

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

FILED: January 12, 2022

PRE-HEARING STATEMENT OF THE OFFICE OF PUBLIC COUNSEL

The Citizens of the State of Florida, through the Office of Public Counsel, pursuant to the Order Establishing Procedure in this docket, Order No. PSC-2021-0323-PCO-SU, issued August 25, 2021, hereby submit this Prehearing Statement.

APPEARANCES:

Richard Gentry
Public Counsel

Anastacia Pirrello
Associate Public Counsel

Charles Rehwinkel
Deputy Public Counsel

Office of Public Counsel
c/o The Florida Legislature
111 West Madison Street, Room 812
Tallahassee, Florida 32399-1400

On behalf of the Citizens of the State of Florida

1. **WITNESSES:**

None.

2. **EXHIBITS:**

None.

3. STATEMENT OF BASIC POSITION

In considering whether to grant the certificate to provide wastewater service, the Commission should be provided an accurate understanding of the rates and charges that will be imposed. If the certificate is granted, rates imposed for wastewater service should be compensatory, supported by accurate estimates and calculations, and meet the Commission standards of being fair, just and reasonable.

4. STATEMENT OF FACTUAL ISSUES AND POSITION

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

OPC: No position.

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

OPC: No position.

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

OPC: No position.

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?

OPC: No position.

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

OPC: No position.

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

OPC: No position.

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

OPC: No position.

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?

OPC: No position.

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

OPC: No position.

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

OPC: Any calculation of rates should be based on a revenue requirement that includes the appropriate calculation of Accumulated Deferred Income Taxes as a component of the capital structure related to the tax timing differences between book and tax depreciation. At this time, it appears that the proposed rates do not reflect known and measurable costs.

ISSUE 11: What are the appropriate service availability charges?

OPC: Any calculation of rates should be based on a revenue requirement that includes the appropriate calculation of Accumulated Deferred Income Taxes as a component of the capital structure related to the tax timing differences between book and tax depreciation. At this time, it appears that the proposed rates do not reflect known and measurable costs.

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

OPC: No position at this time.

ISSUE 13: What are the appropriate initial customer deposits for Environmental Utilities?

OPC: No position at this time.

ISSUE 14: Should this docket be closed?

OPC: No, the docket should remain open until invoices supporting the collection system buildout are submitted.

5. STIPULATED ISSUES:

None at this time.

6. PENDING MOTIONS:

None.

7. REQUESTS FOR CONFIDENTIALITY:

OPC has no pending requests for claims for confidentiality.

8. OBJECTIONS TO QUALIFICATION OF WITNESSES AS AN EXPERT:

OPC has no objections to any witness' qualifications as an expert in this proceeding.

9. REQUEST FOR SEQUESTRATION OF WITNESSES

OPC does not request the sequestration of witnesses.

10. STATEMENT OF COMPLIANCE WITH ORDER ESTABLISHING PROCEDURE:

There are no requirements of the Order Establishing Procedure with which the Office of Public Counsel cannot comply.

Dated this 12th day of January, 2022

Respectfully submitted,

Richard Gentry
Public Counsel

/s/Anastacia Pirrello
Anastacia Pirrello
Associate Public Counsel

Office of Public Counsel
c/o The Florida Legislature
111 West Madison Street, Rm 812
Tallahassee, FL 32399-1400

Attorneys for Office of Public Counsel

CERTIFICATE OF SERVICE
Docket No. 20200226-SU

I **HEREBY CERTIFY** that a true and correct copy of the Office of Public Counsel's Prehearing Statement has been furnished by electronic mail on this 12th day of January 2022, to the following:

Dean Mead Law Firm
Martin S. Friedman
420 S. Orange Ave., Suite 700
Orlando FL 32801
mfriedman@deanmead.com
Represents: Environmental
Utilities, LLC

Kelsky Law Firm
Brad E. Kelsky
150 S. Pine Island Road, Suite 300
Plantation FL 33324
bradkelsky@kelskylaw.com
barbarallinas@kelskylaw.com
Represents: Palm Island Estates
Association, Inc./Cape Haze Property
Owners Association, Inc.

Dean Mead Law Firm
John L. Wharton
215 South Monroe Street, Suite 815
Tallahassee FL 32301
hschack@deanmead.com
jwharton@deanmead.com
Represents: Environmental
Utilities, LLC

Little Gasparilla Property Owners'
Association
R. Leydon/R. Olson/P.
Holmes/B.Dwyer/J. Bokar/R.
Petteway/D. Flom/L. Tremblay
P.O. Box 3643
Placida FL 33946
richardleydonjr@gmail.com
twrhonda@gmail.com
bdwyer31@yahoo.com
Joseph.bokar@case.edu
oranges@embarqmail.com
lgicarts@gmail.com
jltremblay@verizon.net

Environmental Utilities, LLC
P.O. Box 7
Placida FL 33946
(941) 626-8294
lgwu777@yahoo.com
Represented By: Dean Mead Law
Firm

Jennifer Crawford
Ryan Sandy
Florida Public Service Commission
Office of General Counsel
2540 Shumard Oak Blvd.
Tallahassee, FL 32399
jennifer.crawfor@psc.state.fl.us
ryan.sandy@psc.state.fl.us

Linda Cotherman
PO Box 881
Placida FL 33946
lcotherman@yahoo.com

Palm Island Estates Association,
Inc.
Meryl Schaffer
P.O. Box 3151
Placida FL 33946
pie@palmislandestates.org
Represented By: Kelsky Law Firm

William Lee Roberts
2245 Stillwood Drive
Land O' Lakes FL 34639-4612
leerobertsdpt@gmail.com

/s/Anastacia Pirrello
Anastacia Pirrello
Associate Public Counsel