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October 27, 2011

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Ms. Ann Cole
Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

Re: Docket 100330-WS

Dear Ms. Cole:

Pursuant to our Memorandum of Understanding (MOU), enclosed for filing is the Rebuttal Testimony of Denise Vandiver and Earl Poucher.

If you have any questions or concerns; please do not hesitate to contact me at. Thank you for your assistance in this matter.

Sincerely,

Patricia A. Christensen
Associate Public Counsel

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was furnished by e-mail and

U.S. Mail this 27th day of September, 2011 to:

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Patricia A. Christensen

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application for increase in water/) Docket No. 100330-WS
wastewater rates in Alachua, Brevard, DeSoto,)
Hardee, Highlands, Lake, Lee, Marion, Orange,) FILED: October 27, 2011
Palm Beach, Pasco, Polk, Putnam,)
Seminole, Sumter, Volusia, and Washington)
Counties by Aqua Utilities Florida, Inc.)
_____)

REBUTTAL TESTIMONY

OF

DENISE N. VANDIVER, CPA

On Behalf of the Citizens of the State of Florida

J.R. Kelly
Public Counsel

Office of Public Counsel
c/o The Florida Legislature
111 W. Madison Street
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Attorney for the Citizens
Of the State of Florida

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1 **REBUTTAL TESTIMONY**

2 **Of**

3 **DENISE N. VANDIVER, CPA**

4 On Behalf of the Office of Public Counsel

5 Before the

6 Florida Public Service Commission

7 Docket No. 100330-WS

8
9 **INTRODUCTION**

10 **Q. PLEASE STATE YOUR NAME AND BUSINESS ADDRESS.**

11 A. My name is Denise N. Vandiver. My business address is 111 West Madison Street,
12 Room 812, Tallahassee, FL 32399-1400.

13
14 **Q. ARE YOU THE SAME DENISE N. VANDIVER WHO FILED DIRECT**
15 **TESTIMONY IN THIS PROCEEDING?**

16 A. Yes, I am.

17
18 **Q. WHAT IS THE PURPOSE OF YOUR REBUTTAL TESTIMONY?**

19 A. The purpose of my rebuttal testimony is to respond to the testimony provided by the
20 19 staff witnesses addressing quality of service. I also respond to the testimony
21 provided by staff witness Paul Stallcup.

22
23 **QUALITY OF SERVICE**

24 **Q. HAVE YOU REVIEWED THE DIRECT TESTIMONY OF THE STAFF**
25 **WITNESSES ADDRESSING QUALITY OF SERVICE IN THIS**
26 **DOCKET?**

1 A. Yes. Staff sponsored witnesses from the following entities to provide testimony
2 regarding the quality of service provided by Aqua Utilities Florida, Inc. (AUF).

- 3 • Department of Environmental Regulation (DEP),
- 4 • Lake County Health Department (LCHD),
- 5 • Palm Beach County Health Department (PBCHD),
- 6 • Polk County Health Department (PCHD),
- 7 • Volusia County Health Department (VCHD),
- 8 • Northwest Florida Water Management district (NFWFMD),
- 9 • St. Johns River Water Management District (SJRWMD), and
- 10 • Southwest Florida Water Management District (SWFWMD).

11 I reviewed the direct testimony provided by these witnesses and evaluated the
12 statements they made regarding the condition of the physical plants, the status of
13 Aqua Utilities Florida's (AUF's) reporting requirements, and the implications in this
14 rate case.

15
16 **Q. DO YOU HAVE ANY COMMENTS WITH RESPECT TO THIS**
17 **TESTIMONY?**

18 A. Yes. Twelve of these witnesses are asked the question: is the overall operation and
19 maintenance of the treatment plant and distribution system satisfactory? Ten of these
20 witnesses answer yes; one answers that the overall operation and maintenance meets
21 the minimum requirements of the Florida Department of Environmental Protection
22 (FDEP); and one provides comments but does not answer the question directly. In
23 addition, I reviewed the PAA Order statement that the "...quality of the treated water
24 and wastewater and the operational condition of AUF's plants and facilities, including

1 the Chuluota system, shall be considered satisfactory.”¹ Considering this statement
2 and the subsequent testimony of these staff sponsored witnesses, the implication is
3 that this testimony supports the statement that the quality of service is satisfactory.
4

5 **Q. DO YOU BELIEVE THAT THE TESTIMONY OF THESE WITNESSES**
6 **SUPPORTS A STATEMENT THE QUALITY OF SERVICE PROVIDED**
7 **BY AUF IS STAISFACTORY?**

