

DOCKET NO.: 020745-WS - Application for Certificate to Provide Wastewater Service in Charlotte County by Island Environmental Utility, Inc.

WITNESS: **Direct Testimony of Thomas J. Tumminia,**
Appearing on Behalf of the Staff of the Florida Public Service Commission.

DATE FILED: December 15, 2003

DOCUMENT NUMBER DATE

13022 DEC 15 8

FPSC-COMMISSION CLERK

1 DIRECT TESTIMONY OF THOMAS J. TUMMINIA

2 Q. Please state your name and business address.

3 A. Thomas J. Tumminia, 2555 Shumard Oak Blvd., Tallahassee, Florida, 32399.

4 Q. Please state a brief description of your educational background and
5 experience.

6 A. BA Political Science, 1981, University of South Florida

7 Monroe County Florida, Planner, 2001-2002

8 Department of Community Affairs (DCA), 2003 - to present

9 Q. By whom are you presently employed?

10 A. The Department of Community Affairs (DCA).

11 Q. How long have you been employed with the DCA and in what capacity?

12 A. I have worked 11 months as a Planner IV assigned to the State
13 Initiatives Section, Division of Community Planning.

14 Q. What are your general responsibilities at the DCA?

15 A. I review the local governments' comprehensive plan amendments for
16 compliance with Chapter 163 Section II, Florida Statutes, Rule 9J-5, Florida
17 Administrative Code, the State Comprehensive Plan and local governments
18 comprehensive plan.

19 Q. Are you familiar with the application of Island Environmental Utility,
20 Inc.'s (Island) proposed wastewater system in Charlotte County?

21 A. Yes.

22 Q. Did the DCA provide a response to the Island application?

23 A. Yes. On December 13, 2002, the DCA provided a letter (EX___TT-1) and
24 on January 28, 2003, the DCA provided another letter on the amended
25 application (EX___TT-2) to the Commission Clerk and Administrative Services

1 | indicating that providing wastewater service would be inconsistent with the
2 | Charlotte County Comprehensive Plan.

3 | Q. Can you explain why, at the time of the letters, the application would
4 | be inconsistent with the Charlotte County Comprehensive Plan?

5 | A. The expansion of sanitary sewer service outside of Infill Boundaries
6 | within the Urban Service Area was not consistent with the Charlotte County
7 | Comprehensive Plan Policy 9.1.4 of the Infrastructure Element.

8 | Q. Can you describe the Infill Boundaries within the Urban Service area?

9 | A. Infill areas have already experienced moderate to significant levels of
10 | urban development. In order for an area to be designated as infill, it must
11 | have obtained, in general, a 30% buildout density. The majority of existing
12 | urban services and infrastructure are concentrated within these areas, and
13 | include central potable water and wastewater treatment, road and drainage
14 | construction and maintenance, public education facilities, parks, libraries,
15 | and higher levels of police, fire, and emergency medical services. Infill
16 | areas will be the priority areas in which the county will deliver most of its
17 | infrastructure improvements and the highest service levels. Residents living
18 | in these areas can expect to receive central potable water and sewer service
19 | and road and drainage improvements and higher levels of maintenance. Fire/EMS
20 | and police response times will be at their lowest and many public buildings,
21 | such as libraries, will be located in Infill areas. A reduced copy of the
22 | Urban Service Area Overlay District 1997-2010 map is attached. (EX___TT-3)

23 | Q. Since January, 2003, has the Charlotte County Comprehensive Plan been
24 | amended such that Island's wastewater system is consistent with the
25 | Comprehensive Plan?

1 A. No. Charlotte County submitted revisions to its Comprehensive Plan on
2 February 27, 2003, to DCA. The DCA reviewed the Charlotte County Amendment
3 Package (DCA 03-1) that included the text changes amending the Infrastructure
4 Element (Policies 9.1.4 and 9.1.8) to allow the expansion of sanitary sewer
5 service outside of Infill Boundaries within the Urban Service Area and found
6 no objections to the text change. The Objections, Recommendations, and
7 Comments report was transmitted to the County for the County to adopt the text
8 changes. However, the County has not adopted the text changes. Therefore,
9 the text changes are not "in effect" until adopted and a final order finding
10 the amendment "in compliance" is entered.

