#### CORRESPONDENCE 1/31/2022 DOCUMENT NO. 00884-2022

#### **Antonia Hover**

From: Hannah Barker

**Sent:** Monday, January 31, 2022 9:28 AM **To:** Commissioner Correspondence

Subject: Docket Correspondence

Attachments: Application for certificate to provide wastewater service in Charlotte County, RE.

Docket #20200226-SU; Docket #20200226-SU

Good morning,

Please place the attached emails in Docket No. 20200226.

Hannah E. Barker

Executive Assistant to Commissioner Clark Florida Public Service Commission 2540 Shumard Oak Blvd. Tallahassee, FL 32399 (850) 413-6004

#### **Antonia Hover**

From: Lynne Petersen <lynne@iaaonline.net>
Sent: Sunday, January 30, 2022 6:37 PM

To: Records Clerk

Cc: Office of Commissioner La Rosa; Office of Commissioner Clark; Office of Commissioner

Passidomo

**Subject:** Application for certificate to provide wastewater service in Charlotte County, RE.

Docket #20200226-SU

Attachments: OPC issues with LGWU.pdf

Dear Commission members,

I am a resident of Don Pedro Island residing at 43 Bayshore Circle. I have been following the application for certificate referenced above for the last year. I am requesting that you deny Environmental Utility's (EU) application to provide wastewater based on the following information:

In filings provided by EU, Jack Boyer sites his technical expertise comes from his experience as owner and operator of Little Gasparilla Water Utilities. Being a fairly new resident to the island and not being familiar with this utility since we live on Don Pedro Island, I looked into LGWU. In 2014, the utility requested and was granted a rate increase to replace the Utility's aging reverse osmosis water treatment plant (WTP) and begin purchasing bulk water from Charlotte County Utilities (CCU); (2) an extension of the Utility's service lines to the north end of the island to provide water service to 67 additional lots; (3) construction of a new building on the site of the retired reverse osmosis treatment plant, to serve as a workshop, storage facility, and office; and (4) a meter replacement program to replace the Utility's aging water meters with remote-read meters. I was astonished to find the issues that have occurred when this utility did the construction project. The only project that could be looked at for his expertise is not what I would consider a success. The project had significant cost overruns and significant delays. Jack Boyer, the owner, was cited for not having the proper contractor permits, illegal hookup to home by not having a plumbing license, failure to issue boil notices, and delinquent property taxes when applying for additional rate increases. Please see attachment for documentation. The amount of debt that LGWU has incurred since 2013 also shows the failure of the operator to have the fiscal responsibility needed to operate a utility. From 2013 to 2020 the long term debt on LGWU has increased by 259%. Loans from his related companies are secured at exceptionally high interest rates that increased from 2019 to 2020 to 10%. Other loans he has secured have interest rates as high as 11.99%. Overleveraging LGWU to get approved rate increases is something of a norm for the operator.

EU's does not have the financial ability to undergo such a large construction projector the utility which. In response to the Commission's request, EU provided its balance sheet and income statement as of October 19, 2021. These financial statements show that EU does not have any current revenue stream. In addition, the Company's liabilities exceed its assets by 14 times, as of October 19, 2021. EU's ability to get a loan secured for this project would rely on working capital, which they do not have, or the ability to get a bank loan based on the future revenue projections which falls short by over \$4 million dollars.

I was in attendance when Jack Boyer presented information to the Palm Island Estates meeting. He said he believed the hook up cost to be around \$20K but he would look into getting federal grants to lower the hook up fees. When questioned further he could not give any further information on grants available. He frankly told the group the more we objected the more we would have to pay in legal fees. EU's estimated \$13K hookup fees are simply estimates. EU has not demonstrated actual costs to homeowners. What has been presented is an estimated cost from Giffels-Webster based on other projects they have done. Given the unique nature of this barrier island, an extensive engineering study should have been submitted with specific recommendations on which system would work the best and what is the best system to transport the wastewater back to the mainland and what the actual cost would be to each homeowner, and this has not occurred. I have no idea how you as a commission could determine if the proposed rates are fair and

equitable. The information EU has provided does not allow for any pay overtime plan and this will be a hardship for many when you also considered the additional costs the homeowners will be responsible for such as electrical hook up, additional electrical panel if needed and costs associated with fences, hardscapes or landscape that will need to be removed for easements.

