

Hiep Nguyen

From: Hiep Nguyen on behalf of Records Clerk
Sent: Wednesday, June 12, 2024 4:16 PM
To: Caroline Dike
Subject: RE: Docket No. 20240032

Good afternoon Caroline,

Per your instruction below, Joseph Comer and Marsha Franklin have been added to Docket 20240032–SU as interested persons.

Thank you,

Hiep Nguyen

Commission Deputy Clerk II
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399
Phone: (850) 413-6746

From: Caroline Dike <CDike@psc.state.fl.us>
Sent: Wednesday, June 12, 2024 4:03 PM
To: Records Clerk <CLERK@PSC.STATE.FL.US>
Subject: FW: Docket No. 20240032

Good afternoon,

Would you please list Joseph Comer and Marsha Franklin at naval_architect@hotmail.com as interested persons in Docket No. 20240032?

Thank you,

Caroline Dike

Pronouns: She/Her
Office of the General Counsel
Florida Public Service Commission
850-413-6524 | cdike@psc.state.fl.us

PLEASE NOTE: Florida has a very broad public records law. Most written communications to or from state officials regarding state business are considered to be public records and will be made available to the public and the media upon request. Therefore, your e-mail message may be subject to public disclosure.

From: Naval Architect <naval_architect@hotmail.com>
Sent: Wednesday, June 12, 2024 3:52 PM
To: Caroline Dike <CDike@psc.state.fl.us>
Cc: Michele Barnes <lgipreservationalliance@gmail.com>; Marsha Franklin <marshaf02@gmail.com>;
rvolpe@holtzmanvogel.com
Subject: RE: Florida Public Service Commission communication regarding Docket No. 20240032

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Good Afternoon – Thank you for sending Marsha and I this email and separate letters. We would like to be listed as ‘Interested Persons’ regarding Docket No. 20240032. We have attached the Holtzman Vogel Letter May 6, 2024 and support in its entirety the objections listed and support their efforts in this regards as ‘other listed property owners’. In addition, we have copied our original letter of objections for reference and request the PSC to deny Environmental Utilities LLC Certification Application. Best Regards

Joe Comer & Marsha Franklin
251-709-0799

From: Caroline Dike <CDike@psc.state.fl.us>
Sent: Thursday, June 6, 2024 7:42 AM
To: 'naval_architect@hotmail.com' <naval_architect@hotmail.com>
Subject: Florida Public Service Commission communication regarding Docket No. 20240032

Good morning,

Please see the attached communication regarding the above-referenced docket.

Respectfully,

Caroline Dike
Staff Attorney
Office of the General Counsel
Florida Public Service Commission
850-413-6524 | cdike@psc.state.fl.us

PLEASE NOTE: Florida has a very broad public records law. Most written communications to or from state officials regarding state business are considered to be public records and will be made available to the public and the media upon request. Therefore, your e-mail message may be subject to public disclosure.

Joseph H Comer III
Marsha L Franklin
8934 Gulf St.
Placida, FL 33946
(Mailing address PO Box 422, 33946)

23 April 2024

Florida Public Service Commission
2540 Shumand Oak Blvd.
Tallahassee, FL 32399-0850

Via email - Clerk@psc.state.fl.us, Commissioner.LaRosa@psc.state.fl.us,
Commissioner.Clark@psc.state.fl.us, Commissioner.Passidomo@psc.state.fl.us,
Commissioner.Fay@psc.state.fl.us, Commissioner.Graham@psc.state.fl.us

Subject: **Docket #20240032-SU** - Application for certificate to provide wastewater service
in Charlotte County by Environmental Utilities, LLC.

Dear Commissioner.LaRosa, Commissioner.Clark, Commissioner.Passidomo,
Commissioner.Fay and Commissioner.Graham:

We are new owners to Little Gasparilla Island this year and have recently heard of the subject
proposal that seems un-necessary and a system not widely used or proven. Please consider
the following:

Environmental

There has been no study in our area that proves the need for a new system. A low pressure
system, not being a central system that handles both liquid and solids would be a major
destruction to the habitat and the endangered residence of the gopher tortoise.

What would be the impact of the removal of all the drain field mounds? There will be significant
damage to public and private landscape and hardscape in the removal of old systems and the
installation of the proposed new LPS system.

Sewer Spill

Our current septic system permitted #SW 85-264E on 7/17/1985 was inspected before we
purchased the house this year and found to be in very good operating condition only needing a
'pump out' for which was immediately scheduled. To this day, this has not been accomplished
because of the limited capacity of the 'honey wagon'. As we understand the proposed LPS
system, this problem of timely pump-out capability would still exist. The cost and the delay for
every day maintenance would not improve.