8 A. No, I do not. Fourteen of these witnesses identified quality issues in 28 of the 62
9 systems. This shows that 45% of the systems have issues affecting the quality of
10 service provided by AUF. (I have prepared Exhibit DNV-9 to summarize the systems
11 that these witnesses addressed.) I believe that their testimony, whether taken
12 individually or as a whole, is persuasive in determining that the quality of service is
13 unsatisfactory.
14

15 **Q. CAN YOU SUMMARIZE THE STATEMENTS MADE IN THIS**
16 **TESTIMONY?**

17 A. Yes. I have prepared a summary of the quality issues for the past three years
18 that are detailed in the testimony and it is attached to my testimony as Exhibit
19 DNV-10. This schedule lists the individual events by system that are identified
20 by the witnesses. In this list, there are 13 witnesses that addressed 78 quality
21 issues. These issues include three systems operating without a permit,² multiple
22 systems exceeding Maximum Contaminant Levels (MCL), failure to notify the
23 public and DEP of positive e-coli test results,³ sanitary sewage overflows,⁴

¹ PSC-11-0256-PAA-WS, issued June 13, 2011, page 33.

² Witness Miller, Fairways system, page 2; Witness Greenwell, Rosalie Oaks and Village Water systems, page 5.

³ Witness Montoya testimony, Interlachen Estates, page 2.

⁴ Witness Rauth testimony, Arredondo Farms, page 1.

1 plant maintenance issues, and numerous failures to submit timely reports.

2
3 **Q. HOW MANY OF THESE ISSUES RESULTED IN CONSENT ORDERS?**

4 A. Nine of the witnesses listed 23 issues that were included in consent orders
5 issued by the FDEP, County Health Departments, and Water Management
6 Districts against AUF. In addition, eight of the witnesses identified 34 issues
7 that were included in warning letters or non-compliance letters issued by these
8 entities.

9
10 **Q. WHAT ARE SOME OF THE OTHER COMMENTS THAT YOU FIND**
11 **TROUBLING IN THE TESTIMONY?**

12 A. First, I find troubling the fact that these witnesses identify pages of violations,
13 non-compliances, and other deficiencies, and yet they deem the overall quality
14 of the plant operations is satisfactory. Moreover, I find that the overall picture
15 painted by this testimony is of a company that routinely fails to follow the rules
16 that are put in place to protect the customers. While some may consider
17 reporting requirements inconsequential in a general sense, it is these reporting
18 requirements that allow regulatory authorities to monitor the level of the quality
19 and safety of the plant operations. Witness Walker states in her testimony that
20 “In general, Aqua does not submit compliance submittals in a timely manner,
21 but once the data is requested, the utility is able to provide it.”⁵ Six witnesses
22 list 19 occasions where the utility has failed to provide required information or
23 has filed it in an untimely manner. The importance of timely reports is
24 indicated by the fact that six witnesses describe 20 instances of Aqua exceeding
25 the MCLs and twelve witnesses address 39 plant issues from poor plant

⁵ Witness Walker testimony, page 2.

1 maintenance to operating the plant with an expired permit to leaking equipment
2 to sewage overflows.

3
4 **Q. DID YOU REVIEW THE COMMENTS IN THIS TESTIMONY**
5 **REGARDING PRECAUTIONARY BOIL WATER NOTICES (BWN)?**

6 A. Yes. I have prepared a summary of the testimony addressing boil water notices
7 and it is attached to my testimony as Exhibit DNV-11. In this list, there are
8 eight witnesses that addressed 183 instances where boil water notices were
9 provided. One witness did not identify how many instances, but referenced
10 "...various occasions since 2009."⁶ In fact, this witness continues by stating
11 that sometimes DEP has been "...notified various days after the interruption of
12 service by the utility. Complaints about the interruption of service due to water
13 main breaks or other problems (power failure, repairs) have been received by
14 the local Health Department, and they have forwarded the complaints to us."

15
16 My exhibit also shows that of the 183 listed boil water notice situations, 70
17 appear to be for planned outages and 111 appear to be for unplanned outages.⁷
18 Except for Witness Rodriguez, the witnesses make statements that they have
19 been notified timely and that Aqua has timely notified the customers. However,
20 these statements appear to be based on self-reporting by Aqua as described by
21 Witness Carrico who states that her "...office was properly notified of each of
22 these BWNs in a timely manner and the utility documents submitted to our
23 office indicate that BWNs were issued to their customers. I have not been made
24 aware of any incident when BWNs were not issued."⁸ However, none of these

⁶ Witness Rodriguez testimony, page 2.

