

Lisa Smith

From: Hannah Barker
Sent: Tuesday, January 18, 2022 9:50 AM
To: Commissioner Correspondence
Subject: Docket No. 20200226
Attachments: DOCKET #20200226-SU; Docket #20200226-SU; Docket #20200226-SU - PSC to deny EU's application for wastewater service; Fwd Docket 20200226-SU; Docket #20200226-SU - Knight - Don Pedro Island EU Application for Original Certificate of Authorization; Docket 20200226-SU; Fwd Environmental Utilities Application for Controlling Wastewater on Bridgeless Barrier Islands. Docket #20200226; Docket #20200226-SU; Environmental Utilities Application for Controlling Wastewater on Bridgeless Barrier Islands. Docket #20200226

Good morning,

Please place the attached emails in Docket No. 20200226. Thank you!

Hannah E. Barker
Executive Assistant to Commissioner Clark
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399
(850) 413-6004

Lisa Smith

From: Dana Planer <docplaner@yahoo.com>
Sent: Monday, January 17, 2022 9:11 PM
To: Records Clerk; Office of Commissioner Clark
Subject: DOCKET #20200226-SU

To Whom it May Concern,

I am writing to oppose the private sewer proposal by EU for Don Pedro Island. I am the property owner for 301 S Gulf Blvd. Unit 14 Placida. The proposal for central sewer by Eu should be denied for all of the following reasons:

The cost for a hook up to the property owners of the island is not clear. The cost to remove existing septic is not clear. Central sewer service by a private owner is unnecessary and if ever deemed necessary, it should be provided by public utility not a private for profit entity. The EU owners are financially motivated at significant cost to island homeowners. The average residential bill for the proposed project is roughly TWICE the amount for wastewater in other neighboring communities. Additional costs for electric, removal of septic stems, tree removal, overtime pay and labor costs are all hidden fees paid for DIRECTLY by the island homeowners for the benefit of ONLY the owners of EU.

I, like many Island homeowners, have significant concerns about the financial and environmental impact this project will have on the island. The project will financially benefit those who are financially motivated by EU and will there will be no significant benefit to Island homeowners.

I am formally requesting that the PSC deny EUs application for wastewater service on Don Pedro Island.

Sincerely,
Dana Planer,
301 South Gulf Blvd #14 Placida, FL 33946

docplaner@yahoo.com

Lisa Smith

From: Dana Planer <docplaner@yahoo.com>
Sent: Monday, January 17, 2022 8:58 PM
To: Records Clerk; Office of Commissioner La Rosa; Office of Commissioner Clark;
Commissioner.Passidomo@psc.state.fl
Subject: Docket #20200226-SU

To Whom it May Concern,

I am writing to oppose the private sewer proposal by EU for Don Pedro Island. I am the property owner for 301 S Gulf Blvd. Unit 14 Placida. The proposal for central sewer by Eu should be denied for all of the following reasons:

The cost for a hook up to the property owners of the island is not clear. The cost to remove existing septic is not clear. Central sewer service by a private owner is unnecessary and if ever deemed necessary, it should be provided by public utility not a private for profit entity. The EU owners are financially motivated at significant cost to island homeowners. The average residential bill for the proposed project is roughly TWICE the amount for wastewater in other neighboring communities. Additional costs for electric, removal of septic stems, tree removal, overtime pay and labor costs are all hidden fees paid for DIRECTLY by the island homeowners for the benefit of ONLY the owners of EU.

I, like many Island homeowners, have significant concerns about the financial and environmental impact this project will have on the island. The project will financially benefit those who are financially motivated by EU and there will be no significant benefit to Island homeowners.

I am formally requesting that the PSC deny EUs application for wastewater service on Don Pedro Island.

Sincerely,
Dana Planer,
301 South Golf Blvd., Placida, FL 33946

docplaner@yahoo.com

EMAIL TO:

Clerk of the Commission clerk@psc.state.fl.us

Commissioner LaRosa: Commissioner.LaRosa@psc.state.fl.us

Commissioner Clark: Commissioner.Clark@psc.state.fl.us

Commissioner Passidomo: Commissioner.Passidomo@psc.state.fl.us

We have provided below a punch list of arguments and concerns, but this is for your convenience to help identify issues that might be important to you. We do not want you to simply copy and paste.

Provide your own narrative of **why you object** to this proposal and **how this proposed sewer will**

affect you.

