Lisa Smith

From:	Office of Commissioner Passidomo
Sent:	Monday, January 31, 2022 8:08 AM
То:	Commissioner Correspondence
Subject:	FW: Application for certificate to provide wastewater service in Charlotte County, RE.
	Docket #20200226-SU
Attachments:	OPC issues with LGWU.pdf

Please place the attached in Docket No. 20200226.

Thank you!

From: Lynne Petersen <lynne@iaaonline.net> Sent: Sunday, January 30, 2022 6:37 PM To: Records Clerk <CLERK@PSC.STATE.FL.US> Cc: Office of Commissioner La Rosa <Commissioner.LaRosa@psc.state.fl.us>; Office of Commissioner Clark <Commissioner.Clark@psc.state.fl.us>; Office of Commissioner Passidomo <Commissioner.Passidomo@psc.state.fl.us> Subject: Application for certificate to provide wastewater service in Charlotte County, RE. Docket #20200226-SU

Dear Commission members,

I am a resident of Don Pedro Island residing at 43 Bayshore Circle. I have been following the application for certificate referenced above for the last year. I am requesting that you deny Environmental Utility's (EU) application to provide wastewater based on the following information:

In filings provided by EU, Jack Boyer sites his technical expertise comes from his experience as owner and operator of Little Gasparilla Water Utilities. Being a fairly new resident to the island and not being familiar with this utility since we live on Don Pedro Island, I looked into LGWU. In 2014, the utility requested and was granted a rate increase to replace the Utility's aging reverse osmosis water treatment plant (WTP) and begin purchasing bulk water from Charlotte County Utilities (CCU); (2) an extension of the Utility's service lines to the north end of the island to provide water service to 67 additional lots; (3) construction of a new building on the site of the retired reverse osmosis treatment plant, to serve as a workshop, storage facility, and office; and (4) a meter replacement program to replace the Utility's aging water meters with remote-read meters. I was astonished to find the issues that have occurred when this utility did the construction project. The only project that could be looked at for his expertise is not what I would consider a success. The project had significant cost overruns and significant delays. Jack Boyer, the owner, was cited for not having the proper contractor permits, illegal hookup to home by not having a plumbing license, failure to issue boil notices, and delinquent property taxes when applying for additional rate increases. Please see attachment for documentation. The amount of debt that LGWU has incurred since 2013 also shows the failure of the operator to have the fiscal responsibility needed to operate a utility. From 2013 to 2020 the long term debt on LGWU has increased by 259%. Loans from his related companies are secured at exceptionally high interest rates that increased from 2019 to 2020 to 10%. Other loans he has secured have interest rates as high as 11.99%. Overleveraging LGWU to get approved rate increases is something of a norm for the operator.

EU's does not have the financial ability to undergo such a large construction projector the utility which. In response to the Commission's request, EU provided its balance sheet and income statement as of October 19, 2021. These financial statements show that EU does not have any current revenue stream. In addition, the Company's liabilities exceed its

assets by 14 times, as of October 19, 2021. EU's ability to get a loan secured for this project would rely on working capital, which they do not have, or the ability to get a bank loan based on the future revenue projections which falls short by over \$4 million dollars.

I was in attendance when Jack Boyer presented information to the Palm Island Estates meeting. He said he believed the hook up cost to be around \$20K but he would look into getting federal grants to lower the hook up fees. When questioned further he could not give any further information on grants available. He frankly told the group the more we objected the more we would have to pay in legal fees. EU's estimated \$13K hookup fees are simply estimates. EU has not demonstrated actual costs to homeowners. What has been presented is an estimated cost from Giffels-Webster based on other projects they have done. Given the unique nature of this barrier island, an extensive engineering study should have been submitted with specific recommendations on which system would work the best and what is the best system to transport the wastewater back to the mainland and what the actual cost would be to each homeowner, and this has not occurred. I have no idea how you as a commission could determine if the proposed rates are fair and equitable. The information EU has provided does not allow for any pay overtime plan and this will be a hardship for many when you also considered the additional costs the homeowners will be responsible for such as electrical hook up, additional electrical panel if needed and costs associated with fences, hardscapes or landscape that will need to be removed for easements.

