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STATE OF FLORIDA



OFFICE OF THE GENERAL COUNSEL  
HAROLD A. MCLEAN  
GENERAL COUNSEL  
(850) 413-6199

Public Service Commission

February 7, 2003

Mr. Charles F. Visich  
P.O. Box 3459  
Placida, Florida 33946

Re: Docket No. 020745-SU, Application for certificate to provide wastewater service in Charlotte County by Island Environmental Utility, Inc.

Dear Mr. Visich:

Thank you for your letter of December 16, 2002, in which you state that you have insufficient information upon which to base a decision to support or oppose the above-referenced application. The Florida Public Service Commission (Commission) is always very interested in hearing from potential utility customers such as yourself. Please be advised that I have verified that your name is indeed listed as an interested person to this docket, and your letters have been filed in the docket accordingly (see Documents Nos. 11852-02 and 13832-02).

With respect to the various questions that you pose in your letter, please be advised that we, the Commission staff, are in the preliminary stages of processing this application. Therefore, we do not yet have specific answers to the majority of your questions. In fact, Island Environmental Utility, Inc. (Island Environmental or utility) has not yet completed its submission of all application materials. Nevertheless, I will address your questions to the extent that I can, in the order that you posed them. A copy of your letter is enclosed for your ready reference.

1. We are not able to provide you with a range of estimated costs of wastewater collection fees or monthly charges at this time. The Commission bases such costs on the utility's actual cost of providing service, and provides the utility the opportunity to earn a fair rate of return on its investment. Island Environmental has not yet supplied this information to us. It will be necessary for the utility to provide this cost information in order for the Commission to authorize it to charge for service, and in what amount, if a certificate of authorization is granted.

2. I am assuming that your current system is a septic system. If the Commission grants a certificate of authorization for Island Environmental to provide central wastewater service, Commission rules will require the utility to provide service within a reasonable time to all persons

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FPSC-COMMISSIONER CLERK

Mr. Charles F. Visich  
Page 2  
February 7, 2003

who request the service within the utility's certificated area. The Commission's rules do not require utilities to provide the service to persons who do not request the service. Nevertheless, certain counties within the state have passed ordinances which require residents who own septic systems to take service from central or regional wastewater treatment facilities once such service becomes available in their area. To determine whether such an ordinance has been passed in Charlotte County, you may wish to contact your Board of County Commissioners.

3. If the Commission grants a certificate of authorization to Island Environmental and authorizes the utility to charge for service availability, customers of the utility will be required to pay the Commission-approved charge in order to receive the service. Again, we are unable to advise you at this time whether such charges will be approved for Island Environmental, or in what amount.

4. The Commission has regulatory authority over utility rates and services. The Commission does not have authority over taxation issues. Please contact your local County Property Appraiser's Office for an answer to this question.

5. This is a question that Island Environmental will be able to answer if it receives a certificate of authorization and if you request to receive service. Typically, wastewater collection lines are placed in areas of least impact.

6. The Commission bases its decision to grant or deny a certificate of authorization on whether there is a need for the service, whether the utility has the financial and the technical ability to provide the service, and whether the provision of service is in the public interest. If the Commission grants a certificate of authorization to the utility, the utility will then be required to obtain the necessary environmental permitting from the Department of Environmental Protection (DEP) prior to constructing the facilities. If a permit is granted for the construction of the facilities, the utility will be required to abide by DEP's environmental rules and regulations.

7. DEP rules address the potential pollution of air and/or smells with respect to wastewater treatment plants. Please note that Island Environmental has amended its application with the Commission to reflect that it no longer plans to construct a wastewater treatment plant. Instead, the utility proposes to transmit the raw sewage that it collects to an existing wastewater treatment facility for treatment and disposal. The utility intends to enter into an agreement for this purpose with the Englewood Water District, which is located on the mainland. For more information about this proposal, please refer to the Commission's website, at [www.floridapsc.com](http://www.floridapsc.com).

8. The utility has not yet provided us with a timetable for the project from start to finish, nor has it provided information concerning whether the project will be constructed in phases. We expect that the utility will provide us with information of this nature once it has entered into an agreement with the Englewood Water District for the provision of bulk wastewater treatment and disposal.

Mr. Charles F. Visich  
Page 3  
February 7, 2003

9. As I have previously indicated, Island Environmental no longer proposes to construct a wastewater treatment plant. The utility has not provided us with information on the exact locations of the wastewater collection lines. For more information concerning the specifics of this proposed project, I suggest that you contact Mr. Martin Friedman, Island Environmental's legal counsel, at (407) 830-6331.

Finally, with regard to your suggestion that the Commission and/or the appropriate County authority implement testing of septic systems located close to waterways, as noted above, the appropriate authority to respond to questions or suggestions concerning environmental matters is DEP. DEP's South District Office regulates utilities in Charlotte County and may be contacted at (941) 332-6975.