In looking through the docket I could not find where EU has done any testing to substantiate a need for service in this area. It appears he refers to the Charlotte County Master Plan to substantiate a need for service. I question what is the standard for need for service that is applied in this case. From my understanding, the role of the Florida Public Service Commission is to ensure that consumers receive essential services in a safe, affordable and reliable manner. Homeowners on this island are receiving wastewater services through the installation of septic systems which have not been found to be harming the environment. If EU were granted a certificate of service, it would not be affordable, nor based on his demonstrated past experience, would it be reliable.

Based on the information provided above, I respectfully request you deny Environmental Utilities request for application to provide waste water service. Thank you for your time and your service on the Commission.

Sincerely,

Lynne Petersen

This email was sent on behalf of the Indiana Apartment Association. It is intended exclusively for the individual or entity to which it is addressed. This communication, including any attachments or hyperlinks within it, may contain information that is confidential, proprietary, privileged or otherwise protected from disclosure. If you are not the named addressee and intended recipient of this email, you are not authorized to read, use, disclose, distribute, retain, copy, print, disseminate or relay this email in any way. If you have received this email in error, please notify the sender immediately by telephone or email and delete this email.

# ANDY GARDINER President of the Senate J.R. Kelly Public Counsel

## STATE OF FLORIDA OFFICE OF PUBLIC COUNSEL

C/O THE FLORIDA LEGISLATURE
111 WEST MADISON ST.
ROOM 812
TALLAHASSEE, FLORIDA 32399-1400
1-890-342-0222

EMAIL: OPC\_WEBSITE@LEG.STATE.FL.US WWW.FLORIDAOPC.GOV

FILED FEB 08, 2016 DOCUMENT NO. 00771-16 FPSC - COMMISSION CLERK

STEVE CRISAFULLI

Speaker of the House of Representatives



February 8, 2016

Carlotta S. Stauffer, Director Office of Commission Clerk Florida Public Service Commission 2540 Shumard Oak Blvd. Tallahassee, FL 32399-0850

Re: Docket 130265 -- Application for staff-assisted rate case in Charlotte County by Little

Gasparilla Water Utility, Inc.

Dear Ms. Stauffer:

Attached is a list of issues that the Office of Public Counsel has prepared to identify concerns we have with information discovered about Little Gasparilla Water Utility, Inc. We believe that these are critical issues that should be reviewed and addressed by staff before Phase II rates are implemented. If you should have any questions, please feel free to call or e-mail me.

Respectfully submitted,

s/ Danielle M. Roth

Danielle M. Roth Associate Public Counsel roth.danielle@leg.state.fl.us

c: Division of Accounting & Finance (Bulecza-Banks, Mouring, Cicchetti, Golden, Vogel, & Brown) Division of Economics (Daniel, Hudson, & Bruce) Division of Engineering (King, Lewis, Vickery, & Buys) Office of the General Counsel (Murphy) Office of Auditing and Performance Analysis (Deamer) Little Gasparilla Water Utility, Inc. Diane Boyer, President P. O. Box 5159 Grove City, FL 34224-0159

Office of Public Counsel (Vandiver & Roth)

## OPC Issues and Concerns Little Gasparilla Water Utility, Inc. 130265-WU

#### **Unlicensed Plumbing**

 The Charlotte County Community Development Department was notified of a possible licensing violation by Mr. John (Jack) Redmond Boyer at 3 homes on Little Gasparilla Island:

8854 Bay Street 8808 Grand Avenue 8814 Grand Avenue

Mr. Boyer was said to be connecting meters to the houses without a plumbing license. Compliance officers inspected the homes and observed a newly installed water meter box and meter at each location. After inspecting the homes, Mr. Boyer was contacted and confirmed that he had connected the meters to the houses without a plumbing license.

On October 12, 2015, Mr. Boyer was served in person with the following citations for violation of Florida Statute 489.127(1)(f), for acting in the capacity of a contractor without being duly registered or certified. Mr. Boyer was fined \$1,000.00 for each said violation.

