

AGENDA ITEM 2-a

MINUTES OF A REGULAR MEETING OF THE UTILITIES COMMISSION, CITY OF NEW SMYRNA BEACH, FLORIDA, HELD MONDAY, OCTOBER 19, 2009, AT 6:00 P.M., AT 200 CANAL STREET, NEW SMYRNA BEACH, FLORIDA

Prior to opening of the final public hearings, Chairman Allen proceeded with an invocation and Commissioner Diesen led in the Pledge of Allegiance immediately following.

(1) Final Public Hearing RE: Revisions to the U.C. Internet Rate Schedule:

Chairman Allen stated this evening we will begin with our first final public hearing to publicly discuss and consider revisions to the Utilities Commission's Internet Rate Schedule. He then requested for a roll call to be taken and a majority of the Commissioners were in attendance as follows:

Commissioner Jeanne K. Diesen
Commissioner William E. Hall (ABSENT)
Commissioner William H. Reynolds
Commissioner Oscar Zeller
Chairman Walter Allen III

Others in attendance were as follows: R. Rodi, General Manager/ CEO; L. Klinkenberg, Director of Finance; R. Mitchum, Director of Electric Operations; T. Beyrle, Director of System Ops. & Generation; R. Lemoine, Director of I.T.; P. Di Chiara, Director of H.R.; D. Hoover, Director of Water Resources; M. Lynch, Materials Manager; D. Hale, Civil Engineer; B. Bilinski, Controller/Budget Supervisor; E. Fisher, Public Information Manager; D. Wood, Customer Service Manager; D. Zorge, Customer Service Supervisor; B. Keehn, Administrative Support Specialist; D. Simmons, Exec. Adm. Offices Mgr./Recording Secretary; W. Preston, U.C. Legal Counsel; M. Rakowski, City of NSB Director of Development Services; Jake Baker, City of NSB Planner; William Le Fils, Elizabeth Brooks, and an unidentified woman and man, all members of the public.

Chairman Allen then requested Mr. Preston to read the notice of the final public hearing and proposed resolution.

Mr. Preston stated this final public hearing was authorized by the Utilities Commission during their August 17, 2009, Regular U.C. Meeting, and notices appeared in the Orlando Sentinel at least ten days prior to this date. Notices were also placed on the bulletin board at the Utilities Commission office at 200 Canal Street and City Hall at 210 Sams Avenue. Proof of publication of advertisement for this hearing will become part of the minutes. Mr. Preston stated this is a resolution revising the internet service's rate schedule of the Utilities Commission, City of New Smyrna Beach Florida, rescinding all resolutions or portions thereof in conflict herewith, and providing for an effective date.

(1) Final Public Hearing RE: Revisions to the U.C.'s Internet Rate Schedule (cont.):

Chairman Allen then opened up this hearing for any comments, for or opposed, to revisions to the Utilities Commission's Internet Service Rate Schedule. There being no comments, nor public participation, Chairman Allen closed this final public hearing. This hearing closed at 6:02 p.m.

(2) Final Public Hearing RE: Revisions to the U.C.'s Reclaimed/Reuse Water Services Rate:

Chairman Allen then opened the second final public hearing to publicly discuss and consider revisions to the Utilities Commission Reclaimed / Reuse Water Services Rate Schedule. He then requested roll call to be taken. A majority of the Commissioners and same persons were in attendance, as listed and shown previously in the first final public hearing.

Chairman Allen then requested Mr. Preston to read the notice of public hearing and proposed resolution.

Mr. Preston stated this final public hearing was authorized by the Utilities Commission during their August 17, 2009, Regular U.C. Meeting, and notices appeared in the Orlando Sentinel at least ten days prior to this date. Notices were also placed on the bulletin board at the Utilities Commission office at 200 Canal Street and City Hall at 210 Sams Avenue. Proof of publication of advertisement for this hearing will become part of the minutes. He then stated please note, notice requirements in Florida Statute Section 180.136 is not applicable to reclaimed/reuse water services. He then proceeded to read the proposed resolution by title, and stated this is a resolution revising rate schedules for all classes of customers utilizing the reclaimed/reuse water system of the Utilities Commission, City of New Smyrna Beach, Florida, rescinding all resolutions or portions thereof in conflict herewith, and providing for an effective date.

