

Antonia Hover

From: Antonia Hover on behalf of Records Clerk
Sent: Thursday, January 20, 2022 1:30 PM
To: 'David Cohen'
Cc: Consumer Contact
Subject: RE: Docket #20200226-SU

Good Afternoon, David Cohen.

We will be placing the comments below in consumer correspondence in Docket No. 20200226, and forwarding them to the Office of Consumer Assistance and Outreach.

Thank you!

Toni Hover

*Commission Deputy Clerk I
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From: David Cohen <david.paul.cohen@gmail.com>
Sent: Thursday, January 20, 2022 1:20 PM
To: Records Clerk <CLERK@PSC.STATE.FL.US>; Office of Commissioner 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>
Subject: Docket #20200226-SU

January 20, 2022

Clerk of the Commission clerk@psc.state.fl.us
Commissioner LaRosa: Commissioner.LaRosa@psc.state.fl.us
Commissioner Clark: Commissioner.Clark@psc.state.fl.us
Commissioner Passidomo: Commissioner.Passidomo@psc.state.fl.us

SUBJECT: Docket #20200226-SU

Dear Commissioners,

My name is David Cohen and I am a property owner on Don Pedro Island, residing full-time on my current property since 1998 and living previously, part-time on another property on the same island since 1990.

I am formally requesting that the PSC deny EU's Application for wastewater service for the many following reasons:

1. **Technical Expertise:** I call into question the technical expertise of the applicant in providing this service. The proposed method, or any method whatsoever, has never been done by the actual people that are owners of the EU. There is no record of this type or scope of project being done by actual EU personnel as opposed to vague associations with other sewage projects.

2. **Undue AND uncertain fees and rates:**

- a. **Uncertain Hook-up Cost:** When EU first presented to PIE, the connection fee was estimated at approx. **\$20K per unit**. When the rates and tariffs were finally submitted by the applicant, the requested Service Availability Charge per ERC was reduced to a total estimated **\$13,221**. This large fluctuation, while still not guaranteed, is a further indication of the complete lack of experience by the EU in providing factually-derived costs (e.g., are all their costs initially overstated by 50%?)
- b. **Projected Average Residential Bill: \$256.66**, which is more than twice the amount that a ratepayer on the nearby mainland area of Rotonda which pays per month for both for water and wastewater combined. Note that the average cost to the EU per customer per month is \$97.18 giving an 84% profit to the EU.

- **At 10,000 gallons, the cap comes into play and is \$472.**

- **There is no allowance for incoming water that does not go through sewage treatment such as watering or landscaping. Personally, much more water is consumed this way at my residence and I near this cap.**

I will simply state categorically that these preliminary estimates are outrageous and not sustainable by many families living on the island, especially those who are retired and living on fixed incomes.

- c. **Electric:** the system pump requires a separate electric panel, installed by a licensed electrician at the expense of the owner.
- d. **More electric:** If the owner has maxed out their main electric grid with pool equipment or other large-draw items, the panel will need an expensive upgrade to accommodate the new panel.
- e. **Generator:** the grinder pump has a limited capacity (60 gal) and in the event of a power outage will be unable to function for long. Homeowners will need a generator to keep the system running to avoid sewage back-up.
- f. **No pay-over-time plan:** Ratepayers may need to take loans to cover the cost of connection, yet there is no provision being setup or even contemplated for this.
- g. **Mandatory Hook-up:** Charlotte County regulations require all homes to connect to central water and wastewater within 1 year of availability.
- h. **No grandfathering of septic systems:** regardless of age or condition.

