

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-SU

REBUTTAL TESTIMONY

OF

JOHN R. BOYER

on behalf of

Environmental Utilities, LLC

1 **Q. Please state your, name profession and address.**

2 A. My legal name is John R. Boyer, but I generally am known as Jack Boyer. I am the president
3 of Environmental Utilities, Inc. My business address is 7025 Placida Rd, Placida Fl 34224.

4 **Q. Have you previously filed direct testimony in this proceeding?**

5 A. Yes.

6 **Q. What is the purpose of your rebuttal testimony?**

7 A. I will be addressing certain comments by witnesses for the intervenors.

8 **Q. Are you sponsoring any exhibits in connection with your rebuttal testimony?**

9 A. Yes, I am sponsoring Exhibit JRB-3 which shows all real estate taxes have been paid and
10 JRB-4 which is a letter from Freedom Holding Manatee LLC.

11 **Q. Do you have any comments on Ms. Cotherman's assertion of unpaid real estate taxes?**

12 A. Yes. The property taxes for 9370 Little Gasparilla Island are for 2021 and are not yet due. As
13 to 9562 Privateer Road, the address for the Property taxes was an old address, therefore we
14 have never received tax notices. The Charlotte County Appraiser's office has been contacted
15 to update the mailing address. These are nominal amounts and certainly would have been
16 paid if we had received the bill. All outstanding amounts have been paid (see Exhibit JRB-
17 3).

18 **Q. Do you have any comments to the testimony asserting that you do not have the financial
19 ability to construct and operate the wastewater system?**

20 A. Yes. Exhibit JRB-4 is a letter from Freedom Holdings Manatee LLC, the principals of which
21 I have had financial relationships for decades. Due to those relationships, they have
22 confidence in my ability to undertake converting septic tanks on the island to central
23 wastewater system and are willing to loan me the funds as set forth in the commitment.
24 Without the Certificate having been granted, conventional lending, government grants and
25 government low-interest loans are not available.

1 **Q: Have you read the prefiled testimony of the Petitioners?**

2 A: I have, and I have reviewed the voluminous attachments to that testimony also.

3 **Q: Please touch upon your experience with water and wastewater systems.**

4 A: Certainly. Early in my professional life I worked on nuclear subs, which required me to
5 know , understand and operate all systems including the water and wastewater system
6 of the sub. Later, I served two terms (6 years)on City Council in Texas, where one of
7 the primary duties of my job was the oversight and responsibility for the managerial
8 operation of the various municipalities of the city, which obviously included its Water
9 and Wastewater systems. I am also the operator of the Wastewater and Water facilities
10 on Palm Island and Little Gasparilla Island beginning in 1987, as well as a licensed
11 Operator. I purchased Little Gasparilla Island Water Utility and have owned and
12 operated that system for 30 years. Little Gasparilla Island Water Utility was the first
13 straight desalination plant in the US for a public utility.

14 **Q: Did any of the testimony you have reviewed particularly concerned with regard to**
15 **existing septic tanks in the proposed certificated territory?**

16 A: Yes. Some of this testimony was obviously drafted and being presented to create the
17 impression that the continued use of septic tanks on the island, apparently indefinitely,
18 is just as well or better than would be the availability of central wastewater collection
19 on the island and transmission for treatment on the mainland. As a utility owner, as an
20 individual with significant experience in water and wastewater treatment including but
21 not limited to the type of environment that exists on these barrier islands, and operator
22 on Little Gasparilla Island for 34 years. I have seen the effects of aging septic tanks as
23 well as septic tanks that are failing. When driving around the island, you can smell the
24 waste on many of the homes that are failing. While installing new water lines, I have

1 personally seen the waste on the ground where the pipe to the drain field was no longer
2 attached. During peek season, which is all year except for a few months in fall, the
3 problem escalates, as renters fill the homes. Many homes have septic tanks that are
4 totally under water during high tides and even more are under during the king tides we
5 have. During tropical storms, you can visually see the waste floating. An example
6 would be a home we purchased on the bay. The home was built in 1964 and had the
7 original septic. The entire system was under water 60 % of the year, yet no inspection
8 was required when we purchased the home. Our system is approximately 50ft from the
9 water. In fact, the system is considered to be functional unless someone complains of
10 the smell. We put in a new system. Our neighbors house is in the same condition and is
11 a popular rental. The house has three bedrooms, one bedroom has four bunks in it and
12 has one bathroom. It wreaks most of the time. The home behind ours has a 55 gallon
13 drum for their waste. This is the reality on the ground. It remains my firm opinion that
14 the County's ordinance, and the County's willingness to provide treatment capacity for
15 this wastewater, in support of our proposal to certificate this wastewater territory, is in
16 the public interest, will benefit the environment, and will provide a consistent and
17 reliable method of wastewater treatment in the proposed territory on a going forward
18 basis. It is a project I'm proud to be associated with.