⁷ Two were not identified by the witness.

⁸ Witness Carrico testimony, page 4

1 witnesses testifies that they spoke with any customers or confirmed that the
2 BWN's were in fact distributed and received timely.

3
4 **Q. CAN YOU SUMMARIZE YOUR COMMENTS ON THE QUALITY OF**
5 **SERVICE?**

6 A. Yes, I can. I reviewed the customer comments at the Service hearings held
7 August through October of this year. A summary of the comments made at
8 these meetings is included as Exhibit DNV-12. There were 174 speakers at
9 these ten meetings and 96 of these speakers addressed the poor quality of the
10 water, 28 addressed the poor condition of the plant and facilities, and 16
11 addressed the issue of whether they received adequate boil water notices. When
12 I compare the magnitude of the customer testimony as well as the number of
13 quality issues listed by the staff witnesses, I find that they frequently address
14 the same issues. While these staff witnesses may state that overall, in their
15 particular realm, the systems may meet the minimum standards, or at a
16 particular point in time, there are no outstanding violations, I believe that these
17 issues should be looked at in their totality. The customers are the ones who live
18 with these poor conditions, every day of every week. The customers are the
19 ones who are harmed if the utility fails to report instances where it exceeds
20 MCLs. The customers are the ones who are harmed when poorly maintained
21 facilities result in sewage spills or main breaks. And the customers are
22 subjected to potential health risks when the company fails to adequately and
23 properly issue BWN's. I believe that an analysis of the testimony in its totality
24 indicates the quality of service is clearly unsatisfactory.

25

1 **AFFORDABILITY**

2 **Q. YOU ALSO SAID YOU WOULD LIKE TO RESPOND TO THE**
3 **TESTIMONY PROVIDED BY STAFF WITNESS PAUL STALLCUP.**
4 **WHAT ISSUE DO YOU WANT TO ADDRESS?**

5 A. I would like to address the issue of affordability. Witness Stallcup states that
6 he believes that "...the rates approved by the Commission are as low, or
7 affordable, as they can be given the requirements of Section 367.081, Florida
8 Statutes."⁹ Based on my review of the customer testimony at the service
9 hearings (Exhibit DNV-12), I do not believe that the rates are affordable. The
10 Merriam Webster dictionary defines affordable as "to manage to bear without
11 serious detriment." Not only did 111 of the 174 speakers at the service hearings
12 specifically identify high rates as an issue, at least 50 of the speakers
13 specifically identified affordability as an issue. Trying to keep rates "as low as
14 possible" does not make them affordable. Based on the dictionary definition, if
15 the rates are unaffordable, the customers cannot manage without serious
16 detriment.

17
18 **Q. CAN YOU GIVE SOME SPECIFIC EXAMPLES GIVEN AT THE**
19 **SERVICE HEARINGS TO DEMONSTRATE THE NEGATIVE**
20 **IMPACT OF THE RATES?**

21 A. Yes, there were many comments made about the burden the rates have put on
22 these customers and the changes to their standard of living that they have had to
23 make. Jeremy Gray, District Manager for YES Communities, testified at the
24 Gainesville Service Hearing that:

25
26 52% of our residents who move out tell us that it's due to

⁹ Witness Stallcup testimony, pages 6-7.

1 the water bills. Since January of this year, we count
2 approximately four residents per month. To date, that
3 would average 32 residents that Arredondo has had to
4 move out. It costs us \$1,998 each month – each time we
5 have to refurb, remarket, and relist that home. That’s nearly
6 \$64,000 we’ve incurred in expense to year this date.¹⁰

7 For people who own their homes, it is not so easy to move out. Donna Ricketts
8 testified at the Eustis Service Hearing that she and her husband tried to sell
9 their house and:

10
11 No one wants to buy the house. They come around the
12 neighborhood, they talk to the neighbors. They find out
13 about the water bill. I have a neighbor behind me, the water
14 bill was \$240. People come and look at the house and they
15 say, sorry, we can't do it.¹¹

16 At the New Port Richey Service Hearing, several customers testified regarding
17 the affordability issue. Robert Provost said that there are 250 homes out of
18 1,200 in his community that are vacant because of the rates Aqua charges.
19 Wendy Rath testified that she has two neighbors moving because they cannot
20 afford the rates. Tammie Charles testified that Realtors cannot rent in the area
21 because the rates are too high. And, Gerald Novak testified that he has three
22 friends trying to sell their homes, but the realtors say no one will buy because
23 of Aqua.