Potential Impacts to Stakeholders:

- **Uncertain Hook-up Cost:** When EU first presented to PIE, the connection fee was estimated at approx. **\$20K per unit**. When the rates and tariffs were finally submitted by the applicant, the requested Service Availability Charge per ERC was reduced to total estimated **\$13,221**.

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~Dana

Lisa Smith

From: KALLEN112@tampabay.rr.com
Sent: Monday, January 17, 2022 5:40 PM
To: Records Clerk; 'commissoner.larosa@psc.state.fl.us'; Office of Commissioner Clark; Office of Commissioner Passidomo
Subject: Docket #20200226-SU - PSC to deny EU's application for wastewater service

Dear Clerk and Commissioners,

Please be advised that I am formally requesting that you DENY EU's application for wastewater service. My name is Kelley Allen, co-owner of 331 Bocilla Dr, Placida, FL 33946 (Don Pedro Island).

I oppose the wastewater service by EU due to the uncertainty of the connection fees; the increase of the average residential bill, which is double that of residential ratepayers in nearby communities (Rotonda); fees associated with additional electrical and generator requirement; no pay over time plan; mandatory hook up; no contracts or general oversight; easement giveaways from the owner of property to EU without compensating the owner for same; issues of wastewater emergencies; and lifespan of equipment. There are NO safeguards for using any private company for wastewater service.

I purchased home in mid-July 2021 and a new septic system was installed. The fees incurred with installation and removal of landscaping was costly. There is no grandfathering in of septic systems for this wastewater service. There would be expenses to remove landscape over drain field and costs to fill/crush NEW septic tank. Access to our property is complicated with landscaping, boundaries for entrance of vehicles (including automobile, boats, golf carts).

Also I have concerns with regards to disruption of traffic on and off island access roads. The project would result in long lines at ferry due to construction vehicles, ability to gain access to island property as well as leave Don Pedro Island for work, school, appointments, grocery shopping, etc.

The environmental impacts may have potential for destruction and loss of habitat with endangered species that call Don Pedro Island home. Such species are gopher tortoises, ospreys, etc. The risks of a central sewer leak into the intercoastal and/or Gulf of Mexico is greater than the risk of septic system developing a leak.

Again, I respectfully request that you DENY EU's application for wastewater service to Don Pedro Island.

Thank you for your consideration.
Kelley Allen
331 Bocilla Dr
Placida, FL 33946

Lisa Smith

From: art knighten <captartknighten@yahoo.com>
Sent: Monday, January 17, 2022 4:02 PM
To: Records Clerk; Office of Commissioner La Rosa; Office of Commissioner Clark; Office of Commissioner Passidomo
Subject: Fwd: Docket 20200226-SU

>

> My name is Art Knighten, I'm retired and owner of the property at 130 Bocillia Dr on Don Pedro Island in the proposed sewer area. I am writing you because of my concern of the proposed private sewer system for our beautiful island and way of life. With all do respect, not living on our island I'm sure it's hard to understand our life style and pride we as owners take in our island.

> My wife and I spent a large portion of our life savings to purchase our modest home on the island. Our septic tank passed inspection when we bought our home and has worked fine ever since. EU has told us they don't know what it will cost to destroy our perfectly good septic tank and what cost we will be forced to pay for the tap on fee, but understand it can be upwards of \$20,000, with monthly fees starting at \$178 That's twice what the Rotunda pays for both water and sewer and it is guaranteed to increase every year. This would be an unnecessary burden on our finances. All this to fix a problem that does not exist and to make a couple of people and EU very rich at the expense of all the owners on the island.

>

> I assure you, if there was an issue with the individual engineered septic systems here on the island we as owners and the HOA would welcome a central sewer system, but the fact is:

> 1-these septic tanks are checked on a regular basis and in the rare case that there is a need to pump out or repair we gladly have it done. Honestly the main issue I hear about is roots from a near by tree which is easily repaired.

> 2-there has been no study done that shows the water quality around the island has been affected by the septic tanks on the island

> 3- EU has never taken on such a project, where is the history that they will be able to handle this large a project. Will they be bonded?

> 4 - the company has stated they would increase rates the maximum allowed every year.

> 6-the digging of sewer lines over approx 7 miles of roads on the island with destruction and removal of hundreds of septic tanks with thousands of dump trucks crossing the ferry system, disposing of their remains and refilling the septic holes somewhere in Charlotte County would destroy our island and hundreds of acres of the mainland would be contaminated and destroyed.

