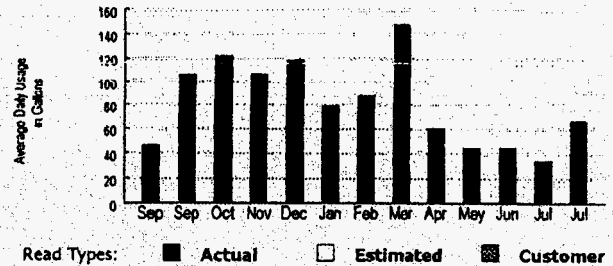
**Meter Data**

Meter	Size	Billing Period	Days	Read Type	Meter Readings	Usage	Units
56584519	5/8	07/26/11	15	Actual	136600	1,000	Gallons
		07/11/11		Actual	135600		
Average Daily Usage = 66 Gallons		Total Days: 15		Total Usage:		1,000	Gallons

**Billing Detail**

Amount Owed from Last Bill	\$ 379.40
Total Payments Received	0.00
<b>Remaining Balance</b>	<b>379.40</b>
Adjustments	73.10 Credit
Water Base Facility Charge	7.86
1,000 gallons @ \$0.00731 per gallon	7.31
Current Water Charges	15.17
Sewer Base Facility Charge	17.01
1,000 gallons @ \$0.00682 per gallon	6.82
Current Sewer Charges	23.83
Deposit	50.00 Credit
Interest On Deposit	3.99 Credit
Utility Tax	1.52
<b>Amount Due</b>	<b>\$ 292.83</b>

**Water Usage History**



**Message Center** (see reverse side for other information)

- This is your final bill for service at this property.
- For us, being green comes naturally. That's why we're happy to introduce Aqua Online. Now you can enjoy the convenience of paperless billing while helping us take care of the environment. Visit [www.aquaaamerica.com/aquaonline](http://www.aquaaamerica.com/aquaonline) today to make the switch!

*I don't even own  
 a washer or dryer  
 we're two daughter's  
 at home.*

Keep top portion for your records.  
 Return this portion with your payment.

**AQUA Water/Sewer Bill**

**Aqua Utilities Florida, Inc.**  
 762 W. Lancaster Avenue • Bryn Mawr, PA 19010-3489

Service To:  
**REGINA LEWIS**  
 7117 SW ARCHER RD UNIT 2639  
 GAINESVILLE, FL 32608-4661  
 Lot: 13261437 Block:

Account Number  
**001630714 0649289**  
 Amount Due **\$ 292.83** Current Charges Due Date **September 09, 2011**

Amount Enclosed

\$

Please make check payable to Aqua Util. FL.  
 Print your account number on your check,  
 then mail to address on back.

Seq# / Cyc=33M9 1up=1049978A PC=F

F204 0649289

\*\*\*\*\*SINGLE-PIECE C I P I  
 REGINA LEWIS  
 PO BOX 192  
 GAINESVILLE FL 32602-0192



00163071406492890000000292835



# NCO<sup>SM</sup>

NCO Financial Systems, Inc.  
150 Crosspoint Parkway  
Getzville, NY 14068  
Toll free: (800)227-4000

September 22, 2011

Yes Communitie  
7117 SW Archer Rd Lot 1  
Gainesville, FL 32608

RE: Aqua Pennsylvania  
Account Number: 15286131086452  
Our Reference Number: 2Y1JPC  
Current Balance Due: \$67.87

*From Bill paid in full  
9/22/11 7:21 AM  
2/20/11  
was on NCO  
ETWAVE  
Hob.*

Dear Yes Communitie:

This letter is intended to verify that we can accept \$67.87 until 9/30/11 as payment in full for the above account.

Please remit payment to:

Standard Mail: NCO Financial Systems, Inc.  
PO Box 15740  
Wilmington, DE 19850-9609

Overnight Mail: NCO Financial Systems, Inc.  
507 Prudential Road  
Horsham, PA 19044

*Got REP -  
COULD NOT  
HELP - TOLD  
ME TO CALL  
AQUA -  
ASKED HIM  
TO PUT  
NOTE ON  
ACCOUNT THAT  
WE DISPUTE*

Upon clearance of your payment, the account will be considered paid in full.

This is an attempt to collect a debt. Any information obtained will be used for that purpose. This is a communication from a debt collector. Calls to or from NCO Financial Systems, Inc. may be monitored or recorded for quality assurance.

Sincerely,

NCO Financial Systems, Inc.

