

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint of HAROLD RISCH)	DOCKET NO. 900084-WU
against BETMAR UTILITIES, INC.)	ORDER NO. 22735
regarding high water bill in Pasco)	ISSUED: 3-27-90
County)	
)	

The following Commissioners participated in the disposition of this matter:

MICHAEL McK. WILSON, Chairman
 THOMAS M. BEARD
 BETTY EASLEY
 GERALD L. GUNTER
 JOHN T. HERNDON

NOTICE OF PROPOSED AGENCY ACTIONORDER GRANTING RELIEF FROM HIGH WATER BILL

BY THE COMMISSION:

NOTICE IS HEREBY GIVEN by the Florida Public Service Commission that the actions discussed herein are preliminary in nature and will become final unless a person whose interests are substantially affected files a petition for a formal proceeding pursuant to Rule 25-22.029, Florida Administrative Code.

On July 18, 1989, Betmar Utilities, Inc. (Betmar) installed new curb stop valves and backflow prevention devices on the water line leading to the residence of Mr. Harold Risch. Mr. Risch was apparently away from home during this time. Sometime in August of 1989, an exterminator discovered extensive flooding in Mr. Risch's home, the result of a leaking toilet. Mr. Risch was billed for 94,000 gallons of water consumption in July, for a combined total water and wastewater bill of \$155.22.

Mr. Risch took issue with his July bill and attempted to work out the matter informally with Betmar. However, Betmar refused to make any adjustment to his bill.

On October 20, 1989, Mr. Risch filed a complaint with this Commission. According to Mr. Risch, he had turned his water off at the meter while away from home. Mr. Risch argued that, had Betmar left his water off after it installed the curb stops

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and backflow preventers, the flooding and resulting damage would not have occurred. Mr. Risch also admitted that the flooding would not have happened if his toilet had not failed.

In response to the complaint, Betmar, stated that it provided written notice to its customers in March of 1989, and again on the back of its May and June bills, that it would be installing curb stop valves and backflow preventers. Betmar argued that, since Mr. Risch neither requested that his water be disconnected nor informed the utility that he had done so himself, Betmar did not act improperly by turning Mr. Risch's water on after performing the work.

Mr. Risch replied that he travels frequently and that, in his absence, his mail is forwarded to his daughter, who forwards it to him. Mr. Risch stated that he never received the March notice and does not recall seeing such notice on the back of his May or June bills. Mr. Risch also stated that it is common practice where he lives for customers to turn their water off at the meter and that, as a courtesy, Betmar should have left his shut-off valve in the "off" position as it was before the work was done.

By letter dated November 3, 1989, Betmar again stated that it would not make any adjustment to Mr. Risch's bill. By letter dated November 8, 1989, the Staff of this Commission (Staff) informed Mr. Risch that Staff did not believe that any adjustment was warranted either. Accordingly, on December 11, 1989, Mr. Risch requested an informal conference. An informal conference was held on January 24, 1990; however, the matter did not get resolved at this conference.

Although we do not believe that Betmar acted improperly by installing the backflow preventers and valves, we also do not believe that Mr. Risch acted improperly. Mr. Risch has alleged, and Betmar did not dispute, that it is a common practice for Betmar's customers to turn off their water at the meter. Further, it appears that, had Betmar exercised reasonable care, it would not have turned Mr. Risch's water back on, which would have eliminated this problem in its entirety. Accordingly, we do not believe that Mr. Risch should have to pay the disputed amount.

It is, therefore,

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ORDERED by the Florida Public Service Commission that this Order is issued as proposed agency action and will become final unless a person whose interests are substantially affected files a petition with the Director, Division of Records and Reporting, 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on the date specified in the "Notice of Further Proceedings or Judicial Review" paragraph. It is further

ORDERED that Mr. Harold Risch's request for relief from the disputed bill amount is hereby granted. It is further

ORDERED that Mr. Risch shall not be charged for the disputed bill amount of \$155.22.

By ORDER of the Florida Public Service Commission
this 27th day of MARCH, 1990.


STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

RJP

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

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The action proposed herein is preliminary in nature and will not become effective or final, except as provided by Rule 25-22.029, Florida Administrative Code. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, as provided by Rule 25-22.029(4), Florida Administrative Code, in the form provided by Rule 25-22.036(7)(a) and (f), Florida Administrative Code. This petition must be received by the Director, Division of Records and Reporting at his office at 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on April 17, 1990.

In the absence of such a petition, this order shall become effective on the day subsequent to the above date as provided by Rule 25-22.029(6), Florida Administrative Code, and as reflected in a subsequent order.

Any objection or protest filed in this docket before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.

If this order becomes final and effective on the date described above, any party adversely affected may request judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or by the First District Court of Appeal in the case of a water or sewer utility by filing a notice of appeal with the Director, Division of Records and Reporting and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days of the effective date of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.