> 7-with all this heavy equipment and workers crossing the ferry every day for years, it will take hours for owners and guest to cross to the mainland to shop, have Dr appointments, etc and then return home. This is not an inconvenience, it's a constant daily traffic jam from morning to night, no less than 5 days a week 52 weeks a year for the life of the construction.

> 8-there are many questions that are yet to be answered. The electricity each home will have to supply - do these homes have room in there fuse boxes for more more breaker switches? What happens when power goes out (which it does a lot) does the sewer just back up?

> 9-any sewage spill whether on land or going under water to the mainland will have devastating effect on the waters around our island. These will be large pipes carrying thousands of gallons of waste which in the event of any spill would be a major catastrophe.

>

> In conclusion, there is no study nor any incident to show our septic tank systems on the island are causing an issue with water quality or a health hazard. The prospect of constructing a private sewer system on Don Pedro and Palm

Islands has many more negative ramifications than any positive effect. I see it as one company, EU, trying to take advantage of a situation that they have no expertise in just to make a lot of money for a few people.

> Sent from my iPhone

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Lisa Smith

From: bgood2go@gmail.com
Sent: Monday, January 17, 2022 3:58 PM
To: Records Clerk; Office of Commissioner La Rosa; Office of Commissioner Clark; Office of Commissioner Passidomo
Cc: bgood2go@gmail.com; mlgoodhead@gmail.com; Bill.Trux@CharlotteCountyFL.gov
Subject: Docket #20200226-SU - Knight - Don Pedro Island / EU Application for Original Certificate of Authorization

Dear Clerk and Public Service Commissioners,

I am writing to you today to ask for your help on behalf of myself and the other homeowners on Knight / Don Pedro Island affected by this pending EU application (Docket 2020022-SU) and proposed sewage project.

I am asking for your help because as you have been already advised by Palm Island Estates and others, there is absolutely no reasonable justification for this project to even be considered in the first place. There is no need! So anything else beyond the initial review and rejection of this application, submitted by EU, is a great waste of county time, processing and resources (and tax dollars). This should be an open and shut case. There is no demonstrated need, application is denied. Hopefully everyone will agree that just anyone cannot go around submitting applications to force people to do something where there is no need. It must be proven by facts that there is a real need for what is being proposed. Without this validation such a proposal is absurd. This is what we have here.

Below, I am reiterating facts that have already been submitted to you by many other affected homeowners and homeowner associations. You will most certainly recognize many of the exact same facts being described here. That is because these are empirical facts. Again, this is in an effort by the homeowners to implore the decision makers in this case for the use of reason and to make these overwhelming facts crystal- clear to the entire commission, so that they can arrive at the rational decision to deny this application.

A. No Validation of Need

This is by far the most important fact in this case, which is to demonstrate there is only a fabricated "need" for this application for certification, being submitted by EU. There is no empirical data at all to support any of the hear-say and conjecture being used by them to "justify" this application /submission, if any at all was used.

The County adopted the 2017 Sewer Master Plan which includes these Islands for sewer executed by CCUD (Charlotte County Utilities Dept.). In fact, Knight and Don Pedro Islands have been identified as priority areas for the extension of central sewer by CCUD. Furthermore, there was no study of the source of the nitrites alleged to be spilling into inland and shore waters. Specifically, there was no study data to determine whether these were coming from leaky sewage tanks or from fertilizers. Therefore, the assumption that the alleged pollution is emanating from sewer tanks is not a

substantiated fact based on any real, applicable testing and or data and therefore must be considered false.

B. Legal Ethics and Integrity

Immediately, with little effort for a background search on Mr. Jack Boyer, the facts appear that Mr. Boyer was charged with and indicted for larceny as it relates to a utility as well as criminal mischief for stealing water from Don Pedro Island State Park to serve his own water utility on Little Gasparilla Island (Copies of these reports have already been submitted to the PSC).

In summary, Mr. Boyer waited until rangers were absent from the park over a weekend and installed a water main from the Don Pedro State Park fresh water supply pipe and trenched it to LGI and hooked it up to his water company's facility. He admitted to this and moreover refused to remove the pipe after which he was indicted. How, in any legal proceeding or application to any government agency, can a man with this history of blatant disregard and disdain for the law even remotely be considered as a viable applicant for anything, especially if it is in the same business / industry that he was convicted for crimes in?