24 The Lakeland Service Hearing also had several people testify to the
25 affordability issue. Wayne Miles testified that a Realtor told him his house is no
26 longer a good investment because his water is from Aqua. Jim Bowers testified
27 that he owns 18 homes and the value of these homes has declined and it is more
28 difficult to rent them because of Aqua. Theresa Robinson testified that she tried
29 to rent her house but people said no when they found out that Aqua was the
30 utility provider.

¹⁰ Transcript of Gainesville Service Hearing, page 119.

¹¹ Transcript of Eustis Service Hearing, page 116.

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Q. ARE THERE OTHER EXAMPLES OF HOW THE RATES HAVE IMPACTED CUSTOMERS?

A. Yes, there are numerous customers who have testified to extreme measures that customers have gone to in order to pay their water and wastewater bill. Hazel DeBoard testified at the Lakeland Service Hearing that she cannot have her family come visit because her water bill goes up too much. Witness Johnson at the Eustis Service Hearing was one of many customers who testified that they no longer flush their toilets.¹² Also, at the Eustis service Hearing, Witness Denmark testified

I have to go to the gym after work or before work to take a shower because it's cheaper for me to pay a gym membership and go there and use their facilities. Not a very comfortable way of life. My son, if he does not have PE at school, I don't make him take a shower.¹³

Q. WHAT IMPACT SHOULD THIS CUSTOMER TESTIMONY HAVE ON THE COMMISSION'S DETERMINATION OF AFFORDABLE RATES?

A. I believe that the customers have provided testimony supporting the fact that the level of the rates is burdensome and that these rates have caused customers to move, abandon their homes, and change their standard of living. In addition, many customers testified at the service hearings that these rates have caused a decline in the value of the customer's homes. While I agree that Section 367.081, Florida Statutes, requires the Commission to set rates that are just, reasonable, compensatory, and not unfairly discriminatory, I do not believe that the statute prohibits the Commission from evaluating the affordability of the

¹² Transcript of Eustis Service Hearing, page 105.
¹³ Transcript of Eustis Service Hearing, page 110.

1 rates. The affordability of the rates should be a critical component of the
2 Commission's determination of the prudence of the utility's costs. The
3 Commission has always looked at the prudence of costs. In a 1990 order, the
4 Commission discussed a similar issue.

5
6 ... there is a school of thought that considers rate base
7 regulation to be inherently flawed. These critics contend
8 that it does not provide the incentives for the regulated
9 company to be efficient, innovative, or to introduce new
10 services. They argue that because the regulated company's
11 profit is constrained by a rate of return set by the regulatory
12 body, there is no incentive for the regulated company to
13 increase its profits beyond the authorized return. Should the
14 regulated company begin to experience excess profits in
15 one area, it will be forced to reduce rates of other services
16 to keep overall profits within the authorized ceiling.
17 Confronted with this penalty for efficiency, regulated
18 companies have the perverse incentive to engage in
19 inefficient activities such as inflating the rate base by
20 purchasing unnecessarily expensive or extravagant items, a
21 practice known as "gold plating". Under traditional rate
22 base regulation such behavior would be rewarded because
23 the company would receive both a return on its investment
24 and reimbursement of expenses.¹⁴

25 While this case is in a different industry, the issue of the regulatory framework
26 providing a disincentive to keep costs low is a valid concern in this case. I
27 believe that the Commission should consider evaluating the utility's operations
28 to determine that the utility does not have just such a perverse incentive to
29 continue to raise expenses so that it may continue to increase its corporate
30 revenues. Even Witness Stallcup recognizes that the rates approved in the PAA
31 order are higher than "...most people, including myself, would expect water
32 and wastewater rates to be, ..." ¹⁵

¹⁴ In Re: Petition of AT&T Communications of the Southern States for Commission Forbearance from Rules 25-4.495(a) and 25-24.480(1)(b), F.A.C., for a Trial Period; Docket No. 870347-TL; Order No. 23186; July 13, 1990.

¹⁵ Witness Stallcup testimony, page 6.

1 I recommend that, at a minimum, the Commission should make the
2 adjustments the OPC witnesses have advocated because the increases that the
3 utility has requested are not justified by the quality of service provided to the
4 customer or by sound regulatory policy.

5
6 **Q. PLEASE SUMMARIZE YOUR REBUTTAL TESTIMONY.**

7 A. In summary, I believe that the conclusions drawn by the staff witnesses that the
8 quality of service is satisfactory is not supported by the content of their
9 testimony, nor is it supported by the customer testimony at the customer
10 Service Hearings. I also disagree with Witness Stallcup that the commission
11 has done all it can with regards to the affordability issue.