Chairman Allen then opened up this public hearing for discussion or comments, for or opposed, to the revision to the Utilities Commission reclaimed/reuse water service rate schedule. There being no comments, nor public participation, Chairman Allen closed this final public hearing. This hearing closed at 6:04 p.m.

Regular U.C. Meeting :

Chairman Allen then opened the regular U.C. meeting with roll call. The majority of the U.C. Commissioners and same persons in attendance as listed previously in the opening of both final public hearings.

(1) Agenda Changes, Additions and Deletions:

Chairman Allen asked if there were any agenda changes, additions or deletions.

Mr. Rodi stated there were none.

(2) Approval of Consent Items:

Chairman Allen stated as we move on to item 2, approval of consent items, do we have a motion to approve the consent items.

Commissioner Diesen made a motion to approve the consent items: item 2-a. Minutes of Regular U.C. Meeting Held 9-21-09, approve as submitted; item 2-b. U.C. Regular Meeting Schedule for 2010, approve as submitted; item 2-c. RFP No. 08-09 – Electric Meters for Central Stores, a motion to award RFP No. 08-09, for electric metes for the Central Stores Division of the Finance Department, to the lowest responsive and responsible proposal, to HD Supply Utilities, in the not-to-exceed amount of \$72,760.00. (Purchase orders to replenish stock will be issued as needed); item 2-d. Bio-Solids Residuals – Pumping, Transporting and Unloading, a motion to award Purchase Order No. PO00008755, in the amount of \$230,000.00, to Shelley’s Environmental Systems, for pumping, transporting, and unloading the U.C.’s bio-solids residuals, for one year beginning October 1, 2009 and ending September 30, 2010; item 2-e. Anti-Fraud – Risk Control Policy and Procedures, a motion to approve/ratify the administrative policy and procedures for Anti-Fraud – Risk Control as submitted; item 2-f. Developer’s Agreement and Addendum – Sunshine #148 (751 Sugar Mill Drive), a motion to approve the Developer’s Agreement and addendum for Sunshine #148 (751 Sugar Mill Drive) as submitted and authorize the General Manager/CEO to execute these documents; item 2-g. Joint Pole Use Agreement, a motion to approve the Joint Pole Use Agreement with the IT Department (UC) as submitted and authorization for the General Manager/CEO to execute same; item 2-h. Right-of-Way Permit (Renewal) – Canaveral National Seashore Park, a motion to approve the Right-of-Way Permit Renewal with Canaveral National Seashore Park as submitted, for the continued provision of sanitary sewer services by the U.C., and authorize the General Manager/CEO to execute; item 2-i. FDEP Consent Order (RE: 30” Wastewater Force Main), no action requested or required, informational item only. Commissioner Reynolds seconded this motion and it passed unanimously on a roll call vote.

(3) Public Participation:

Chairman Allen then proceeded to agenda item three, public participation, and stated the floor is now open for public participation at this time.

A man in the audience indicated he would like speak and then addressed the Commission. He stated my name is William Le Fils. I recently purchased property at 1039 South Myrtle Avenue and there’s a survey that I have here showing that the lot immediately to my north has been divided in half, and you own half of it and I own the

(3) Public Participation (cont.):

other half. I would like to own the whole thing. Since I've lived there, there is a drainage ditch that goes down, you've got a half of a lot that goes down of the south side of the ditch, and a half on the north side. I've seen the Utilities Commission use the service road on the north side, there is no road on the south side, only some shrubs, which I have not seen the Utilities Commission make any effort to maintain. He stated when I moved there, there was quite a bit of organic debris, I paid a couple of hundred bucks to have the stuff hauled away, and since then I've been trying to maintain it but I feel like I'm maintaining the Utilities Commission's lot. I would like to make some motion to acquire that lot if I can, or the half lot I should say.

Mr. Rodi stated we'll be glad to take a look at it, first to see what the intended future use is and then go from there.

Mr. Le Fils stated I was hoping to eventually build a barn that would be at least partially on that half lot.

Mr. Rodi stated I can't give you an intelligent response at this point.

Mr. Le Fils interjected I have a survey here, should I make an appointment to meet with someone to discuss it better.

Mr. Rodi stated yes, you can set up an appointment with our engineering area, and I would start with Randy Walter, and if you can just give me your phone number I'll have him give you a call.

Mr. Le Fils stated okay, my number is (269) 968-0584, that's a cell phone of course.