The answer to this question from any ethically bound person or entity reviewing this application (having done any internet search or background check), would immediately be a no /denied! How this application got past the initial screening process(s) raises serious questions regarding integrity and or negligence. There must be some ethical / moral scale being used for evaluating anyone (person or business) applying for anything with the county to ensure they meet some minimum threshold of integrity. If there is not, then there are even more serious issues at hand.

B. Financial Capacity of the Applicant

Any statements made by the principals of EU to the public are baseless. Instantly, EU has no demonstrable experience and no guaranteed funding (including bond issues) that could even marginally show its solvency, ability to obtain funding, complete the project and/or provide ongoing maintenance.

Specifically, none of the publicly facing filed documents guarantee any funding and state specifically that there is no commitment to lend. No projected costs are given.

Certainly a proposed project of this size must have been cost-estimated; No CIAC was provided which would identify cash and property contributions; EU appears to have no experience with projections, certainly not sufficient enough to project annual expenses; there is no comprehensive plan in the application that describes how this project will be financed. EU is a start-up company.

As such, the company and its principals are inextricably linked. A completed bond issue by a reputable financial institution should be a mandatory condition precedent for any approval. Again, a letter of interest from a local bank is meaningless. Since the reliability of the financial strength of the principals is paramount, their request to treat all of their financial information as confidential is improper and should be denied.

There have been no studies or valid estimates of the cost of this project, both globally and as it applies to Knight Island-Don Pedro Island. The verbal estimate given by Jack Boyer to community groups of approximately \$20,000 per homeowner is not based on any actual cost estimates related to this project. Given the project location and necessary involvement of multiple state (and potentially

federal) agencies, the number is likely to be much higher. This places an undue burden on the members of our community. No permits should be issued without disclosure and verification of all of the necessary costs, e.g. profits build-ins, ongoing operating costs, construction costs, construction slow-downs or complications; distribution and allocation of cost-recovery, etc.

No provision has been made to allow for payment over time should the project go forward. In addressing this question to residents, the applicant has stated that grants might be available without any factual basis for these statements and without any data in support relative to this project. Grants seem far-fetched at best since the State of Florida is facing a significant budget shortfall exacerbated by the COVID-19 crisis. This application should be rejected until the applicant provides a firm cost per ERU along with appropriate financing options and payment vehicles for those affected owners along with the demonstrated financial ability to provide for payments over time.

EU has failed to address its ongoing operating costs. In an applicant with limited operating experience and financial resources, how will ongoing operating costs be addressed?

Jack Boyer has stated to community groups that if they fight him, the costs will be passed on to the community. While cryptic, the intent seems clear and also indicates the tenuousness of EU's financial position going into this project. EU is a private, for-profit utility company. The owners' financial history and the financial health of the company is not known and not available.

C. Applicant's experience, knowledge and resource deficiencies

The owner has little or no demonstrated experience with sewer systems and the owner's present water company has a long list of non-compliance and violations registered with the DEP. The Charlotte County Clerk's office website lists several foreclosures and lien actions involving Mr. Boyer. Should EU's stewardship of the project become untenable, another future utility will then have to compensate EU for the service area, resulting in further cost to the future ratepayers.

Again, here is more testimony to the lack of integrity and insolvency and once again Mr. Boyer has shown a conscious disregard for the citizen stakeholders, but none more so than its threats to pass on its legal fees to customers should they challenge its permit application.

Given the lack of demonstrated need, the absence of financial and operational data to support this project, and the absence of any discernible expertise, EU's application should be denied.

D. Gateway to commercial building

Additionally, the approval of this application and execution of this project to install a make-shift sewage system, will only pave the way for the approval of the building of commercial structures on Knight /Don Pedro Island (condos / high rises). Anyone with any knowledge of barrier island living and its fragile environment / eco system knows that this would wreck the natural and pristine state of the island forever. For this reason alone, this cannot be allowed to happen.

E. Real project impacts to homeowners

Lastly, but most certainly not least, here is a list of what homeowners will be faced with should this project succeed. This list is not exhaustive. Again, if you understand anything about the landscape of the island and the size and orientation of the home lots you will know how unrealistic these

requirements are. Meeting these requirements would wreck property lines and lots with easements not to mention enormous power requirements and costs placed on the homeowners.