In looking through the docket I could not find where EU has done any testing to substantiate a need for service in this area. It appears he refers to the Charlotte County Master Plan to substantiate a need for service. I question what is the standard for need for service that is applied in this case. From my understanding, the role of the Florida Public Service Commission is to ensure that consumers receive essential services in a safe, affordable and reliable manner. Homeowners on this island are receiving wastewater services through the installation of septic systems which have not been found to be harming the environment. If EU were granted a certificate of service, it would not be affordable, nor based on his demonstrated past experience, would it be reliable.

Based on the information provided above, I respectfully request you deny Environmental Utilities request for application to provide waste water service. Thank you for your time and your service on the Commission.

Sincerely,

Lynne Petersen

This email was sent on behalf of the Indiana Apartment Association. It is intended exclusively for the individual or entity to which it is addressed. This communication, including any attachments or hyperlinks within it, may contain information that is confidential, proprietary, privileged or otherwise protected from disclosure. If you are not the named addressee and intended recipient of this email, you are not authorized to read. use, disclose, distribute, retain, copy, print, disseminate or relay this email in any way. If you have received this email in error, please notify the sender immediately by telephone or email and delete this email.

ANDY GARDINER

President of the Senate



J.R. Kelly Public Counsel

STATE OF FLORIDA OFFICE OF PUBLIC COUNSEL

C/O THE FLORIDA LEGISLATURE 111 WEST MADISON ST. ROOM 812 TALLAHASSEE, FLORIDA 32399-1400 1-800-342-0222

EMAIL: OPC_WEBSITE@LEG.STATE.FL.US WWW.FLORIDAOPC.GOV FILED FEB 08, 2016 DOCUMENT NO. 00771-16 FPSC - COMMISSION CLERK STEVE CRISAFULLI Speaker of the House of Representatives

February 8, 2016

Carlotta S. Stauffer, Director Office of Commission Clerk Florida Public Service Commission 2540 Shumard Oak Blvd. Tallahassee, FL 32399-0850

Re: Docket 130265 -- Application for staff-assisted rate case in Charlotte County by Little Gasparilla Water Utility, Inc.

Dear Ms. Stauffer:

Attached is a list of issues that the Office of Public Counsel has prepared to identify concerns we have with information discovered about Little Gasparilla Water Utility, Inc. We believe that these are critical issues that should be reviewed and addressed by staff before Phase II rates are implemented. If you should have any questions, please feel free to call or e-mail me.

Respectfully submitted,

s/ Danielle M. Roth

Danielle M. Roth Associate Public Counsel roth.danielle@leg.state.fl.us

 c: Division of Accounting & Finance (Bulecza-Banks, Mouring, Cicchetti, Golden, Vogel, & Brown) Division of Economics (Daniel, Hudson, & Bruce) Division of Engineering (King, Lewis, Vickery, & Buys) Office of the General Counsel (Murphy) Office of Auditing and Performance Analysis (Deamer) Little Gasparilla Water Utility, Inc. Diane Boyer, President P. O. Box 5159 Grove City, FL 34224-0159

Office of Public Counsel (Vandiver & Roth)

OPC Issues and Concerns Little Gasparilla Water Utility, Inc. 130265-WU

Unlicensed Plumbing

1. The Charlotte County Community Development Department was notified of a possible licensing violation by Mr. John (Jack) Redmond Boyer at 3 homes on Little Gasparilla Island:

8854 Bay Street 8808 Grand Avenue 8814 Grand Avenue

Mr. Boyer was said to be connecting meters to the houses without a plumbing license. Compliance officers inspected the homes and observed a newly installed water meter box and meter at each location. After inspecting the homes, Mr. Boyer was contacted and confirmed that he had connected the meters to the houses without a plumbing license.

On October 12, 2015, Mr. Boyer was served in person with the following citations for violation of Florida Statute 489.127(1)(f), for acting in the capacity of a contractor without being duly registered or certified. Mr. Boyer was fined \$1,000.00 for each said violation.

#4004 (Attachment A) #4006 (Attachment B) #4008 (Attachment C)

Non Permitted Water Connection

2. The Charlotte County Community Development Department was notified of a possible permit violation by Mr. John (Jack) Redmond Boyer at 3 homes on Little Gasparilla Island:

8854 Bay Street 8808 Grand Avenue 8814 Grand Avenue

Mr. Boyer was said to be connecting meters to the houses without obtaining a building permit as required by Charlotte County Code 3-2-27(A). Compliance officers inspected the homes and observed a newly installed water meter box and meter at each location. After inspecting the homes, Mr. Boyer was contacted and confirmed that he had connected the meters to the houses without a building permit.