11 Q. What is included in the text change regarding the Infrastructure
12 Element?

13 A. The County proposed to revise Infrastructure Element Policy 9.1.4 to
14 allow "the extension of sanitary sewer lines for areas already certificated
15 to receive central water service" and proposed a new Policy 9.1.8 which would
16 limit the density on the Bridgeless Barrier Island to "one unit per acre or
17 one unit per lot or parcel (consistent with existing Policy 2.5.3 of the
18 Future Land Use Element)."

19 Q. Are the Bridgeless Barrier Islands currently certificated to receive
20 central water service?

21 A. Yes. Central water service is currently available in a large portion
22 of the Bridgeless Barrier Islands.

23 Q. Where on the Bridgeless Barrier Islands will the Charlotte County's
24 proposed amendment to the Infrastructure Element of the Charlotte County
25 Comprehensive Plan, Policy 9.1.4 allow Island to provide central wastewater

1 | service?

2 | A. The areas that are provided central water service through a utility
3 | certificated by the Public Service Commission (PSC) or exempt from PSC
4 | regulation, including any entity providing central water service on the
5 | Bridgeless Barrier Islands.

6 | Q. Did DCA raise any objections in the Objections, Recommendations, and
7 | Comments report to Charlotte County?

8 | A. No. The DCA raised no objections to the proposed text amendments.

9 | Q. Do you have anything further to add?

10 | A. No, I do not.

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for
certificate to provide
wastewater service in Charlotte
County by Island Environmental
Utility, Inc.

DOCKET NO. 020745-WS

FILED: December 15, 2003

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Direct Testimony of Thomas J. Tumminia has been furnished to the following individuals, by U.S. Mail, on this 15th day of December, 2003.

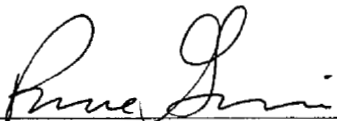
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Secretary

December 13, 2002

Ms. Blanca Bayo, Director
Commission Clerk and Administrative Services
Public Services Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

RE: PSC Docket No. 020745-SU, Application by Island Environmental Utilities, Inc.,
for an Original Wastewater Certificate in Charlotte County

Dear Ms. Bayo:

The Department has completed its review of the Island Environmental Utilities application to the Public Service Commission for an Original Certificate in Charlotte County. A copy of our staff memorandum is enclosed for your information.

Expanding sanitary sewer service outside of the County's Infill Area boundaries would be inconsistent with Infrastructure Policy 9.1.4, in the Charlotte County Comprehensive Plan. We are also concerned that additional wastewater service on the barrier islands has the potential for creating a demand for additional residential development on the islands with subsequent environmental and natural hazard risks. In addition, we recognize that there are environmental benefits to be obtained from utilizing centralized sewer service instead of continuing the use of septic systems.

Department staff has been working with the Charlotte County Planning staff to allow the expansion of the wastewater facilities in a way that would be consistent with the comprehensive plan in order to achieve the environmental benefits that sewer service will provide without increasing population concentrations on the islands. To achieve this goal, the County has proposed a new policy that would prohibit residential density on the islands to exceed existing densities. In addition, Infrastructure Policy 9.1.4 would be revised to allow the expansion of certificated areas "where provision of sanitary sewer service is to be provided to areas already certificated to receive central potable water service". It is anticipated that these new provisions will be presented to the Charlotte County Commission for adoption in 2003.

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DOCUMENT NUMBER-DATE
13649 DEC 16 2002
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Ms. Blanca Bayo
December 13, 2002
Page Two

The Department recommends that the Public Service Commission either delay approval of the Island Environmental Utilities's certificate request until the County has adopted the new policy provisions into its comprehensive plan or approve the certificate request with the condition that the provisions be adopted into the comprehensive plan.

We very much appreciate the opportunity to provide comment on this application. If you have any questions or need additional information, please call Bob Dennis, Senior Planner, or Mike McDaniel, Administrator, State Planning Initiatives, at (850) 487-4545 for assistance.

Sincerely,



CG Charles Gauthier, AICP
Chief, Comprehensive Planning

Enclosure

CG/bd

cc: Elliot Kampert, Planning Services Manager, Charlotte County
David Y. Burr, Executive Director, Southwest Florida Regional Planning Council
Richard Redemann, Division of Economic Regulation, Public Service Commission



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MEMORANDUM

To: Charlie Gauthier, Chief, Comprehensive Planning
Through: Mike McDaniel, Administrator, State Planning Initiatives *MDM*
From: Bob Dennis *RD* Senior Planner
Date: December 11, 2002
Subject: Public Service Commission Utilities Certification Application
Island Environmental Utility, Inc.; Charlotte County
PSC Docket No. 020745-SU

Summary

Island Environmental Utilities, Inc. has applied to the Public Service Commission for a certificate to provide wastewater facilities on three unbridged barrier islands in Charlotte County (Don Pedro, Knight and Little Gasparilla Islands).

