

State of Florida



CORRESPONDENCE
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Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399-0850

-M-E-M-O-R-A-N-D-U-M-

DATE: July 1, 2022

TO: Docket File

FROM: Adam J. Teitzman, Commission Clerk, Office of Commission Clerk 

RE: 20200226-SU - Application for certificate to provide wastewater service in Charlotte County, by Environmental Utilities, LLC.

Please place the attached letter dated June 30, 2022, from Charles J. Rehwinkel, Deputy Public Counsel, in the correspondence file for the above-referenced docket.



WILTON SIMPSON
President of the Senate

STATE OF FLORIDA
OFFICE OF PUBLIC COUNSEL

c/o THE FLORIDA LEGISLATURE
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CHRIS SPROWLS
*Speaker of the House of
Representatives*

June 30, 2022

Keith Hetrick
General Counsel
Florida Public Service Commission
25340 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

Re: Docket No. 20200226-SU; Application for certificate to provide wastewater service in Charlotte County, by Environmental Utilities, LLC

Dear Mr. Hetrick:

Our office has learned of a letter, dated June 28, 2022, from the Charlotte County Board of County Commissioners (Document Nos. 04335-2022, 04341-2022 and 0391-2022) that was forwarded by the office of the County Attorney and addressed to the Commissioners and intended for their consideration. We learned of the existence of the letter when customers of the affected proposed territory called the office upset and believing that the timing of the letter before the ministerial step of issuance of the final order in this matter was intended to influence the outcome of the case.

I write you because of a concern with the process and to protect the case from improper *ex parte* communications. Section 350.042, Florida Statutes, prohibits the making or receiving of such communications.¹ The record in this case closed at 4:37 p.m. on February 8, 2022. A communication outside the record to the Commissioners that is not made by an individual residential ratepayer representing himself or herself, without compensation, is prohibited.

I ask you to take whatever steps you deem necessary for the integrity of the Commission hearing process as a whole, and the record of this case specifically, to ensure that prohibited communications are not allowed to taint the case in the issuance of the order memorializing the agency action that was manifested in the final vote taken on June 7, 2022 – a full three weeks before the receipt of the Charlotte County letter. Likewise, I request that you take all steps

¹ It should be noted that the Commissioners have appropriately placed the letter in the docket file in compliance with Section 350.042(4).

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necessary to ensure that the letter is in no way considered in any post hearing matters such as reconsideration, if such is sought, or inclusion in the record of the case on appeal, if one is taken.

The Office of Public Counsel did not take a position for or against the granting of the certificate. We do take the position that it would be unlawful to consider the subject letter filed after the closure of the record.

Please do not hesitate to call with any questions.

Sincerely,

S/Charles J. Rehwinkel
Charles J. Rehwinkel
Deputy Public Counsel

CC: Parties of record

Adam Teitzman, Commission Clerk (Docket No. 20200226-SU)
Jean Stasio, Assistant County Attorney, Charlotte County