



To: Mayor Teresa Jacobs
From: Commissioner Ted Edwards, District 5
Date: October 4, 2016
Re: Regulation of Private Water Utilities

Over the last nine months, my office has received numerous complaints from our constituents living in Wedgefield relating to poor water service provided by Pluris Wedgefield, Inc., a Florida for-profit water utility. Many Wedgefield residents complained that their water was discolored and had a bad odor. In response to these complaints, I asked Orange County Environmental Protection Division (EPD) to sample the water in Wedgefield.

EPD sampled water from 18 homes, and resampled six homes. For each location sampled, 32 parameters were analyzed - five of which were elevated. These parameters were Total Trihalomethanes (TTHMs), Halo Acetic Acids (HAAs), Total Dissolved Solids (TDSs), Total Coliform Bacteria, and odor. Of these five parameters, the TTHMs and HAAs were consistently high during both rounds of sampling by EPD.

Currently, Pluris Wedgefield, Inc., is regulated the State of Florida, not Orange County. The Florida Department of Environmental Protection (FDEP) regulates water quality pursuant to the US EPS grant of authority under the federal Safe Drinking Water Act., and the Florida Public Service Commission (FPSC), pursuant to chapter 367, Florida Statutes, for the public utility's authority, service, and rates. Without a Certificate of Authorization from the FPSC, Pluris Wedgefield would not be able to operate in Orange County.

In spite of the County notifying the State of the water quality issues at Wedgefield and although the utility and the FDEP has been assuring Wedgefield residents that the utility will take additional actions to solve the water quality issues, my office continues to receive many complaints concerning the poor water quality, poor service, and high water rates. Some of my constituents have questioned whether they would be better served if the County was the regulatory jurisdiction for the utility's authority, service, and rates. Of the 67 counties, 30 counties have jurisdiction over private utility operations. Orange County is not one of them. It is my understanding that there are three private water utilities and one private wastewater utility in Orange County. I believe it is time to discuss whether the County should assume the regulation of private water and wastewater utilities operating within Orange County, and therefore, please schedule a Commissioner's Report on this matter.

If the Board decides that it wants to assume this regulatory authority, there is a process that must be followed. The process for acquiring regulatory jurisdiction is set forth in Chapter 367, Florida Statutes, and the FPSC rules implementing that statute. The first step is for the Board to adopt a resolution to rescind FPSC jurisdiction. The second step is for the FPSC to issue an order accepting the resolution and acknowledging the rescission of its jurisdiction. However, the FPSC has the ability to deny or delay the rescission if: 1) a public water utility has a pending case before the FPSC, or 2) the utility's operation transverses the boundaries of the County. After the FPSC acknowledges the rescission there are additional steps needed to issue a certificate of authorization and regulation of the private utility's services.

I would ask that you support this request on behalf of our constituents. Thank you for your consideration of this request.

Cc: Board of County Commissioners
Ajit M. Lalchandani, County Administrator
Jeffrey J. Newton, County Attorney



To: Mayor Teresa Jacobs
From: Commissioner Ted Edwards, District 5
Date: October 17, 2016
Re: **Commissioner's Report**

A handwritten signature in black ink, appearing to be "Ted", written over a horizontal line.

Recently, I sent you a request for a Commissioner's Report relating to seeking regulatory jurisdiction over private water utilities in Orange County. I requested time to discuss this matter because the residents of Wedgefield are provided water that is of poor quality and is expensive. The water provider is Pluris-Wedgefield, Inc., a private utility company. My office continues to receive complaints relating to Pluris' high rates and poor water quality. Recently, the Wedgefield community gathered and the sentiment expressed at the community meeting was to ask the County to acquire the utility and provide Wedgefield water service from Orange County Utilities. I request that the Commissioner's Report currently scheduled for November 1st be expanded to include a discussion relating to negotiating the purchase of the Wedgefield utility system from Pluris.

Thank you for your consideration of this request.

Cc: Board of County Commissioners
Ajit M. Lalchandani, County Administrator
Jeffrey J. Newton, County Attorney