

State of Florida



Public Service Commission

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TALLAHASSEE, FLORIDA 32399-0850

-M-E-M-O-R-A-N-D-U-M-

CORRESPONDENCE
4/4/2025
DOCUMENT NO. 02610-2025

DATE: April 4, 2025

TO: Adam Teitzman, Commission Clerk

FROM: Ryan Sandy, Senior Attorney *RPS*

RE: Docket No. 20240068-WS - Application for increase in water and wastewater rates in Charlotte, Highlands, Lake, Lee, Marion, Orange, Pasco, Pinellas, Polk, and Seminole Counties, by Sunshine Water Services Company.

Please place the attached e-mail correspondence from Robin Rodriguez in the above referenced docket file on the Correspondence side.

Thank you.

RPS

From: Sean Sandy
To: Chasity Vawter, Jennifer Crawford, Sand Farooqi
Subject: Fwd: Urgent Need for Infrastructure Inspection and Remediation - Shadowbay Club, Longwood, FL - Sunshine Water Group (Nexus Water Group)
Date: Thursday, April 3, 2025 9:31:05 PM
Attachments: mac0001.png

Chasity,

Please add to the correspondence section of Docket 20240068 at your convenience.

- Rynn

Begin forwarded message:

From: Sean Twomey <Sean.Twomey@nexuswg.com>
Date: April 3, 2025 at 4:40:43 PM EDT
To: Robin R <shadowbayrobin@gmail.com>, Rob MacLean <Rob.MacLean@nexuswg.com>
Cc: asktheceo@nexuswg.com, Steve M Lubertozi <Steve.Lubertozi@nexuswg.com>, Alison Zimlich <Alison.Zimlich@nexuswg.com>, Jim Devine <jimdevine@uiwater.com>, shawn.elicegui@corix.com, jimdevine@regiment.org, Shadowbay Club <shadowbayclubhoa@gmail.com>, Ponce Octavio <leg.state.fl.us>, Ryan Sandy <RSandy@psc.state.fl.us>, Sand Farooqi <SFarooqi@psc.state.fl.us>, trierweiler.wah@leg.state.fl.us, Charles Rehwinkel <rehwinkel.charles@leg.state.fl.us>, watrous.austin@leg.state.fl.us
Subject: RE: Urgent Need for Infrastructure Inspection and Remediation - Shadowbay Club, Longwood, FL - Sunshine Water Group (Nexus Water Group)

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Afternoon Robin,
Thanks for taking my call, as discussed, we will review the areas of concern and meet onsite to discuss later this month.
Regards,
Sean

Sean Twomey
M 407.312.1815

From: Robin R <shadowbayrobin@gmail.com>
Sent: Wednesday, April 2, 2025 11:11 AM
To: Rob MacLean <Rob.MacLean@nexuswg.com>
Cc: asktheceo@nexuswg.com, Steve M Lubertozi <Steve.Lubertozi@nexuswg.com>, Alison Zimlich <Alison.Zimlich@nexuswg.com>, Jim Devine <jimdevine@uiwater.com>, shawn.elicegui@corix.com, jimdevine@regiment.org, Shadowbay Club <shadowbayclubhoa@gmail.com>, Ponce Octavio <leg.state.fl.us>, rsandy@psc.state.fl.us, sfarooqi@psc.state.fl.us, trierweiler.wah@leg.state.fl.us, rehwinkel.charles@leg.state.fl.us, watrous.austin@leg.state.fl.us, Sean Twomey <Sean.Twomey@nexuswg.com>
Subject: Re: Urgent Need for Infrastructure Inspection and Remediation - Shadowbay Club, Longwood, FL - Sunshine Water Group (Nexus Water Group)

Some people who received this message don't often get email from shadowbayrobin@gmail.com. Learn why this is important

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Mr MacLean,

Thank you for your email.

Yes, we will be happy to have you as a guest at our board meeting the next time you are in Central Florida. If your assistant will reach out to me I'm happy to coordinate the meeting date and time with them. If needed we will change our board meeting schedule to accommodate your travel. We, the homeowners' association board of directors, cannot meet as a quorum without noticing a meeting which all members are free to attend. We need to give our members a minimum of 48 hours notice along with a detailed agenda per Florida Statutes 720. We would appreciate as much lead time as possible. If we cannot meet the time and notice requirement, we cannot hold the meeting.

Mr. Twomey is well aware of the issues we have in our community. His oversight is inadequate. His budget for infrastructure repairs is woefully inadequate - especially considering all those shiny new developments that are getting all of Sunshine's attention these days. That and some barrier areas along the Florida coast.