12
13 **Q. DOES THIS CONCLUDE YOUR REBUTTAL TESTIMONY?**

14 A. Yes, it does.
15
16
17

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was furnished by e-mail and U.S. Mail this 27th day of September, 2011 to:

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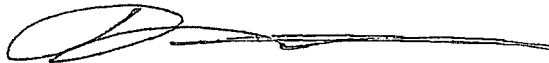
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Patricia A. Christensen

		Patricia Carrico	Kimberly Dodson	Caitlyn Eck	Jeffry Greenwell	Scott Harrison	Diane Loughlin	Gary Miller	Ginny Montoya	Marie Penton	Josie Piltz	Benjamin Rauth	Tom Rodriguez	Blanca Sloan	Daniela Walker	Catherine	Systems w/ Violations
48 Estates	Lake																
Arredondo	Alachua											X	X				X
Beechers Point	Putnam										X						X
Breeze Hill	Polk				X									X			X
Carlton Village	Lake																
Chuluota	Seminole		X					X							X		X
East Lake Harris	Lake																
Fairways	Lake							X									X
Fern Terrace	Lake																
FL Central Commerca Park	Seminole																
Friendly Center	Lake		X														X
Gibsonia Estates	Polk													X			X
Grand Terrace	Lake																
Haines Creek	Lake																
Harmony Homes	Seminole																
Hermits Cove	Putnam										X						X
Hobby Hills	Lake																
Holiday Haven	Lake																
Imperial Mobile Terrace	Lake																
Interlachen Lake/Park Manor	Putnam									X							X
Jasmine Lakes	Pasco				X												X
Jungle Den	Volusia	X						X									X
Kings Cove	Lake																
Kingswood	Brevard																
Lake Gibson Estates	Polk													X			X
Lake Josephine	Highlands																
Lake Osborne	Palm Beach					X											X
Lake Suzy	DeSoto																
Leisure Lakes	Highlands						X										X
Morningview	Lake																
Oakwood	Brevard																
Ocala Oaks	Marion																
Orange Hill/Sugar Creek	Polk													X			X
Palm Port	Putnam										X						X
Palm Terrace	Pasco				X												X
Palms MHP	Lake																
Peace River	Hardee				X												X
Picciola Island	Lake																
Piney Woods	Lake																
Pomona Park	Putnam										X						X
Quail Ridge	Lake																
Ravenswood	Lake																
River Grove	Putnam										X						X
Rosalie Oaks	Polk				X									X			X
Sebring Lakes	Highlands																
Silver Lake Estates/Western Shores	Lake																
Silver Lake Oaks	Putnam																
Skycrest	Lake																
South Seas	Lee			X													X
St. Johns Highlands	Putnam																
Stone Mountain	Lake																
Summit Chase	Lake														X		X

		Patricia Carrico	Kimberly Dodson	Caitlyn Eck	Jeffrey Greenwell	Scott Harrison	Diane Loughlin	Gary Miller	Ginny Marie Montoya	Josie Penton	Benjamin Piltz	Tom Rauth	Blanca Rodriguez	Daniela Sloan	Catherine Walker	Systems w/ Violations
Sunny Hills	Washington									X						X
Tangerine	Orange															
The Woods	Sumter															
Tomoka/Twin River	Volusia	X													X	X
Valencia Terrace	Lake															
Venetian Village	Lake															
Village Water	Polk				X											X
Welaka/Saratoga Harbor	Putnam															
Wootens	Putnam										X					X
Zephyr Shores	Pasco				X											X
62 Systems																28
																45%

Summary of Testimony
Quality Issues

Docket No. 100330-WS
Summary of Quality Issues
Exhibit ____ (DNV-10)
Page 1 of 10

<u>System</u>	<u>Date</u>	<u>Issue</u>	<u>Status</u>
Patricia Carrico Volusia County Health Department (VCHD) Safe Drinking Water Act (SDWA) Compliance Volusia County			
Jungle Den Water	June 2010	Failure to notify customers and VCHD of planned conversion from free chlorine	Penalty and consent order agreement (COA)
Twin Rivers Water	1st Quarter 2009	Exceeded Trihalomethane (THM) MCL	Penalty and COA
	2nd Quarter 2009	Exceeded THM MCL	Penalty and COA
Tomoka View Water	March 2009	Secondary maximum contaminant levels for Total Dissolved Solids (TDS) and Color	Non Compliance letter
	1st Quarter 2009	Exceeded THM MCL	Penalty and COA
	2nd Quarter 2009	Exceeded THM MCL	Penalty and COA
	3rd Quarter 2009	Exceeded THM MCL	Penalty and COA
	January - June 2009	Failure to collect all required Water Quality Parameter samples	Non Compliance letter
	January - June 2009	Failure to report Lead/Copper results by due date	Non Compliance letter
	September 2009	Failure to maintain minimum free chlorine residual throughout distribution system	Non Compliance letter
	July 2010	Failure to notify VCHD of unusual odor and color	Non Compliance letter

