

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Application for certificate to provide
wastewater service in Charlotte County, by
Environmental Utilities, LLC

DOCKET NO. 20200226-WS

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ENVIRONMENTAL UTILITIES, LLC.'S RESPONSE TO LINDA
COTTERMAN'S MOTION FOR RECONSIDERATION OF ORDER
GRANTING CONFIDENTIAL CLASSIFICATION

Environmental Utilities, LLC. ("EU"), by and through its undersigned attorneys and pursuant to Rule 25-22.0376(2), Florida Administrative Code, files this response to the Motion to for Reconsideration of Order Granting Confidential Classification filed by Linda Cotterman [Document #02527-2021], and states:

Ms. Cotterman has filed a Motion for Reconsideration which is virtually identical to the Motion filed on behalf of Cape Haze Property Owners Association, Inc., and Palm Island Estates Association, Inc. Although Ms. Cotterman is a member of the Board of Directors of the Palm Island Estates Association, Inc., she is apparently continuing to interject herself into this proceeding as a *pro se* litigant. At the request of the Office of Public Counsel attorney Anastacia Pirrello, on November 13, 2020, EU provided attorney Pirrello with the confidential Financial Statement based upon her assurance that it would be treated as confidential. In addition, in accordance with customary practice, EU entered into a Confidentiality Agreement with Brad Kelsky as attorney for Cape Haze Property Owners Association, Inc., and Palm Island Estates Association, Inc. and on March 4, 2021, provided attorney Kelsky with the confidential Financial Statement.

1. Ms. Cotterman does not really make an argument that the Financial Statement should not be confidential and withheld from public disclosure under the Public Records Act, but asserts

that she personally wants to have access to it (even though the attorney for the entity she is on the Board of has it). Financial Statements of persons and entities that are not the regulated utility, but are providing funding to the utility have been recognized as confidential too many times to have to provide citations to Commission Orders holding such. Thus, there is no factual or legal basis to support her Motion for Reconsideration.

2. Ms. Cotterman has no legitimate need for the confidential Financial Statement. Her Association's attorney has the Financial Statement pursuant to a Confidentiality Agreement. EU is not willing to enter into a Confidentiality Agreement with Ms. Cotterman since she suffers no adverse consequences from breaching that confidentiality, unless this Commission otherwise requires disclosure. Should she retain an expert to evaluate the financial viability of EU, then EU would be willing to enter into a Confidentiality Agreement with such expert.

3. Other than just her own curiosity, Ms. Cotterman has no legitimate interest in the confidential Financial Statement.

WHEREFORE, Environmental Utilities, LLC., requests that this Commission enter an Order denying the Motion to for Reconsideration of Order Granting Confidential Classification filed by Linda Cotterman [Document #02527-2021].

Respectfully submitted this 8th day of March, 2021, by:

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/s/Martin S. Friedman
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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 8th day of March, 2021:

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