Please be advised that Bocilla Utilities, Inc. has withdrawn its objection to Island Environmental's application. However, three potential customers of Island Environmental have requested a hearing on the matter. Therefore, the Commission has scheduled a public hearing to evaluate the application. The technical hearing is currently scheduled to take place in Charlotte County on October 14, 2003, with a public service hearing scheduled to take place on the evening of October 13, 2003, in order for the Commission to hear testimony from potential customers, such as yourself. The Commission will not rule on the application until after the hearing is concluded.

Please also be advised that the hearing date is subject to change by the Commission. Moreover, if all pending objections filed in the docket are resolved in advance of the hearing, the hearing will be cancelled. The Commission will then rule on the utility's application at one of its regularly scheduled agenda conferences in Tallahassee, which are open to the public for comment. The Commission's decision at the agenda conference will be a final decision. This is why it is important for you to advise us as soon as possible whether you object to the application and whether you wish to pursue your objection by requesting a hearing on the matter. Please be assured that in no event will the Commission rule on the application until the utility completes the application process by providing all materials required by Commission rules.

The Commission staff understands the difficulty of deciding whether or not to object until more information becomes available. Nevertheless, there is nothing to prohibit you from withdrawing your protest/request for hearing once you have sufficient information upon which to make that decision. On the other hand, to preserve your right to a hearing on the matter, you must enter your protest and request a hearing now. Therefore, please advise us in writing, as soon as possible, but no later than March 7, 2003, if you wish to object to Island Environmental's application and request a hearing.

In the meantime, your name will remain on the interested persons list in our case management system until we hear back from you. If you intend to request a hearing, your status will be changed to a party of record, and you will be asked to prefile testimony in writing and to otherwise participate as a party at the technical hearing, which will be conducted much like a trial.

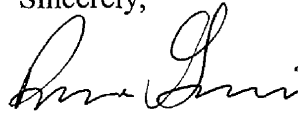
Mr. Charles F. Visich  
Page 4  
February 7, 2003

Although it is not required, you may wish to hire an attorney to represent you in that regard. The current schedule for events and filings is enclosed. You should also periodically consult the Commission's website for any changes to the docket schedule.

Should you have any further questions about the technical information provided in this letter, please contact Ms. Patricia Brady, at (850) 413-6686, [pbrady@psc.state.fl.us](mailto:pbrady@psc.state.fl.us). For further questions of a legal nature, please feel free to contact me, at (850) 413-6224, [rgervasi@psc.state.fl.us](mailto:rgervasi@psc.state.fl.us).

Again, thank you for your letter and for your continued interest in this docket.

Sincerely,



Rosanne Gervasi  
Senior Attorney

RG/dm  
Enclosures

cc: Division of the Commission Clerk and Administrative Services  
Division of Economic Regulation (Brady, Redemann)  
Martin S. Friedman, Esquire

ORIGINAL

CHARLES F. AND JUDITH A. VISICH  
P. O. Box 3459 - 470 N. Gulf Blvd.  
Placida, Florida 33946  
941-698-1237 FAX 941-698-1496  
E-mail: jlvisich@aol.com

December 16, 2002

Mr. Blanco Bayo  
Director  
Division of Commission Clerk & Administrative Service  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

RE: DOCKET # 020745-SU

Dear Sir:

This is to respond to your recent letter to my attention concerning above docket, advising procedural steps for obtaining additional information and pursuing legal action.

Please note that my name is not listed as an interested party (as noted in your letter), nor your web site, and my August 26, 2002 letter does not appear along with those of other letters from private citizens.

Quite frankly, there is insufficient information available on your web site to permit our reaching a pro or con decision. Specifically, I would like to obtain the following information to reach a definitive position.

1. How much will installation of sewers cost me? One time hook-up charge plus monthly fees if any? A range of estimates would suffice.

- AUS \_\_\_ 2. What happens to my current system?
- CAF \_\_\_
- CMP \_\_\_
- CCM \_\_\_ 3. Who pays to change over from current septic hook-up to new system? How much is this cost?
- CTR \_\_\_
- ECR \_\_\_ 4. What impact does this have on our tax base (i.e. is it added as an improvement and subject to
- GCL \_\_\_ additional taxation?
- OPC \_\_\_
- MMS \_\_\_
- SEC   I
- OTH   long

DOCUMENT NUMBER-DATE  
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5. What damages/destruction to my property will occur as part of this new installation? We have concrete driveways and professional landscaping ....will these be destroyed/impacted? If so, who will pay for these losses?

6. How much natural vegetation, roadways, rights of way will be impacted? Does the DEP/Division of Natural Resources have an overview power on the project to prevent permanent long term damages to our ecological balance?

7. What pollution of air and/or smells will be created from the plant and how will they be monitored for compliance with existing / new regulations?

8. What is the timetable for the project from start to end? If approved on 1/1/03, when would the hook-ups start? Is it months of road destruction so vehicles can't pass? How will it be phased by main streets on the island?