Walking the island, there is no noticeable sewage odor, not like when passing some public
systems ashore. Even with heavy rains there are no spills which regularly occur at public
systems.

Power outages are experienced often on Little Gasparilla Island especially during storms and
hurricanes which occurred for a long period of time during Hurricane Ian. This will require
homeowners to install emergency generators or incur the hardship and cost of living off island
until the situation is resolved.

Mandatory Hook-up

Current Charlotte County regulations require homes to connect to central water and wastewater within one (1) year of availability and would assume this would apply to the proposed LPS system for which there would be enormous homeowner costs for installation. Most properties only have room for their current septic system, so the old system would have to be removed and the proposed system installed leaving the homeowner without service for some long period of time. If the existing tank were to be used, few properties would meet the ten (10) foot radius around the manhole.

Easements

Normal utility easements occur in public roadways, however on Little Gasparilla Island many roadways are private pathways, sand and one lane wide. Many homes do not front on these pathways and often septic systems are at the rear of the property so the LPS will have to cross private property with no regard for homeowner rights. There will be a cost to litigate these easements.

Transportation

Little Gasparilla Island is only accessible by boat. And we like it that way! However, a major construction project like this would take years to complete. Using Hurricane Ian two (2) years ago as an example, re-construction is still underway with some project completions not in sight. Construction equipment, material, labor would all have to come over by boat/barge. Not something most would look forward to after recent experiences.

It appears a new sewer system of any kind is not needed on Little Gasparilla Island. The subject proposed LPS system would have an associated exorbitant cost to homeowners as well as the operator and would translate into a huge monthly homeowner utility costs. There is no apparent benefit to the subject proposed LPS system or any 'new' system.

We request that you vote to reject the subject application and do the same on any future similar ideas.

Sincerely



Joseph H Comer III
Marsha L Franklin

Holtzman Vogel

HOLTZMAN VOGEL BARAN TORCHINSKY & JOSEFIAK PLLC

May 6, 2024

VIA ELECTRONIC FILING

Florida Public Service Commission
Attn: Commission Clerk
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850
Email: Clerk@psc.state.fl.us

RE: Written Objections to Application for Certificate of Authorization, Document No. 01108-2024, by Environmental Utilities, LLC, Docket No. 20240032-SU and Request for Formal Administrative Hearing

Public Service Commission Clerk:

Our law firm represents Little Gasparilla Island Preservation Alliance, Inc., a Florida not for profit corporation (“LGIPA”), in LGIPA’s opposition to that certain Application for Original Certificate of Authorization for a Proposed or Existing System Requesting Initial Rates and Charges (the “Certificate Application”) filed by Environmental Utilities, LLC, a Florida limited liability company (“EU”), as Document No. 01108-2024 and reflected in PSC Docket No. 20240032-SU. LGIPA is an organization whose members are property owners on Little Gasparilla Island, Florida and whose purpose is, among other things, to protect the interests of individuals owning land on Little Gasparilla Island.

On April 5, 2024, LGIPA became aware of EU’s Certificate Application for the construction and maintenance of a low-pressure wastewater system on the barrier islands of Little Gasparilla Island, Don Pedro Island, and Knight Island (the “Project”), as more particularly described in the Certificate Application. LGIPA believes that the Project will adversely impact the interests of landowners located within the Project’s proposed service boundary. Accordingly, LGIPA hereby provides its written objections to the Certificate Application pursuant to F.A.C. § 25-30.031 and requests a formal administrative hearing pursuant to §§ 120.569 and 120.57 Fla. Stat.

The substantial interest of LGIPA and its members includes the following, without limitation:

1. LGIPA is a not-for-profit corporation formed under the laws of Florida. It’s members are property owners on Little Gasparilla Island and within the proposed service area of the Project.
2. President, Michelle Barnes, owns property located at 9802 Little Gasparilla Island, Placida, Florida 33946.
3. Vice President, Teresa Weibley, owns property located at 9782 Little Gasparilla Island, Placida, Florida 33946.
4. Treasurer, Jeffrey Hayes, own property located at 9810 Little Gasparilla Island, Placida, Florida 33946.
5. Other members and related persons to the LGIPA are property owners on Little Gasparilla Island within the proposed service area of the Project.

6. If the Certificate Application is approved, the LGIPA's members would be subject to the proposed wastewater utility, along with the associated connection costs, fees, required system upgrades, easements, and other requirements both physical and financial.
7. Accordingly, the LGIPA has a substantial interest in the Project and the Certificate Application.

