

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for certificate to provide wastewater service in Charlotte County by Environmental Utilities, LLC.

DOCKET NO.: 20240032-SU
FILED: November 15, 2024

**LITTLE GASPARILLA ISLAND PRESERVATION ALLIANCE, INC.’S,
MOTION FOR LEAVE TO FILE ADDITIONAL PRE-FILED TESTIMONY**

Little Gasparilla Island Preservation Alliance, Inc. (“LGIPA”), through undersigned counsel and pursuant to Rules 28-106.204 and 28-106.211, Florida Administrative Code, file this Motion for Leave to File Additional Pre-Filed Testimony.

In accordance with the Order Establishing Procedure, dated August 12, 2024, as amended by the First Order Modifying Order Establishing Procedure, dated October 14, 2024, on November 1, 2024, LGIPA filed the pre-filed testimony and exhibits of its witnesses. On November 12, 2024, Environmental Utilities (“EU”) served on LGIPA discovery related to LGIPA’s standing in this proceeding. In the service email, EU’s counsel noted that the discovery was necessary “[s]ince LGIPA did not file testimony on standing” Prior to these discovery requests by EU, LGIPA believed its standing to participate in this proceeding to be clear.

In accordance with the Order Establishing Procedure, LGIPA plans to name a representative of its association in its Prehearing Statement to testify as to LGIPA’s standing. (*See* Order Establishing Procedure at § V.A.(1) (requiring a Prehearing Statement to include “[t]he name of all known witnesses whose testimony has been prefiled or who may be called by the party”). However, in accordance with Rule 28-106.211, Florida Administrative Code, LGIPA recognizes the Commission’s desire “to promote the just, speedy, and inexpensive determination of all aspects of the case” Therefore, LGIPA seeks leave of the Commission to file the Pre-Filed Testimony of Teresa T. Weibley, LGIPA’s representative, attached hereto as **Exhibit A**. *See also* *Scipio v. State*, 928 So. 2d 1138, 1144 (Fla. 2006) (explaining that the “chief purpose” of

Florida’s discovery rules is “to assist the truth-finding function of our justice system and to avoid trial by ambush or surprise”).

WHEREFORE, to promote the just, speedy, and inexpensive determination of all aspects of the case, LGIPA respectfully requests leave of the Commission to file the Pre-Filed Testimony of Teresa T. Weibley, LGIPA’s representative, attached hereto as **Exhibit A**.

Dated: November 15, 2024

/s/ Valerie L. Chartier-Hogancamp
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*Counsel for Little Gasparilla Island
Preservation Alliance, Inc.*

CERTIFICATE OF CONFERRAL

Pursuant to Rule 28-106.204(3), the undersigned has conferred with all other parties of record regarding their position on this Motion. EU, Palm Island Estates and Ms. Cotherman do not object to the relief sought herein.

/s/ Valerie L. Chartier-Hogancamp
Attorney

CERTIFICATE OF SERVICE

I certify that on November 15, 2024, a true and correct copy of the foregoing has been furnished by electronic mail to the following:

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for certificate to provide
wastewater service in Charlotte County by
Environmental Utilities, LLC.

DOCKET NO.: 20240032-SU

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DIRECT TESTIMONY OF TERESA T. WEIBLEY

on behalf of Little Gasparilla Island Preservation Alliance, Inc.

1 **Q: State your full name and address.**

2 A: Teresa T. Weibley. 9782 Little Gasparilla Island, Placida, Florida 33946, which is located
3 on Little Gasparilla Island in Charlotte County, Florida.

4 **Q: What organization are you here to represent, and what is your position with that
5 organization?**

6 A: Little Gasparilla Island Preservation Alliance, Inc. (“LGIPA”), a non-profit organization
7 incorporated under the laws of the State of Florida. I am the Vice President (also known as
8 the Vice Chair) of LGIPA.

9 **Q: Is your testimony being provided as an official representative of LGIPA?**

10 A: Yes.

11 **Q: What is the purpose of your direct testimony?**

12 A: To establish the standing of LGIPA in this proceeding.

13 **Q: What is LGIPA’s purpose?**

14 A: LGIPA is organized exclusively to provide a way for people to work together for the
15 common good, transforming common beliefs into action, and to safeguard Little Gasparilla
16 Island and to defend homeowner rights by advocating for the protection and preservation
17 of our fragile island environment via cost effective and environmentally sound measures.
18 These advocacy measures include, as necessary, participation in legal proceedings on
19 behalf of LGIPA’s members.