#4004 (Attachment A) #4006 (Attachment B) #4008 (Attachment C)

#### Non Permitted Water Connection

2. The Charlotte County Community Development Department was notified of a possible permit violation by Mr. John (Jack) Redmond Boyer at 3 homes on Little Gasparilla Island:

8854 Bay Street 8808 Grand Avenue 8814 Grand Avenue

Mr. Boyer was said to be connecting meters to the houses without obtaining a building permit as required by Charlotte County Code 3-2-27(A). Compliance officers inspected the homes and observed a newly installed water meter box and meter at each location. After inspecting the homes, Mr. Boyer was contacted and confirmed that he had connected the meters to the houses without a building permit.

On October 12, 2015, Mr. Boyer was served in person with the following citations for violation of Florida Statute 489.127(1)(h), for performing work for which a building permit is required without such building permit being in effect. Mr. Boyer was fined \$1,000.00 for each said violation.

#4005 (Attachment D) #4007 (Attachment E) #4009 (Attachment F)

## OPC Issues and Concerns Little Gasparilla Water Utility, Inc. 130265-WU

#### Water Tariff

3. The Rules and Regulations portion of the Utility's Water tariff approved by the Public Service Commission provides:

All Customer's water service installations or changes shall be inspected upon completion by a competent authority to ensure that the Customer's piping, equipment, and devices have been installed in accordance with accepted standard practice and local laws and governmental regulations. Where municipal or other governmental inspection is required by local rules and ordinances, the Company cannot render water service until such inspection has been made and a formal notice of approval from the inspecting authority has been received by the Company.

As evidenced by the Charlotte County citations, we believe the utility is in violation of its tariff. While Charlotte County has cited the utility on three counts, we believe the Commission should investigate all new connections that have been completed since the PAA Order was issued to determine compliance with and adherence to the utility's tariff and other applicable laws and regulations. The Commission should require the utility to provide sufficient proof that it connected the new customers only after the service connections were inspected and a formal notice of approval was provided to the utility as required by the tariff.

#### **Tangible Property Taxes**

4. As of February 5, 2016, Little Gasparilla Water Utility, Inc. owes a total of \$23,212.68 in tangible property taxes to the Charlotte County Tax Collector (Attachment G). The utility owes \$9,254.94 from the 2013 tax year, \$11,017.93 from the 2014 tax year, and \$2,939.81 from the 2015 tax year.

#### **Boil Water Notices**

5. On or about January 26, 2016, Little Gasparilla Water Utility, Inc. shut off the water on the Island to repair a water break. According to the Department of Environmental Protection, total pressure loss should always result in a precautionary boil water notice to the utility's customers. However, we do not believe that a boil water notice was issued to the customers before or after the January 26, 2016 water shut off. In addition, we cannot find evidence that the utility provided notice to Charlotte County or the Florida Department of Environmental Protection.

### Attachment A

Com-15-60910 CHARLOTTE COUNTY COMMUNITY DEVELOPMENT LICENSING DIVISION CODE ENFORCEMENT CITATION / LICENSING

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#### THE VIOLATOR HAS THE OPTION TO:

- 1. Pay the civil penalty within thirty days of the issuance of this citation at Charlotte County Community Development.
- 2. Contest the citation by requesting a hearing before the Charlotte County Construction Industry Licensing Board within 10 working days of the issuance of this citation. You may be liable for the cost of the hearing if found guilty and be subject to the maximum civil penalty of \$2,500.

WILLFUL REFUSAL TO SIGN AND ACCEPT CITATION IS A MISDEMEANOR OF THE SECOND DEGREE, PUNISHABLE AS PROVIDED IN SECTION 775.082 OR 775.083 FLORIDA STATUTES. Your signature

does not constitute an admission of guilt. Date ink Copy - Clerk (Licensing) White Copy - Code Compilance Clerk

Yellow Copy - Violator

#### Attachment B

4006

CHARLOTTE COUNTY COMMUNITY DEVELOPMENT LICENSING DIVISION CODE ENFORCEMENT CITATION / LICENSING

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#### THE VIOLATOR HAS THE OPTION TO:

- Pay the civil penalty <u>within thirty days</u> of the Issuance of this citation at Charlotte County Community Development.
- Contest the citation by requesting a hearing before the Charlotte County Construction Industry Licensing Board within 10 working days of the issuance of this citation.
   You may be liable for the cost of the hearing if found guilty and be subject to the maximum civil penalty of \$2,500.