- **Uncertain Hook-up Cost:** When EU first presented to PIE, the connection fee was estimated at approx. **\$20K per unit**. When the rates and tariffs were finally submitted by the applicant, the requested Service Availability Charge per ERC was reduced to total estimated **\$13,221**.
- **Average Residential Bill: \$178.78**, which is roughly twice the amount that a ratepayer on the mainland in Rotonda pays per month for *water and wastewater combined*. Note that the average cost to EU per customer per month is \$97.18.
- **Electric:** the system pump requires a separate electric panel, installed by a licensed electrician at the expense of the owner.
- **More electric:** If the owner has maxed out their main electric grid with pool equipment or other large-draw items, the panel will need an expensive upgrade to accommodate the new panel.
- **Generator:** the grinder pump has a limited capacity (60 gal) and in the event of a power outage will be unable to function for long. Homeowners will need a generator to keep the system running to avoid sewage back-up.
- **Tree removal:** Landscaping and hardscaping around the septic area will need to be cleared at the expense of the homeowner to gain access to crush & fill the septic tank.
- **No pay-over-time plan:** Ratepayers may need to take loans to cover the cost of connection.
- **Mandatory Hook-up:** Charlotte County regulations require all homes to connect to central water and wastewater within 1 year of availability.
- **No grandfathering of septic systems:** regardless of age or condition.
- **No “contract” and no single point of general oversight:** EU is not a contractor that has won a bid to install sewer. The PSC approves certification solely based on the 4 criteria above and regulates rates and charges. Each of the other agencies (County, DEP, Army Corps, etc.) is responsible for supervising only their specific area where regulation and/or permitting is involved. There is no performance bond required and we have no single point of recourse in the event of cost overruns or project failure.
- **Access to homes:** Some properties have physical constraints that will complicate how the applicant gains access to the property without leaving the boundaries or damaging the grounds.
- **Disruption of traffic:** Vehicles have only one point of entry/egress -- the car ferry. With normal traffic, service and construction trucks, delays at the ferry line in season can be an hour or more. This project could result in years of traffic issues.
- **New easement giveaway:** Most utility easements are placed in the road right-of-way. EU has claimed ownership of a utility easement that will go from the sewer equipment, located near the house to the connection in the road without compensating the homeowner.
- **System maintenance and emergencies:** The applicant has not addressed how the system will be serviced in the event of failure during a storm or other adverse conditions.
- **Lifespan of the equipment:** Salt air takes a heavy toll on mechanical and electrical equipment here. Equipment will need replacing when it fails, possibly at 5-year intervals. This proposal places too much responsibility on the homeowner at too great a cost.
- **Environmental concerns:** No water quality testing has been done in our area to prove a need for sewer. This project brings the potential for destruction of habitat and interference with endangered species such as the gopher tortoise.

- **Potential of sewer spill in the Intracoastal:** The risk of a central sewer leak with a subaqueous crossing is greater than the risk of one or more septic systems developing leaks

I strongly urge any commissioner and or decision maker on this vote, who is not familiar with Knight / Don Pedro Island, to go and visit the island and speak with some of the homeowners before they make a decision that could permanently affect the future of this island and the families that live there.

In closing, please be aware that the decisions made by the commission in this vote, and its final outcome, will bear the utmost weight with all homeowners involved, on how we vote for county positions in the next election.

Your constituents are now asking for you to use common sense and to make a rational decision for us here, and not ignore the clear facts presented. Do not provide support of an unscrupulous business application / proposition that would wreck the environment and forever change the Knight / Don Pedro island landscape and its way of life!

Please accept this as my formal request for PSC to deny EU's application for wastewater service.

Sincere and Kindest Regards,

Brian and Melissa Goodhead

53 Palm Drive

Placida, Florida 33946

PS I have also attached a .PDF of this same letter for your convenience

Lisa Smith

From: Deb Knighten <deb_knighten@yahoo.com>
Sent: Monday, January 17, 2022 3:55 PM
To: Records Clerk; Office of Commissioner La Rosa; Office of Commissioner Clark; Office of Commissioner Passidomo
Subject: Docket 20200226-SU

Regarding the proposed certification of a central sewer system at Don Pedro Island.

It makes no sense that a private company is able to install a sewer system that no one wants and charge us an arbitrary number for it. Especially a company that is well known for their poor reputation. Private citizens of our community are having shell money to fight this thing.