Summary of Testimony
Quality Issues

Docket No. 100330-WS
Summary of Quality Issues
Exhibit ____ (DNV-10)
Page 2 of 10

<u>System</u>	<u>Date</u>	<u>Issue</u>	<u>Status</u>
Kimberly Dodson DEP Drinking Water Program Brevard, Lake, Marion, Orange, and Seminole County			
Chuluota Water	September 2006 - December 2010	Violation of MCL for Total THM	Enforcement Action
Friendly Center Water	October 2009	Exceeded the MCL for Odor	Corrective action was not required, scheduled to test again during 2012
Caitlyn Eck DEP Wastewater compliance Lee County			
South Seas Wastewater		No details provided	Proposed penalty and COA
Jeffry Greenwell DEP Water and Wastewater DeSoto, Hardee, Marion, Pasco, Polk, and Sumter County			
Peace River Water	2nd quarter 2009	Gross Alpha RAA above MCL	Active consent order
	3rd quarter 2009	Gross Alpha RAA above MCL	Active consent order
	4th quarter 2009	Gross Alpha RAA above MCL	Active consent order
	March 2010	Public Notice for Gross Alpha MCL exceedance not timely issued	Active consent order
	April 2010	Public Notice for Gross Alpha MCL exceedance not timely issued	Active consent order
	March 2010	Exceeded Bacteriological MCL	Public Notice completed, no formal enforcement
	February 2011	No details provided	Consent order issued and closed

Summary of Testimony
Quality Issues

Docket No. 100330-WS
Summary of Quality Issues
Exhibit ____ (DENV-10)
Page 3 of 10

<u>System</u>	<u>Date</u>	<u>Issue</u>	<u>Status</u>
Jasmine Lakes Water	May 2010	Monthly average MCL - Total Coliform violation	Public Notice delivered, no formal enforcement
Zephyr Shores Water	August 2010	Single Sample MCL for Secondary Contaminant Iron violation	No comments provided
	4th quarter 2008	Quarterly Arsenic results not timely submitted	Warning Letter and Consent Order
Peace River Wastewater		Out of compliance for maintenance issues	No comment provided
Jasmine Lakes Wastewater	February 2011	Maintenance violations: algae build up and excessive solids in chlorine contact	Warning letter which remains open
	May 2011	Maintenance violations: inoperable flow chart recorder, leaking sludge pumps, and various excessive levels of sludge and solids	Warning letter which remains open
	March 2011	Fecal Coliform Maximum limit exceeded	Warning letter which remains open
	4th Qtr 2010	Ground Water Monitoring report - Part D was not submitted	Warning letter which remains open
	1st Qtr 2011	Ground Water Monitoring report - Part D was submitted in an incorrect format	Warning letter which remains open
Palm Terrace Wastewater	February 2011	Maintenance violations: alarms inoperable and various excessive levels of solids	Warning letter which remains open
	May 2011	Maintenance violations: alarm inoperable, various excessive levels of solids, recorder paper not changed for 13 days, ponds overgrown, and water retention pond casing damaged	Warning letter which remains open

Summary of Testimony
Quality Issues

Docket No. 100330-WS
Summary of Quality Issues
Exhibit ____ (DNV-10)
Page 4 of 10