20 **Q: How many members does LGIPA have?**

21 A: As of November 6, 2024, LGIPA has 189 members. Members of LGIPA include current
22 residents, property owners, and friends of Little Gasparilla Island that support LGIPA’s
23 purpose. 158 of LGIPA’s members own property on Little Gasparilla Island.¹

¹ Of the 158 land-owning members of LGIPA, some of those members own more than one home/lot, and some of those members share an ownership interest in a single home/lot with other members. Eight of the 158 LGIPA members who own land on Little Gasparilla own condominium units. In addition to the 158 LGIPA members who own property on Little Gasparilla Island, three members of LGIPA own property on Palm Island.

1 **Q: Does LGIPA support Environmental Utilities’ (“EU”) Application for Original**
2 **Certificate of Authorization for a Proposed or Existing System Requesting Initial**
3 **Rates and Charges (“Application”)?**

4 A: No.

5 **Q: Do LGIPA’s members support EU’s Application?**

6 A: No. Of the 189 LGIPA members polled on the issue of whether they supported the EU
7 Application, none of the members supported EU’s Application. Of the 189 members, 172
8 members responded that they are affirmatively opposed to EU’s application, five are
9 neutral, and twelve did not respond.

10 **Q: What substantial interests of LGIPA’s members are affected by EU’s Application?**

11 A: LGIPA’s members would each suffer an immediate and substantial injury from EU’s
12 Application in at three two ways. First, LGIPA’s land-owning members would each be
13 subject to an easement on their property for the installation of EU’s equipment and
14 pipelines, affecting each member’s land ownership rights. Second, LGIPA’s land-owning
15 members would be financially impacted by EU’s Application because they would be forced
16 to pay the cost of installation per dwelling, which is significant to many—if not all—of
17 LGIPA’s members. Finally, LGIPA’s land-owning members would be subjected to ongoing
18 costs and monthly fees for EU’s utility service. In addition to these substantial impacts,
19 LGIPA’s members have significant environmental concerns about EU’s Application.

20 **Q: Are you sponsoring any exhibits?**

21 A: Yes. Exhibit TTW-1—Little Gasparilla Island Preservation Alliance, Inc.’s Articles of
22 Incorporation. Exhibit TTW-2—Bylaws of Little Gasparilla Island Preservation Alliance,
23 Inc.

24 **Q: Does that conclude your testimony?**

25 A: Yes.

Electronic Articles of Incorporation For

N24000005673
FILED
May 06, 2024
Sec. Of State
mkanderson

LITTLE GASPARILLA ISLAND PRESERVATION ALLIANCE, INC.

The undersigned incorporator, for the purpose of forming a Florida not-for-profit corporation, hereby adopts the following Articles of Incorporation:

Article I

The name of the corporation is:

LITTLE GASPARILLA ISLAND PRESERVATION ALLIANCE, INC.

Article II

The principal place of business address:

5016 LAKE TOSCANA DRIVE
WIMAUMA, FL. US 33598

The mailing address of the corporation is:

5016 LAKE TOSCANA DRIVE
WIMAUMA, FL. US 33598

Article III

The specific purpose for which this corporation is organized is:

TO CONSIDER LEGAL OPTIONS THAT MAY BE AVAILABLE TO AN ALLIANCE OF HOMEOWNERS ON LITTLE GASPARILLA ISLAND. THE OFFICERS WILL ADVISE HOMEOWNERS, RAISE NECESSARY FUNDS AND MEET/RETAIN NEEDED LEGAL ADVISORS AND EXPERTS.

Article IV

The manner in which directors are elected or appointed is:

BY ANNOUNCED SET ELECTION

Article V

The name and Florida street address of the registered agent is:

MICHELE M BARNES
5016 LAKE TOSCANA DRIVE
WIMAUMA, FL. 33598

I certify that I am familiar with and accept the responsibilities of registered agent.

Registered Agent Signature: MICHELE M BARNES

Exhibit A

N24000005673
FILED
May 06, 2024
Sec. Of State
mkanderson

Article VI

The name and address of the incorporator is:

MICHELE M BARNES
5016 LAKE TOSCANA DRIVE

WIMAUMA, FL 33598

Electronic Signature of Incorporator: MICHELE M BARNES

I am the incorporator submitting these Articles of Incorporation and affirm that the facts stated herein are true. I am aware that false information submitted in a document to the Department of State constitutes a third degree felony as provided for in s.817.155, F.S. I understand the requirement to file an annual report between January 1st and May 1st in the calendar year following formation of this corporation and every year thereafter to maintain "active" status.