Background

This application is for wastewater certification. Island Environmental Utilities, Inc., intends to serve Don Pedro, Knight and Little Gasparilla Islands, three bridgeless islands in Charlotte County. A portion of the service area has been served by Knight Island Utility, Inc., but this provider is no longer interested in continuing its wastewater service.

The proposed service area contains 1,920 platted lots of which 1,030 are vacant. Land uses on the islands are Low Density Residential (up to 5 units per acre), Medium Density Residential (up to 10 units per acre) and Parks/Recreation. Residential density on the islands is limited to one unit per gross acre by the Bridgeless Barrier Island Overlay District applied to these islands. Residential lots created through the County's subdivision regulations prior to the Overlay are allowed one unit per subdivided lot (Policy 2.5.3, Future Land Use).

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A certification request submitted by Knight Water Utility regarding water service on the islands was previously reviewed by the Department. The Department did not have any concerns with that request.

Conclusion and Recommendation

Expanding sanitary sewer service outside of Infill Area boundaries in the County would be inconsistent with Infrastructure Policy 9.1.4, in the Charlotte County Comprehensive Plan. Providing wastewater service on the barrier islands could create a demand to increase residential density on the islands with subsequent environmental and natural hazard risks. Providing sewer service would have obvious environmental benefits over the continued use of septic systems.

Department staff has been working with the Charlotte County Planning staff to achieve the environmental benefits that sewer service will provide without increasing population concentrations on the islands. The County has proposed a new policy that would prohibit residential density on the islands to exceed the density established in Policy 2.5.3. Infrastructure Policy 9.1.4 would be revised to allow the expansion of certificated areas "where provision of sanitary sewer service is to be provided to areas already certificated to receive central potable water service". It is anticipated that these new provisions will be presented to the Charlotte County Commission for adoption in 2003.

Staff recommends that a letter be sent to the Public Service Commission recommending that the Commission either delay approval of the Island Environmental Utilities certificate request until the County has adopted the new provisions into its comprehensive plan or approve the request with the condition that the provisions be adopted into the comprehensive plan.



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Secretary

January 28, 2003

Division of the Commission Clerk
and Administrative Services
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

Re: PSC Docket No. 020745-SU, Application by Island Environmental Utility, Inc., for Original Wastewater Certificate in Charlotte County

The Department has completed its review of the above reference application by Island Environmental Utility. The application amends the earlier application of Island Environmental Utility by deleting the area being served by Knight Island Utility from the proposed service area and to indicate that wastewater services will be provided by extending lines from the Englewood Water District on the mainland. As far as consistency with the comprehensive plan, the comments made by the Department in our earlier letter dated December 13, 2002, with respect to the original application remain valid. A copy of that letter is attached. We have checked with the Charlotte County Planning Department on the status of the needed comprehensive plan amendments and understand they in the amendment process and are expected to be effective in July or August 2003.

Thank you for this opportunity to comment. If you have any questions, please call Mike McDaniel at 850-922-1806, or by email at mike.mcdaniel@dca.state.fl.us.

Sincerely,

H.E. "Sonny" Timmerman
Director, Division of Community Planning

AUS
CAF
CMP
COM
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OPP

cc: Elliott Kampert, Charlotte County Planning Services Manager
Martin Friedman, Rose, Sundstrom & Bentley, LLP
Richard Redemann, Division of Economic Regulation, Public Services Commission

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Ms. Blanca Bayo
December 13, 2002
Page Two

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We very much appreciate the opportunity to provide comment on this application. If you have any questions or need additional information, please call Bob Dennis, Senior Planner, or Mike McDaniel, Administrator, State Planning Initiatives, at (850) 487-4545 for assistance.

