

**Brian Schultz**

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**From:** Brian Schultz on behalf of Records Clerk  
**Sent:** Monday, January 04, 2021 3:03 PM  
**To:** 'Lisa Simmons'  
**Cc:** Consumer Contact  
**Subject:** RE: #20200226. Environmental Utilities

Good Afternoon, Lisa Simmons

We will be placing your comments below in consumer correspondence in Docket No. 20200226-SU and forwarding your comments to the Office of Consumer Assistance and Outreach.

Sincerely,

*Brian Schultz*

Commission Deputy Clerk II  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399  
850.413.6770

*PLEASE NOTE: Florida has a very broad public records law. Most written communications to or from state officials regarding state business are considered to be public records and will be made available to the public and the media upon request. Therefore, your e-mail message may be subject to public disclosure.*

**From:** Lisa Simmons <lisabsimmons@gmail.com>  
**Sent:** Monday, January 04, 2021 9:37 AM  
**To:** Records Clerk <CLERK@PSC.STATE.FL.US>  
**Subject:** #20200226. Environmental Utilities

**To:** [CLERK@psc.state.fl.us](mailto:CLERK@psc.state.fl.us)  
**Cc:** Sally Mingerink <[smingerink@yahoo.com](mailto:smingerink@yahoo.com)>  
**Subject:** #20200226. Environmental Utilities

To Whom It May Concern:

I am a property owner within the proposed service area (50 Gasparilla Way) for Environmental Utilities LLC's application to provide wastewater service. I am writing to you with my objections to the "Motion to Bifurcate and Temporary Rule Waiver" that has been requested by the attorney Martin Friedman on behalf of EU.

The following are my objections:

1. The public notice dated 12.17.2020 is titled “Notice of Application for Original Certificate of Authorization and Rates and Charges for Wastewater Service” This is misleading as it implies that the estimates of the initial rates and charges are available for review so that the stakeholders might indicate their support or objection to the project within the 30-day period allowed. However, if the rates and charges are separated from the service area certification application, then the stakeholders in reality are being asked for comment on rates and charges that have not been presented for review.

2. It is a disservice to the stakeholders in the proposed area to require that they evaluate and comment on the project within 30 days of notice without having the most critical information. Should the stewardship of the project become untenable, another entity will have to install sewer in the future. If the service area is certificated before the rate-making portion of the application is completed and released to the stakeholders, it could result in great expense for another utility to secure the service area from EU. This expense, in turn, would be passed to the ratepayers.

3. In support of EU’s Motion to Bifurcate Mr. Martin Friedman highlighted 3 cases he considered similar situations to EU’s case. It appears that these are not similar in nature because (1) the bifurcation procedures that were granted were 3 applications from the same developer for the same project -- The Villages – and this developer had already demonstrated that he had the experience and expertise to accomplish these projects and (2) the temporary rule waivers for these cases were each requested by the PSC staff to allow more time for them to complete their reviews based on what had already been provided by the applicant.

4. Issues regarding the financial aspects of the application:

a. In EU’s original application Financial Ability, Exhibit “A”, the PSC asks Mr. Boyer to “Provide a detailed financial

statement”. In Exhibit A, the “detailed” financial statement provided does not qualify as being detailed. It consists of a loan application, hand-written on Century Bank letterhead, and is only signed by Mr. Boyer. No signature of a bank officer appears, nor is there a signature of his partner in the LLC, Diane Boyer. Because the statement is redacted there is no way to ascertain if the information provided is true and accurate. Furthermore, because the cost of the project has not been established, one is unable to determine whether the finances of the individual is adequate for accomplishing the project, to secure a loan, or to provide ongoing maintenance.

b. Financial Ability, Exhibit “B” of the application states “The applicant shall provide copies of any financial agreements between the listed entities and the utility.” The attached letter from Centennial Bank that was referenced begins “**This letter is NOT a commitment to lend, and is for discussion purposes only.**”

c. EU has no experience in a project of this size or nature, so any cost estimates verbally given to the stakeholders by Mr. Boyer are not based on experience and could be completely irrelevant. Certainly there is no substantiation or supporting evidence for the verbal estimates that are being given.

d. Part G of the application, Accounting and Rate Information was bypassed with responses of “not applicable”. While the Motion to Bifurcate and Temporary Rule Waiver might have relieved the applicant from the need to address the “Rate Information”, some of the information requested under Accounting could have been supplied to give the stakeholders better knowledge of the proposed project. (1) no projected cost is given, (2) no CIAC was provided which would identify cash

and property contributions (3) the applicant does not have the experience to project the annual expenses. (4) there is no comprehensive approach described in the application that indicates how this project will be financed.

e. No attempt was made by the applicant to indicate that he has had contact with any permitting agencies to ascertain whether this project is either viable norpermittable. The project area is on a bridgeless barrier island with many unique characteristics that have not been addressed and will impact the cost and feasibility of this project. There is no indication that agencies such as WCIND, SWMD, DEP, Florida State Parks, Florida Submerged Land Trust have been contacted for their input.

f. Acquisition of easements has not been addressedand could substantially impact this project.

g. Background and credit history of Mr. & Mrs. Boyer has not been verified and could have an impact on the financing of this project.

h. The Charlotte County Clerk's office website lists several foreclosures and lien actions involving Mr. Boyer.

I formally request that the "Motion to Bifurcate and Temporary Rule Waiver" be denied.

Yours truly,

Lisa Simmons

Owner: 8270 Little Gasparilla Island  
Placida Florida, 33946