It's pure nonsense and needs to stop.

Sent from my iPhone

Lisa Smith

From: Robert Jensen <rjensen2525@gmail.com>
Sent: Monday, January 17, 2022 3:02 PM
To: Records Clerk; Office of Commissioner La Rosa; Office of Commissioner Clark; Commissioner.Passidomo@psc.state.un
Subject: Fwd: Environmental Utilities Application for Controlling Wastewater on Bridgeless Barrier Islands. Docket #20200226

----- Forwarded message -----

From: Robert Jensen <rjensen2525@gmail.com>
Date: Mon, Jan 17, 2022 at 2:54 PM
Subject: Environmental Utilities Application for Controlling Wastewater on Bridgeless Barrier Islands. Docket #20200226
To: <clerk@psc.stste.fl.us>, <Commissioner.LaRosa@psc.state.fl.us>, <Commissioner.Clark@psc.state.fl.us>, <Commissioner.Passidomo@psc.state.fl.us>

Dear Commissioners La Rosa, Clark, and Passidomo:

Upon receipt of a letter from Environmental Utilities in July 2021 proposing the installation of sewers on Little Gasparilla Island (LGI), Don Pedro Island (DP), and Palm Island (PI), I began an email conversation with Jack Boyer to try to understand his exact concerns for eliminating septic systems from Palm Island and Don Pedro Island. It comes as no surprise that there may be septic system issues on the numerous tiny lots located miles away on Little Gasparilla Island (LGI) where Jack Boyer manages the water company.

I am attaching an email correspondence from Mr. Boyer dated January 10, 2022 which confirmed to me that his company is more concerned with the "Density" of homes on small lots specifically on LGI and the fact that 55 gallon drums were used for many septic systems prior to 1983 on LGI. He goes on to state that many of these homes can stay on the 55 gallon drum system. Remember, LGI is miles away from Palm Island and Don Pedro Island where the lots are large enough to accommodate a permitted septic system. As an active realtor on Palm Island and Don Pedro Island, it is a realtor's obligation to investigate permit status of a property's septic system prior to sale. I know of no substandard systems on the PI or DPI.

Mr. Boyer's email also confirmed his thoughts that a better way to manage utilities would be to "create a Not for Profit Utility District as soon as possible.

As I understand, residents of PI and DPI are already undertaking that investigation and need more time. Therefore, I request that the Commissioners table their decision on Docket #20200226 until the Palm Island and Don Pedro Island Board of Directors complete their work.

Thank you for this opportunity to comment.

Sincerely,
Robert Jensen

see EU correspondence dated Jan 10, 2022 below

Jack Boyer

Jan 10, 2022, 4:30 PM (7 days ago)

to me

I will leave the " need" discussion up to the experts.....yet ALL..State and County and DEP are saying there is ! Please realize that FPL is privately owned, Bocilla Utilities is privately owned, Little Gasparilla Island water, privately owned, Comcast, privately owned, the barge for access is privately owned. We can put all the Utilities in the not for profit Utility District with the existing cash flow. Just need a steering committee?

Density, LGI is one of the county's most densely populated areas in the county. PI/DP have water on almost ever lot. Septic in relationships to open water is one of the main criteria along with the age of the system on the Master Sewer Study.

What year was your septic installed and what regulations are you required to follow?

I bought a house built in 1964 and the septic went under water with high tides. Guess what, any house built before 1983 can stay on a 55 gallon drum and we have many of those on the island.

Really would like to continue but probably on the phone or in person. Education on this subject is important.

Again thanks for you time!

Jack @941-626-8294

Sent from Yahoo Mail

--

Robert Jensen

Realtor Extraordinaire

"You Can Trust, Capt. Bob!"

Keller Williams Realty Gold

Cell: 239-887-0320

Office 239-940-0196

CLICK HERE TO ACCESS THE MULTIPLE LISTING SERVICE

<http://fl.living.net/idxrealtor/1090283>

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Robert Jensen

Realtor Extraordinaire

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Cell: 239-887-0320

Office 239-940-0196

CLICK HERE TO ACCESS THE MULTIPLE LISTING SERVICE
<http://fl.living.net/idxrealtor/1090283>

Lisa Smith

From: John Ziegert <jziegert@uncc.edu>
Sent: Monday, January 17, 2022 2:58 PM
To: Records Clerk; Office of Commissioner La Rosa; Office of Commissioner Clark; Office of Commissioner Passidomo
Subject: Docket #20200226-SU

Dear Commissioners,

My name is Dr. John Ziegert and I own and reside at the property at 221 Bocilla Drive on Don Pedro Island. My property is within the service district for the central sewer system being proposed by Environmental Utilities (EU). I request that you DENY EU's Application for Original Certificate or Authorization for the following reasons.