9. What are the exact locations of the new facilities and how will they be hidden from view?

Obviously, you may not have 100% accurate information to respond to the foregoing. However, you must have best guesstimates to offer. The points on costs should be readily available since they would be key to any business model for utilities.

Given factual responses to the foregoing questions, it would appear that all involved parties would be in a better position to determine if they should support the project or join against its implementation.

Separately, it would appear that the Public Service Commission and/or the appropriate County authority should be taking immediate action to prevent continued pollution of our waterways. Specifically, (1) Testing of every existing septic system located 75' to 100' from a waterway using dyes. Many towns up North located along the New York Watershed had their septic systems tested by the DEP (mandatory). Those that failed had to be replaced. The odds are quite good that there are many existing systems today that are polluting - why not fix these now?

(2) New construction within 50' of any waterway should have 100% reserve fields, landward, in case of primary system failure. The County has the power to regulate these systems.

This is a very complicated and significant project that requires educational information to evaluate. We look forward to receipt of this information.

Respectfully,



Charles F. Visich

CFV: jal

Case Assignment and Scheduling Record

Section 1 - Bureau of Records and Hearing Services Completes

Docket No. 020745-SU      Date Docketed: 07/17/2002      Title: Application for certificate to provide wastewater service in Charlotte County by Island Environmental Utility, Inc.  
 Company: Island Environmental Utility, Inc.

Official Filing Date: \_\_\_\_\_  
 Last Day to Suspend: \_\_\_\_\_      Expiration: \_\_\_\_\_

Referred to: \_\_\_\_\_  
 ("(") indicates OPR)      AUS   CAF   CCA   CMP   ECR   EXT (GCL)   MMS   PIF  
 \_\_\_\_\_      \_\_\_\_\_      \_\_\_\_\_      \_\_\_\_\_      X      \_\_\_\_\_      X      \_\_\_\_\_

Section 2 - OPR Completes and returns to CCA in 10 workdays.

Time Schedule

Program/Module    B1(a)

Staff Assignments

<u>OPR Staff</u>	R Gervasi _____
	_____
	_____
<u>Staff Counsel</u>	R Gervasi _____
<u>OCRs (ECR)</u>	P Brady, K Kaproth, R Redemann _____
( )	_____
( )	_____
( )	_____
( )	_____
( )	_____

**WARNING: THIS SCHEDULE IS AN INTERNAL PLANNING DOCUMENT.  
 IT IS TENTATIVE AND SUBJECT TO REVISION.  
 FOR UPDATES CONTACT THE RECORDS SECTION: (850) 413-6770  
 Current CASR revision level**

1

Due Dates

Previous    Current

1. *Deficiency Notification to Applicant	SAME	07/16/2002
2. *Protest Filed	SAME	08/16/2002
3. *Deficiency Notification to Applicant	NONE	10/31/2002
4. *Order Establishing Procedure	NONE	11/18/2002
5. Second Response to Deficiencies	NONE	11/29/2002
6. Pre-prehearing	NONE	05/15/2003
7. Testimony - Company	NONE	06/17/2003
8. Testimony - Intervenor	NONE	07/15/2003
9. Testimony - Staff	NONE	08/05/2003
10. Testimony - Rebuttal	NONE	09/02/2003
11. Prehearing Statements	NONE	09/02/2003
12. Notice of Prehearing and Hearing	NONE	09/15/2003
13. Prehearing	NONE	09/29/2003
14. Transcript of Prehearing Due	NONE	10/03/2003
15. Prehearing Order	NONE	10/07/2003
16. Discovery Actions Complete	NONE	10/07/2003
17. Service Hearing	NONE	10/13/2003
18. Hearing	NONE	10/14/2003
19. Transcript of Hearing Due	NONE	10/28/2003
20. Briefs Due	NONE	11/12/2003
21. Staff Recommendation	NONE	12/24/2003
22. Agenda	NONE	01/06/2004
23. Standard Order	NONE	01/26/2004
24. Close Docket or Revise CASR	NONE	03/01/2004
25.		
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Recommended assignments for hearing and/or deciding this case

Full Commission \_\_\_\_\_      Commission Panel X  
 Hearing Examiner \_\_\_\_\_      Staff \_\_\_\_\_

Date filed with CCA: 10/30/2002

Initials: OPR \_\_\_\_\_  
 Staff Counsel \_\_\_\_\_

Section 3 - Chairman Completes

Assignments are as follows:

- Hearing Officer(s)

Commissioners						Hrg. Exam.	Staff
ALL	JB	DS	BZ	BD	DV		
		X		X	X		

- Prehearing Officer

Commissioners					ADM
JB	DS	BZ	BD	DV	
				X	

Where panels are assigned the senior Commissioner is Panel Chairman; the identical panel decides the case.

Where one Commissioner, a Hearing Examiner or a Staff Member is assigned the full Commission decides the case

Approved: \_\_\_\_\_

Date: 10/30/2002