3. **Ongoing Undue Burden with no recourse to every property owner:** This is a very complex solution, requiring not only the initial hook-up by EU, but electrical work as well having to provide emergency power, at the effort and expense of each property owner. This is not practical given the demographic of the islands (avg age, retirement status, high number of rental properties, high number of part-time residents). Therefore, the solution being proposed places an undue burden on each and every property owner that is extremely likely to result in many sewage leaks in the event of a prolonged power outage.

a. Having a significant power outage over the course of any given year is very high, in fact it is routine for the islands in question. Relying on each owner to provide, care for and fuel emergency power, potentially during a catastrophe such as a hurricane when such fuel would be in short supply, if even available, invites a terrible environmental impact way beyond even many potential individual septic tank failures. Again, power outages are frequent – the most recent shutting down most of the island for 19 hours just last month.

b. The high amount of rental property and older residents makes the servicing of the required equipment, both routine and in an emergency, very problematic. Do you wish to see several hundred property owners searching for fuel for septic service in addition to trying to preserve food and electrical medical equipment in the aftermath of an emergency situation? The applicant has not addressed how the system will be serviced in the event of failure during a storm or other adverse conditions.

c. Salt air takes a heavy toll on mechanical and electrical equipment here. Equipment will need replacing when it fails, possibly as frequently as every 5-years. This proposal places too much on-going responsibility on the homeowner at too great a cost.

4. Need for service: I have not seen or heard of any environmental impact studies that address this specific location's need for such a service, urgent or otherwise, at this time. Rather, my wife and I as well as many island residents have actually installed small artificial reefs to counter the effects of both red tide and pollution run-off from hundreds of miles away.

a. I would argue that any study offered by the EU does not reflect the reality of these islands specifically and generalizing studies from vastly different demographics is very dangerous.

5. Future potential Impact on the very nature of these islands: There are not going to be any new bridgeless barrier islands offering the limited development and zoning restrictions and tranquility these bring than currently exist. Based on a history of Florida's barrier islands, changes to zoning allowing denser commercial and residential developments are likely to occur, even furthering the impact referred to in number 2 above.

6. Negative impact on wildlife and endangered species. There has not been an environmental study on the impact of this project along with projected service failures on the potential for destruction of habitat and interference with endangered species such as the Gopher Tortoise, Indigo snakes, nesting Bald Eagles and so on. Further, the risk of a central sewer leak with a subaqueous crossing in the intercoastal waterway is far greater than that of one or more septic systems developing leaks – a point which cannot be emphasized too much.

7. FINANCIAL ABILITY and Government Oversight of the applicant:

- a. As an unproven LLC in the area of sewage treatment, the EU will not have access to public funds available for clean water and other related funds to in any way offset costs.
- b. Other than vague references to investors, provable long-term viability of the EU has not been investigated and the findings of such an investigation made public. There are no publicly available financial records for the EU since inception.
- c. The publicly registered address of business for the EU is a private single-family house, currently occupied by family.

- d. There is no bond or any other guarantees that cover the costs associated with total project failure or on-going mismanagement.
- e. There are no clearly defined and quantifiable project goals of quality and workmanship, clean-up of resulting damages to property that occur during the implementation and on-going running of EU business.
- f. There is no publicly available approach the EU will take to manage cost overruns.
- g. There is no guarantee that the EU or its current owners will even be in existence for any length of time.

8 **NO OVERSIGHT:** If this project fails in any way, it is the property owners that will have to remedy the situation. There is no official government body WITH OVERSIGHT AND ENFORCEMENT AUTHORITY for this immensely expensive project that has potentially catastrophic environmental and financial impact that would affect the residents, the islands and surrounding waters and even mainland properties and coastlines if this project is not correctly implemented and maintained.

i. The EU is not a contractor that has won a bid to install sewer.

ii. While the PSC approves certification solely based on 4 criteria and regulates rates and charges none of the other agencies involved have overall oversight and enforcement authority on this project. Each of the other agencies (Charlotte County, DEP, Army Corps of Engineers, etc.) is responsible for **supervising only their specific area** where regulation and/or permitting is involved. There is no performance bond required and the residents have no single point of recourse in the event of cost overruns or project failure.

I thank each of the commissioners for taking these issues under advisement and urge in the strongest possible manner that the PSC deny EU's Application for wastewater service.

Respectfully Submitted,

David Paul Cohen

Full time resident

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