1. **NEED.** To date no actual studies have been conducted to determine that there is in fact a need for central sewers on the island. Please understand that our islands are not densely populated, with fewer than half of the available buildable lots having dwellings. Furthermore, a large majority of the existing dwellings are only used for a few months a year. Except for Palm Island Resort at the north end of Knight Island, which currently owns and operates its own sewage treatment facility, there are NO commercial entities on the islands; no stores, no restaurants, no businesses of any kind that would create a concentrated need for municipal sewage treatment facilities. We have seen no testing of local waters that shows the current residential septic systems are negatively impacting the local environment. Furthermore, the islands are home to a large population of endangered gopher tortoises, and the extensive excavation and heavy equipment traffic required by the sewer installation will almost certainly have a strong negative impact on the existing tortoise population. EU proposes to pump the untreated sewage across the Intracoastal Waterway via an underwater pipe, rather than build sewage processing capabilities on the island(s). I believe this strategy poses a much greater environmental risk due to the possibility of the underwater pipe failing or being damaged by vessel traffic, anchors, etc on the Intracoastal Waterway. This possibility must be weighed against the unproven risk of environmental damage from existing septic systems, especially since EU has not provided any evidence that the island septic systems are, in fact, poorly maintained or causing problems. Given these concerns, I believe EU's application must be DENIED.

2. **FINANCIAL ABILITY.** The residents who would be affected by EU's proposal have not been provided any information regarding EU's ability to finance this project that will cost tens of millions of dollars over the course of several years before any fee income is generated. EU is a newly formed company with NO employees or track record to show they are capable of obtaining financing for, or managing a project of this size and complexity. Given that, it seems that as a condition of approval EU should be required to post a performance bond that would guarantee this project would be completed in the not unlikely event that EU finds it has neither the technical expertise nor financial wherewithal to complete the project after it is begun. It is not clear that EU has the financial ability to even obtain such a bond; and I believe that they would have substantial difficulty in doing so since any bonding entity will be looking closely at their financial and technical ability to undertake and complete this project. Given their complete lack of experience in projects of this size and complexity, I doubt they would be unable to satisfy the bonding entities. Another troubling fact is the fact that a number of island residents have reported that in conversations with the owners of EU that they don't believe EU has any actual intention of building the proposed system. Instead, their strategy is to obtain the Certificate of Authorization and then try to collect a large fee from some other entity for the rights to undertake the project. I hope that the PRC has a mechanism to ensure that once an entity has obtained Authorization they actually

proceed with the project in a timely manner, rather than just wait around for somebody else to pay them for the rights. Based on their lack of demonstrated ability to finance and bond this project, as well as the uncertainty regarding whether they actually intend to proceed, I believe EU's application must be DENIED.

3. TECHNICAL EXPERTISE. It seems apparent that EU, as presently constituted, has essentially zero technical expertise in this area. The principal of EU reportedly runs the municipal water service on Little Gasparilla Island (LGI), which incidentally has quite a record of dis-satisfied customers and service issues. However a water supply system that simply accepts already treated water from another mainland utility and then distributes it, reads the meters, and collects the payments, is vastly different from designing, installing, maintaining and running a municipal sewage system. I am a retired Professor of Engineering and have held a Professional Engineer's License for over 40 years. Although my area of expertise is not in municipal wastewater systems, I am quite familiar with the size, scope, and complexity of a project such as this. I understand that EU plans to contract with an engineering/construction firm to design and build out the proposed system; but it doesn't appear to me that the two persons/owners who presently constitute the entirety of EU even have the ability to intelligently draft a request for proposals to build the system, or evaluate the proposals once they arrive. Furthermore, it is unclear that any engineering firms they may have contacted have been fully informed regarding the difficulties of building on these bridgeless islands where access is **only** provided by a small ferry/barge system with very limited capability to transport large and heavy equipment that will be required for the project, and how this would impact not only the project cost but the ability of the islanders to actually get on and off the island during construction. I believe that their complete lack of the required technical expertise requires that EU's application be DENIED.