Article VII

The initial officer(s) and/or director(s) of the corporation is/are:

Title: P
MICHELE M BARNES
5016 LAKE TOSCANA DRIVE
WIMAUMA, FL. 33598 US

Title: VP
TERESA T WEIBLEY
8725 PLACIDA ROAD, STE 7-185
PLACIDA, FL. 33946 US

Title: TREA
JEFFREY C HAYES
1113 SHORELINE LANE
WINTER HAVEN, FL. 33884 US

Article VIII

The effective date for this corporation shall be:

05/05/2024

BYLAWS OF Little Gasparilla Island Preservation Alliance, Inc.

ARTICLE I - NAME AND PURPOSE

Section 1 - *Name*: The name of the organization shall be Little Gasparilla Island Preservation Alliance (LGIPA). It shall be a nonprofit organization incorporated under the laws of the State of Florida.

Section 2 - *Purpose*: LGIPA is organized exclusively to provide a way for people to work together for the common good, transforming common beliefs into action, and to safeguard Little Gasparilla Island (LGI) and to defend homeowner rights by advocating for the protection and preservation of our fragile island environment via cost effective and environmentally sound measures. We will consider legal options that may be available to our Alliance. The officers will advise homeowners, raise necessary funds and meet and or engage with needed legal advisors and experts.

ARTICLE II - MEMBERSHIP

Section 1 - *Eligibility for membership*: Application for voting membership shall be open to any current resident, property owner, or friend of Little Gasparilla Island that supports the purpose statement in Article 1, Section 2. Membership is granted after completion and receipt of a membership application. All memberships shall be granted upon a majority vote of the board.

Section 2 - *Annual dues*: There will be no annual dues unless changed by a majority vote of the board of directors, and continued membership is contingent upon a majority vote of the board.

Section 3 - *Rights of members*: Each island home address shall be eligible to appoint one voting representative to cast the member's vote in association elections.

Section 4 - *Resignation*: Any member may resign by filing a written resignation with the secretary.

ARTICLE III - MEETINGS OF MEMBERS

Section 1 - *Annual meetings*: One annual meeting of the members shall take place in the month of April, the specific date, time and location of which will be designated by the chair. At the annual meeting the members shall elect board directors and officers, receive reports on the activities of the association, and determine the direction of the association for the coming year. The board may determine that a meeting of the members may be held solely by means of remote or electronic communication.

Section 2 - *Notice of meetings*: Printed notice of each meeting shall be given to each voting member, by email or mail, not less than three weeks prior to the meeting.

Section 3 - *Quorum*: The members present at any properly announced meeting shall constitute a quorum.

Section 4 - *Voting*-. All issues to be voted on shall be decided by a simple majority of those present at the meeting in which the vote takes place.

ARTICLE IV - BOARD OF DIRECTORS

Section 1 - *Board role and structure*: The board is responsible for overall policy and direction of the association, and delegates responsibility to committees. The board shall have up to 7, but not fewer than 3 members. The board receives no compensation other than reimbursement for reasonable and documented expenses.

Section 2 - *Terms*: All board members shall serve three-year terms and are eligible for re-election for up to three consecutive terms.

Section 3 - *Meetings and notice*: The board shall meet at least quarterly, at an agreed upon time and place. An official board meeting requires that each board member have written notice at least three weeks in advance.

Section 4 - *Board elections*: New directors and current directors shall be elected or re-elected by the voting representatives of members at the annual meeting corresponding to the fulfillment of three-year term. Directors will be elected by a simple majority of members present at the annual meeting.

Section 5 - *Election procedures*: A Board Nominating Committee shall be responsible for nominating a slate of prospective board members representing the association's diverse constituency. In addition, any member can nominate a candidate to the slate of nominees. All candidates must be members in good standing.

Section 6 - *Quorum*: A quorum must be attended by at least fifty percent of board members for business transactions to take place and motions to pass.

Section 7 - *Officers and Duties*: There shall be four officers of the board, consisting of a chair, vice-chair, secretary and treasurer. Their duties are as follows:

The chair shall convene regularly scheduled board meetings, shall preside or arrange for other members of the Executive Committee to preside at each meeting in the following order: vice-chair, secretary, treasurer.

