

**Lisa Smith**

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**From:** Office of Commissioner Passidomo  
**Sent:** Friday, January 21, 2022 8:00 AM  
**To:** Commissioner Correspondence  
**Subject:** Docket No. 20200226  
**Attachments:** Docket #20200226-SU opposition; Docket #20200226-SU; Docket #20200226-SU

Please place the attached in Docket No. 20200226.

Thank you!

**Lisa Smith**

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**From:** Mike Riley <mikenriley@comcast.net>  
**Sent:** Thursday, January 20, 2022 5:23 PM  
**To:** Records Clerk; Office of Commissioner La Rosa; commissioner.clark@psc.state.fl.us; Office of Commissioner Passidomo  
**Subject:** Docket #20200226-SU opposition

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

January 18, 2022

Reference: Docket #20200226 – Environmental Utilities, Inc. (EU)

To Whom it may concern:

My name is Michael Riley and I own and live on Don Pedro Island at 220 Kettle Harbor Dr. which is a property within the service area of the proposed central sewer system, Docket #20200226-SU

**I am in opposition to this application and REQUEST THAT THE PSC DENY Environmental Utilities application for an Original Certificate of Authorization.**

My arguments against this application go to the 4 criteria used to grant the application:

1. **NEED FOR SERVICE:**

**Don Pedro island has no necessary or urgent need for the proposed central sewer system.** No documentation has been given that there is a problem or pollution in our waterways or canals. To my knowledge, No water or ground testing has been done by the applicant. All waste water is currently handled with Septic systems, that must be approved and permitted by Charlotte County prior to installation. In addition, all individual septic systems must be pumped out and tested on a regular basis to insure proper, safe, and adequate operation per Charlotte County code. There have been no pollution or spills, small or disastrous, that I am aware of, in the 12+ years I have lived on the island. Several independent companies are used to pump and test these systems, all approved by Charlotte County.

Understanding that the Charlotte County long range plan calls for removal of septic systems, a private sewer system is not the answer. It would be in everyone's best interest to have a public entity handle any sewer system so there is transparency, guaranteed cost control, unquestionable financial ability to build and operate, and avoid the need for stakeholders to 'pay a profit' to a private individual for a "utility".

**Bocilla Islands Conservancy, Inc.** (a 501(c)(3) public charity on island) owns and maintains conservation land and easements as well as providing awareness of potential environmental issues (pertaining to flora, fauna, protection of endangered species, removal of invasive plants, and water pollution) on our islands. In 2020, they sold and/or donated 81 mini reefs as part of the '1,000 reef challenge' participated in by numerous cities and communities on or near the barrier islands in south west Florida. They plan on doing another campaign to try to get an additional 100 reefs in place on our island in the near future. These mini reefs help keep our waterways clean and create a habitat for growing smaller fish and sea life.

The Charlotte County Director of Utilities supported EU's application with a written letter to the PSC, but I am not sure that the Charlotte County Administration does. This Director of Utilities recently and suddenly resigned his position (around the time depositions for EU were held)...and according to emails between him and Jack Boyer he was a close ally and friend of Jack Boyer. This alone lends itself to the applicants fitness.

## 2. FINANCIAL ABILITY:

The applicants ability to adequately and safely build and finance the proposed central sewer system is questionable, at best. EU as a company does not have the financial capability to fund a project of this magnitude without a "contribution for aid in construction". Whether this contribution is from a bank or financial institution (loan) or another unidentified entity (potential partner or owner) is not known. The latest statement (in depositions) is that the owner of EU, Mr. Jack Boyer will finance the entire project personally, but his personal financial statements or financial capability are only available to the PSC staff. I am a former CPA with utility rate making experience and I am unable to get copies to evaluate. There are too many unknowns and financial information is strategically being withheld by attorney Martin Freidman.

The applicant has not done adequate engineering studies to be able to justify the estimated costs of this project. EU is attempting to get the certificate first, then spend the money to do the engineering studies – in other words 'the cart before the horse', as the certificate has enough value in itself to allow EU to move forward in trying to get 'contributions in aid of construction' Aid. The actual cost of installation of the system is unknown and the estimated initial cost to hook up to this system has varied from \$20,000 to 11,000 to 13,221 since the application was filed – definitely an inadequate study and an estimate that could vary significantly, generally higher. EU needs to do additional and complete engineering studies to enable them to know the actual cost – before applying for certification.

## 3. TECHNICAL EXPERTISE:

Jack Boyer (owner of EU) has experience with operating a small water utility on Little Gasparilla Island for many years, but NO EXPERIENCE WITH WASTE WATER. Mr. Boyer hired Martin Friedman, a well-connected utility attorney, to handle his application, so he can probably hire competent advisors, constructors, etc. to build and operate a central sewer system. Unfortunately, it is the stakeholders, the residents of the Islands, that must bear the cost of these highly paid consultants and advisors.

Mr. Boyer's experience as a water small utility operator supposedly includes tapping into the Don Pedro State Park water system and selling their (the State parks water supply) water to his customers (the residents of Little Gasparilla Island) and hooking up new water customer residents on Little Gasparilla Island without adequate licensing and delaying payment for the Charlotte County hookup fees per Charlotte County's agreement. Obviously he has experience in how to make money for himself whether ethical or not.