Sincerely,







CG Charles Gauthier, AICP
Chief, Comprehensive Planning

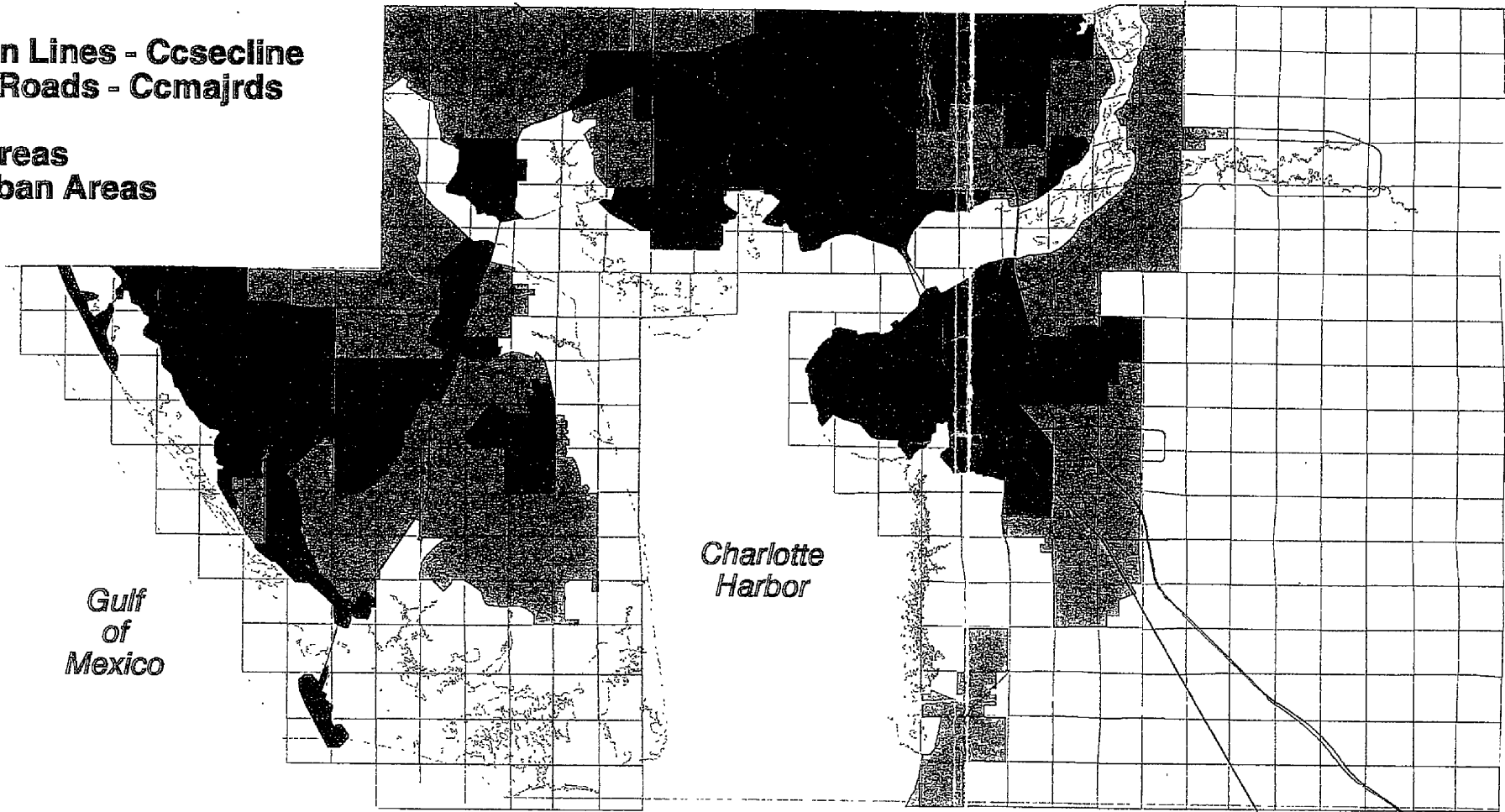
Enclosure

CG/bd

cc: Elliot Kampert, Planning Services Manager, Charlotte County
David Y. Burr, Executive Director, Southwest Florida Regional Planning Council
Richard Redemann, Division of Economic Regulation, Public Service Commission

Urban Service Area Overlay District 1997-2010

-  Section Lines - Ccsecline
-  Major Roads - Ccmajrds
- Usa1997**
-  Infill Areas
-  Suburban Areas
- Coast**



Gulf
of
Mexico

Charlotte
Harbor

2 0 2 4 6 Miles

FUTURE LAND USE MAP SERIES NO. 2
Adopted October 7, 1997

Charlotte County Community Development Department
Map Prepared by Planning Division - 8/97 JPO
Source: Charlotte County Community Development Department