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DIVISION OF ENGINEERING
TOM BALLINGER
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Public Service Commission

March 13, 2024

Martin S. Friedman, Esq.
420 South Orange Ave., Suite 700
Orlando, Florida 32801
mfriedman@deanmead.com

VIA EMAIL

Re: Docket No. 20240032-SU - Application for certificate to provide wastewater service in Charlotte County by Environmental Utilities, LLC.

Dear Mr. Friedman:

Staff has reviewed Environmental Utilities, LLC's (EU or Utility) application for a certificate to provide wastewater service in Charlotte County. After reviewing this information, we find the application to be deficient. The specific deficiencies are identified as:

- 1. Proof of Noticing.** Rule 25-30.034(1)(b), Florida Administrative Code (F.A.C.), requires the applicant to provide proof of noticing, pursuant to Rule 25-30.030, F.A.C. Rule 25-30.030(6), F.A.C., states that all applications requiring noticing shall be deemed deficient until affidavits of noticing required by Sections 367.045(1)(e) and (2)(f), Florida Statutes, along with a copy of the notice, are filed with the Office of Commission Clerk. Staff notes that the Utility cannot correct this deficiency until its draft notice has been approved by staff and has been issued in accordance with Rule 25-30.030(5), F.A.C. However, staff is working with the Utility toward approval of the draft notice. Upon staff approval of the Utility's draft notice and issuance of the same, please provide proof of noticing, pursuant to Rule 25-30.030, F.A.C.
- 2. Florida Department of State, Division of Corporations Documentation.** Rule 25-30.033(1)(d)2., F.A.C., requires that the applicant provide documentation from the Florida Department of State, Division of Corporations, showing: (1) The utility's business name and registration/document number for the business, unless operating as a sole proprietor, and, (2) the utility's fictitious name and registration number for the fictitious name. Please provide the required documentation from State Corporations.
- 3. Ownership Information.** Rule 25-30.033(1)(e), F.A.C., requires that the applicant provide the name(s), address(es), and percent ownership of each entity or person who owns more than a 5 percent interest in the utility. Please provide the address of the persons named in the application who own more than a 5 percent interest in EU.

4. **Permits.** Rule 25-30.033(1)(i)2., F.A.C., requires that the applicant provide a copy of all current permits issued by the Florida Department of Environmental Protection (DEP) and water management district. Please provide a statement indicating whether EU will require a construction permit or any other permit from the DEP to build and operate its proposed wastewater system. If so, please provide a statement that, within 60 days of the Commission's order granting the Utility a certificate to provide wastewater service in Charlotte County, the Utility will submit a copy of its application for said permit to the subject docket file.
5. **Legal description.** Rule 25-30.033(1)(j)1., F.A.C., requires that the applicant provide a legal description of the territory proposed to be served, in the format prescribed in Rule 25-30.029, F.A.C. Rule 25-30.029(2)(b), F.A.C., states that a complete and accurate description of the service area should be provided in either a sections format or a metes and bounds format, shall have a point of beginning referenced from either a section corner or a subsection corner, and not rely on references to government lots, recorded plats or lots, tracts, or other recorded instruments. Verification of the legal description is pending the submission of the proposed service territory map that meets the requirements of Rule 25-30.033(1)(j)2., F.A.C., described below.
6. **System Map.** Rule 25-30.033(1)(j)2., F.A.C., requires that the applicant provide a detailed system map showing the existing and proposed lines and treatment facilities, with the territory proposed to be served plotted thereon. The system map does not clearly show the point of interconnection with the Charlotte County Utilities Department. Please provide a revised system map corrected to designate the point of interconnection.
7. **Territory map.** Rule 25-30.033(1)(j)3., F.A.C., requires an official county tax assessment map or other map showing township, range, and section with a scale such as 1" = 200' or 1" = 400', with the proposed territory plotted thereon, consistent with the legal description provided pursuant to Rule 25-30.033(1)(j)1., F.A.C. The territory map provided, marked as "Sketch and Description: Exhibit D," on page 444 of Document No. 01108-2024, includes territory that has not been requested pursuant to EU's application – the portion included on the map that is East of Lemon Bay. Additionally, the map of the northern boundary of the proposed service territory, marked as "Sketch and Description: Exhibit A," on page 443 of Document No. 01108-2024, is not to scale and must be resized so that the graphical scale accurately measures one inch. Please submit territory maps that accurately depict the territory being requested and that are drawn to scale, consistent with the requirements of Rule 25-30.029(2), F.A.C., and that meet all of the requirements of Rule 25-30.033(1)(j)3., F.A.C.
8. **Need for Service.** Rule 25-30.033(1)(k)1., F.A.C., requires that the applicant provide the number of customers currently being served and proposed to be served, by customer class and meter size, including a description of the types of customers anticipated to be served. If the development will be in phases, this information shall be separated by phase. The application provides a description of the types of customers proposed to be served, but does not provide this information by meter size. Additionally, EU's application does not indicate whether its wastewater system will be completed in phases. Please provide the number of customers proposed to be served by meter size for the Utility's wastewater

system, by phase if applicable. If the system will not be installed in phases, please state so.

9. **Right to Land.** Rule 25-30.033(1)(m), F.A.C., requires documentation of the utility's right to access and continued use of the land upon which the utility treatment facilities are located. Documentation of continued use shall be in the form of a recorded warranty deed, recorded quit claim deed accompanied by title insurance, recorded lease such as a 99-year lease, or recorded easement. The applicant may submit an unrecorded copy of the instrument granting the utility's right to access and continued use of the land upon which the utility treatment facilities are or will be located, provided that the applicant files a recorded copy within the time required in the order granting the transfer. While EU has not proposed to build a wastewater treatment facility to provide wastewater treatment services to its customers, the Utility provided information in its application that indicates it may require an easement for specialized equipment to be installed and maintained on each customer's premises. Please explain the size and nature of easement access EU will require, what actions EU has taken to ensure that it will be able to obtain these easements, and what actions EU has taken to ensure that it will continue to be able to obtain easements from future owners should the residence be sold. Please be advised that this item will remain deficient until the Utility has provided satisfactory documentation that it will have continued access to the customers' property as is necessary to provide service.
10. **Description of Treatment.** Rule 25-30.033(1)(o), F.A.C., requires the utility provide a description of the type of wastewater treatment and method of effluent disposal. As noted above, EU's application contains various documents that describe different possible wastewater collection methods that may be used. Please provide a complete description of the specific type of wastewater treatment and method of effluent disposal that the Utility proposes to build, including all actions that will need to be taken by or performed for residents currently using stand-alone septic systems.

Martin S. Friedman, Esq.

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Your application will not be deemed filed until the deficiencies identified in this letter have been corrected. These corrections should be submitted no later than **Friday, April 12, 2024**, to the following address:

Office of Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Should you have any questions concerning the information in this letter, please feel free to contact Mrs. Melinda Watts by phone at (850) 413-6952 or email at mwatts@psc.state.fl.us for technical questions, or Mr. Major Thompson by phone at (850) 413-6076 or email at major.thompson@psc.state.fl.us for legal questions. Please include the docket number on all submissions to the Commission Clerk.

Sincerely,

s/Melinda Watts

Melinda Watts
Engineering Specialist

MW:da

cc: Division of the Commission Clerk (Docket No. 20240032-SU)