Mr. Rodi repeated and confirmed the number.

Mr. Le Fils stated correct and then thanked the Commission.

A woman then indicated she would like to speak and addressed the Commission. She stated I just have a general comment.

Chairman Allen stated yes, if you would step to the podium, and stated your name and address.

The woman stated my name is Elizabeth Brooks and I live at 718 Eleanor Avenue. My husband and I have owned our house for five years and we've made it our primary property in December of last year. We returned to Vermont, where we have lived for the last 30 years, in the summer because we both had work there. And we left our utilities on, we had our bills set-up to be paid automatically through my checking account. We returned last week, at 90 degrees, to find that we had no electricity. We had no electricity because our meter had been removed. Our meter had been removed because we found out

(3) Public Participation (cont.):

that the, I believe it's called the tag had been infringed upon. It had been snipped or something and the meter reader, following policy, called the guy to come and remove the meter. She stated there was no indication to us that this happened and this was September 15. Our bill was charged just the way it always was, the same amount of money, so that wasn't a red flag. There was no stamp on the bill, there was no written indication, there was no tag left on the door, we just had no electricity.

Mrs. Brooks stated just to make it even worse, the next day, we stayed with friends, because you know, we're Vermonters, 90 degrees that's going to melt us. The next day we went to the Utilities Commission downstairs and we were charged a \$300 fine because our meter was tampered with, and \$150 dollars to reinstall our electric service. She stated I can't tell you how offended I was by that, my husband stated our case, he explained we weren't there, he explained we had no idea, and he showed them our bills that we, of course, have been paying on time. You know, I went to your website and I looked it up and it says, "Connecting you with the quality of the New Smyrna Beach life", well you know what that's not good PR. She added and I love New Smyrna Beach, this is where we want to spend the rest of lives, this is our primary home, but that's not a good policy if you don't know how it infringes upon the public. I mean I spoke to the young man who came and replaced our meter, and I asked him why in the world would you do that, why would you take the meter out, why wouldn't you call us or email us, or whatever because you have all that information. He said that the policy is that if that tag has been tampered with that they're assuming that somebody is trying to steal services. And so then it's like I'm a criminal even though I'm not there, that's what I feel like has happened and that's what I feel like the opinion was downstairs when we tried to deal with this. We were given no kind of ability to follow through and get a change, we just had to, if we wanted electricity, we had to pay almost \$500 dollars, and we did want electricity, so we did. But I'm here to tell you that I think that you should relook at the policy and that you should, at least for the people, the policy should be that the persons that are living at the house should be communicated with that they're either going to lose their power or that the meter has been taken.

Mrs. Brooks stated the young man also told us that if we had been living there and we had walked out in the morning and seen the little tag had been clipped, and by the way, I never knew there was a little tag there until it was pointed out to me. If we had seen that and we had called, then it would have not been a charge and they would have just come out and would have relocked the meter. But because we weren't in residence we were penalized, so, if there's something I can do, if there's a process here that I can follow please let me know and I will be happy to do it. And I'm sorry to come and interrupt your meeting but I felt I had no other recourse, we were giving no recourse downstairs.

Mr. Rodi then stated to Mrs. Brooks thank you, and we will follow up on this. He commented this is news to me and we'll follow up on it because there obviously is something else missing, this doesn't sound very good at all.

(3) Public Participation (cont.):

Mrs. Brooks then interjected communication, you know, communication would have been great, an email, a phone call, I could have explained, we're not there, please take care of it, you know we could have called somebody to come in. And the young man that replaced the meter said that we could have actually protected that meter area, built something around it as long as the meter could be read, or as long as we gave a key to the meter reader or something like that.

Mr. Rodi stated generally, just for whatever it's worth, there are special rings that go around the meter that lock it in with a special key and that's normally how it's secured. And part of what happens in an economic environment as we have, some of these meters are stolen and then they're put into another house, and so when we see that the meters are that way, but aside from all of that, normally there is a communication, there's a contact, and that's the part I'm drawing a major blank on, there's something that went wrong. And presuming everything you've said is just straight up, that's terrible.

Mrs. Brooks then stated is there somebody I should speak too.

Mr. Rodi stated yes, Mrs. Klinkenberg.

Mrs. Klinkenberg then handed Mrs. Brooks her card and stated somebody from Customer Service will call you.

Mr. Rodi then added and thank you for sharing it.

