

Lisa Smith

From: Office of Commissioner Passidomo
Sent: Tuesday, January 18, 2022 9:29 AM
To: Commissioner Correspondence
Subject: Docket No. 20200226
Attachments: Central Sewer System; EU application for wastewater service docket #20200226-SU; Docket #20200226-SU; Docket #20200226-SU - Objection to Proposal - PSC to deny the Application for Original Certificate of Authorization for this proposed central sewer system; Object to the proposal and ask the PSC to deny the Application for Original Certificate of Authorization for this proposed central sewer system. ; Docket #20200226-SU; Docket #20200226-SU; Environmental Utilities Application for Controlling Wastewater on Bridgeless Barrier Islands. Docket #20200226; Docket #20200226-SU; Fwd Environmental Utilities Application for Controlling Wastewater on Bridgeless Barrier Islands. Docket #20200226; Docket 20200226-SU; Docket #20200226-SU - Knight - Don Pedro Island EU Application for Original Certificate of Authorization; Fwd Docket 20200226-SU

Please place the attached in Docket No. 20200226.

Thank you!

Lisa Smith

From: eap <eileenap@gmail.com>
Sent: Monday, January 17, 2022 9:52 AM
To: Office of Commissioner Passidomo
Subject: Central Sewer System

Follow Up Flag: Flag for follow up
Flag Status: Flagged

I am writing this letter to strongly object to the proposal of a central water system on Palm Island. I am asking you to please deny the Application for Original Certification of Authorization. Thank you for your concern.

Eileen Pyle
42 Palm Dr
Placida, FL. 33946

mailing address:
8725 Placida Rd
Ste 7-102
Placida, FL 33956

Lisa Smith

From: Kathysickles <kathysickles@optonline.net>
Sent: Monday, January 17, 2022 10:47 AM
To: Records Clerk; Office of Commissioner La Rosa; Office of Commissioner Clark; Office of Commissioner Passidomo
Subject: EU application for wastewater service docket #20200226-SU

Follow Up Flag: Flag for follow up
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My name is Kathleen Sickles and I am the owner of property on Don Pedro Island,
130 Kettle Harbor Drive.

I am formally requesting that the PSC deny EU's application for wastewater service For the following reasons:

-The potential expenses to homeowners on the island verses those in the county on the mainland -The unknown expenses for the project -Being retired, this will be a financial burden in all areas of development -The expertise of EU is questionable -Environmental concerns

Please consider the above
Thank you,

Kathleen Sickles
Kathysickles@optonline.net

Sent from my iPad

Lisa Smith

From: Accon Marine <erica@acconmarine.com>
Sent: Monday, January 17, 2022 10:56 AM
To: Office of Commissioner Passidomo
Subject: Docket #20200226-SU

Follow Up Flag: Flag for follow up
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Dear Commissioner Passidomo,

As a homeowner on Palm Island, I am writing to you to formally request that the PSC deny EU's application for wastewater service on the island. The main reason for our opposition is that it will not be optional for homeowners to hook up to the sewer, causing homeowners tens of thousands of dollars in mandatory costs. This includes a massive hook-up fee, as well as fees for an electrician to come hook everything up. In addition, salt air takes a heavy toll on mechanical and electrical equipment here. Equipment will need replacing when it fails, possibly at 5-year intervals. This proposal places too much responsibility on the homeowner at too great a cost. Our home has a brand new septic tank that we just had installed, at a very large cost. We prefer to stay on septic.

Also, the power goes out quite frequently on the island, and it is our understanding that the sewer grinder pump will not be able to function for very long without power, which could cause sewage backups.

We are also concerned that with the addition of sewer, developers will come in and ruin the quaint little island we all know and love. We have enough Clearwater/Miami/Daytona/Panama City beaches in Florida. Please help us keep the "old Florida" vibe on the island that we all know and love.

Best Regards,
Erica Ring

470 N Gulf
Placida, FL

Lisa Smith

From: Brian Fredley <bfredley@bpfdesign.com>
Sent: Monday, January 17, 2022 11:54 AM
To: Office of Commissioner Passidomo
Subject: Docket #20200226-SU - Objection to Proposal - PSC to deny the Application for Original Certificate of Authorization for this proposed central sewer system

Follow Up Flag: Flag for follow up
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Commissioner Passidomo,

Hope you are well,

I am the property owner at 311 Bocilla Drive located on Bocilla or Don Pedro Island in Charlotte County, FL.

I also am the CEO of a Florida Architecture Firm for the last 25 years and clearly understand the application being proposed by Environment Utilities, LLC. For a centralized wastewater sewer system.