LGIPA hereby objects to the Public Service Commission's issuance of the Certificate of Authorization on the following grounds:

1. EU has failed to demonstrate that it has the necessary financial ability to provide the services to the proposed service area. LGIPA disputes whether EU has accurately estimated the costs associated with the construction and maintenance of the Project. It appears that the cost estimates EU has provided in the Certificate Application date back to a previous application that EU submitted to the PSC for the same project, which the PSC denied. EU failed to provide assurance of the financial ability to provide the proposed services, as demonstrated by, among other deficiencies, outdated costs estimates. .
2. EU has failed to demonstrate that it has the technical ability to provide the service in a manner that will (i) result in wastewater management services that are superior to wastewater management systems already in place, and (ii) will not result in harmful effects to the environment. LGIPA disputes whether EU has the technical ability to successfully construct and operate the Project due to EU's lack of experience with this type of wastewater facility. It is LGIPA's understanding that EU does not currently (nor has it in the past) constructed, operated, or maintained any type of wastewater management system. Permitting EU to cut its teeth on a project of this magnitude (especially considering the environmental damage that might result from a failed underwater sewer system) is too risky to justify.
3. EU has failed to demonstrate the need for service in the proposed area. LGIPA disputes whether additional wastewater systems are needed on Little Gasparilla Island since effective wastewater management systems are already in place. In many cases, construction of the project will result in duplicative and unnecessary wastewater management services. In the case of individual wastewater systems (i.e. OSTDS systems), faulty or outdated wastewater systems can be upgraded or enhanced in order to improve functionality or efficiency, and the cost of such upgrades would be significantly less to individual landowners than the cost of connecting to EU's low-pressure sewer line. Approving the Certification Application would result the invasive construction of an unnecessary sewer system that imposes significant economic burdens on local landowners with no noticeable benefit.
4. EU has failed to demonstrate that the environmental data they have supplied accurately represents the area to be served by the Project. LGIPA disputes the applicability of the environmental data in the Certificate Application since the supporting environmental report does not include any sampling from the waters surrounding the service area. In addition, the data and analysis presented in the Certificate Application does not demonstrate a need or justify the proposed Project.
5. EU has failed to show that it has obtained the necessary rights to access and use the land upon which the utility treatment facilities will be located. LGIPA disputes whether EU has obtained the necessary rights to access and use the land upon which the Project's infrastructure will be

located since, as of the date of this letter, none of the landowner's whose real property interests are represented by LGIPA (or any other landowners that LGIPA is aware of) have negotiated or agreed to grant any utility easements or similar property rights to EU which would be necessary to construct the Project.

6. EU has failed to provide sufficient information to support the rates and charges that landowners will have to pay in order to utilize EU's sewer system. As stated above, LGIPA disputes that the financial data and cost estimates provided by EU are accurate. Furthermore, connection fees and similar costs relating to the Project are higher than rates charged to landowner for similar systems installed elsewhere. Accordingly, LGIPA disputes whether landowners should be required to make such contributions to the Project.
7. EU has failed to demonstrate that the proposed Project is in the public interest. LGIPA disputes whether the proposed Project is in the public interest since an overwhelming majority of the landowners who will be affected by the Project are strongly opposed to it. The justification for the Project is based on generalized interest in converting septic systems to sewer or wastewater systems. However, the proposed low-pressure system does not replace septic systems. Therefore, the basis for the justification or environmental benefits are not supportive of the application.
8. EU has failed to demonstrate consistency with the Charlotte County's Sewer Master Plan or Comprehensive Plan. LGIPA disputes whether the Project is consistent with the Charlotte County Sewer Master Plan and Comprehensive Plan since neither contemplate the establishment of a wastewater system as proposed in the Certificate Application.

For the reasons stated above, LGIPA objects to the PSC's issuance of the Certificate of Authorization pursuant to F.A.C. § 25-30.031 and requests that PSC deny UA's Certification Application. In addition, LGIPA a formal administrative hearing pursuant to §§ 120.569 and 120.57 Fla. Stat. **LGIPA formally requests that it be made a party to all proceedings relating to the Certificate Application and the Project.** If you have any questions concerning the content of this letter, please do not hesitate to contact me at rvolpe@holtzmanvogel.com.

Sincerely,
HOLTZMAN VOGEL, PLLC



Robert C. Volpe
On behalf of Little Gasparilla Island Preservation Alliance, Inc.

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 6th day of May, 2024.

Brad Kelsky, Esq.
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/s/ Robert Volpe
Robert Volpe