4. FAIR AND EQUITABLE RATES & CHARGES. This is an area where EU has repeatedly failed to provide any evidence that would lead to confidence in their abilities. They initially requested to have the Authorization separated from any information on proposed installation costs or rates. The PSC rightly denied this request. Following this they floated a possible connection fee of \$20,000 per dwelling. It was clear at the time that this was nothing more than a guess they hoped they could get approved because it would likely provide a substantial margin over actual costs. They currently are estimating that the connection fee would be a little over \$13,000 per dwelling unit. Again, this appears to be based on little actual estimation of the cost of the project. I know from my engineering background that even preliminary estimates of costs cannot be made without preliminary designs for the project. EU has no experience in building residential sewage systems, and have not shown that they have contracted with a reputable engineering firm to provide the preliminary design and cost estimates. If they cannot provide **preliminary design and cost documentation from a licensed and reputable engineering firm with experience in this area**, their application must be denied as being based on not much more than guesswork. Because EU has failed to provide any reliable evidence that their cost estimates are based on reasonable engineering projections, their application should be DENIED.

Thank you for your valuable service and for taking the time to hear my concerns.

Best regards,

John C. Ziegert, Ph.D., P.E.

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Lisa Smith

From: Robert Jensen <rjensen2525@gmail.com>
Sent: Monday, January 17, 2022 2:55 PM
To: clerk@psc.stste.fl.us; Office of Commissioner La Rosa; Office of Commissioner Clark; Office of Commissioner Passidomo
Subject: Environmental Utilities Application for Controlling Wastewater on Bridgeless Barrier Islands. Docket #20200226

Dear Commissioners La Rosa, Clark, and Passidomo:

Upon receipt of a letter from Environmental Utilities in July 2021 proposing the installation of sewers on Little Gasparilla Island (LGI), Don Pedro Island (DP), and Palm Island (PI), I began an email conversation with Jack Boyer to try to understand his exact concerns for eliminating septic systems from Palm Island and Don Pedro Island. It comes as no surprise that there may be septic system issues on the numerous tiny lots located miles away on Little Gasparilla Island (LGI) where Jack Boyer manages the water company.

I am attaching an email correspondence from Mr. Boyer dated January 10, 2022 which confirmed to me that his company is more concerned with the "Density" of homes on small lots specifically on LGI and the fact that 55 gallon drums were used for many septic systems prior to 1983 on LGI. He goes on to state that many of these homes can stay on the 55 gallon drum system. Remember, LGI is miles away from Palm Island and Don Pedro Island where the lots are large enough to accommodate a permitted septic system. As an active realtor on Palm Island and Don Pedro Island, it is a realtor's obligation to investigate permit status of a property's septic system prior to sale. I know of no substandard systems on the PI or DPI.

Mr. Boyer's email also confirmed his thoughts that a better way to manage utilities would be to "create a Not for Profit Utility District as soon as possible.

As I understand, residents of PI and DPI are already undertaking that investigation and need more time. Therefore, I request that the Commissioners table their decision on Docket #20200226 until the Palm Island and Don Pedro Island Board of Directors complete their work.

Thank you for this opportunity to comment.

Sincerely,
Robert Jensen

see EU correspondence dated Jan 10, 2022 below

Jack Boyer

Jan 10, 2022, 4:30 PM (7 days ago)

to me

I will leave the " need" discussion up to the experts.....yet ALL..State and County and DEP are saying there is ! Please realize that FPL is privately owned, Bocilla Utilities is privately owned, Little Gasparilla Island water, privately owned, Comcast, privately owned, the barge for access is privately owned. We can put all the Utilities in the not for profit Utility District with the existing cash flow. Just need a steering committee?

Density, LGI is one of the county's most densely populated areas in the county. PI/DP have water on almost ever lot. Septic in relationships to open water is one of the main criteria along with the age of the system on the Master Sewer Study.

What year was your septic installed and what regulations are you required to follow?
I bought a house built in 1964 and the septic went under water with high tides. Guess what, any house built before 1983 can stay on a 55 gallon drum and we have many of those on the island.

Really would like to continue but probably on the phone or in person. Education on this subject is important.

Again thanks for you time!
Jack @941-626-8294

Sent from Yahoo Mail

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Robert Jensen
Realtor Extraordinaire
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