We strongly oppose the application for a central sewer by EU, LLC for our small community that currently uses septic systems. We are zoned BBI (Bridges and Barrier Islands) with the intention of the Land Development Code that these are protected lands for single family residential exclusively. We have sand roads, natural vegetation and wildlife that live in harmony on this island with septic being used as the least impact to the environment.

We don't need to invite more development, rezoning attempts or further destruction of these protected lands.

Our septic systems meet the permitting requirements for the state DEP and Charlotte county and provide the services we need, even during power outages. There is no downside for allowing this remote delicate environmental community to continue to operate on permit complying septic systems that offer the least impact to the environment.

The developer that wants to provide centralized sewer cannot provide accurate project cost information or determine the impact to the environment. Most of the lots on this island are already built-out and there are very few new septic systems that still need to be installed to reach 100% capacity.

The proposal to install central sewer does not make any sense other than personal financial gain by the developer. We should not allow this developer (EU, LLC) to build a project for their personal goals and profits. They do not have the financial ability or technical expertise to do this project. They are not proposing a fair and equitable rate or hook up projection in their proposal. Finally, their proposal for shallow sewer will force requirements of lift stations, generators and additional electrical capacity that neither the community nor the resident properties have at this time. This will be a continuous maintenance problem in the future that will not have an ending. This is a poorly designed system and proposal that will force barrier island trees to be removed, equipment to be installed and electrical upgrades to be made that is totally unnecessary.

The All of the residents maintain their septic systems or replace when necessary by code criteria. Our property septic system was just replaced in May and was permitted and inspected with Charlotte County.

We are formally requesting that the PSC deny the EU's application for wastewater services; especially as proposed. Giving a private developer this approval of a poorly designed sewer system without jurisdiction oversight and

bonding requirements is "unprecedented". Providing easement rights of private properties for a problematic system that is not wanted or needed, should not be allowed.

We call on you to make the right decision in this case, we have so few protected barrier islands in Florida and we need to protect what we have left.

Please feel free to contact me with any questions you may have on my cell phone 386/212-9206

With kind regards, Brian



Brian P. Fredley, President



207 Fairview Avenue, Daytona Beach, FL 32114
Ph: 386/257-0502 Fx: 386/257-1050 E-mail: Bfredley@bpfdesign.com

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Lisa Smith

From: Mike Beukema <mike@westraconst.com>
Sent: Monday, January 17, 2022 12:09 PM
To: Records Clerk
Cc: Office of Commissioner La Rosa; Office of Commissioner Clark; Office of Commissioner Passidomo; Palm Island Estates
Subject: Object to the proposal and ask the PSC to deny the Application for Original Certificate of Authorization for this proposed central sewer system.

Follow Up Flag: Flag for follow up
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Good morning Commissioners LaRosa, Clark and Passidomo. My name is Mike Beukema and I have owned a home on Don Pedro / Knight Island for the past 10 years. I am an owner / President of Heavy Civil / Utility Construction Company in Manatee County Florida. My company has been constructing and installing utilities since 1977 thru ought the Southwest Florida. We have completed several contracts for Florida County municipalities to upgrade and convert the failed private utility companies' infrastructure and incorporate them into their own successfully and properly run systems. As a tax payer I believe that our utilities and infrastructure are best suited to be owned and operated by our local municipalities.

The project that I am concerned about is the Don Pedro / Knight Island Central Sewer project. Docket #20200226-SU. I am formally requesting that the PSC deny EU's application for the wastewater services for the centralized sewer. My concerns and reasoning for my request to deny EU's application are as listed below:

- I believe that a project of this size, magnitude and environmental impacts should be run by an experienced municipal owner with the financial and technical experience necessary to maintain and operate the facilities per all of the DEP, EAP and all other governing entities current requirements and regulations. 100% of the low-pressure force mains, vacuum sewer systems and gravity sewer systems that my company has install over the past 45 year were all for our local municipalities: Manatee Co., City of Bradenton, Sarasota Co., City of Sarasota, Pinellas Co., City of St. Pete., City of Clearwater, City of Tampa, Hillsborough Co., City of Orlando, City of Zolfo Springs, Englewood Water District and City of Cape Coral. Municipal owners have the financial ability and the technical expertise to run and operate their extensive facilities and do so at a fair and equitable rate to the consumer/stakeholders were as I don't believe that EU has the financial ability nor the technical expertise to own and operate such a large facility/infrastructure project.
- The uncertainty of the hookup costs for the homeowners.
- The need for additional electrical work or a separate electrical panel cost.

