

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

PALM ISLAND ESTATES ASSOCIATION, INC.’S PREHEARING STATEMENT

PALM ISLAND ESTATES ASSOCIATION, INC. (“PIE”), pursuant to the August 12, 2024, Order Establishing Procedures, submits this Prehearing Statement as follows:

1. Witnesses whose testimony has been pre-filed along with the subject matter of each witness’ testimony and the corresponding issue numbers:

Witness	Subject Matter	Issue #
Direct: Amy McCully	Palm Island Estates Association, Inc. as an organization; absence of water quality testing and results; and lack of request for sewers	2, 9, 15
Direct: Ellen Hardgrove, AICP	Need for service, consistency with Charlotte County Comprehensive Plan, public interest	2, 3, 9, 15
Direct: Robert J. Robbins, Ph.D.	Need for service, rejection of converting septic to sewer, flaws in Sewer Master Plan, public interest	2, 3, 6, 9, 15

2. All known exhibits:

Witness	Proffered By	Exhibit No.	Description	Issue #
Ellen Hardgrove	PIE	EH-1	October 30, 2024 correspondence/opinion, with supporting exhibits as set forth in pre-filed testimony	2, 3, 9 and 15

Robert Robbins, Ph.D.	PIE	RR-1	Analysis: “Science Does Not Support a Septic-to-Sewer Conversion on the Barrier Islands of Charlotte County, Florida” with attachments	2, 3 6, 9 and 15
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3. Statement of PIE’s basic position in the proceeding: PIE contends that there is a lack of demonstrable need for sewer services to the Charlotte County bridgeless barrier islands and that the imposition of such service would be contrary to Charlotte County’s development scheme. PIE specifically adopts the positions of Linda B. Cotherman and LGIPA as it relates to their presentation of witnesses and exhibits on each issue not specifically identified above.

4. Statement of each question of fact, question of law, and policy question that PIE considers at issue, along with the party’s position on each issue, and, where applicable, the names of the party’s witness(es) who will address each issue:

1. Has Environmental Utilities met the filing and noticing requirements pursuant to Rules 25-30.030 and 25-30.033, Florida Administrative Code? PIE’s position is that the application is non-compliant as, through the discovery process (as opposed to the amendment process), EU has materially altered the engineering, accounting, location of where the system traverses, the methodology of disposal and the means in which it intends to obtain easements such that these are material changes that would require an amendment to the application. PIE further contends that these material changes, without an amendment, denied PIE due process to address new opinions offered as “rebuttal” thereby precluding PIE an opportunity to address these new opinions to the point that the “rebuttal” is, in fact, an alteration of the original application. Therefore, the application and the testimony is inconsistent and requires amendment.

2. Is there a need for service in EU's proposed service territory? PIE's position on this issue is that the applicant has not established a need for service on the bridgeless barrier islands of Charlotte County. Ellen Hardgrove, AICP is expected to testify on this issue and has set forth, in her pre-filed testimony and exhibits, that there is a lack of need (per the Comprehensive Plan and a lack of scientific data) to justify Environmental Utilities, LLC's receipt of a Certificate of Authorization. It is expected that Ms. Hardgrove will also testify that a comprehensive plan amendment will be needed to effectuate the Certificate of Authorization if approved. Additionally, it is expected that Robert Robbins, Ph.D., will testify that there is no need and that the Sewer Master Plan, and other submissions, are incorrect. This testimony will be elicited through his pre-filed testimony and exhibits.

3. IS EU's application consistent with Charlotte County's Comprehensive Plan and/or Sewer Master Plan? PIE's position on this issue is that the proposed utility service application is inconsistent with the Sewer Master Plan and Comprehensive Plan and, separately, that the Sewer Master Plan is likewise inconsistent (itself) with the Charlotte County Comprehensive Plan. This testimony is expected to be confirmed by Ellen Hardgrove, AICP, and Robert Robbins, Ph.D., as per their pre-filed testimony and exhibits.

4. Will the certification of EU result in the creation of a utility which will be in competition with or duplication of any other system? PIE specifically adopts the position taken Linda B. Cotherman regarding this topic.

5. Does EU have the financial ability to serve the requested territory? PIE specifically adopts the position taken by LGIPA and Linda B. Cotherman regarding this topic.

6. Does EU have the technical ability to serve the requested territory? PIE specifically adopts the position taken by LGIPA and Linda B. Cotherman regarding this topic.

7. Will EU have sufficient plant capacity to serve the requested territory? PIE specifically adopts the position taken by Linda B. Cotherman regarding this topic.

8. Has EU provided evidence that it has continued use of the land upon which the utility treatment facilities are or will be located? PIE specifically adopts the position taken by LGIPA and Linda B. Cotherman regarding this topic.

9. Is it in the public interest for EU to be granted a wastewater certificate for the territory proposed in its application? PIE's position is that it is not in the public interest for EU to be granted a wastewater certificate. See 4.1-3 above.

10. What is the appropriate return on equity for EU? PIE specifically adopts the position taken by Linda B. Cotherman regarding this topic.

11. What are the appropriate rates and rate structures for EU? PIE specifically adopts the position taken Linda B. Cotherman regarding this topic.

12. What are the appropriate initial customer deposits for EU? PIE specifically adopts the position taken Linda B. Cotherman regarding this topic.

13. What are the appropriate miscellaneous services charges for EU? PIE specifically adopts the position taken by Linda B. Cotherman regarding this topic.

14. What are the appropriate service ability charges for EU? PIE specifically adopts the position taken by Linda B. Cotherman regarding this topic.

15. Should the docket be closed? PIE's position on this issue is that, yes, the docket should be closed as Environmental Utilities has not established a need for service or that it is financially capable of and/or possesses the technical ability to operate the utility. It is expected that Ellen Hardgrove, AICP, Robert Robbins, Ph.D., and Amy McCully will give testimony on

this topic. PIE specifically adopts the position taken by LGIPA and Linda B. Cotherman regarding this topic.

5. Stipulations: None at this time.

6. Statement of all pending motions or other matters the party seeks action upon:

None at this time.

7. Requests for confidentiality: none at this time.

8. Objections to a witness' qualification as an expert: none.

9. Request for sequestration: PIE requests the sequestration of witnesses.

10. Statement as to any requirement of the Order Establishing Procedures that cannot be complied with: none at this time.

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CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that a true and correct copy of the foregoing was emailed this _____

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