More specifically, Nexus pushing these infrastructure maintenance and repair decisions down to its subsidiary company in this case is inadequate. We are in need of, as I stated in my email last night, a Nexus representative with the operational and budgetary authority to bring in good contractors to comprehensively assess Sunshine's infrastructure with the appropriate equipment (not just flashlights and shovels!), and quickly authorize and begin repair/replacement/upgrading work, and then sign the figurative checks for that work.

I've seen Sunshine's financials. I've examined what is in the increases the Florida Commission is voting on during the May 6, 2025, meeting. I've already submitted my public comment expressing exactly how I feel about the line items in the increase, and my opinion regarding a Canadian investment firm making decisions about Florida's water supply. I can promise I'm not the only one with these concerns especially since so far we have seen exactly zero return on investment and have benefited not one iota from BCI's extensive expertise in best practices.

Sunshine Water Services is more than a way for Nexus to siphon money up to BCI investors. I've seen the same pattern everywhere Nexus is - California, Arizona, New Jersey, and on and on. I have no desire to interfere with what is clearly working for Nexus. But, Nexus is the controlling interest in a company that purchased a utility with a long history in my community. It is a trustee of Florida's water supply essentially. How does it not bother you that attorneys working for the state of Florida conclude Sunshine is the worst utility company in recent memory? It's not their opinion or a state of mind - it is 100% factual. Nevertheless, I'm invested here, and have walked through fire for my community. Walking through water will not be any different. I'm not going away. My community's needs are not going away. At least, not without your direct intervention by helping our community with its aging infrastructure.

Thank you for your time. I hope you will reconsider and intervene more directly for Shadowbay Club.

Sincerely,
Robin R.
Shadowbay Club HOA

On Wed, Apr 2, 2025 at 10:38 Rob MacLean <Rob.MacLean@nexuswg.com> wrote:

Good morning Ms. Rodriguez:

I wanted to let you know that we received your note below. I'm copying in Sean Twomey, President of Sunshine Water Services. Sean is a capable leader and he will connect with you to dialogue on the issues you have raised. As CEO of Sunshine's parent company, I will continue to support Sean in providing safe and reliable service to your community. If you are interested, I am happy to arrange with Sean to visit with you and/or you and the board during my next visit to the Orlando area. Best wishes,

Rob MacLean
Chief Executive Officer
Nexus Water Group
P (281) 207-5883



We've got this!

NEXUS
WATER GROUP™

From: Robin R <shadowbayrobin@gmail.com>
Sent: Tuesday, April 1, 2025 9:57 PM
To: asktheceo@nexuswg.com <asktheceo@nexuswg.com>, Steve M Lubertozi <Steve.Lubertozi@nexuswg.com>, Alison Zimlich <Alison.Zimlich@nexuswg.com>, Jim Devine <jimdevine@uiwater.com>, Jim Devine <jimdevine@uiwater.com>

shawn.elicegui@corix.com <shawn.elicegui@corix.com>; jmdevine@regiment.org <jmdevine@regiment.org>; Rob MacLean <Rob.MacLean@nexuswg.com>
Cc: Shadowbay Club <shadowbayclubhwa@gmail.com>; PonceOctavio@leg.state.fl.us <PonceOctavio@leg.state.fl.us>; sandy@psc.state.fl.us <sandy@psc.state.fl.us>; farooqi@psc.state.fl.us <farooqi@psc.state.fl.us>;
trierweiler.walt@leg.state.fl.us <trierweiler.walt@leg.state.fl.us>; rehwinkelcharles@leg.state.fl.us <rehwinkelcharles@leg.state.fl.us>; watrous.austin@leg.state.fl.us <watrous.austin@leg.state.fl.us>
Subject: Urgent Need for Infrastructure Inspection and Remediation - Shadowbay Club, Longwood, FL - Sunshine Water Group (Nexus Water Group)

You don't often get email from shadowbayrobin@gmail.com. [Learn why this is important](#)

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This email is addressed to:

1. Rob MacLean, Chief Executive Officer, Nexus Water Group, Inc.
2. Jim Devine, Chief Enterprise Services Officer, Nexus Water Group, Inc.
3. Alison Zimlich, Chief Financial Officer, Nexus Water Group, Inc.
4. Shawn Elicequi, Chief Legal Officer, Nexus Water Group, Inc.
5. Steve Lubertozzi, Senior Vice President of Rates, Regulatory and Legislative Affairs, Nexus Water Group, Inc.