On October 12, 2015, Mr. Boyer was served in person with the following citations for violation of Florida Statute 489.127(1)(h), for performing work for which a building permit is required without such building permit being in effect. Mr. Boyer was fined \$1,000.00 for each said violation.

#4005 (Attachment D) #4007 (Attachment E) #4009 (Attachment F)

OPC Issues and Concerns Little Gasparilla Water Utility, Inc. 130265-WU

Water Tariff

3. The Rules and Regulations portion of the Utility's Water tariff approved by the Public Service Commission provides:

All Customer's water service installations or changes shall be inspected upon completion by a competent authority to ensure that the Customer's piping, equipment, and devices have been installed in accordance with accepted standard practice and local laws and governmental regulations. Where municipal or other governmental inspection is required by local rules and ordinances, the Company cannot render water service until such inspection has been made and a formal notice of approval from the inspecting authority has been received by the Company.

As evidenced by the Charlotte County citations, we believe the utility is in violation of its tariff. While Charlotte County has cited the utility on three counts, we believe the Commission should investigate all new connections that have been completed since the PAA Order was issued to determine compliance with and adherence to the utility's tariff and other applicable laws and regulations. The Commission should require the utility to provide sufficient proof that it connected the new customers only after the service connections were inspected and a formal notice of approval was provided to the utility as required by the tariff.

Tangible Property Taxes

4. As of February 5, 2016, Little Gasparilla Water Utility, Inc. owes a total of \$23,212.68 in tangible property taxes to the Charlotte County Tax Collector (Attachment G). The utility owes \$9,254.94 from the 2013 tax year, \$11,017.93 from the 2014 tax year, and \$2,939.81 from the 2015 tax year.

Boil Water Notices

5. On or about January 26, 2016, Little Gasparilla Water Utility, Inc. shut off the water on the Island to repair a water break. According to the Department of Environmental Protection, total pressure loss should always result in a precautionary boil water notice to the utility's customers. However, we do not believe that a boil water notice was issued to the customers before or after the January 26, 2016 water shut off. In addition, we cannot find evidence that the utility provided notice to Charlotte County or the Florida Department of Environmental Protection.

Attachment A 4004 CHARLOTTE COUNTY Com-15-00910 COMMUNITY DEVELOPMENT LICENSING DIVISION **CODE ENFORCEMENT CITATION / LICENSING** The undersigned Code Compliance official certifiles that he/she has just and reasonable grounds to issue this citation on: TIME: AM PM DAY OF DAY YFAR 720 ACT TATE OF BIRTH RACE SE **NSE NUMBER OR OTHER ID:** DBWER'S LICE STATE ZIP342 OCCUPATION: EMPLOYER: Inho and that the undersigned Code Compliance Official has reasonable grounds to believe that the above person did lawfully commit the following offense or violation of the Charlotte County Code or Ordinance Florida Statute based on the following (DATE/TIME/FACTS): or E SECTION VIOLATED: APPLICABLE CIVIL PENALTY: ണ്. ത LOCATION OF VI ATTON: REPEAT VIOLATION 1st VIOLATION

THE VIOLATOR HAS THE OPTION TO:

- 1. Pay the civil penaity within thirty days of the Issuance of this citation at Charlotte County Community Development.
- Contest the citation by requesting a hearing before the Charlotte County Construction Industry Licensing Board <u>within 10 working days</u> of the issuance of this citation. You may be liable for the cost of the hearing if found guilty and be subject to the maximum civil penalty of \$2,500.

