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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for certificate to provide  
wastewater service in Charlotte County, by  
Environmental Utilities, LLC.

DOCKET NO. 20200226-SU  
ORDER NO. PSC-2021-0066-PAA-SU  
ISSUED: February 2, 2021

The following Commissioners participated in the disposition of this matter:

GARY F. CLARK, Chairman  
ART GRAHAM  
JULIE I. BROWN  
ANDREW GILES FAY  
MIKE LA ROSA

NOTICE OF PROPOSED AGENCY ACTION  
ORDER DENYING PETITION FOR TEMPORARY WAIVER OF  
RULE 25-30.033(1)(p) and (q), F.A.C., BY ENVIRONMENTAL UTILITIES, LLC.

BY THE COMMISSION:

NOTICE is hereby given by the Florida Public Service Commission that the action discussed herein is preliminary in nature and will become final unless a person whose interests are substantially affected files a petition for a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code (F.A.C.).

Background

On October 13, 2020, Environmental Utilities, LLC. (EU or Utility) filed its application for an original wastewater certificate in Charlotte County. The area is in the Southwest Florida Water Management District (SWFWMD). There are 1,164 existing equivalent residential connections (ERCs) and 1,683 potential ERCs in the proposed service area. Virtually all are single family residences. These properties are all currently being served by septic tanks. The proposed wastewater service will be provided by the Utility pursuant to a Bulk Sewer Treatment Agreement entered into on July 14, 2020 with Charlotte County. The Utility intends to begin serving customers by December 2022.

On October 14, 2020, the Utility filed a petition for temporary waiver of portions of Rule 25-30.033, Florida Administrative Code (F.A.C.), so that the Utility's initial rates and charges might be set at a date subsequent to the granting of the certificate of authorization. We had 90 days, until January 12, 2021, to grant or deny the waiver pursuant to Section 120.542(8), Florida Statutes (F.S.).

DISSENTS

Commissioner Art Graham dissents from the Commission's decision.

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing that is available under Section 120.57, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

The action proposed herein is preliminary in nature. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, in the form provided by Rule 28-106.201, Florida Administrative Code. This petition must be received by the Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on February 23, 2021.

In the absence of such a petition, this order shall become final and effective upon the issuance of a Consummating Order.

Any objection or protest filed in this/these docket(s) before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.