Mrs. Brooks stated thank you for your time, and reiterated sorry to interrupt your meeting.

Chairman Allen stated well, we're glad you came and shared that, because that's not the way it's supposed to be, especially when you have automatic debiting.

Mrs. Brooks stated and it is good, it's a great place, we love it, we really do.

Chairman Allen thanked Mrs. Brooks for coming and then confirmed there was no further public participation this evening.

(4) R. Rodi - General Manager's Report:

Chairman Allen then stated I'd like to move on to the General Manager's Report and item 4-a., the Financial Status (Preliminary September 2009).

(4-a) Financial Status PRELIMINARY September 2009:

Ms. Klinkenberg addressed the Commission and stated as you know we didn't present financial statements this month because of the audit. We did close, we balanced perfectly

(4-a) Financial Status PRELIMINARY September 2009 (cont.):

with the Cogsdale system. It took us a little longer because it was something new, but we did balance. And on a plus, we also had accurate tax reporting and details on that; so that was nice. But the preliminary numbers for the year end are looking at a change in net assets of about \$2.9 million. We still have one large audit entry that has to be completed, that takes time, it's the accounts payable accrual, and that takes usually until about the first or second week in November before we have all that data in, in order to do that entry, and that's when the final numbers would be presented. And the audit's already in progress, we've already had our compliance portion done and the warehouse physical inventory. We've went through both of them with no "dings" whatsoever, everything was clean on both parts of that.

Ms. Klinkenberg then stated the fuel adjustment for this month, we had an over-recovery of approximately \$800,000, which brings our balance down to just over \$1 million of under-recovered funds.

Ms. Klinkenberg stated if I could give you a little update on Cogsdale. I know you're all aware of the bill print display errors. I don't know if you want me to go over each one of them and explain the status of them or if you just want to hear what's left to be repaired; that's your call.

Chairman Allen stated I don't see where we need to go over every item, if you just kind of want to give us an overview.

Ms. Klinkenberg stated okay, some of the display problems that were happening, the majority of them were corrected and we had a new bill print in place two weeks ago that corrected supposedly all the errors and we're not exactly sure what happened but it reverted back to the old one, so now we're getting the new one again tomorrow. What's left to be corrected on the bill print is your current month on the averages, the current month information calculates correctly but your prior month doesn't, and this is the first time that we're seeing that because we haven't had prior months bills before (on this new system); so we have to correct that. We have all the miscellaneous charges printing except, if you have a street light there's sales tax associated with it and for some reason the sales tax is not printing on the bill print. The front of your bill is accurate, the total and the combined amounts are accurate, but in the back details it's missing one line and we're working on getting that to display. We're up to date on the AFT files and we're able to run them every day now like we're suppose to. She stated that was a partial enQuesta and conversion issue, when it came in basically we had to verify every single routing number manually before we could send the file. When you have 1,500 people in one file it's very time consuming to do. She stated so we are sorry for the inconvenience that caused people but we're now over that hump at the moment.

Ms. Klinkenberg stated the three major items still outstanding with Cogsdale is a service order report, which we're functioning with a canned report at the moment and it works fine, it's an internal document that gets people turned on or change of service. And we

(4-a) Financial Status PRELIMINARY September 2009 (cont.):

want a specialized one that they haven't been able to get to us yet, so we're waiting on that. We have an inventory of meters that are not in the field yet, that we need to get put into the system so they can be put into the field; we haven't converted those yet. And the Web Connect, that's the big one. We actually started, our I.T. Department is doing the customizations in-house and they started on those this weekend and they told me by October 30th they should have the customizations ready and in the meantime I'll be working with PayPal to get us set up with that, and I.T.'s working to getting us a sales certificate in place that will allow us to make credit card payments through the web piece. Our customers are still paying through the IVR, they've figured out how to do that, and they are still using it every day.

Ms. Klinkenberg stated one other thing that's starting to come up is, I had talked to you previously about enQuesta's collection process not capturing everybody, people were getting away with not making a payment and it never went through the collection process. Those accounts are starting to hit now in Cogsdale and the customers are showing large balances due immediately. What we are doing in that case, because we do not feel that they would have gotten to this point where they owed this kind of money if the collections process was functioning correctly, so when those cases come up one by one, Mrs. Wood is handling those and she's looking at them and giving them up to a year to pay that balance back instead of it all being due at one time. Which is right in line with our backbill policy, because we don't think it would be fair to have them pay it all right up front.