<u>System</u>	<u>Date</u>	<u>Issue</u>	<u>Status</u>
	December 2009	No evaluation results of intermediate well submitted as required by permit	Warning letter which remains open
	May 2011	Effluent transmission line from facility to spray field broke and discharged into stormwater retention	Warning letter which remains open
	February 2011	Flow meter not within 10% of table values	Warning letter which remains open
	May 2011	Flow meter not within 10% of table values	Warning letter which remains open
	March 2011	Fecal Coliform Maximum limit exceeded	Warning letter which remains open
	3rd Qtr 2010	Ground Water Monitoring report - Part D was not submitted	Warning letter which remains open
	4th Qtr 2010	Ground Water Monitoring report - Part D was not submitted	Warning letter which remains open
	1st Qtr 2011	Ground Water Monitoring report - Part D was not submitted	Warning letter which remains open
Breeze Hill Wastewater		Minor out of compliance	No comment provided
Rosalie Oaks Wastewater	February 2010 - July 2011	Five exceedances of permit limit for total plant flow	No comment provided
Village Water Wastewater		Significantly out of compliance and has been unable to address the long term disposal solution for the ponds and the inadequate maintenance of the ponds	No comment provided
Jasmine Lakes Wastewater	September 2010	Maintenance issues and groundwater exceedances	Penalty and COA
Rosalie Oaks Wastewater	August 2010	Operating the facility without a permit	Penalty and COA

Summary of Testimony
Quality Issues

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<u>System</u>	<u>Date</u>	<u>Issue</u>	<u>Status</u>
Village Water Wastewater	August 2007	Operating the facility without a permit and failure to maintain the ponds including proper access control	Consent Order amended multiple times and utility not in compliance with terms of the order

Scott Harrison
Palm Beach County Health Department
Drinking Water Program
Palm Beach County

Lake Osborne Water	2nd semester 2010	Failure to sample for Lead and Copper, however supplier changed water source which required monitoring, but it did not tell Aqua	Noncompliance letter
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	2011	Failure to maintain documentation for the operation and maintenance logs, flushing program, and calibration verifications for instruments	Addressed in most recent inspection report
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Diane Loughlin
DEP South District
Wastewater Compliance
Highlands County

Leisure Lakes Wastewater	January 2010	A copy of the current permit was not available on site, evidence suggested wastewater may have been leaking from the treatment plant structure, appeared that a sludge spill occurred and solids and debris were observed in percolation pond	Warning letter sent February 2010
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<u>System</u>	<u>Date</u>	<u>Issue</u>	<u>Status</u>
Gary Miller DEP Wastewater Compliance Lake, Seminole, and Volusia County			
Chuluota Wastewater		Annual average daily flow to sprayfields exceeded permit limit	Was to be resolved by public access reuse by December 31, 2010, but has not been implemented to date
Jungle Den Wastewater	October 2010	Current lab certification not on site, Solids present in Parshall flume and effluent flow meter, Physical plant very rusty, Percolation ponds had a freeboard less than one foot, Overflow pump to the sprayfield was leaking, and a sprayhead was missing in the sprayfield	Noncompliance letter dated November 5, 2010, no response to date
	June 2010	Minimum pH result less than minimum required	Noncompliance letter dated November 5, 2010, no response to date
	November 2009 - June 2010	Values reported incorrectly on Part A and B of the Discharge Monitoring Reports (DMR)	Noncompliance letter dated November 5, 2010, no response to date
Fairways at Mt. Plymouth Wastewater	June 2010 - September 2010	Previous permit expired June 14, 2010 and operated without a permit until September 8, 2010	Consent Order issued

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<u>System</u>	<u>Date</u>	<u>Issue</u>	<u>Status</u>
Ginny Marie Montoya DEP Northeast District Office Drinking Water Putnam County			
Silver Lake Oaks and Interlachen Lake Estates Water	2005	Failure to sample Disinfection Byproducts	Consent Order issued
Interlachen Estates Water	August 2011	Well #2 tested positive for e coli, AUF failed to notify DEP, failed to issue public notice, and failed to complete repeat sampling	Warning letter sent, and further actions being taken
Josie Penton DEP Panama City Office Water and Wastewater Washington County			
Sunny Hills Water	December 2010	Failure to provide total useful finished water storage capacity at least 25% of max day and to provide satisfactory results of 20 sample bacteriological well survey before placing Well 1 into permanent service	Consent Order still in force
	August 2010	Bacteriological MCL violation	Non Compliance letter
	2009	Well #4 exceeded MCL for iron	Secondary contaminant, no complaints received, no enforcement action taken

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<u>System</u>	<u>Date</u>	<u>Issue</u>	<u>Status</u>
Benjamin Piltz DEP Northeast District Office Potable Water Systems Putnam County			
River Grove Water	July - September 2009	Failed to conduct analyses for Disinfection Byproducts	Consent Order issued
Beechers Point Water	2011	Minor piping corrosion	Minor deficiencies
Hermits Grove Water	2011	Minor bio growth on piping at wellhead and some piping corrosion	Minor deficiencies, corrected and DEP notified
Palm Port Water	2011	Well casing at WTP is less than 12" above the well pad	No DEP requirement to fix these until there is work done on the wells or if the system has bacteriological or chemical problems in the future
Pomona Park Water	2011	Well casing at Well #1 is less than 12" above the well pad	
River Grove Water	2011	Well casing at WTP is less than 12" above the well pad	
Wootens Water	May 2011	Flowthrough tank was observed to be in poor shape	No comment provided
Tom Rauth DEP Northeast District Wastewater Compliance Alachua and Putnam County			
Arredondo Farms Wastewater	2008 - 2010	Violations of multiple Sanitary Sewage Overflows	Penalty and COA

