

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

RE: Application for certificate)
to provide wastewater service) DOCKET NO. 20200226-SU
in Charlotte County)
by Environmental Utilities, LLC)

**MOTION TO DISMISS THE APPLICATION OR ALTERNATIVELY TO HOLD
THIS MATTER IN ABEYANCE UNTIL THE APPLICANT SERVES PROPER
NOTICES AND COPIES OF THE APPLICATION ON ALL PROPERTY
OWNERS**

COMES NOW GUY L HURST, pro se, and moves to have the application dismissed and stricken from the docket. Alternatively the undersigned moves for an order holding this matter in abeyance and require proper and adequate notices be served on all property owners for the following reasons:

1. Those residents and those owning real property on Little Gasparilla Island (hereafter "LGI") have a physical address (oddly with a zip code). There is, in fact, no actual mail delivery to those physical addresses whatsoever. The Commission should take judicial notice that all mail goes elsewhere and is not delivered anywhere on the island.

Thus, all mail must be picked up on the mainland by residents and owners.

Unsurprisingly and for that very reason alone mail is rarely picked up. (There are services that scan and email your mail for a fee, but I know of no use of such services by residence.) Therefore, it is not uncommon for mail to languish for months before it comes into the possession of an LGI recipient. The

Commission can also take judicial notice that the Post Office had to adopt a rule that closes your PO box at Placida if you don't go pick up mail often enough. (The undersigned gets his mail fairly often, admittedly because the mail arrives at his mother's house in Englewood, FL and sons do visit moms even during pandemics.) For most people picking up mail is that rather random and unpleasant act that turns out to be the tossing all the junk mail in the trash while looking for some mail that might be expected. LGI has no governmental trash pickup service, so anything looking like junk mail does not make it back to the island. On LGI each person is responsibly for taking their own trash off the island. Accordingly, service by "junk" mail for any resident or owner on LGI is not an effective way of providing actual notice of anything.

2. The unsigned notice in this instant case, which was allegedly sent out just before Christmas, clearly does not comply with agency rules. (The undersigned did not get his "notice" until his January 4th doctors appointment and his co-owner and spouse is still waiting for her notice.) The Rules requires a notice by "regular" mail. "(b) By regular mail or personal service to each customer and owner of property located within the existing service area and the service area to be served, extended, deleted or transferred" Rule 25-30.030, F.A.C. The applicant's "notice" was sent as junk mail, which will and should normally be thrown in the recycling barrels. Attached is the notice received at mom's house. It is not post-marked, not signed and appears to be just another mass mailing of some unknown advertiser with some unknown advertising. It looked like just another one of those free-meal traps to buy burial services or a condo. It provides no physical address, just a post office box in Placida, which is

just an unincorporated area with a post office, and showing that it was mailed from “PRST STD US POSTAGE PAID MANASOTA FL PERMIT #785”, whatever that might mean. The notice seems to have been meant to look like junk mail and not meant to be a legal document. It clearly is not letting one know that one just got sued in an administrative agency of the State of Florida.

3. If by some reason one was bored sufficiently with one’s life that day and decided to take the time to tear open the twice-taped tri-fold mass-mailing single piece of paper, one finds on the back side of that paper is the purported “notice”, which does not comply with the rules. There is no caption and does not clearly inform the reader that there is a legal matter pending before the Florida Public Service Commission and that you may be a party. There is not a certificate of service and it is not signed by anyone. It is quite unclear and gives the impression it was meant to be uninformative. It looks and feels like a scam. One expects it to ask for your social security number so you can help another Nigerian get his money. Only when one suffers through and smashes down through the legalese at some point it kinda tells you that you can object to some secret application by sending something to some clerk in Tallahassee. It never really tells you what you can do. For most readers this is simply path through this pile of legal gibberish and may be just be a scam to get your personal information and suck your bank account dry.

4. There is nothing in this “notice” informing you that your real property rights are now in jeopardy or that a for-profit corporation is wanting to take some of your property rights away from you for their own personal benefit.

5. Further the actual application was not even served on all on any interested parties. Some owners got the tri-fold piece of junk mail. The rest got nothing. The for-profit corporation also filed a motion to “bifurcate” even before notice was supposedly served on the parties. Its motion to keep everything secret was not served at all to any owners. Sadly, that motion was actually heard prior to the date the junk-mail notice told us we had to do anything. That is a clear violation of due process. (Thankfully the motion to bifurcate was denied.) Alas, not everyone has the internet, especially on LGI where the internet is often described simply as somewhere between too expensive and pure awful. That is why this place is beloved by many as that place to escape the hubbub of the mainland. So without mail or internet you are not likely to be on notice that a for-profit limited liability corporation of which you have never heard, is suing you in an administrative agency 300 plus miles away in Tallahassee and trying to take your property rights away.

6. This for-profit corporation must be required to serve a copy of its application and a proper notice by normal regular mail. Due process cannot look like this. There are people on limited and fixed incomes (including me) that should not suffer a crass diminution of their income by the pandering of a state agency to the money desires of a for-profit corporation. There is no rational need, no public need, for a for-profit corporation to make profits off a public sewer system. Public sewers systems should be run by and for the public, not secreted behind the secret acts of for-profit limited-liability corporation. If we must someday join the Charlotte County’s public sewer system, we don’t need a for-profit corporation making it more costly than absolutely necessary.

