

BUSINESS

# Businesses sue FPL and contractor for losses in water crisis

By **MARCIA HEROUX POUNDS**  
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Filed in Broward Circuit Court, a new lawsuit seeks damages for the days businesses had to close after Florida Communication Concepts bore a 6-inch hole in the 42-inch water main as it was working underground to repair electrical lines on July 17. (WSVN-7 / Courtesy)

Five businesses that lost thousands of dollars during Fort Lauderdale’s water shutdown are suing Florida Power & Light Co. and a contractor that drilled into a critical water main.

The lawsuit alleges “reckless and negligent conduct” by FPL and Florida Communication Concepts of Wellington. It was filed on behalf of The Restaurant People, which operates YOLO, S3 and other restaurants in the area; restaurants Phat Boy Sushi, Runway 84 and Andy’s Live Fire & Grill Bar; and law firm Di Pietro Partners.

Tim Hicks, owner of Florida Communication Concepts, said he had no comment on the lawsuit. FPL spokesman Bill Orlove said the utility was aware of the lawsuit, but “as the investigation is not yet complete, we will not comment on pending litigation.”

“The economic impact on the entire community was significant. One day of work at every single business was shut down. It’s significant in nature,” said David Di Pietro, managing partner of the law firm, which sent its 11 employees home and had a court hearing and client meetings canceled as a result of the water main break.

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Di Pietro estimates the lost day of work cost the firm about \$7,000.

Tim Petrillo, co-founder and CEO of The Restaurant People, said being forced to close his multiple Fort Lauderdale restaurants for the day cost \$100,000 in lost sales.

“We have five major parties we had to cancel,” he said. “While guests are understanding, they’re not happy.”

Petrillo said a restaurant can usually prepare for a crisis like a hurricane, but an unexpected incident like the water main break leaves it blindsided.

Filed in Broward Circuit Court, the lawsuit seeks damages for the days businesses had to close after **Florida Communication Concepts** bored a 6-inch hole in the 42-inch water main as the company worked to repair electrical lines July 17.

The water main break affected more than 220,000 people in all or parts of Fort Lauderdale, Port Everglades, Oakland Park, Davie, Lauderdale-by-the-Sea, Sea Ranch Lakes, Tamarac and Wilton Manors. The water main moves raw water from Fort Lauderdale’s well fields into one of its water treatment plants.

Many businesses as well as government offices had to shut down as the city issued a notice to boil contaminated water before consuming it. Fort Lauderdale lifted the notice for most customers on July 21, but some had to wait until July 23.

Anthony Bruno, owner of Andy’s Live Fire & Grill restaurants, said the damage lasted days. “The whole weekend was messed up. People were afraid to go out,” he said.

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The suit seeks class-action status to represent others that lost business as a result of the water main break. The suit was filed Friday and amended Monday.

“This put a whole city out of action. We want make sure it doesn’t happen again,” Bruno said.

The lawsuit says Florida Communication Concepts contacted Sunshine 811, a service to locate buried utilities, but provided a **location that was different** from the location where it was going to work. FPL, the state’s largest electric utility, has “extensive experience” in underground work but failed to supervise the job, according to the lawsuit.

**Lack of maintenance** in Fort Lauderdale’s water and sewer system also contributed to the fiasco, according to a report by the South Florida Sun Sentinel. Due to lack of maintenance, underground valves that hadn’t been tested in years failed. City officials acknowledged that if the system had worked properly, water would have been diverted to another pipe after the break.

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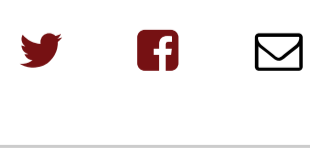
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Marcia Heroux Pounds is a business writer for the Sun Sentinel. She writes about the job market, entrepreneurs, technology and the workplace. She's the author of I Found a Job!, a book about how some people found jobs during the worst years of the recession.