The system EU is proposing is supposedly the lowest cost to build but the highest cost to maintain. Looking at other island communities including the Florida Keys, as well as personal experience operating a pumping station in multiply businesses I owned, a vacuum system seems to be the best and preferred type. EU is proposing a system requiring a pumping station at each residence to push the waste. This type system includes a small tank and a grinder pump at each residence. Being located on a barrier island, we have a lot of corrosion from the salt air causing the pumps to be replaced, possibly on 5 year interval's.

Being on a bridgeless barrier island we are subject to many things the mainland is not. We have a ferry to contend with that operates from 6:30 am to 10:00 pm (slightly later on weekends) and does not operate if winds exceed 45 mph. We are also subject to more electrical outages than the mainland. EU has not addressed how the sewer system will be serviced in the event of a major storm failure or adverse conditions. If our electrical service is out for an extended period of time, the small storage tank at each residential pump, could overflow creating a localized spill or leak, which could become catastrophic in a major storm. A generator would be required (at the homeowners expense) to keep the sewage moving, where we do not have this issue with our

current approved septic systems. There is also the increased risk of a central sewer system leak into the intra-coastal waterway with a potential leak at the subaqueous crossing – pollution at its best. Look back at the hurricane that hit Ft Myers Beach community which was devastated by waste water and closed for over 10 days after the hurricane because there was not a backup generator in place to move the waste off island.

#### 4. FAIR AND EQUITABLE RATES & CHARGES:

This is a total unknown. EU has done inadequate engineering studies to properly evaluate 'actual' costs, only supplying estimates, which have changed dramatically over the period of application. The hookup fees have varied from \$20,000 per residence to \$13,221 and this does not include the cost of a customer installed separate electric panel and landscape/hardscape modifications or changes to install a grinder pump and to crush and fill the septic tank area.

Even using his estimates, which should be considered the lower end of the cost structure, the proposed rates are \$178.45 per month for sewer service only. This is roughly two times the rate Rotonda pays – and that rate includes **both water and sewer**.

I currently pay \$78 to \$90 per month for water only and that is with me personally and strictly controlling my volume, which runs between 1,800 and 2,200 gallons per month (well below the 3,000 average customer water consumption). I consider our water rates to be excessive [even though these rates were approved by the PSC] and as proposed, our water/sewer combined rates would be in the neighborhood of \$275 to 300 per month – very excessive.

Other items that I feel are important in my opposition to this application:

Without proof of need, discussed above in item 1, there is an inherent cost to each resident because we will be required to hook up to the central sewer within 1 year. Many residents have recently built and installed new septic systems and many have repaired or replaced the drain fields to ensure safe adequate operation. This proposal allows for no "grandfathering" of newer septic system or recently repaired systems.

If approved, there is no single point of contact for general oversight of this private sewer system. The PSC only approves certification and then only regulates rates and charges. Multiple other agencies including Charlotte County, DEP, Army Corps, etc. oversee or regulate their specific areas so we have no one point of contact.

If the county builds and operates the sewer system, they are the one point of contact for all issues....again, a private entity is not in the best interest of the residents and stakeholders.

The Palm Island Transit ferry is a significant problem not only in construction but also maintenance. The ferry is just about at capacity during season, and this would cause further delays (of over an hour), just in access to and from the island by increasing the construction traffic, probably for several years.

The individual residence pump and holding tank is planned to be on the homeowners/stakeholders property and EU is trying to claim an easement from the sewer pump and holding tank to the road connection without compensation.

Many of us on the island do not have the excess cash funds to pay for hookup. EU's application does not allow for a deferred payment plan, only a cash up front program.

Development always carries a toll on communities, whether time, delays, cost, noise pollution, air pollution, loss of life style, etc. Island residents enjoy a quiet environment with open space, but pay for it in time delay waiting to cross to the mainland by ferry. This project will for many years cause substantial trees and landscaping to be removed, increased dust pollution and traffic from construction, increased noise from heavy equipment, invasion of our own property in crushing our existing tanks and installing a new tank, pump, lines, and electrical, and an excessive cost increase for waste water removal. This does not even take into consideration each homeowners loss by a general easement grant to EU without compensation to the homeowner.

Once again, I formally request the PSC to deny EU's application for a private sewer system on Don Pedro Island.

Thank you

Michael Riley  
[mikenriley@comcast.net](mailto:mikenriley@comcast.net)

## Lisa Smith

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**From:** Robby Anderson <robby.anderson1323@gmail.com>  
**Sent:** Thursday, January 20, 2022 5:13 PM  
**To:** Office of Commissioner Passidomo  
**Subject:** Docket #20200226-SU

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Commissioner Passidomo,

My name is Captain Rob Anderson. I am writing to formally request the PSC deny EU's application for wastewater service for Don Pedro Island. I have been visiting this area for over 18 years. As a resident of the island for the last several years, I cannot begin to fathom all of the negative impacts this project would create.

