## Contact Information < br>> < br>>

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How would you like to be contacted? \*

○ Yes ○ No ○ Undecided<br>
○ Email ○ Mail ○ None<br>
○ Wes ○ No ○ Undecided<br>
○ Wes ○ No ○ Undecided<br>
○ Yes ○ No ○ Undecided<br>
○ Yes ○ No ○ Undecided<br>
○ Yes ○ No ○ Undecided<br/>
○ Yes ○ No ○ U

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**Utility Company Name \*** 

## Comments

TO:

Utilities Commission

RE:

Docket# 060662

Fragaria Landing Water Co. vs. Washington Utilities and Transportation Commision

I would like to register my disappointment and displeasure with the proposed settlement between Fragaria Landing Water Co (FLWC). and Washington Utilities and Transportation Commission. None of the concerns raised by the customers with respect to unfair and excessive billings have been addressed as part of the proposal. FLWC has a monopoly on providing water to the residents served by their well. Furthermore, the FLWC has provided no transparency of operations, expenses or the like to justify the charges. Without the transparency, there is no justification for the charges and billings.

The issue of determining the base line allotment is a core question, that the proposed settlement does not address. Where did these figures come from? Are they reasonable for a subdivision were the minimum acreage by Kitsap County zoning is 2.50 acres? In addition, Kitsap County has also designated the area served by FLWC as Agricultural/Rural Residential, which by definition would indicate a higher base water usage and allotment than an Urban or even Rural Residential designation. Along these same lines, the proposed overage charges appear to be excessive. While I understand the motivation of the WAUTC to encourage conservation, these figures appear to have no basis. After analyzing my personal situation and historical usage, the proposed settlement and resulting rate plan reduce my potential billings by 2%. Given that the billings are already between 50% to 60% higher than billings from similar water companies throughout the Port Orchard, Ollala and Gig Harbor areas, a mere 2% correction is unacceptable. Nowhere in the proposed settlement does it provide for recapture of excessive and illegal charges. Once a finalized settlement is agreed upon by all parties, it should provide for reimbursement to FLWC customer's of charges in excess of those calculated using the new agreed upon formula.

FLWC billing processes are suspect as well. On numerous occasions the meters have been read incorrectly and customers subsequently billed incorrectly. As an example, the former owner of 8665 Landing Lane, Evan Ritchie, who has indicated to me that he would be happy to provide a formal statement confirming these types of errors. In Mr. Ritchie's case, their property was listed for sale, and vacant, with all fixtures and systems turned off. Mr. Ritchie received a bill indicating that he owed approximately \$650.00 for a single month, during which the property was vacant. After inquiries to FLWC, a representative was dispatched to check to see if there was a leak, there was not. At which time they demanded payment for the water usage. Mr. Ritchie not having evidence to refute their claim paid the bill. In the following 2 months, Mr. Ritchie tracked the meter readings personally, and found FLWC. had misread and misbilled him for an additional \$800.00 in water usage. After extensive heated discussions, Mr. Ritchie prevailed and FLWC acknowledged that the meters were read incorrectly. This is only

one example of numerous other stories by current and past residents of Fragaria Landing.

FLWC seems to operate as though the laws of Washington State do not apply to them. For example, in order to obtain a building permit from Kitsap County it was required that I present a current water availability letter. I requested and received a letter from Fragaria Landing Water Co., and subsequently submitted for permits. By the time the permits were ready to be issued the water letter was more than 12 months old. By Kitsap County regulations the letter can not be more than 12 months old at the time of permit issuance. Therefore, I requested an updated letter from Fragaria Landing Water Co., their response was as soon as I paid \$6,850.00 for the connection they would issue an updated letter. The connection fee had been paid by the previous owner, and the letter they issued previously to me did not require any additional payment. In fact, it acknowledged that the fees were all paid in full. When questioned about it, the response was; "Do you want the letter or not? If so, forward payment immediately and we will issue the replacement letter within 5 days. Yes the previous owner had paid, but that the payment for the connection is non-transferable". Nowhere in any documentation either through public records or provided by FLWC does it state that the connection is not transferable. I personally consider this blackmail, as I had no choice other than to pay the amount requested, as without the letter we would not have been able to build our home. I have attempted to obtain a refund from FLWC, and continue to be refused.

The effect that FLWC's current rate plan has had on the residents of Fragaria Landing is threefold; 1) Some residents have opted to not water their landscaping during dry months due to the excessive expense. The net result of this is a decline in the overall appearance of the subdivision. This decline in appearance also translates directly into a decline in marketability and market value for any property served by FLWC; 2) Some residents who may be retired or on a fixed income, are put in a position of choosing to maintain their largest personal asset or giving up some other aspect of their life due to the shear expense for a basic necessity, water; and 3) The overall property values within Fragaria Landing have been and continue to be negatively affected, as the history of FLWC and its renegade management style is widely known throughout the county. Now adding to that reputation is the excessive charges for water.

In summary, FLWC has acted irresponsibly, and in several cases illegally. I request that the commission revisit the proposed settlement. The currently proposed settlement does not go far enough to address the basic concerns of an insufficient base line allotment, the excessive over-the-base line charges, reimbursement of previously paid excessive charges and sanctions for ignoring the rules and laws set forth by the UTC. If a satisfactory resolution can not be achieved, one that is satisfactory to the customers of FLWC and the UTC, I request that FLWC license to operate be terminated and FLWC be dissolved with the title to the well be transferred to either a responsible municipal water company for management of its operations, or to the homeowners directly.

Respectfully submitted,

W. Sean Smith
President
Fragaria Landing Homeowners Association
8659 Landing Lane SE
Port Orchard, WA 98367

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