

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

PREHEARING STATEMENT OF ENVIRONMENTAL UTILITIES LLC

Pursuant to the Order Establishing Procedure issued August 25, 2021, Environmental Utilities LLC (“EU”), by and through its undersigned counsel, files its Prehearing Statement as follows:

(1). All Known Witnesses

EU relies on the prefiled testimony of and intends to call the following witnesses in its direct and rebuttal case:

<u>Direct or Rebuttal</u>	<u>Witness Name</u>	<u>Subject</u>
Direct & Rebuttal	John R. Boyer	All technical and financial matters
Direct & Rebuttal	Jonathan H. Cole, P.E.	Construction & project costs
Direct & Rebuttal	Deborah D. Swain	All financial matters
Direct	Craig Rudy <i>by deposition</i>	Comprehensive Plan & Master Sewer Plan
Direct	David Watson <i>by subpoena – if Mr. Rudy’s deposition is not admitted</i>	Comprehensive Plan & Master Sewer Plan

EU reserves the right to present additional witnesses to address issues which have not been previously raised by the parties, the Commission Staff, or the Commissioners.

(2) **All Known Exhibits**

EU has identified and intends to sponsor the following exhibits in its direct and rebuttal case:

<u>Exhibit No.</u>	<u>Description</u>	<u>Person Sponsoring</u>
<u>Direct</u>		
JRB-1	Application	John R. Boyer
JRB-2	Tariff	John R. Boyer
JHC-1	Technical Memorandum	Jonathan H. Cole, P.E.
JHC-2	Service Area Maps	Jonathan H. Cole, P.E.
JHC-3	Service Area Legal Description	Jonathan H. Cole, P.E.
DDS-1	Financial Schedules	Deborah D. Swain
	Deposition of Craig Rudy	
<u>Exhibit No.</u>		
<u>Description</u>		
<u>Person Sponsoring</u>		
<u>Rebuttal</u>		
JRB-3	Tax Payment Records	John R. Boyer
JRB-4	Financing Commitment	John R. Boyer
JHC-4	Mandatory Connection Ordinance	Jonathan H. Cole, P.E.
DDS-2	Revised Financial Schedules	Deborah D. Swain
DDS-3	Response to Staff Interrogatory #12b	Deborah D. Swain

EU may utilize other documents as exhibits at the time of hearing, either during cross examination or as further impeachment or rebuttal exhibits, and the precise identification of such documents cannot be determined at this time.

(3) **Statement of EU's Basic Position**

The removal of septic tanks from the bridgeless barrier islands and diverting the wastewater flows to a central wastewater treatment plant on the mainland is a priority of Charlotte County as articulated by the County in the Bulk Wastewater Service Agreement entered into with EU, the Sewer Master Plan adopted by the County, and of the State of Florida, and thus is in the public interest. EU has both the financial and technical ability to construct and operate the wastewater system and has otherwise met all Commission requirements for issuance of a

wastewater certificate. The rates and charges proposed by EU and just, reasonable, compensatory and not unfairly discriminatory and are in accordance with Commission practice.

(4) Questions of Fact that EU Considers at Issue, the Position on Each, and the Witness Testifying on Each Issue

ISSUE 1 Has Environmental Utilities met the filing and noticing requirements pursuant to Rules 25-30.030 and 25-30.033, Florida Administrative Code?

Position: Yes. (Boyer)

ISSUE 2 Is there a need for service in Environmental Utilities' proposed service territory and, if so, when will service be required?

Position: Yes. Central wastewater service is needed at this time and the Charlotte County Master Sewer Plan identifies the islands as a priority for central wastewater service by 2022. EU expects to have the wastewater system operational by the end of 2023. (Boyer & County)

ISSUE 3 Is Environmental Utilities' application consistent with Charlotte County's Sewer Master Plan?

Position: Yes. (Boyer & County)

ISSUE 4 Will the certification of Environmental Utilities result in the creation of a utility which will be in competition with, or duplication of, any other system?

Position: No. (Boyer)

ISSUE 5 Does Environmental Utilities have the financial ability to serve the requested territory?

Position: Yes (Boyer)

ISSUE 6 Does Environmental Utilities have the technical ability to serve the requested territory?

Position: Yes. (Boyer)

ISSUE 7 Will Environmental Utilities have sufficient plant capacity to serve the requested territory?

Position: Yes, by virtue of the Bulk Sewer Treatment Agreement entered into with Charlotte County. (Boyer)

ISSUE 8 Has Environmental Utilities provided evidence that it has continued use of the land upon which the utility treatment facilities are or will be located?

Position: This requirement is effectively satisfied through the Bulk Sewer Treatment Agreement entered into between EU and Charlotte County. (Boyer)

ISSUE 9 Is it in the public interest for Environmental Utilities to be granted a wastewater certificate for the territory proposed in its application?

Position: Yes. The County has identified these islands as a priority for the removal of septic tanks which the Charlotte County Master Sewer Plan identifies as a major contributor to the degradation of water quality in the waters adjacent to the County. (Boyer & County)

ISSUE 10 What are the appropriate rate structures and rates for the wastewater system for Environmental Utilities?

Position:
Base Facility Charge: 5/8" x 3/4" \$ 112.78
[all other meter sizes to be increased pursuant to Rule 25-30.055(1)(b), F.A.C.]
Residential Gallonage Charge (10,000 cap) \$ 35.97
General Service Gallonage Charge \$ 43.16
(Swain)

ISSUE 11 What are the appropriate service availability charges for the wastewater system for Environmental Utilities?

Position:
Main Capacity Charge
Residential per ERC \$ 11,928.00
All others per gallon \$ 55.22
Sewer Lateral Installation Fee \$ 1,292.85
(Swain, Cole)

ISSUE 12 What are the appropriate miscellaneous service charges for Environmental Utilities?

Position:
Initial Connection Charge \$30.00
Normal Reconnection Charge \$30.00
Violation Reconnection Charge Actual Cost
Premises Visit \$30.00
(in lieu of disconnection)
Late Payment Fee \$ 7.50
Bad Check Charge Pursuant to §68.065(2), Fla. Statutes

(Swain)

ISSUE 13 What are the appropriate initial customer deposits for Environmental Utilities?
Position: The customer deposit should be equal to the average charge for wastewater service for two months, based upon the approved final rates. (Swain)

ISSUE 14 Should this docket be closed?
Position: Yes.

Questions of Law that EU Considers at Issue, the Position on Each, and the Witness Testifying on Each Issue

EU is not aware of any questions of law not subsumed in the issues above.

Questions of Policy that EU Considers at Issue, the Position on Each, and the Witness Testifying on Each Issue

EU is not aware of any questions of policy not subsumed in the issues above.

(5). **Stipulated Issues**

The following issues are stipulated: None at this time.

(6). **Pending Motions and Other Open Matters**

EU's Motion to Use Deposition of Craig Rudy.

(7) **Statement Identifying Pending Requests for Confidentiality**

EU knows of no confidential documents to be introduced in this proceeding. However, should another party be allowed to introduce any documents not yet identified, EU reserves the right to assert a claim of confidentiality.

(8) **Objections to Qualifications of Witnesses**

While EU does not object to the qualifications of the witnesses, it reserves the right to object to any opinions rendered that are beyond the expertise of such witness.

(9) **Sequestration of Witnesses**

EU does not seek the sequestration of witnesses.

(10) Reasons For Non-Compliance With Order (if any)

None known at this time.

Respectfully submitted this 12th day of January,
2022, by:

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by E-mail to the following parties this 12th day of January, 2022:

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