The *vice-chair* shall chair committees on special subjects as designated by the board.

The *secretary* shall be responsible for keeping records of board actions, including overseeing the taking of minutes at all board meetings, sending out meeting announcements via social media and/or member-provided email or text numbers, distributing copies of minutes and the agenda to each board member and assuring that corporate records are maintained.

The treasurer shall make a report at each board meeting. The treasurer shall chair the finance committee, assist in the preparation of the annual budget, help develop fundraising plans, make financial information available to board members and the public and ensure that appropriate financial records are maintained.

Section 8 - *Vacancies*: When a vacancy on the board exists during the term, the secretary must receive nomination for new members from present board members three weeks in advance of a board meeting. These nominations shall be sent out to board members with the regular board meeting announcement, to be voted upon at the next board meeting. These vacancies will be filled only to the end of the replaced board member's term.

Section 9 - *Resignation, termination, and absences*: Resignation from the board must be in writing and received by the secretary. A board member shall be terminated from the board due to excess absences; more than two unexcused absences from board meetings in a year. A board member may be removed for other reasons by a three-fourths vote of the remaining directors.

Section 10 - *Special meetings*: Special meetings of the board shall be called upon the request of the chair, or one-third of the board. Notices of special meetings shall be sent out by the secretary to each board member at least three weeks in advance.

Section 11 - *Remote communication for meetings*: Any meeting of directors may be conducted solely by one or more means of remote communication through which all directors may participate in the meeting, if notice of the meeting is given as described in Section 3 and if the number participating is sufficient to constitute a quorum as described in Section 6. Remote communication includes but is not limited to telephone, video, Internet, or such other means by which persons may communicate with each other on a substantially simultaneous basis. Participation in a meeting by any of the above-mentioned means constitutes attendance at a meeting.

Section 12 - *Action without a meeting*: Upon initiative of the board chair or Executive Committee, an action that may be taken at a regular or special meeting may be taken without a meeting if the secretary mails or electronically delivers a ballot to every director entitled to vote on the action. The ballot must set forth each proposed action and provide an opportunity to vote for or against each proposed action. Approval by ballot is valid only if the number of votes cast by ballot equals or exceeds the number of votes that would be required to approve the action at a meeting.

ARTICLE V - COMMITTEES

Section I - *Committee formation*: The board may create ad hoc committees as needed, such as fund- raising, public relations, data collection, etc. Standing committees shall include but are not limited to: Executive Committee, Finance Committee, Audit Committee and Nominating Committee. The board chair appoints all committee chairs.

Section 2 - *Executive Committee*: The four officers serve as the members of the Executive Committee. Except for the power to amend the Articles of Incorporation and bylaws, the Executive Committee shall have all the powers and authority of the board of directors in the intervals between meetings of the board of directors and is subject to the direction and control of the full board. A quorum of the Executive Committee shall be 75 percent of the officers.

Section 3 - *Finance Committee*: The treasurer is the chair of the Finance Committee, which includes three other board members. The Finance Committee is responsible for developing and reviewing fiscal procedures, fundraising plans, and the annual budget with staff and other board members. The board must approve the budget, and all expenditures must be within budget. Any major change in the budget must be approved by the board or the Executive Committee. The fiscal year shall be the calendar year. Annual reports are required to be submitted to the board showing income, expenditures, and pending income. The financial records of the organization are public information and shall be made available to the membership, board members, and the public.

ARTICLE VI — DIRECTOR AND STAFF

Section 1 - *Executive Director*: The executive director is elected by the board. The executive director has day-to-day responsibilities for the organization, including carrying out the organization's goals and policies. The executive director will attend all board meetings, report on the progress of the organization, answer questions of the board members and carry out the duties described in the job description. The board can designate other duties as necessary.

ARTICLE VII – AMENDMENTS

Section 1 - *Amendments*: These bylaws may be amended, when necessary, by a two-thirds majority of the full board of directors. Proposed amendments must be submitted to the secretary to be sent out with regular board announcements.

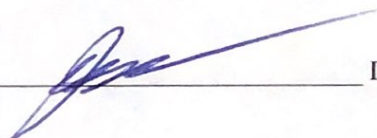
Certification

These bylaws were approved at a meeting of the board of directors by a two-thirds majority vote on

7/9/24

Month /Day /Year

Secretary



Date

7/9/24