

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-WS

**CAPE HAZE PROPERTY OWNERS ASSOCIATION, INC., AND PALM ISLAND
ESTATES ASSOCIATION, INC.'S MOTION FOR RECONSIDERATION OF THE
PUBLIC SERVICE COMMISSIONS'S FEBRUARY 19, 2021 ORDER GRANTING
ENVIRONMENTAL UTILITIES, LLC'S REQUEST FOR CONFIDENTIAL
CLASSIFICATION**

Parties of Record, CAPE HAZE PROPERTY OWNERS ASSOCIATION, INC. and PALM ISLAND ESTATES ASSOCIATION, INC., pursuant to Rule 25-22.0376, F.A.C., request the Public Service Commission to reconsider its February 19, 2021 Order Granting Environmental Utilities, LLC's Request for Confidential Classification and, in support thereof, states as follows:

1. On February 19, 2021, the Public Service Commission ("Commission") entered an order granting Environmental Utilities, LLC's Request for Confidential Classification. A copy of the order is attached hereto as Exhibit "A."

2. In that order, the Commission determined that information provided by Environmental Utilities qualified as proprietary confidential business information, finding the "personal financial and other information constitutes 'information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information.'"

3. Pursuant to 25-30.033, F.A.C., Environmental Utilities, LLC, bears the burden of demonstrating:

(h) [T]he necessary financial ability of the applicant to provide service to the proposed service area, the applicant shall provide:

1. A detailed financial statement (balance sheet and income statement), audited if available, of the financial condition of the applicant, which shows all assets and liabilities of every kind and

character. The financial statements shall be for the preceding calendar or fiscal year. The financial statement shall be prepared in accordance with Rule 25-30.115, F.A.C. If available, a statement of the sources and uses of funds shall also be provided;

4. Both CAPE HAZE PROPERTY OWNERS ASSOCIATION, INC. and PALM ISLAND ESTATES ASSOCIATION, INC., have sought an administrative hearing challenging, in part, the financial wherewithal of Environmental Utilities, LLC. Specifically, these entities have stated that there are disputed factual issues about the following:

A. Environmental Utilities, LLC, has not demonstrated that it possesses sufficient financial resources to be able to capitalize the project;

B. Environmental Utilities, LLC, has not demonstrated that it has the financial resources to hire, staff and handle the business of a public utility on the order of magnitude to that which would be governed by the Certificate of Authorization; and

C. The applicant has not provided any information as to the cost of installation to be borne by the residents nor has it provided any provision to pay over time for those residents who are unable to pay immediately upon completion. Further, no provision has been made to provide grants to defray the costs for those affected residents.

5. Environmental Utilities, LLC's financial health is central to the determination of whether it can satisfy the requirements necessary to obtain a Certificate of Authorization. Depriving the public of the knowledge about the financial health/wherewithal of Environmental Utilities, LLC, places the parties of record at a disadvantage of being able to gauge one of the central requirements for the proposed utility's ability to satisfy the elements necessary to obtain a certificate.

6. Clearly, good cause exists for the publication of this information, both from the standpoint of determining whether Environmental Utilities, LLC can satisfy the minimum

requirements to obtain a Certificate of Authorization *and* to determine the cost to be borne by the homeowners in terms of rates and “hook up” to be charged by the utility.


7. As a result, CAPE HAZE PROPERTY OWNERS ASSOCIATION, INC. and PALM ISLAND ESTATES ASSOCIATION, INC., request the Commission to reconsider its February 19, 2019 order and require the publication of the financial information the order protects.

WHEREFORE, CAPE HAZE PROPERTY OWNERS ASSOCIATION, INC. and PALM ISLAND ESTATES ASSOCIATION, INC., request the Commission to publish the financial information deemed confidential in the February 19, 2019 order and granting the parties of record any other relief the Commission deems just, equitable and proper.

Dated this 25th day of February 2021.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was emailed this 25th

day of February 2021 to:

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