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<u>System</u>	<u>Date</u>	<u>Issue</u>	<u>Status</u>
Daniela Sloan Polk County Health Department Public Water Systems SDWA Regulations Polk County			
Breeze Hill Water	2010 and 2011	Annual sanitary surveys showed a leaking well seal	Corrected June 23, 2011
Lake Gibson Estates Water		Leaks around both well seals	Out of compliance status
Orange Hill/Sugar Creek Water	2010	Failure to submit timely results of sample for nitrates/nitrites	Warning letter sent January 2011
Gibsonia Estates Water	2010	Failure to submit timely results of sample for nitrates/nitrites	Warning letter sent January 2011
Rosalie Oaks Water	2010	Failure to submit timely results of sample for nitrates/nitrites	Warning letter sent January 2011
Breeze Hill Water	Annual Sanitary Surveys	Minor deficiencies: no screen and elbow on air release valve, maintenance manual not on site, chlorine injection leak, outdated bacteriological sampling plan, no tank inspection report on site, and corrosion on some components; recommendations that future alterations must include well vent and access port and that casing height should be increased to 12 inches above the concrete pad	
Orange Hill/Sugar Creek Wastewater	2010 Annual Sanitary Survey	Leaking well seals in 2010	Corrected on schedule
Gibsonia Estates Wastewater	2010 Annual Sanitary Survey	Leaking well seals	Corrected on schedule

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<u>System</u>	<u>Date</u>	<u>Issue</u>	<u>Status</u>
Catherine Walker SJRWMD Water Use Regulation Alachua, Brevard, Lake, Marion, Orange, Putnam, Seminole, and Volusia County			
Twin Rivers and Tomoka View Water	2009	Withdrawing water from a well exceeding Consumptive Use Permit Penalty and COA thresholds without the requisite CUP	
Summit Chase Water	May 2009	Notified of untimely submittal	Currently in compliance
Chuluota Water	September 2009	Notified of untimely submittal	Currently in compliance

Summary of Testimony
Boil Water Notices

<u>Witness</u>	Boil Water Notices 2009 - 2011		
	<u>Total</u>	<u>Planned</u>	<u>Unplanned</u>
Patricia Carrico Volusia County Health Department (VCHD)	12	6	6
Kimberly Dodson DEP Brevard, Lake, Marion, Orange, and	88	35	53
Jeffry Greenwell DEP DeSoto, Hardee, Marion, Pasco, Polk, and Sumter County	41	5	36
Scott Harrison Palm Beach County Health Department Palm Beach County	2		
Josie Penton DEP Panama City Office Washington County	5	1	4
Benjamin Piltz DEP Northeast District Office Putnam County	12	6	6
Blanca Rodriguez DEP Alachua County	No specific numbers provided		
Daniela Sloan Polk County Health Department Polk County	23	17	6
Totals	<u>183</u>	<u>70</u>	<u>111</u>

Aqua Utilities Florida, Inc
Docket No. 100330-WS
Matrix of Customer Complaints at Service Hearings

	Complaints on Overall Service Quality								
	<u>Number of Speakers</u>	<u>Number of Complaints</u>	<u>Water Quality</u>	<u>Customer Service</u>	<u>Billing</u>	<u>Plant Issues</u>	<u>Boil Water Noticing</u>	<u>High Rates</u>	<u>Affordability</u>
Greenacres	13	29	3	5	2	5	2	10	2
N. Fort Myers	0	0	0	0	0	0	0	0	0
Sebring	11	28	6	4	4	1	1	9	3
Oveido	11	22	10	5	3	0	0	1	3
Gainesville	40	104	32	16	16	9	3	24	4
Palatka	6	13	5	2	1	1	1	2	1
Eustis	22	44	3	5	11	1	0	15	9
Chipley	7	14	6	3	0	0	0	3	2
New Port Richey	36	83	25	4	6	6	6	23	13
Lakeland	28	67	6	9	7	5	3	24	13
Totals	174	404	96	53	50	28	16	111	50