WILLFUL REFUSAL TO SIGN AND ACCEPT CITATION
IS A MISDEMEANOR OF THE SECOND DEGREE,
PUNISHABLE AS PROVIDED IN SECTION 775.082
OR 775.083 FLORIDA STATUTES. Your signature
below does not constitute an admission of guilt.

Signature of Code Compliance Office Date

Date

Date

White Copy - Code Compilance Clerk

Pink Copy - Clark (Licensing)

Yellow Copy - Violator

#### Attachment C 4008

COM - 15-0090B **COMMUNITY DEVELOPMENT** LICENSING DIVISION CODE ENFORCEMENT CITATION / LICENSING The undersigned Code Compliance official certifies that he/she has just and reasonable grounds to issue this citation on: PM Zo LAST ZIP FACE SEX DATE OF BIRTH DRIVER'S LICENSE NUMBER OR OTHER ID: STATE / EMPLOYER: and that the undersigned Code Compliance Official has reasonable grounds to believe that the above person did lawfully commit the following offense or violation of the Charlotte County Code or Ordinance Florida Statute based on the following (DATE/TIME/FACTS): APPLICABLE CIVIL PENALTY: REPEAT VIOLATION

#### THE VIOLATOR HAS THE OPTION TO:

CHARLOTTE COUNTY

- Pay the civil penalty <u>within thirty days</u> of the issuance of this citation at Charlotte County Community Development.
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Signature of Plater

Signature of Code Compliance

White Copy - Code Compliance Clerk

Pink Copy - Clerk (Licensing)

Yellow Copy - Violator

#### Attachment D

4005

CHARLOTTE COUNTY COM-15-609/0
COMMUNITY DEVELOPMENT
LICENSING DIVISION
CODE ENFORCEMENT CITATION / LICENSING

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#### THE VIOLATOR HAS THE OPTION TO:

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WILLFUL REFUSAL TO SIGN AND ACCEPT CITATION IS A MISDEMEANOR OF THE SECOND DEGREE, PUNISHABLE AS PROVIDED IN SECTION 775.082 OR 775.083 FLORIDA STATUTES. Your signature below does not constitute an admission of guilt. Signature of basic Date

9-12-15

Date

Pate

9-12-15

White Copy - Code Compliance Clerk

Pink Copy - Clerk (Licensing)

Yellow Copy - Violator

#### Attachment E

4007

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Signature of Violanda Date

Signature of Violanda Date

White Copy - Code Compliance Clerk Pink Copy - Clerk (Licenshy)

Yellow Copy - Violator

#### Attachment F

4009

	CHARLOTTE COUNTY Com - 15-009 CA
	COMMUNITY DEVELOPMENT
•	LICENSING DIVISION
	CODE ENFORCEMENT CITATION / LICENSING
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	DRIVER'S LICENSE NUMBER OR OTHER ID:
J	STATE F/ ZIB424
_	OCCUPATION: EMPLOYER:
	1/10/10

and that the undersigned Code Compliance Official has reasonable grounds to believe that the above person did lawfully commit the following offense or violation of the Charlotte County Code or Ordinance or Florida Statute based on the following (DATE/TIME/FACTS):

COLOR PURCHE A SURPLICABLE CIVIL PENALTY:

LOCATION OF VIOLATION:

REPEAT VIOLATION

#### THE VIOLATOR HAS THE OPTION TO:

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Signature of Code Compliance Office Date

White Copy - Code Compliance Clerk

Pink Copy - Clerk (Licensing)

Yellow Copy - Violator



Accuracy of the information provided on this web 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.

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			Paid \$354.59 Receipt #77:	2-00001860		
		Effective 12/31/2012				
			Paid \$364.69 Receipt #77			
			Paid \$384.69 Receipt #776 Paid \$384.69 Receipt #776			
			Paid \$354,69 Receipt #77			
			Paid \$354.69 Receipt #77			
			Paid \$354.69 Receipt #77			
			Paid \$354,69 Receipt #77			
		04/30/2012	Paid \$364.69 Receipt #77	6-00001279		
		04/03/2012 Ellective 04/02/2012	Paid \$384.69 Receipt #776	6-00001113		

