

**ORIGINAL**

MEMORANDUM

April 6, 1998

TO: DIVISION OF RECORDS AND REPORTING  
FROM: DIVISION OF LEGAL SERVICES (FERGUSON) *CF*  
RE: DOCKET NO. 980307-WS - APPLICATION FOR CERTIFICATE TO  
PROVIDE WATER AND WASTEWATER SERVICE IN ORANGE COUNTY BY  
ZELLWOOD STATION CO-OP, INC.

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Please file the attached letters dated April 2, 1998 in the docket file for the above-referenced docket.

CF/lw

Attachment

cc: Division of Water and Wastewater (Lowe, Dunbar, N. Walker, Redemann)  
Division of Legal Services (Brubaker)

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WAS \_\_\_\_\_  
OTH \_\_\_\_\_

DOCUMENT NUMBER-DATE

03923 APR-6 88

FPSC-RECORDS/REPORTING

April 2, 1998

Cleveland Ferguson III  
Staff Attorney  
Capital Circle Office Center  
2540 Shumard Oak Blvd  
Tallahassee, Florida 32399-0850

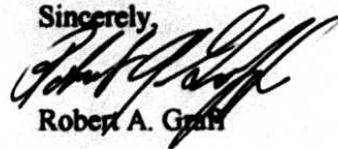
Robert A. Graff  
3517 Blossom Circle  
Zellwood, Fl. 32798

Dear Mr. Ferguson:

I wish to thank you for your prompt reply to my letter to the Public Service Commission on March 23, 1998. You suggested that I have a choice to represent myself with an attorney at a hearing or place my letter in the correspondence file as a comment letter.

I have been advised by the Condominium Board of the intent of our attorney's to have already filed, or are in the process of filing a request for a hearing. I would like to request that my letter be filed as a comment letter.

Sincerely,



Robert A. Graff

RECEIVED  
APR 6 1998  
LEGAL DIVISION

Florida Public Service Commission  
RECEIVED  
APR 6 1998  
LEGAL DIVISION



Harrison F. Dunbrook  
3773 Cohen Drive  
Zellwood, FL 32798

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ADMINISTRATION  
MAIL ROOM

April 2, 1998

PUBLIC SERVICE COMMISSION  
Division of Legal Services  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

Attn.: Mr. Cleveland Ferguson III

Re:Docket 980307-WS-Application for certificate to provide water and waste water service in Orange County by Zellwood Station Co-op, Inc.

Dear Counselor Ferguson:

In reply to your letter of March 30<sup>th</sup>, 1998, I wish to advise you that I do not intend to pursue my concerns relating to the Public Service Commission's issuance of a certificate to the Zellwood Station Co-op, Inc. to authorize it in charging Park Residents for water and wastewater services. This a normal and proper procedure for the Commission and the Station's Co-op to follow. How else could all interested parties (including the Park Residents) be assured that proper and correct compensation are be made for these services? So, I do not request that a hearing be scheduled or held on my behalf to question whether this request of Zellwood Station's Co-op's Board of Directors is in order.

However, I am concerned as to how the Co-op Board of Directors will actually administer the assignment of charges for water services to its residents of the Park. Therefore, I inquire whether this certificate approval by the Commission additionally approves the method by which the Park's Board intends to determine the amount of water that is consumed by each individual resident (or park owned facility), and the rate of compensation (cost/gallon) that is to be utilized in the Board's invoicing to each consumer for water consumption?

On March 20<sup>th</sup> 1998, I was notified by the President of the current Park's Board of Directors that Quote "In January 1999, the Co-op will be invoicing \$35.53 to each household for water/sewer per month, and St. Johns River Water Management District will permit will permit 10,000 gallons per month maximum usage for each home. If the resident exceeds the 10,000 gallons, they will be charged an additional \$5.23 for each month they go over the 10,000 Gallons." This invoicing procedure does not seem equitable, and certainly in any stretch of my imagination is an approach or attempt to charge for the water which is consumed. Especially when one considers that at this present time, the Park is actually installing water meters at each home purportedly to measure (meter) each home owner's water consumption. Additionally, to charge each home owner an additional \$5.53 as some extra charge for exceeding an assigned 10,000 gallon consumption. Once again, this does not charge the resident for actual consumption, rather it would seem that this latter billing procedure is just a fee or fine for exceeding some predetermined amount, and not for water actually used.

To summarize:

1. I do not object that the request for issuance of a certificate to the Co-op has been made to the Commission.



2. I do question the intent of the Co-op to charge each resident for a predetermined 10,000 gals of usage, and then to asses each resident a \$5.23 fee if this initial predetermined 10,000gallons is exceeded

3. I do question the Co-op's authority to establish an apparent unsubstantiated rate of \$35.53 /10,000 gallon to be assessed upon each resident.

It would seem that for any agency to be certified and authorized to charge for utility services that this agency must demonstrate and show that accurate or at least reasonable quantification of the service rendered (in this case the gallons of water used) would be assessed and that a documented cost, by the agency, had been presented to base their intended rate to be charged to their consumer. I am not at all of the opinion or feel assured that this has been done by the Zellwood Station Co-op.

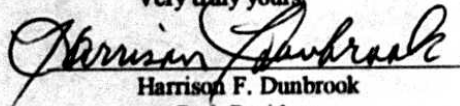
I base this upon the facts that before any actual consumption of water by a park resident, their meter should be installed and read, and that their usage of water be metered and not be assessed by some predetermined amount that may or may not be reasonably acceptable. The station has not as yet completed its resident meter installation program. Many of the Park residents do not reside in the Park all of the time. As a matter of fact, there are many who do not reside in the Park for several months at a time. (3,4, or 5 months at a time.) I personally know of one resident who only lives in the park for only 2 or 3 months in a year. Then there are many homes that have only one resident while other homes have two or three occupants. I only bring this to your attention to emphasize the unreasonableness in establishing a one consumption amount for all homes. (One size does'nt fit all it would seem)

These are my concerns regarding this matter. It has always been the case in this park that the use for water was included as part of the monthly lot rent. This was and still is the case It is also in accordance with the prospectus furnished to each resident as part of their agreement when they entered to reside in the Park.

As a matter of fact, it was shown in the Park's budget for this past year. (1997), that the amount for water usage by each resident was approximately half (\$17.50). The amount that the Park now intends to charge each resident is \$35.53 and is basically why I question this apparent doubling by a new rate without its being substantiated by some reasonable pertinent cost data.

Thank you for your consideration in this matter. I trust that I have answered your questions concerning this matter, and given you my concern s over the park resident's being fairly assessed for utility services rendered.

Very truly yours



Harrison F. Dunbrook  
Park Resident