Ms. Klinkenberg stated and right now regarding the cost of the project, we're about at \$175,000, which is right about the number we expected to be and it's coming to a close. She then offered to answer any questions.

Commissioner Diesen asked how many backbills are there or do we even have a handle on that.

Ms. Klinkenberg stated so far, to my knowledge, we've had one customer that this happened to and it came up that they owed over \$1,000 which was due and payable immediately according to their bill. And when we realized that it was because the customer had been paying, they were paying all along but they weren't paying the full balance, and they were only getting a \$5.00 late fee, we realized it was part of the enQuesta issue. So we're just handling them one by one when they come up.

Commissioner Diesen stated we know there are others right?

Ms. Klinkenberg answered yes, and we're holding each one of them when they do come, we're making copies of them so we can hold on to that and compile our data.

Commissioner Diesen asked are we comfortable with the commercial accounts?

(4-a) Financial Status PRELIMINARY September 2009 (cont.):

Ms. Klinkenberg stated we haven't seen any commercial come up that way and we do have commercial billing specialists that focus on those accounts so I would hope that hasn't happened with any of them. If they do, I will let you know.

Commissioner Reynolds stated are we notifying, once you come up and realize that someone is in that situation, are we notifying them.

Ms. Klinkenberg stated yes, generally what's happening is they're contacting us too because they're concerned that they can't come up with that money and we're, you know, what can you do, is more of what we're trying to work with them because this was beyond their control.

Commissioner Diesen stated is there anything in the system that when you get those outliers, because that has to be one, if somebody's going along and I guess they weren't paying much of anything or nothing, or they weren't billed and then suddenly are there; there must be flags or something?

Ms. Klinkenberg stated well, once it becomes due now in the Cogsdale system, now we can start running reports that will say who has a past due balance over a certain amount or how long has it been since they paid. Unfortunately, we wouldn't have the last time they paid in enQuesta in the Cogsdale system, but we will be able to run ...

Commissioner Diesen interjected that would be the problem wouldn't it.

Ms. Klinkenberg stated yes, and then continued, we'll be able to run some of those reports though and pull it out. That's why we're trying to be very generous with the customers and understanding. I mean this is, not only was enQuesta difficult on us, but now it's hitting people who are even in worse financial stress at this moment than they would have been maybe a year ago if it had been working properly.

Commissioner Diesen stated yes, you know we need to be very gentle with folks right now.

Ms. Klinkenberg concurred and then confirmed there were no further questions.

(5) Commission Counsel's Report:

Chairman Allen then moved on to item 5, Commission Counsel's report.

(5-a) City of NSB Multi-Use Trail – Proposed Easement Deeds (Two):

Attorney Preston stated you'll notice in your packet two easements, they are identical to each other, one for the county, one for the city, regarding the multi-use trail.

(5-a) City of NSB Multi-Use Trail – Proposed Easement Deeds (Two) (cont.):

The easements are the vehicles that we chose to use to grant the privilege to the city and the county for the use of that area for the trail. The easements are contractual in nature. If you notice the easements, there are obligations by both the county and the city to perform in order to maintain their right to use the easement. He stated they are somewhat self explanatory if you've looked through that, if not I'd be glad to read through the easements for you, but I am satisfied that they protect and provide at the same time the opportunity for the development of the trail while not burdening the Utilities Commission in any way for maintenance, liability, or otherwise.

Attorney Preston stated you'll notice also that there are occasions when the Utilities Commission will use that easement property for maintenance of its services facilities and we're able to do so, and we're not under an obligation to rebuild the trail so to speak, just to, at that point have opportunity to use, as we would normally use and not place more burden on us for repair than what we would have without the easement. He stated so I'm satisfied that we have no greater burden, cost, or liability because of the use of this area as a trail.

Commissioner Reynolds then asked Attorney Preston, has this been worked with the county and the city as far as communications.

Attorney Preston answered yes, it's been negotiated and noticed to both. I've had more direct negotiation and comment with Frank Gummey of the City, but it has also been noticed and provided to the county as well.

Commissioner Reynolds thanked Attorney Preston.

Chairman Allen then asked if there were any other questions in reference to this.

Commissioner Diesen then commented to Mr. Rakowski and Mr. Baker, you guys are sitting there for a reason.