WILLFUL REFUSAL TO SIGN AND ACCEPT CITATION IS A MISDEMEANOR OF THE SECOND DEGREE, PUNISHABLE AS PROVIDED IN SECTION 775.082 OR 775.083 FLORIDA STATUTES. Your signature below does not constitute an admission of guilt. Date Signature Stelator Official Signature of Cody Complet nik Copy - Clerk (Licensing) nite Copy - Code Compliance Cleri Gold Copy - Code Compliance Official Yellow Copy - Violator

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Attachment D

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Attachment E

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Attachment F 4009 CHARLOTTE COUNTY Com - 15-00908 COMMUNITY DEVELOPMENT LICENSING DIVISION **CODE ENFORCEMENT CITATION / LICENSING** The undersigned Code Compliance official certifiles that he/she has just and reasonable grounds to issue this citation on; DAY OF WEEK YEAR TIME: MONTH DAY (AM PM 70 LAST STREE CIT Zip DATE OF BIRTH EPHONE NO RÁCE SEX 41/-21-55 へして DRIVER'S LICENSE NUMBER OR OTHER ID: STATE ZIES OCCUPATION: EMPLOYER: Inbla 9 and that the undersigned Code Compliance Official has reasonable grounds to believe that the above person did lawfully commit the following offense or violation of the Charlotte County Code or Ordinance Florida Statute based on the following (DATE/TIME/FACTS): 70 MANCL **VPPLICABLE CIVIL PENALTY:** N \overline{N} REPEAT VIOLATION 1st VIOI ATI THE VIOLATOR HAS THE OPTION TO: 1. Pay the civil penalty within thirty days of the issuance of this citation at Charlotte County Community Development. 2. Contest the citation by requesting a hearing before the Charlotte County Construction Industry Licensing Board within 10 working days of the issuance of this citation. You may be liable for the cost of the hearing if found guilty and be subject to the maximum civil penalty of \$2,500. WILLFUL REFUSAL TO SIGN AND ACCEPT CITATION IS A MISDEMEANOR OF THE SECOND DEGREE.

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Yollow Copy - Violator

Pink Copy - Clerk (Licensing) Gold Copy - Code Compliance Official

Attachment G



Accuracy of the information provided on this web site is not guaranteed for legal purposes. Changes may occur daily and to got the most current information, please contact The Tax Collector's Office.

Bill History — Tangible Property Account At 9370 LITTLE GASPARILLA ISLAND, REV CYC OSMOSIS PLANT			D Prathspor
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_ Get Bills by Email

Amounts as of 02/05/2016

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50.00	09/30/2013 08/30/2013 07/31/2013 06/30/2013 06/30/2013 04/30/2013 04/30/2013 04/30/2013 01/02/2013 Effective 12/31/2012 11/01/2012 10/01/2012 08/30/2012 08/30/2012 04/33/2012 04/33/2012 Effective 04/02/2012 Effective 04/02/2012	Paid \$500.00 Receipt #772-00303467 Paid \$500.00 Receipt #776-00302471 Paid \$500.00 Receipt #776-0030245 Paid \$500.00 Receipt #776-00302168 Paid \$500.00 Receipt #776-00301668 Paid \$500.00 Receipt #776-00301889 Paid \$500.00 Receipt #776-00301899 Paid \$364.69 Receipt #776-00301504 Paid \$364.69 Receipt #776-00301506 Paid \$364.69 Receipt #776-00301860 Paid \$364.69 Receipt #776-00000213 Paid \$364.69 Receipt #776-0000023 Paid \$364.69 Receipt #776-00001538 Paid \$364.69 Receipt #776-00001411 Paid \$364.69 Receipt #776-00001411 Paid \$364.69 Receipt #776-0001531 Paid \$364.69 Receipt #776-0001531	0	Print (PDF)
	\$11 017.93 \$9.254.94 \$0.00	Balance 52 939.81 Pay this bill: \$2,939 \$11 017.93 Pay this bill: \$11,01 \$9.254.94 Pay this bill: \$9,254 02/01/2015 11/30/2015 11/30/2015 11/30/2015 00/30/2015 00/30/2015 03/31/2015 03/03/2014 04/03/2014 04/03/2014 04/03/2014 04/03/2014 04/03/2014 04/03/2014 04/03/2014 04/03/2014 04/03/2014 04/03/2014 04/03/2014 04/03/2014 04/03/2014 04/03/2014 04/03/2013 05/06/2014 05/06/2014 05	S2:93.81 Pay this bill: \$2,939.01 \$11:017.93 Pay this bill: \$11,017.93 \$2:254.94 Pay this bill: \$12,9254.94 \$2:254.94 Pay this bill: \$2,9254.94 \$2:254.94 Pay this bill: \$2,9254.94 \$2:257.95 Paid \$1,000.00 Receipt #776-000.1787 \$1:107.0015 Paid \$1,000.00 Receipt #776-000.0784 \$2:257.95 Paid \$1,000.00 Receipt #776-000.0787 \$2:257.95 Paid \$1,000.00 Receipt #776-000.0787 \$2:257.95 Paid \$1,000.00 Receipt #773-0000.051 \$2:257.95 Paid \$1,000.00 Receipt #773-0000.051 \$2:257.95 Paid \$1,000.00 Receipt #773-0000.051 \$2:257.95 Paid \$1,000.00 Receipt #776-0000.2548 \$2:271.2017 Paid \$2:28.53 Receipt #776-0000.2749 \$2:271.2017 Paid \$2:28.53 Receipt #776	Balance S2 939.31 Pay this bill: \$2,939.81 Image: Control of the second