7. Unless the for-profit corporate applicant can show actual service of process, the parties that are having their property rights taken should be allowed at least 90 days to answer and object. Living on the island with no mail and no bridge and limited internet is the definition of "island time". It is also the reason that there is no need to rush this huge change onto us at the whims of some for-profit corporation. This island has been occupied for centuries. Today, all of us have septic systems and many of us have new (and very expensive) 20 year county approved and permitted septic systems. I see nothing in the papers where this little for-profit corporation is going to pay us to take our septic systems away. One cannot take a citizen property without due process and paying each of us the fair market value of our systems.

8. As noted, the co-owner of my property was not served at all. Anecdotally, it appears that "notice" was not sent to each and every owner, just some owners. All owners should be notified, not just the ones whose name came up first.

9. Property owners have substantive and procedural due process rights and those rights are ill-protected by using a junk mail notice scheme.

10. Further, the application, on its face, is woefully incomplete. Rule 25-30.033 Application for Original Certificate of Authorization and Initial Rates and Charges., F.A.C. Further, it does not state any costs or tariffs and seeks to have costs kept secret until after the approval --- sometime in the first quarter of 2022. That is clearly a denial of due process. This incomplete and incompetent application foreshadows how bad the service may be from this for-profit corporation that has no experience in the sewer business. This matter should be dismissed until such time as a proper and complete application and notice may

be filed and served. Citizens should not have to expend time, money and energy to fight a facially incomplete and woefully unprofessional application that should have never been officially filed. (The Commission staff should have not approved this filing and it should have remained stale and dormant.) The for-profit corporation may refile if and when it can act like it knows what it is doing. Once it can comply with the rules, then we can look to see if any of this is a good idea for the citizens of Florida.

WHEREAS, prayer is made that an order issued dismissing this application in stanter - (without prejudice for refiling). Alternatively, all matters should be held in abeyance for not less than 90 days after the for-profit corporation makes proper service of and serves proper notices and a copy of a new application that follows the rules to every owner. Every owner should have actual notice and a chance to be informed. Junk mail is not service and should be banned. Facially errant applications should be dismissed. If this for-profit corporation want us as customers, it has to earn it. It has not.

Respectfully submitted,

s Guy L Hurst

Guy L. Hurst, pro se
8394 Little Gasparilla Island
Placida, FL 33946
Mailing address:
7153 Regina Dr
Englewood, FL 34224
retiringtoecuador@gmail.com
720-569-9315

Certificate of Service

I certify that the above was electronically filed with the Florida Public Service Commission this ____ 17th _____ day of _____ January _____, 2021. I also emailed Brad E. Kelsky, Esq., attorney for Cape Haze Property Owners Association, Inc. at bradkelsk@kelsklaw.com and Martin S. Friedman, Attorney for EU, LLC at mfriedman@deanmead.com.

____/s/ Guy Hurst _____
Guy L. Hurst, pro se

Environmental Utilities, LLC
PO Box 7
Placida, FL 33946

PRST STD
US POSTAGE PAID
MANASOTA FL
PERMIT #765



*****AUTO**ALL FOR AADC 342

Hurst Guy L
7153 Regina Dr
Englewood, FL 34224-7952

**NOTICE OF APPLICATION FOR ORIGINAL CERTIFICATE OF
AUTHORIZATION AND INITIAL RATES AND CHARGES
FOR WASTEWATER SERVICE**

Docket No. 20200226-SU - Application for certificate to provide wastewater service in Charlotte County by Environmental Utilities, LLC.

Notice is hereby given on the 17th day of December, 2020, pursuant to Section 367.045, Florida Statutes, and Section 25-30.030, Florida Administrative Code, of the Application for Original Wastewater Certificate in Charlotte County by Environmental Utilities, LLC. The Certificate will authorize Environmental Utilities, LLC. to provide wastewater service in Sections 28, 29, 32 and 33, Township 41 South, Range 20 East, in Sections 3, 4, 10, 15, 16, 21, 22 and 27 in Township 42 South, Range 20 East, which consists of the barrier islands of Little Gasparilla Island, Don Pedro Island, and Knight Island, and in Sections 2, 3, and 11 in Township 42 South, Range 20 East, and Section 34 in Township 41 South, Range 20 East, which consists of Cape Haze on the mainland, all in Charlotte County. This legal description has been simplified and to obtain a copy of the exact legal description please contact Martin Friedman at 407-310-2077 or mfriedman@deanmead.com.

Any objections to the Application must be made in writing and filed with the Commission Clerk, Office of Commission Clerk, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, no later than 30 days from the date of this Notice, with a copy to Martin S. Friedman, Esquire, Dean Mead, 420 S. Orange Ave., Suite 700, Orlando, Florida 32801. The objection must state the grounds for the objection with particularity.

Environmental Utilities, LLC.
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