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02/10/2012 Paid $364.69 Receipt #773-00003605
                                                         01/10/2012 Pald $364,69 Receipt #772-00001586
                                                         12/08/2011 Paid $364.69 Receipt #777-00002560
                                                         11/02/2011 Paid $364.69 Receipt #772-00000104
                                                         10/04/2011 Paid $364.69 Receipt #772-0000017
                                                         08/08/2011 Paid $364.59 Receipt #897-00000167
                                                         07/05/2011 Paid $354.59 Receipt #777-00007823
                                                         05/15/2011 Paid $364.69 Receipt #773-00005574
                                                         10/15/2010 Paid $12,564.48 Receipt #773-00000164 @ Print (PDF)
 2008 Annual Bill
                                       $0.00
2008 Annual Bill
                                                         02/09/2010 Paid $11,663.18 Receipt #2009-7010419 2 Print (PDF)
                                       $0.00
                                                         05/01/2008 Paid $10,964.32 Receipt #2007-7020392 @ Print (PDF)
   2007 Annual Bill
                                       50.00
                                               Effective 04/30/2008
   2006 Annual Bill
                                       $0,00
                                                         05/31/2007 Paid $11,803.53 Receipt #2006-2028224 @ Print (PDF)
2005 Annual Bill
                                       50.00
                                                         01/09/2006 Paid $15,681.24 Receipt #2005-7017558 @* Print [PDF]
                                               Effective 12/31/2005
2004 Annual Bill
                                       $0.00
                                                       12/08/2004 Paid $14,327.56 Receipt #2004-9047025 @ Print (PDF)
  2003 Annual Sill
                                       50.00
                                                        03/31/2004 Paid $9,591,37 Receipt #2003-7029624 @ Print (PDF)
2002 Annual Bill
                                       $0.00
                                                         05/01/2003 Paid $10,131.42 Receipt #2002-7034456 @ Print (PDF)
                                               Effective 04/30/2003
2001 Annual Bill
                                       50,00
                                                        03/22/2002 Paid $12,139.12 Receipt #2001-9173690 @ Print (PDF)
2000 Annual Bill
                                                        01/04/2005 Paid $1,210.10 Receipt #2004-7009154 20 Print (PDF)
                                       $0.00
                                               Effective 12/31/2004
                                                        11/29/2004 Paid $1,100.00 Receipt #2004-7003513
                                                        10/29/2004 Paid $1,100.00 Receipt #2004-7000781
                                                        09/24/2004 Paid $1,100.00 Receipt #2003-7043387
                                                        08/08/2004 Paid $1,160.00 Receipt #2003-7041444
                                               Effective 07/31/2004
                                                        07/27/2004 Pald $1,100.00 Receipt #2003-7041830
                                                        DG/01/2004 Paid $1,100.00 Receipt #2003-7037303
                                                        05/84/2004 Paid $1.100.00 Receipt #2003-7035852
                                                        04/08/2004 Paid $1,100.00 Receipt #2003-7031733
                                                        D3/31/2004 Pald $129.50 Receipt #2003-7029824
                                                        05/23/2004 Paid $1,100.00 Receipt #2003-7039197
                                               Effective 01/30/2004
                                                        05/31/2002 Paid $1,100.00 Receipt #2001-7001368
                                                        04/30/2002 Paid $1.100.00 Receipt #2001-6317678
                                                        04/05/2002 Paid $1,100.00 Receipt #2001-6117436
```

**Total Balance** 

\$23,212.68

Pay all: \$23,212.68

Amounts as of 02/05/2018



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#### **Antonia Hover**

From: Mark Weinstein <weinsteinx6@gmail.com>

Sent: Saturday, January 29, 2022 1:08 PM

To: Records Clerk; Office of Commissioner La Rosa; Office of Commissioner Clark; Office of

Commissioner Passidomo

Subject: Docket #20200226-SU

#### To the clerk and commissioners:

My name is Mark Weinstein. My wife Laurie and I are owners on Don Pedro Island,

There is a sewer system being proposed for our area. We are not opposed to a sewer system as environmentally it makes sense. We are opposed to a system being implemented by EU.

The project as proposed by them has many concerns to us on the island as you are aware not to mention there is no prior track record of this company to implement and maintain this system. The financial stability of this company to withstand any unforeseen expenses is questionable and would potentially impact us all greatly. We respectfully ask that you deny EU's request for wastewater service on the island.

Thank you for your time and consideration in this matter.

Mark and Laurie Weinstein 301 South Gulf Blvd.

weinsteinx6@gmail.com