

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: January 7, 2025

**LITTLE GASPARILLA ISLAND PRESERVATION ALLIANCE, INC.’S
PREHEARING STATEMENT**

Little Gasparilla Island Preservation Alliance, Inc. (“LGIPA”), through undersigned counsel and pursuant to Section V of the Order Establishing Procedure, files this Prehearing Statement.

(1) All Known Witnesses.

Witness	Subject Matter	Issue #
Direct		
Teresa T. Weibley	LGIPA as an organization; lack of need for service; and public interest.	2, 9, 15
Jadon D. Hull, P.E.	Cost and feasibility of proposed system; technical ability of EU; and public interest.	1, 2, 5, 6, 8, 9, 15
John T. Shaw	Cost and feasibility of proposed system; and public interest	1, 2, 5, 6, 8, 9, 15

(2) All Known Exhibits.

Witness	Proffered By	Exhibit #	Description	Issue #
Direct				
Teresa T. Weibley	LGIPA	TTW-1	Little Gasparilla Island Preservation Alliance, Inc.’s Articles of Incorporation	LGIPA’s standing
Teresa T. Weibley	LGIPA	TTW-2	Bylaws of Little Gasparilla Island Preservation Alliance, Inc.	LGIPA’s standing
Jadon D. Hull, P.E.	LGIPA	JDH-1	Jadon D. Hull’s Resume	Expert Qualifications

Jadon D. Hull, P.E.	LGIPA	JDH-2	Environmental Utilities Septic to LPS Sewer— Opinion of Probable Cost for September 2024 (spreadsheets and costing backup)	5, 6
John T. Shaw	LGIPA	JS-1	John Shaw’s Curriculum Vitae	Expert Qualifications
Impeachment				
John R. Boyer	LGIPA		EU’s Response to LGIPA’s First Set of Interrogatories	5, 6, 8
John R. Boyer / Jonathan Cole	LGIPA		EU’s Response to LGIPA’s Second Set of Interrogatories	5, 6, 8
John R. Boyer	LGIPA		Transcript of December 18, 2024 deposition of John R. Boyer	2, 5, 6
Dave Watson	LGIPA		Transcript of December 18, 2024 deposition of Dave Watson	3

(3) A statement of the party’s basic position in the proceeding.

LGIPA contends that there is a lack of need for sewer services to the proposed service territory, which consists of bridgeless barrier islands in Charlotte County, and that the proposed system would be against the public interest. The Public Service Commission previously denied an application for Certificate of Authorization from the same applicant, for the same service territory, that was substantially similar to the application currently before the Commission. (*See* PSC Docket No. 20200226). Nothing has changed. EU has failed to demonstrate a need for service to the proposed service territory; EU has failed to demonstrate its financial and technical capability to provide the proposed system; EU has failed to demonstrate its right to the use of the land for the proposed system; the proposed system is against the public interest; and the cost burden to the customers and ratepayers will not be fair, just, or reasonable.

(4) A statement of each question of fact, question of law, and policy question that the party 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.

ISSUE 1: Has Environmental Utilities met the filing and noticing requirements pursuant to Rules 25-30.030 and 25-30.033, Florida Administrative Code?

LGIPA’s position is that EU has not met the filing requirements because EU has not satisfied all of the requirements set forth in Rule 25-30.033, Florida Administrative Code. Jadon Hull and John Shaw are expected to testify as to this issue, and their testimony has been prefiled along with exhibits. LGIPA additionally adopts the position of Linda B. Cotherman on this issue.

ISSUE 2: Is there a need for service in EU’s proposed service territory?

LGIPA’s position is that EU has not established a need for service in the proposed service territory, which consists of three bridgeless barrier islands in Charlotte County, sufficient for a Certificate of Authorization. Teresa Weibley is expected to testify to LGIPA as an organization, the lack of need for service, and public interest. Her testimony has been prefiled along with exhibits. Jadon Hull and John Shaw are also expected to testify as to this issue, and their testimony has been prefiled along with exhibits. LGIPA additionally adopts the positions of PIE and Linda B. Cotherman on this issue.

ISSUE 3: Is EU’s application consistent with Charlotte County’s Comprehensive Plan and/or Sewer Master Plan?

LGIPA’s position is that EU’s application is inconsistent with Charlotte County’s Comprehensive Plan and that EU’s’ application is inconsistent with Charlotte County’s Sewer Master Plan based upon the testimony of PIE’s and Linda B. Cotherman’s witnesses. Therefore, LGIPA adopts the positions of PIE and Linda B. Cotherman on this issue.

ISSUE 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?