19 **Q: In the course of the preparation for this litigation, have you continued to review**
20 **the information that has been produced by the various parties?**

21 **A:** Yes, I participated in our responses to discovery, I have listened to depositions –
22 including that of the representative of Charlotte County – I have reviewed the testimony
23 of our witnesses and I have reviewed the testimony of the Petitioner's witnesses. On top
24 of that there is other documentation that I have reviewed related to our proposed project

1 and other people I have discussed the project with.

2 **Q: Does anything you have seen or read in that regard caused you to be concerned**
3 **about your commitment to the project or your ability to effectuate the proposal in**
4 **your application?**

5 A: Absolutely not. I remain fully committed to this project, and I continue to believe that in
6 Environmental Utilities has demonstrated that it has the financial, managerial, and
7 operational resources to create and operate the proposed utility and perhaps, most
8 importantly, that the utility is needed. The environmental benefit of transitioning to
9 central wastewater collection on a fragile barrier island, particularly in this case, since
10 wastewater treatment will actually occur on the mainland, is self- apparent and in the
11 public interest. Charlotte County is committed to the project and supportive. The
12 County obviously understood the scope of its own mandatory connection ordinance
13 when it entered into the contract. The County's support certainly contradicts
14 intervenors' claim that the proposed project is inconsistent with the County's own
15 comprehensive plan. The wastewater treatment capacity is pre-existing and reserved.
16 Obviously, it is not easy or painless to transition to available central wastewater
17 collection and treatment for customers who are used to their septic tanks, but that is the
18 trend in Florida, it is a trend that will continue, and it is a trend that is proactive and
19 preventative.

20 **Q. Does that conclude your direct testimony?**

21 A. Yes, it does.



CHARLOTTE COUNTY PROPERTY APPRAISER PAUL L. POLK, CFA, AAS, RES

TAX ASSESSOR 1921-1976
PROPERTY APPRAISER 1976-PRESENT

Real Property Information for 422022403018 for the 2022 Tax Roll

The Charlotte County Property Appraiser makes every effort to produce and publish the most current and accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use, or its interpretation. If a discrepancy is discovered in your property's records, or those of another, please bring it to our attention immediately.

Owner:

LITTLE GASPARILLA WATER
UTILITY INC
PO BOX 5159
GROVE CITY , FL 34224

Ownership current through: 11/22/2021

Property Location:

Property Address: 9652 PRIVATEER RD

Property City & Zip: PLACIDA 33946

Business Name:

General Parcel Information

Taxing District:

025

Current Use:

UTILITY, GAS AND ELECTRICITY, TELEPHONE AND TELEGRAPH, LOCALLY ASSESSED RAILROADS, WATER AND SEWER SERVICE, PIPELINES, CANALS, RADIO/TELEVISION COMMUNICATION

Future Land Use (Comp. Plan):

Coastal Residential

Zoning Code:

BBI

Market Area / Neighborhood / Subneighborhood:

05/01/02

Map Number:

2C22S

Section/Township/Range:

22-42-20

SOH Base Year:

Waterfront:

NO

Sales Information

Date	Book/Page	Instrument Number	Selling Price	Sales code	Qualification/Disqualification Code
6/1/1995	1442/1315	395815	\$100	IMPROVED	
12/1/1995	1438/1045	391766	\$5,000	VACANT	
5/1/1999	1702/1698	645142	\$142	VACANT	
5/1/1999	1702/1703	645144	\$100	VACANT	

Click on the book/page or the instrument number to view transaction document images on the Clerk of the Circuit Court's web site.

Click on Qualification/Disqualification Code for a description of the code. Codes are not available prior to 2003.

FEMA Flood Zone (Effective 5/5/2003)

Firm Panel	Floodway	SFHA	Flood Zone	FIPS	COBRA	Community	Base Flood Elevation (ft.)	Letter of Map Revision (LOMR)
0358F	OUT	IN	13AE	12015C	COBRA OUT	120061	13	

*If parcel has more than 1 flood zone, refer to the flood maps available on the GIS web site by clicking on View Map below.

[Flood term definitions.](#)

For more information, please contact Building Construction Services at 941-743-1201.