With CC and plea for help to:

1. Walt Trierweiler, Public Counsel, Attorney for the Citizens of the State of Florida
2. Charles Rehwinkel, Deputy Public Counsel, Attorney for the Citizens of the State of Florida
3. Austin A. Watrous, Associate Public Counsel, Attorney for the Citizens of the State of Florida
4. Octavio Simoes-Ponce, Associate Public Counsel, Attorney for the Citizens of the State of Florida
5. Ryan Sandi, Office of General Counsel, Florida Public Service Commission
6. Saad Farooqi, Office of General Counsel, Florida Public Service Commission

Nexus Water Group Executives,

This letter serves as a formal and urgent demand for immediate action regarding the critical infrastructure failures within the Shadowbay Club community in Longwood, Florida, serviced by Sunshine Water Services, which is a subsidiary of Nexus Water Group, Inc. We are writing to you as the first controlling entity in a long line of controlling entities and investors, to address the systemic negligence and malfeasance that Sunshine Water Group has demonstrated. If we do not get resolution from you, we will continue to go up the chain of investors in Sunshine Water Services who have utterly failed the customers of Sunshine Water Services. Someone at some point will care. I'm hoping it will be someone on this email.

Our community is experiencing infrastructure failures in multiple locations in the community, including driveways and ground collapsing near sewer manholes. The local Sunshine Water Group leadership has demonstrated what appears to be in our opinion an intent to avoid liability. They send contractors out who "inspect" the areas and either authorize subpar repairs that necessitate multiple trips to the community to perform the same work/fixes, or outright deny that Sunshine Water Services' facilities are responsible for the collapsing even as the collapses are right next to Sunshine facilities. You need not take my word for it - Sunshine's own "service" and "maintenance" records will substantiate the repeated visits over the past 2 years with little resolution to speak of.

Sunshine Water Services and Nexus Water Group, Inc.'s records are appalling in our geographical area. The public record is filled with documentation that Sunshine and Nexus have consistently ignored necessary infrastructure maintenance, while spending substantial resources on wasteful projects and defending its corporations against a ridiculous **657 Florida Department of Environmental Protection (FDEP) violations, including a referral for criminal charges**. This pattern of disregard for customers is unacceptable, and, at least in Shadowbay Club, poses a threat to the safety and well-being of our residents. We have tried for some time to work with local Sunshine Water Group leaders. What we experienced was months and months of being ignored; another utility having to send crews out to fix what Sunshine contractors broke (and pursue reimbursement through a utilities insurance claims company because expecting Sunshine to take responsibility for its own contractors' actions is apparently a fool's errand); and we are told that ground and driveways caving in is not an emergency.

Here are Shadowbay Club's findings: the expenditure of **\$20 million on unneeded AMI meters is reprehensible** in light of our failing infrastructure and residents' calls which are largely ignored for as long as possible. The financial and operational decisions Sunshine and Nexus are making suggests a prioritization of remote data collection over essential system maintenance. One could suggest that the move to AMI meters was actually a move away from meter readers - those team members who put in work orders regarding infrastructure problems they see out in the field. No meter readers means no inconvenient notifications by company team members of observed infrastructure issues, and that means less reporting metrics to disenfranchise regulators and alienate investors. In my opinion, this belongs to the list of unacceptable actions Sunshine and Nexus have taken.

We need Sunshine and Nexus to throw some serious time and money into fixing our community's sewer and stormwater infrastructure. It's way overdue. Our community has existed since 1983 and these facilities have a finite lifespan. We have divots in the asphalt, washout in driveways, and washout in the ground on all streets and greenspaces in our community - the issue is widespread in the sense that it is located in places all over the community. To that end, we need and demand Sunshine and Nexus take actions to diagnose and fix ALL the issues with the facilities, not just the ones with visible wreckage. My research indicates that, at a minimum, Sunshine and Nexus can and should do the following:

1. Comprehensive Infrastructure Inspection: A deep, thorough, and legitimate inspection of our water and wastewater systems, encompassing all aspects of testing, including but not limited to:
 1. Potable Water Testing: Chemical analysis (including heavy metals, organic compounds, and disinfection byproducts), microbiological analysis (including bacteria, viruses, and parasites), and physical characteristics (turbidity, color, and odor).
 2. Wastewater System Testing: Biological Oxygen Demand (BOD), Chemical Oxygen Demand (COD), Total Suspended Solids (TSS), nutrient levels (nitrogen and phosphorus), fecal coliform/E. coli counts, and heavy metal analysis.
 3. Structural Integrity Assessment: Comprehensive evaluation of all pipes, manholes, lift stations, and treatment facilities, including CCTV inspections, pressure testing, and soil stability analysis.
 4. Ground Penetrating Radar (GPR) scans: to locate and determine the condition of buried pipes and structures.
 5. Leak Detection Surveys: Acoustic and tracer dye testing to locate leaks in both water and wastewater lines.
2. Prompt Reporting of Findings: A detailed report of the inspection findings provided to the Shadowbay Club community.
3. Clear Schedule for Repairs and Upgrades: A detailed and actionable schedule for all necessary repairs and upgrades to our water and wastewater systems must be provided with all due urgency according to our definition, not yours. This schedule must include specific timelines and milestones.
4. Moratorium on Non-Essential Spending: cease all non-essential spending of customers' money until the critical infrastructure issues in Shadowbay Club and other communities like ours are addressed.