Http://www.chaslate.county-taxes.com/public/angl/sparcels/CNT-011266-9bills

		02/10/2012	Paid \$364.69 Receipt #773-C0003005			
		01/10/2012	Paid \$364.69 Receipt #772-00001588			
		12/08/2011	Paid \$354.69 Receipt #777-00002560			
		11/02/2011	Paid \$364.69 Receipt #772-00000104			
		10/04/2011	Paid \$354.59 Receipt #772-0000017			
		D9/08/2011	Paid \$364.69 Receipt #777-60008072			
		05/08/2011	Paid \$364.69 Receipt #897-60600167			
		07/05/2011	Paid \$354.69 Receipt #777-C0007623			
		06/15/2011	Paid \$364 69 Receipt #773-0005574			
2009 Annual Bill	\$0 OU	10/15/2010	Paid \$12,564 48 Receipt #773-00600164	ø	Print (PDF)	
2008 Annual Bill	\$0.00	02/09/2010	Paid \$11,663 18 Receipt #2009-7010419	Ø	Print (PDF)	
2007 Annual Bill	\$0.00	05:01/2008 Effective 04/30/2008	Paid \$10,964 37 Receipt #2037-7020392	0	Print (PDF)	
2006 Annual Bill	\$0.00	05/31/2007	Paid \$11,603 53 Receipt #2006-2028224	Ø	Print (PDF)	
2005 Annual B:0	\$0.00	01/09/2006 Effective 12/31/2005	Paid \$15,681.24 Receipt #2005-70:7558	ë	Print (PDF)	
2004 Annual Bill	\$0.00	12/05/2004	Paid \$14,327.50 Receipt #2004-8047025	ø	Print (PDF)	
2003 Annual Bill	\$0.00	03/31/2004	Paid \$9,591.37 Receipt #2003-7029624	ø	Print (PDF)	
2002 Annual Bill	\$0.00	05/01/2003 Effective 04/39/2003	Paid \$10,131 42 Receipt #2002-7034456	٥	Print (PDF)	
2001 Annual Bill	\$0.00	03/22/2002	Paid \$12,139.12 Receipt #2001-9173690	۵	Print (POF)	
2000 Annual Bill	50.00	01/04/2005 Effective 12/31/2004	Paid \$1,210,10 Receipt #2004-7009154	ø	Print (PDF)	
		11/29/2004	Paid \$1,103 00 Receipt #2004-7003513			
		10/29/2004	Paid \$1,100.00 Receipt #2004-7000761			
		00/24/2004	Paid \$1,100 00 Receipt #2003-7043387			
		08:09/2004 Effective 07/31/2004	Paid \$1,100.00 Receipt #2003-7041444			
		07/27/2004	Paid \$1,100 00 Receipt #2003-7041030			
		05/01/2004	Paid \$1,100.00 Receipt #2003-7037303			
		05/04/2004	Paid \$1,100 00 Receipt #2003-7035052			
		04 105/2004	Paid \$1,100 CO Receipt #2003-7031733			
		03/31/2004	Paid \$129.50 Receipt #2003-7029624			
		05/23/2004 Effective 01/30/2004	Paid \$1,100.00 Receipt #2003-7039197			
		05/31/2002	Paid \$1,100.00 Receipt #2001-7001368			
		84/38/2032	Paid \$1,100.00 Receipt #2001-5317678			
		04/05/2002	Paid \$1,103.00 Receipt #2001-0117430			
Total Balance	\$23,212.68					
		Day all: \$27.242	<u>aa</u>			

Pay all: \$23,212.66

Amounts as of 02/05/2015

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