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ORIGINAL

December 17, 1998

Ms. Blanca S. Bayó, Director  
Division of Records and Reporting  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0870

981870-WS

RE: Formal Complaint of Lou Krause against Florida Water Services Corporation

Dear Ms. Bayó:

While we are not representing Mr. Krause, we are simply assisting him in filing the enclosed Formal Complaint. We have enclosed an original and fifteen copies for filing in your office.

Please indicate receipt of filing by date-stamping the attached copy of this letter and returning it to this office. Thank you for your assistance in this matter.

Sincerely,

Harold McLean  
Associate Public Counsel

- ACK \_\_\_\_\_
- AFA \_\_\_\_\_
- APP \_\_\_\_\_
- CAF \_\_\_\_\_ HM/dsb
- CMU \_\_\_\_\_ Enclosures
- CTR \_\_\_\_\_
- EAG \_\_\_\_\_
- LEG \_\_\_\_\_
- LIN \_\_\_\_\_
- OPC \_\_\_\_\_
- RCH \_\_\_\_\_
- SEC \_\_\_\_\_
- WAS \_\_\_\_\_
- OTH \_\_\_\_\_

RECEIVED & FILED  
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FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE  
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FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Complaint of Lou Krause )  
against FLORIDA WATER )  
SERVICES CORPORATION )  
in Hernando County, Florida )  
\_\_\_\_\_ )

DOCKET NO. 981870-WJS

FILED: \_\_\_\_\_

FORMAL COMPLAINT

LOU KRAUSE, appearing in pro se files this Formal Complaint against FLORIDA WATER SERVICES CORPORATION (Florida Water) and as grounds therefor says:

1. This Formal Complaint is filed pursuant to Rule 25.22.032(8), Florida Administrative Code which provides, among other things, that the Florida Public Service Commission (Commission) may either resolve a customer complaint by Proposed Agency Action order, or set it directly for hearing pursuant to Section 120.57(1), Florida Statutes (1997);
2. The Complainant has endeavored without success to persuade the Commission's Division of Consumer Affairs to investigate his complaint, and turns now to the Commission for redress;
3. Complainant is a water and wastewater customer of Florida Water, Complainant's address is 335 River Glass Court, Leesburg, FL, 34788, having initiated service on August 25, 1997;
4. Florida Water, by means of its statement rendered on September 19, 1997, alleges that Complainant consumed one hundred sixty-eight thousand two hundred and fifty (168,250) gallons of water over a twenty day period; more than 8,000 gallons per day;
5. The house, to which more than 8,000 gallons per day usage is assigned was vacant during the entire 20 day period, as it was for June, and July immediately preceding, the prior resident's account having been ended in June 1997;

DOCUMENT NUMBER-DATE

14125 DEC 17 88

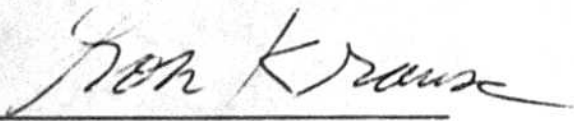
FPSC-RECORDS/REPORTING

6. To this point in time, Florida Water has offered only the accuracy of its water meter as evidence for the disposition of one hundred sixty-eight thousand two hundred and fifty (168,250) gallons of water;
7. Complainant acknowledges the receipt of \$4.83 representing 4057 gallons for which Florida Water admits Complainant was overly billed due to a 'fast meter;'
8. In Complainant's dealing with Florida Water, it is Complainant's burden to show that one hundred sixty-eight thousand two hundred and fifty (168,250) gallons of water were not received; yet it is virtually impossible to show the negative of any proposition, and the requirement that Complainant do so is an outright denial of his due process rights under the Florida and United States Constitutions. Any requirement to do so in any order of this Commission renders his point of entry into the administrative process meaningless and would deprive him of any remedy otherwise available to him under Rules of this Commission and under Florida statutes.
9. Florida Water is in violation of its tariff and of the rules of the Commission until and unless it can show that Complainant received one hundred sixty-eight thousand two hundred and fifty (168,250) gallons of water during the twenty day period for which its bill is rendered, a period during which the dwelling was unoccupied.
10. It is axiomatic and consistent with the rules of the Commission that no customer of a regulated utility should be charged unless it be shown that the service was consumed;
11. The sole testament to this highly unusual and highly unlikely consumption of one hundred sixty-eight thousand two hundred and fifty (168,250) gallons of water is a water meter, a device which is in the sole possession and control of Florida Water and over which the

Complainant has neither control nor possession; moreover, Complainant notes the extreme likelihood of any residential account using over 8,000 gallons per day, and further notes that his consumption since the errant bill has been well within average consumption;

12. Given the absence of any evidence whatsoever as to the disposition of the one hundred sixty-eight thousand two hundred and fifty (168,250) gallons of water - a volume of water which is not easily concealed - Florida Water's September 15, 1997 bill, referenced above, should be adjusted to Complainant's subsequent, average usage.

WHEREFORE, Lou Krause, petitions the Florida Public Service Commission to forthwith order Florida Water Services Corporation to adjust the referenced bill to reflect his average consumption over an appropriate period.

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**Lou Krause**


**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing complaint of Lou Krause was served upon the following entities on this 17 Day of December, 1998:

Noreen S. Davis, Director  
Division of Legal Services  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

Kenneth A. Hoffman, Esquire  
Rutledge, Ecenia, Underwood,  
Purnell & Hoffman, P.A.  
215 South Monroe Street  
Tallahassee, Florida 32302

Florida Water Services Corporation  
Post Office Box 609520  
Orlando, Florida 32860-9520



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Harold McLean  
Associate Public Counsel