Mr. Rakowski then addressed the Commission and stated good evening, Mark Rakowski and Jake Baker with the Planning Office. We're just here for any questions that you might want to have. Mr. Gummey made a commitment to have somebody here and we're here, so if you've got any questions at all we'll try and answer them.

Commissioner Diesen commented you follow through very well. She added but so you're satisfied, if he's happy, you're happy.

Mr. Rakowski answered if he's happy, we're happy, if the lawyers are happy we're happy.

Commissioner Diesen concluded okay, so we're all happy.

(5-a) City of NSB Multi-Use Trail – Proposed Easement Deeds (Two) (cont.):

Chairman Allen then asked if somebody would like to make a motion to that.

Commissioner Reynolds made a motion to approve the proposed easement deeds (two) as submitted between the Utilities Commission (U.C.) and the City of New Smyrna Beach, and the U.C. and the County of Volusia for the City/County Multi-Use Trail Project – Phase 1 (approximately 2.2 miles, extending from Sugarmill Drive / Glencoe Geiger Cemetery to the Volusia County Fire Station located on Pioneer Trail) to be located in the U.C. transmission corridor, and authorization for the General Manager/CEO to execute on behalf of the Utilities Commission. Commissioner Diesen seconded this motion and it passed unanimously on a roll call vote.

(6) Old Business:

(6-a) Revision to the U.C.'s Internet Service Rate Schedule – Proposed U.C. Resolution No. 9-09:

Chairman Allen stated as we move on to item 6-a., Old Business, Revision to the U.C.'s Internet Rate Schedule and proposed U.C. Resolution No. 9-09; do we have a motion.

Commissioner Zeller then made a motion to approve the resolution attached to the agenda item regarding revisions to the U.C.'s Internet Service Rate Schedule as submitted. Upon approval, the resolution was numbered 9-09 and will become effective November 1, 2009* (first billing cycle subsequent to 11-09). Commissioner Diesen seconded this motion and it passed unanimously on a roll call vote.

(6-b) Revision to the U.C.'s Reclaimed/Reuse Water Rate Schedule – Proposed U.C. Resolution No. 10-09:

Chairman Allen stated okay, the next item 6-b., is Revision to the U.C.'s Reclaim/Reuse Water Rate Schedule and proposed U.C. Resolution No. 10-09; do we have a motion.

Commissioner Diesen made a motion to approve the resolution attached to the agenda item regarding revisions to the U.C.'s Reclaimed/Reuse Water Rate Schedule as submitted. Upon approval, the resolution was numbered 10-09 and will become effective with the first billing cycle in November 2009. Commissioner Reynolds seconded this motion and it passed unanimously on a roll call vote.

(6-c) “Red Flag” Identity Theft Prevention Program – Annual Update Report 10-2009 :

Chairman Allen then stated item 6-c., “Red Flag” Identity Theft Prevention Program – Annual Update Report 10-2009.

(6-c) “Red Flag” Identity Theft Prevention Program – Annual Update Report 10-2009 (cont.):

Ms. Klinkenberg stated as you all remember, the red flags are part the FTC - Fair Credit and Reporting Act, and we put it in place last year in order to be in compliance. By the way, we are about a year early because they delayed it again and it's still not required to be in place, but we are proactive and we've got it going. We meet at least semi-annually and have a review of our red flags. We met earlier this month I believe it was, and we did a full review and we feel that the red flags are in place, they are catching possible identity theft, and we have mitigation steps to help protect our customers.

Ms. Klinkenberg added the details we kept in customer service, and if you'd like to see them you're welcome to, but they have personal information about customers in there so we didn't want to make those publicly available. Ms. Klinkenberg then asked if there were any questions.

Chairman Allen stated okay, and added it's just hard to believe a year has gone by.

Chairman Allen then asked if there were any questions, okay thank you Ms. Klinkenberg. I believe that Commissioner Zeller made the motion, do we have second.

Attorney Preston interjected may I suggest before we take a vote, can I suggest that when we make motions, that we make them with greater clarity, perhaps, because there can be some interoperation that we are making a motion other than what is suggested to be made on the agenda, and just for clarity make a motion of that effect.

Commissioner Zeller asked Attorney Preston if he wanted him to remake the motion.