Office Hours: 8:00am - 9:00pm Monday through Thursday.  
8:00am - 5:00pm Friday. 8:00am - 12:00 Noon Saturday.

*Monday*  
**FERRY • AQUA**  
EXT 53442  
NCO-Utilities-BIF  
will call me back  
Monday.



*TAMIKA BERRY*  
*New customer?*  
DOCUMENT NUMBER - DATE  
06993 SEP 27 =  
FPSC-COMMISSION CLERK



**NCO Financial Systems, Inc.**

150 CrossPoint Parkway  
Getzville, NY 14068  
716-404-2100 (Main)  
1-800-227-4000 (Main)  
716-404-2212 (Fax)

# Fax

To: COMMUNITIE YES From: ANDREW BOYER

Fax: 352-372-7271 Date: 9/21/11

Phone: \_\_\_\_\_ Pages 2

Re: \_\_\_\_\_

Urgent  For Review  Please Comment  Please Reply  Please Recycle

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DOCUMENT NUMBER-DATE  
06993 SEP 27 =

FPSC-COMMISSION CLERK



YES COMMUNITIES  
7117 SW ARCHER RD LOT 2440  
GAINESVILLE, FL 32608

Account Number  
**001528613 1086452**  
ARREDONDO FARMS  
1336568

Aqua Utilities Florida, Inc.  
762 W. LANCASTER AVENUE  
BRYN MAWR, PA 19010-3489

Tel: 877.987.2782  
Fax: 866.780.8301  
eMail: [custserv@aquaaamerica.com](mailto:custserv@aquaaamerica.com)

**Reminder Notice**  
**COLLECTION DEPARTMENT OFFICE HOURS ARE**  
**7:30 AM - 5:00 PM WEEKDAYS**

Reminder Date	Total Amount Due
February 22, 2011	\$ 22.00

Dear Customer:

Our records indicate that we have not received payment of your final bill for this service location. If you have already made your payment, please accept our thanks and disregard this notice. If you have not made your payment, you may pay immediately with your credit card, ATM/debit card, or by funds transfer from your checking, savings, or money market bank account by calling toll free to 866.269.2906 or you may go the payment website: <https://paynow7.speedpay.com/aqua/index.asp>

If payment is not received within 10 days of the reminder date, we will forward the account to a collection agency. Please contact our Customer Service Department at 877.987.2782 (Select Collections), Monday – Friday, 7:30AM – 5:00PM, if you have any questions.

Aqua Customer Service Department

Keep top portion for your records.  
Return this portion with your payment.

Service To:  
YES COMMUNITIES  
7117 SW ARCHER RD LOT 2440  
GAINESVILLE, FL 32608



Aqua Utilities Florida, Inc.  
PO Box 328 • BRYN MAWR, PA 19010-0328

Account Number  
**001528613 1086452**  
Total Amount Due **\$ 22.00** Due Date **February 22, 2011**

Amount Enclosed  
\$

Please make check payable to Aqua Util. FL.  
Print your account number on your check, then  
mail to address on back.

Seq=1007-Cyc=1up=977819-PC=R

\*\*\*\*\*AUTO\*\*MIXED AADC 189 C 6 P 8  
YES COMMUNITIES  
7117 SW ARCHER RD LOT 2440  
GAINESVILLE FL 32608-4651



00152861310864520000000022006



Help

Invoice Header / Distributions

Header  
Distributions

**#86452-022211 : AQUA UTILITIES FLORIDA, INC.**

<b>Invoice #</b>	86452-022211		<b>VendorID:</b>	001014
<b>Status:</b>	Approved		<b>Customer Account #:</b>	0015286131086452
<b>Invoice Amount:</b>	22.00		<b>Original PO:</b>	
<b>Invoice Date:</b>	2/22/2011		<b>Ordered By:</b>	
<b>Invoice Due Date:</b>	2/22/2011		<b>Batch Name:</b>	ALAPR4 - 04/01/2011 02:16:08
<b>Memo:</b>			<b>Work Order #</b>	
<b>Separate check:</b>			<b>Mark for Use</b>	
			<b>Tax:</b>	

Invoice Detail

[Image](#) [Vendor](#) [Line Items](#) [WorkFlow](#) [History](#) [Log Comment](#) [Attachments \(0\)](#) [Payments](#)

Invoice Payments

CheckNumber	Payment Date	Remit Type	ClearedDate	State	Amount
92112	04/01/2011	Check		Outstanding	\$22.00
					<b>Total: \$22.00</b>