

Antonia Hover

From: Antonia Hover on behalf of Records Clerk
Sent: Monday, May 6, 2024 4:36 PM
To: '777cl2@gmail.com'
Cc: Consumer Contact
Subject: FW: Please include the letter of comment into Docket #20240032-SU
Attachments: S Philip Kelsey Letter.pdf

Good Afternoon, Sean Kelsey.

We will be placing your comments below in consumer correspondence in Docket No. 20240032, and forwarding them to the Office of Consumer Assistance and Outreach.

Thank you!

Toni Hover
Commission Deputy Clerk I
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399
Phone: (850) 413-6467

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From: Craig Ad <777cl2@gmail.com>
Sent: Monday, May 6, 2024 4:10 PM
To: Records Clerk <CLERK@PSC.STATE.FL.US>; Consumer Contact <Contact@PSC.STATE.FL.US>
Cc: Marissa Ramos <mramos@psc.state.fl.us>; Office of Chairman La Rosa <Commissioner.LaRosa@psc.state.fl.us>; Office of Commissioner Clark <Commissioner.Clark@psc.state.fl.us>; Office of Commissioner Passidomo <Commissioner.Passidomo@psc.state.fl.us>; Office of Commissioner Graham <Commissioner.Graham@PSC.STATE.FL.US>; Office of Commissioner Fay <Commissioner.Fay@psc.state.fl.us>
Subject: Please include the letter of comment into Docket #20240032-SU

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Please include the letter of comment into Docket #20240032-SU

May 5, 2024

TO:

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

COPY TO:

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

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

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

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

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

FROM:

Sean Kelsey

PO Box 75

Seville, FL 32190

407-810-4110

Dear Public Service Commission

Please include the letter of comment into Docket #20240032-SU

My name is Sean Kelsey and my family have been owners on Little Gasparilla Island for over 50 years at 9798 Little Gasparilla Island.

I am requesting the Public Service Commission deny the application to Environmental Utilities, a Private Sewer Monopoly, for the following Reasons:

1. When a typical county government makes a procurement for a project the size of a central sewer system like the one being proposed in this docket, the county government in most cases is required to obtain 3 "qualified" bids and then a selection process is made to award the contract. In Charlotte County Resolution 2023-155, included in this application, the Board of County Commissioners are asking the PSC to approve this application but why in this case does the county have the right to endorse one solitary vendor for a "privately owned" system without going through the procurement process of 3 bids like a "publicly owned" system would require? I am asking the PSC to strike Resolution 2023-155 from Docket #20240032-SU
2. In the application there is a copy of County Ordinance Sec. 3-8-41 requiring all homeowners to hook up to this system regardless of the cost or the ability of the homeowner to pay for such service. It appears the cost to each homeowner will be about \$13,500 of charges from Environmental Utilities (EU) plus an additional

potential \$10,000+/- out of pocket cost to the homeowner for septic tank upgrades, electric panel upgrades, backup generators, and sump pumps bringing the total cost per homeowner to around \$23,500. In the event that a homeowner does not have the financial ability to hook up, according to Sec 3-8-41 the service provider has the right to lien and eventually foreclose their property. There are many common everyday folks on the island who can't absorb this cost.

3. If the county were to undertake this project as a "public utility" the funding source would come first before the construction. There are potential grants out there for this type of project. If the county was heading this up as a public utility they would first apply for the grants and then move forward with construction, but as homeowners being individually required to fund this project we cannot as individuals apply for such grants.
4. Environmental Factors: The Charlotte County Sewer Master Plan (CCSMP) in paragraph 4.4 on page 4-12 prepared by Jones Edmunds compares three types of central sewer systems, 1. Low Pressure, 2. Gravity, 3. Vacuum. The low pressure system being proposed in this application would require a low pressure underwater line be ran from the barrier island to the mainland county collection point thus crossing the intercoastal waterway. If this low pressure underwater line were to get damaged a pressurized leak would spill sewer water into the bay and if the leak was small enough it might go undetected for years. Environmentally speaking to risk of contamination in this case is greater than the use of individual septic tanks.
5. In the event you approve this application against our wishes, I am requesting you mandate a Performance Bond. On the application to the Public Service Commission (PSC), Part 2, B) 2) states: *"The applicant shall provide copies of any financial agreements between the listed entities and the utility and proof of the listed entities ability to provide funding, such as financial statements"*. The application contains a letter from Freedom Holdings Manatee LLC (FHM) stating they will provide 75% of the financing for this project. According to the Florida Division of Corporation website "Sunbiz.org" FHM has a "Managing Partner" "Eric Howell". There is not any type of proof provided with the application to PSC that Eric Howell or FHM has the 75% of cost to loan to Environmental Utilities. From his other ventures it doesn't appear he is in the business of loaning money but rather doing real estate deals. Likewise does Boyer have the other 25% funding available?
6. Most of the homes on the Island are vacation homes with very low occupancy. The "Bulk Service Agreement" between Environmental Utilities LLC and Charlotte County on page 1 states:
"WHEREAS, the environmental scoring criteria, which utilizes a scale of 1 to 5,

includes scoring based on three factors: (1.) proximity to surface waters, (2.) age of septic tanks, and (3.) nitrogen loading“

There is a 4th factor not referenced above that needs to be considered and added: (4.) *Number of days in the year a typical home in the service area is occupied.* Being that very few of the homes on Little Gasparilla Island are occupied by full time residents but rather weekend vacation homes, the bulk sewage going into septic tanks is much less than other mainland residences with full time occupancy. This can be proven by looking at the water meter consumption per dwelling as compared to mainland full time occupancy homes, thus the following statement from the Bulk Service Agreement is incorrect:

“WHEREAS, based on the environmental scoring criteria, the areas of Cape Haze, Little Gasparilla Island, Don Pedro Island, and Knight Island scored in the highest impact level of 4.0 to 5.0”

Since Little Gasparilla Island has very few full-time residents if a study of the water consumption per residential water meter was to be done it would show LGI is not rated a 5 due to low seasonal occupancy. In the report prepared by Brian E Lapointe, PHD which was included as backup for the PSC application, on page 4 quotes the Florida Department of Health (FDOH) citing “average residential” septic tank inflow being 300 gallon per day or 9000 (30x300) per month. I would seriously doubt any houses on LGI has this high of a consumption rate and surely a review of the records from Little Gasparilla Water Utility would be in order and show these facts.

7. In the report prepared by Brian E Lapointe, PHD which was included as backup for the PSC application, on page 9 Mr. Lapointe states: “Although the previous research in Port Charlotte conducted by Florida Atlantic University-Harbor Branch Oceanographic Institute in 2016 **DID NOT include sampling on the barrier islands in Charlotte County...**” This statement is clearly saying no sampling of Little Gasparilla Island or any other adjoining islands has been done thus THIS WHOLE REPORT IS BASED ON ASSUMPTIONS AND NOT FACTUAL DATA!