

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

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**PALM ISLAND ESTATES ASSOCIATION, INC.’S RESPONSE TO
ENVIRONMENTAL UTILITIES, LLC’S REQUEST FOR ORAL ARGUMENT ON ITS
MOTION FOR RECONSIDERATION**

PALM ISLAND ESTATES ASSOCIATION, INC. (“PIE”), pursuant to F.A.C. Rule 25-22.0022, requests the Public Service Commission to deny Environmental Utilities LLC’s Request for Oral Argument on its Motion for Reconsideration, and states as follows:

1. By rule, oral argument is appropriate only when the request states “with particularity why oral argument would aid the Commissioners, the Prehearing Office or the Commissioner appointed by the Chair to conduct a hearing in understanding and evaluating the issues to be decided, and the amount of time requested for oral argument.” F.A.C. Rule 25-22.0022(1).

2. Procedurally, the request is deficient as it does not seek an amount of time for oral argument and should be denied on this basis alone.

3. Notwithstanding the procedural deficiency, the basis for the Motion for Reconsideration is to re-argue that which has already been decided. On its face, the Motion for Reconsideration provides no record reference to what was purportedly “overlooked” or what the Public Service Commission “failed to consider in rendering the order.” It consists of only argument on issues that were put before the Commission at both the technical and service hearings and were rejected in the Public Service Commission’s Final Order.

4. Given the matters set forth in the motion, it should be summarily denied as a rehashing of argument rejected at the February hearings.

5. Moreover, EU's request is made solely for the purpose of injecting into the record an exceedingly late-filed piece of correspondence from Charlotte County (unsworn and outside of the record) which is so wholly improper, the Public Service Commission should not countenance such a flagrant violation of due process.

6. The motion should be denied on its face thereby rendering oral argument unnecessary.

7. Finally, requiring oral argument would create a significant financial burden to Palm Island Estates Association, Inc., when the record has been set, EU's arguments have already been rejected and the Motion for Reconsideration is an attempt to re-argue resolved positions in the proceedings.

WHEREFORE, PALM ISLAND ESTATES ASSOCIATION, INC., requests the Public Service Commission to deny EU's Request for Oral Argument and to grant this respondent any other relief that may be deemed just, equitable and proper.

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CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that a true and correct copy of the foregoing was emailed this 29th day of July 2022 to:

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