If doing the right thing for the sake of it is not incentive enough to help us in Shadowbay Club, may I suggest one more incentive. Shadowbay Club residents are adept advocates of themselves and the community. We are skilled in engaging with local politicians, leveraging media contacts and giving interviews, and launching social media campaigns. From my research, Nexus and its layers of companies have left a trail of unhappy state regulators and angry customers everywhere it moves in. It won't be hard for Shadowbay Club residents to align with other unhappy customers and communities, and we will make ourselves available for rate increase hearings to ensure Sunshine customers are well known to Florida's regulators.

Mr. Lubertozzi, in documents filed with the state of Florida June 2024, you gave written testimony to the Florida Public Service Utilities Commission in which you stated, "SWS will continue to have access to the capital needed to make the investments necessary to provide reliable service to its customers." You repeatedly make this promise to various other states. If you actually meant it at any point in time, then we implore you to begin those investments in Shadowbay Club in Longwood, Florida. We need and, with respect, demand at this point, that Nexus Water Group, Inc. send representatives with the operational and budgetary authority to shepherd through testing, replacing, repairing, and upgrading our community's infrastructure.

After much research into public records in Florida and other states, after which I came away thoroughly disgusted, the kindest opinion I found was one from the Florida Office of Public Counsel in documents filed March 2025. The document stated in part, "The deliberate substitution of expensive AMI meters...in the place of much needed wastewater system upgrades to address over 657 recent Department of Environmental Protection ("DEP") violations which include a criminal referral, makes Sunshine a contender for worst performing Investor-Owned Utility in Florida in recent memory. Sunshine's performance is so bad that its own president admits that mismanagement occurred. While its long-suffering customers endure the Company's brash indifference and as affordability concerns increase at an alarming rate, Sunshine has fast-tracked the installation of an unnecessary \$20 million project that fails to address recurring sewage spills."

What a shameful legacy from individuals such as yourselves, with such esteemed pedigrees and backgrounds in capital improvements, best practices in utilities engineering, and investment in utilities infrastructure that gives you access to the most efficient and modern utilities infrastructures in the world. We hope you read this and remember why you got into your fields in the first place. Surely when you started out, there must have been some part of you that wanted to make a difference and not just collect ridiculously high salaries and make deals with developers and venture capitalists.

We implore the Florida Public Service Utilities Commission and the Florida Office of Public Counsel to be a presence during inspections and facility upgrades that Sunshine and/or Nexus undertake, whether in Shadowbay Club or anywhere else. Sunshine and Nexus require active oversight as they do not seem to prioritize regulatory mandates and ignore basic infrastructure and water quality standards set by the government. Many, many states are unhappy with Nexus companies. My phone number is listed below, and I am happy to discuss any and all of this with you by phone or email at any time. I have blind copied several of our community's concerned residents on this email in order to encourage our residents to share their experiences and concerns with people beyond the voices at the end of Sunshine's "customer service" line. However, due to Florida laws governing homeowners' associations, I am not able to openly copy residents. Thank you in advance for any assistance you can provide us and the thousands of Sunshine Water Services customers in Longwood, Florida.

Attachments list is below my signature block.

Sincerely,
Robin Rodriguez
Board Director
Shadowbay Club Homeowners Association, Inc.
Phone Number: 352-414-0771

Attachments:

1. Shadowbay Unit Two Plat
2. Shadowbay Unit Two Phase II Plat
3. Pictures Taken Today (April 1, 2025) of Driveway Washout Along Sunshine Water Services Infrastructure Lines
4. Email Response Dated March 21, 2025, from Bobby Tedder at Sunshine Water Services to Robin Rodriguez Advising the Washout in Other Community Areas Is Not Sunshine Water Services' Responsibility
5. Emails from Robin Rodriguez Dated March 15, 2025 with Copies of October 2024 Emails Requesting Sunshine Water Services Inspect Their Infrastructure and Repair It
6. Post-Hearing Brief of the Florida Office of Public Counsel Filed March 14, 2025, Document No. 01800-2025
7. Direct Testimony of Steven M. Lubertozzi on behalf of Sunshine Water Services Company Filed June 28, 2024, Document No. 07036-2024