LGIPA adopts the position of Linda B. Cotherman on this issue.

ISSUE 5: Does EU have the financial ability to serve the requested territory?

LGIPA's position is that EU has not demonstrated the financial ability to serve the requested territory. EU's proposed system and cost analysis, both in the original application and significantly modified by rebuttal testimony, significantly underestimate the cost of the proposed system. Therefore, EU has not demonstrated the financial ability to construct the proposed system and serve the requested territory. Jadon Hull and John Shaw are expected to testify to the cost and feasibility of the proposed system, and their testimony has been prefiled along with exhibits. LGIPA additionally adopts the position of Linda B. Cotherman on this issue.

ISSUE 6: Does EU have the technical ability to serve the requested territory?

LGIPA's position is that EU has not demonstrated the technical ability to serve the requested territory. EU's proposed system, which has been significantly modified several times throughout the discovery process in this proceeding, does not fully account for the technical requirements of serving the requested territory. Therefore, EU has not demonstrated the technical ability to construct the proposed system and serve the requested territory. Jadon Hull and John Shaw are expected to testify to the feasibility of the proposed system, and their testimony has been prefiled along with exhibits. LGIPA additionally adopts the position of Linda B. Cotherman on this issue.

ISSUE 7: Will EU have sufficient plant capacity to serve the requested territory?

LGIPA adopts the position of Linda B. Cotherman on this issue.

ISSUE 8: Has EU provided evidence that it has continued use of the land upon which the utility treatment facilities are or will be located?

LGIPA's position is that EU has not provided evidence that it has continued use of the land upon which the utility treatment facilities are or will be located. EU has not provided evidence of easements or other real property rights necessary for the installation and operation of the proposed system. Jadon Hull and John Shaw are expected to testify to the operations of the proposed treatment facilities, and their testimony has been prefiled along with exhibits. LGIPA additionally adopts the positions of PIE and Linda B. Cotherman on this issue.

ISSUE 9: Is it in the public interest for EU to be granted a wastewater certificate for the territory proposed in its application?

LGIPA's position is that it is not in the public interest for EU to be granted a wastewater certificate for the proposed territory. The vast majority of property owners and potential customers in the proposed service territory object to the proposed system. EU has not provided evidence of public benefit, and the proposed system and costs will not be fair and just to the potential customers. Teresa Weibley is expected to testify as to LGIPA's members' opposition to EU's proposed system and the lack of public interest. Teresa Weibley is expected to testify to LGIPA as an organization, the lack of need for service and public interest. Her testimony has been prefiled along with exhibits. Jadon Hull and John Shaw are expected to testify to the feasibility of the proposed system, and their testimony has been prefiled along with exhibits. LGIPA additionally adopts the positions of PIE and Linda B. Cotherman on this issue.

ISSUE 10: What is the appropriate return on equity for EU?

LGIPA adopts the position of Linda B. Cotherman on this issue.

ISSUE 11: What are the appropriate rates and rate structures for EU?

LGIPA adopts the position of Linda B. Cotherman on this issue.

ISSUE 12: What are the appropriate initial customer deposits for EU?

LGIPA adopts the position of Linda B. Cotherman on this issue.

ISSUE 13: What are the appropriate miscellaneous service charges for EU?

LGIPA adopts the position of Linda B. Cotherman on this issue.

ISSUE 14: What are the appropriate service availability charges for EU?

LGIPA adopts the position of Linda B. Cotherman on this issue.

ISSUE 15: Should this docket be closed?

LGIPA's position is that the application should be denied and the docket should be closed.

Teresa Weibley, Jadon Hull, and John Shaw are expected to testify regarding reasons why the application should be denied. Their testimony has been prefiled along with exhibits.

(5) A statement of issues to which the parties have stipulated.

None.

(6) A statement of all pending motions or other matters the party seeks action upon.

Pending Motions:

- Little Gasparilla Island Preservation Alliance, Inc., Palm Island Estates Association, Inc., and Linda B. Cotherman's Joint Motion to Strike Rebuttal Testimony (filed Jan. 6, 2025) (Doc. No. 00082-2025)

(7) A statement identifying the party's pending requests or claims for confidentiality.

None.

(8) Any objections to a witness's qualifications as an expert.

None.

(9) A request for sequestration of witnesses.

None.

(10) A statement as to any requirement set forth in this order that cannot be complied with, and the reasons therefore.

None.

Dated January 7, 2025

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CERTIFICATE OF SERVICE

I certify that on January 7, 2025, a true and correct copy of the foregoing has been furnished by electronic mail to the following:

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