Commissioner Zeller stated I make the motion that we accept agenda item 6-c., a motion to approve the Annual Update (10-2009) for the U.C.'s “Red Flag” Identity Theft Prevention Program as submitted. Commissioner Reynolds seconded the motion and it passed unanimously on a roll call vote.

(6-d) Updating of Manual for Human Resources Management (formerly U.C. Personnel Practices Manual – PPM) :

Chairman Allen stated item 6-d. is looking at updating the Manual for Human Resources Management, formerly U.C. Personnel Practices Manual. He then commented to Mrs. Di Chiara, you're on the floor.

Mrs. Di Chiara addressed the Commission and stated good evening. We have gone through the manual and updated it, made some revisions which we put on the cover page, there's a memo there that we felt were substantive enough that we just needed to point those out to you.

(6-d) Updating of Manual for Human Resources Management (formerly U.C. Personnel Practices Manual – PPM) (cont.):

Chairman Allen then asked if there were any questions.

Commissioner Reynolds stated I will say, I've read a lot of these human resources manuals, and you guys did a great job on this one.

Mrs. Di Chiara stated thank you, and added I had a lot of help.

Commissioner Reynolds added really terrific detail.

Chairman Allen stated okay, do we have a motion.

Commissioner Diesen then made a motion to ratify the Manual of Human Resources Management as submitted*. (*Please note, minor, non-substantive changes, i.e., formatting, typos, and/or grammatical corrections are on-going.) Commissioner Zeller seconded this motion and it passed unanimously on a roll call vote.

(7) New Business

Chairman Allen then stated as we move on to item 7, and confirmed there were no New Business items.

(8) Possible Other Business – Time for Commissioners:

Chairman Allen then went on to item 8. Possible Other Business - Time for Commissioners. He asked Mr. Rodi if he had anything to add.

Mr. Rodi stated no I do not, thank you.

Commissioner Reynolds then stated he would like to make some comments. He stated you know there's never, ever, a written manual or anything that covers all events. I'm thinking of the nice lady who certainly has presented a good case. I think how many times I have been out to check my meter to see if that seal is still on there, which I'll do tonight or tomorrow. But you know, that's one of those strange things that pop-up, you know probably if there's a manual out, it says contact the customer, and we think the door tag does it. And we've got so many out-of-towners coming in, that maybe we need to look at our manual to see if it says, if this is an automatic pay deal and you know, you have a reason to believe the person is out of town, let's call them or something. But I'm sure that was a pretty traumatic experience for somebody. So, hopefully we can work and make it up, if all the facts are clear.

Commissioner Diesen stated yes, I'm going home to check my seal too. I mean that would be so easy for somebody just to go through and snip them just for the heck of it.

(8) Possible Other Business – Time for Commissioners (cont.):

Commissioner Reynolds stated well, you can just twist them off, I've done it before.

Commissioner Diesen commented jokingly, this maybe more information then we need.

Commissioner Reynolds stated no, it was for a permit.

Chairman Allen then asked Commissioner Zeller if he wanted to make any comments.

Commissioner Zeller commented I'm going to go home and check mine.

Chairman Allen then asked Commissioner Diesen if she wanted to make any further comments.

Commissioner Diesen stated no, just Happy Halloween.

Chairman Allen then stated it's a sad commentary when you're a paying a customer, especially automatic debiting of your account, and like Mrs. Brooks said, it's communication. A lot of time when communication is better we do a better job so, that just takes an "at-a-boy" away from you as we strive to work harder to provide a good customer service and relations with our customers; and again, there's a lot that's been done. He then stated thank you to Mrs. Di Chiara, and added I know that's tedious work, and it can be on-going work, making corrections on-going in the manual.

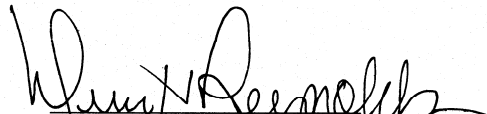
Chairman Allen then stated as I was looking at the agenda for today, and thinking about a lot of the things that were in there, I would like to thank Mrs. Simmons for putting that together. And I know it is a major task, so we have the information that we can understand what's going on, so thank each one of you for that.

There being no further business to come before the Commission, Chairman Allen closed the regular U.C. meeting at 6:36 p.m.

APPROVED:


CHAIRMAN

ATTEST:


SECRETARY-TREASURER

These minutes were formally approved by the Utilities Commission at their November 16, 2009 meeting.