My main concern is the environmental impact this project will have/create. With no water quality testing to validate a need for a sewer, it seems unreasonable to disrupt the environment by removing trees & digging up areas that are home to many gopher tortoises(endangered), birds, rabbits, snakes, bobcats and many more. Why would we displace and endanger these animals and destroy their habitat for a project with no problem to solve? Another potential significant environmental impact of this project would harm the very thing that brings people to this beautiful area, water. The risk of a central sewer leak into the intracoastal waterway would have devastating impacts on the marine ecosystem that has already been demolished and forced to fight back time and time again over the last several years due to the horrifying red tide events in this area.

Another major concern I have is around the uncertainty around what it would cost to hook-up the sewer by a company that has not won a bid to install a sewer system in the past. Installing a sewer system can be difficult enough with many years of experience, the complexities of the location and terrain features of the island would challenge the most veteran of sewer installation companies. I would compare this situation to boarding a plane with no clear idea of the fare & baggage cost, crewed by a pilot, co-pilot, and staff with no experience, to a destination with the most unfavorable and challenging flying conditions. Would you get on that flight?

The last concern I have around this project is how will the system be maintained in the event of a storm or other adverse or emergency scenarios? In the event of a power outage - which can sometimes be caused by high winds - the system will only be able to function for so long until imminent failure. Such failure would be devastating to the homes and the environment of Don Pedro Island. Additionally, being in the salt water environment like we are, the sewer systems and required generators would have a fraction of the lifespan they would otherwise further inland.

In summary, the environmental impacts, uncertainty, and reliability of the proposed project cause great concern to myself and many others on the island. Again, I have written this letter to formally request the PSC deny EU's application for wastewater service for Don Pedro Island given the reasons above.

Don Pedro Island is a beautiful place. I suggest you come and check it out for yourself! Give me a call and I would be happy to take you out on the boat and show you all the beauty and wildlife this place has to offer. Help us protect it.

Captain Rob Anderson

(813) 774-1513

[robby.anderson1323@gmail.com](mailto:robby.anderson1323@gmail.com)

## Lisa Smith

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**From:** Michelle Brown <shellybrown091@gmail.com>  
**Sent:** Thursday, January 20, 2022 5:10 PM  
**To:** Records Clerk; Office of Commissioner La Rosa; Office of Commissioner Clark; Office of Commissioner Passidomo  
**Subject:** Docket #20200226-SU

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hello Commissioner LaRosa, Commissioner Clark, and Commissioner Passidomo,

My name is Michelle Brown and I am emailing you in regards to the proposed central sewer. I have been a resident on Palm Island/Don Pedro Island for 2 years but vacationing here for over 27 years. I strongly oppose the proposed central sewer for the following reasons:

First, a sewer spill in the Intracoastal would be devastating to the local waters. As you probably know, the water quality in Charlotte County suffers tremendously from red tide. As a U.S. Coast Guard Licensed Captain that spends majority of my time on the water, I have personally seen the long-term horrible effects of bad water quality such as thousands of dead fish, dead manatees, dead birds, dead sea grass, sick humans and house pets, and a significant decline in tourism. I strongly advise against the proposed central sewer since the risk of a central sewer leak with an underwater crossing would be much greater than the risk of one or more septic systems developing leaks and spilling in the Intracoastal.

Next, gaining access to homes to install the new system and destroy the existing septic tanks would be a demanding, destructive, and expensive task. Some, if not most, properties on the island have physical constraints or landscaping that will complicate how the applicant gains access to each property. If the project were to move forward, these physical constraints would need to be damaged along with any trees or landscaping around the septic tanks that are currently in place. This will not only be very expensive to each homeowner, but also have negative effects to the wildlife, such as the endangered gopher tortoise, and destroy their habitat.

Lastly, the residents on Palm Island/Don Pedro Island have many concerns and unanswered questions regarding system and installation quality, system maintenance, and emergency preparedness. EU is not a contractor that has won a bid to install sewer systems. There is no performance bond required and we have no single point of recourse in the event of cost overruns or project failure. EU does not have experience installing sewers, especially in non-traditional neighborhoods and environments such as those on Palm Island/Don Pedro Island, which makes me extremely concerned for the quality of the system and installation. As you may know, the only way on and off the island is via boat or car ferry that operates only during certain hours. The applicant has not addressed how the system will be serviced in the event of failure during a storm or other adverse conditions.

Charlotte County regulations require all homes to connect to central water and wastewater within 1 year of availability. I speak for myself and several other residents of Palm Island/Don Pedro Island when I say that there are no benefits to the homeowners or the environment in moving forward with a central sewer. No water quality testing has been done in our area to prove a need for a central sewer. The costs of the mandatory generators, electric equipment, and land destruction are uncertain and estimated to be extremely high which could make the island unaffordable for many residents. The potential of a mass sewer leakage into the Intracoastal would be detrimental to the local waters and wildlife which would directly affect tourism and small businesses on and off the island.

Based on the above reasoning, I am formally requesting that the PSC deny EU's application for wastewater service.

Thank you for your consideration and please feel free to contact me with any questions or comments.

Sincerely,  
Captain Michelle Brown  
[shellybrown091@gmail.com](mailto:shellybrown091@gmail.com)  
727-710-0747