2021 Value Summary

Approach	Land	Land Improvements	Building	Damage	Total
Cost Approach					N/A
Income Approach					N/A
Market Approach	\$12				\$12
Classified Value					N/A

2021 Certified Tax Roll Values, as of January 1, 2021

Approach	County	City	School	Other
Certified Just Value (<u>Just Value reflects 193.011 adjustment.</u>):	\$10	\$10	\$10	\$10
Certified Assessed Value:	\$10	\$10	\$10	\$10
Certified Taxable Value:	\$10	\$10	\$10	\$10

Land Information

Line	Description	Land Use	Zoning	Unit Type	Units	Depth	Table/ Factor	Acreage

1	JHA 000 0000 0022	9100	BBI	LOT	1	0	Exhibit JRB-0
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Land Value may be adjusted due to scrub jay habitat. You can access [the Board of County Commissioner's website](#) to determine if this parcel is within scrub jay habitat. For more information on scrub jay habitat whith Charlotte County, see the [County's Natural Resources web site](#).

Legal Description:

Short	Long Legal:
Legal:	JOSES HIDEAWAY LT 22 0.12 AC. M/L PART OF LT 22 BEG SE COR LT 22 NW 110.0 FT TO
JHA	POB CONT NW 53.96 FT SW 50.97 FT SE ALG W BDRY LT 22 48.54 FT S ALG BDRY LT 22
000	61.36 FT NE 70 FT TO POB ALG W 10 FT ESMT ACROSS S OF TRACT A 634/328
0000	1438/1045 1442/1315 1702/1698 1702/1703 4066/1577-DOCK 4066/1585-DOCK 4071/1159-
0022	DOCK

Data Last Updated: 11/30/2021- Printed On: 11/30/2021.

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Successfully checked out.

Thank you for your payment.

An email confirmation will be sent to lgwuoffice@gmail.com.

Receipt Number

INT-00024296

Payment Date

11/30/2021 12:23PM

Order Summary



PROPERTY TAX

2021 Annual bill

Account 422022403018

LITTLE GASPARILLA WATER
UTILITY INC
PO BOX 5159
GROVE CITY, FL 34224

\$63.16

2018 Annual bill

Account 422022403018

LITTLE GASPARILLA WATER
UTILITY INC
PO BOX 5159
GROVE CITY, FL 34224

\$175.94

2019 Annual bill

Account 422022403018

LITTLE GASPARILLA WATER
UTILITY INC
PO BOX 5159
GROVE CITY, FL 34224

\$144.87

2020 Annual bill

Account 422022403018

LITTLE GASPARILLA WATER
UTILITY INC
PO BOX 5159
GROVE CITY, FL 34224

\$125.22

Convenience Fee	+	\$12.73
Payment	-	\$521.92
Balance		\$0.00

Transaction Details

Using Credit Or Debit Card

Account ending in 0437

Paid By

John Boyer

lgwuoffice@gmail.com

Accuracy of Information

Accuracy of the information provided on this site is not guaranteed for legal purposes. Changes may occur daily and to get the most current information, please contact The Tax Collector's office. Payments Only! Certificates cannot be purchased from these pages.

Freedom Holdings Manatee LLC
2 N Tamiami Trail Suite 104
Sarasota FL 34236
941-730-2658

December 14, 2021

Mr. Jack Boyer
Environmental Utilities
7025 Placida Road, Unit A
Englewood, Florida 34224

RE: UTILITY FINANCING

Dear Jack:

Thanks for taking the time to update us on your proposed expansion of your utility business. You have a long and successful operating history in the area. Our group is quite impressed and look forward to working with you on financing once you receive the requisite approvals from the Public Service Commission.

Please accept this letter as confirmation that Freedom Holdings Manatee LLC will make you a personal loan of up to 75% of the pro forma appraised value of the wastewater system for you to invest in Environmental Utilities, LLC, secured by your and your wife's membership interests in Environmental Utilities, LLC. These funds will be available for you to draw upon within five business days of receipt of your approval to operate the wastewater system from the Florida Public Service Commission and an acceptable pro forma appraisal.

Sincerely,

A handwritten signature in black ink that reads "Eric Howell". The signature is written in a cursive, flowing style.

Eric Howell, Managing Partner

Freedom Holdings Manatee LLC

Eric@baldwinhowell.com

941-730-2658

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing prefiled testimony has been furnished by E-mail to the following parties this 3rd day of January, 2022:

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/s/ John L. Wharton
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