- The need for a backup generator to ensure that sewage does not back up during an outage.
- The applicant has not addressed a system maintenance and emergency plan. Were as all municipalities are required to have and do so already in place.
- Finally, the environmental impact concern. The Island is truly a slice of old Florida. With its gopher tortoises and native Florida habitat and fauna it is a true gem. This project would potential impact all of that. There will be potential need for tree removal for the installation of the system along with the need for new easements from the residents.

Thank you for your service and your time and also your consideration of my request to deny EU's application Docket #20200226-SU.

Sincerely,

Mike Beukema

Lisa Smith

From: Vivian Correa <vcorrea@uncc.edu>
Sent: Monday, January 17, 2022 1:18 PM
To: Office of Commissioner Clark; Office of Commissioner Passidomo; Office of Commissioner La Rosa; Records Clerk
Subject: Docket #20200226-SU

Follow Up Flag: Flag for follow up
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My name is Vivian I. Correa and I own property on Don Pedro Island, 221 Bocilla Dr, Placida, FL 33946. Over the last year, we have learned that the Environmental Utilities (EU) has applied for the contract to install the proposed central sewer on the island. I am writing to STRONGLY object to the proposal and ask the PSC to deny the application for an Original Certificate of Authorization for this proposed central sewer system.

My objections include the costs of the proposed installation to include:

- the estimated rate of my monthly residential bill (\$178.78) which is doubled what owners on the mainland pay;
- the costs for me to buy a generator in the event of a power outage;
- the costs to upgrade my main electrical panel;
- the cost to replace the mechanical equipment every 5 years;
- the cost to remove my septic tank;
- and finally and most significantly the estimated hook-up cost of \$13,221!!!!

My objections are not only related to cost but also the fact that EU is NOT a contractor that has ever won a bid to install sewers! I am not confident that EU will be able to manage and maintain this project. There is no performance bond required and we have no single point of recourse in the event of cost overruns or project failure.

Lastly, there are no data to support that our waters are affected by the current septic systems. To that end, no water quality testing has been done in our area to prove a need for sewer. This project brings the potential for destruction of habitat and interference with endangered species such as the gopher tortoise. The risk of a central sewer leak with a subaqueous crossing is greater than the risk of one or more septic systems developing leaks.

Therefore, I formally request that the PSC deny EU's application for wastewater service!

Respectfully,
Vivian I. Correa, Ph.D.

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Vivian I. Correa, Ph.D. | Professor Emerita  
Phone: 864-280-1286 |  
vcorrea@uncc.edu

## Lisa Smith

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**From:** Jami Koenig <rojako@msn.com>  
**Sent:** Monday, January 17, 2022 1:41 PM  
**To:** Records Clerk; Office of Commissioner La Rosa; Office of Commissioner Clark; Office of Commissioner Passidomo  
**Subject:** Docket #20200226-SU

**Follow Up Flag:** Flag for follow up  
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Good afternoon! My name is Jami Koenig. My husband, Ronald, and I are homeowners at 270 N. Gulf Boulevard.. Our homesteaded property is located on Knight Island which lies within the proposed service area of Docket #20200226-SU.

We are longtime homeowners since 1992. We have seen the cost of living here continue to rise including property taxes, MSU/assessments, and basic utilities. (For Bocilla Water Utility alone we are paying \$67/month for 0-3,000 gallons of water whether we use it or not. The high rates and subsequent increases in rates over the years rate increases have been granted without discussion or input from the consumers.) As retirees on fixed income, we remain very focused on eliminating or keeping recurring costs down as much as possible.

The unknown starting costs to the homeowner (infrastructure) and the ongoing costs (and inevitable unreasonable increases) remain a **significant** concern for our household. Costs are not the only concerns that are keeping us awake at night. Other concerns we share are already clearly laid out in FILED 1/13/2021, DOCUMENT NO. 01217-2021, FPSC - COMMISSION CLERK so I will not duplicate or repeat the information here.

We formerly opposed Jack Boyer's application for sewer utility to the PSC years ago as we were faced with the same concerns. Those concerns that we had then with Mr. Boyer's application, we still have now.

I am formally requesting that the PSC deny EU's application for wastewater service.

With all respect and thanks for your consideration,

Jami and Ronald Koenig  
Email address: [rojako@msn.com](mailto:rojako@msn.com)  
Phone number: 813-508-2761  
Mailing address: PO BOX 3504, PLACIDA, FL 33946  
Physical address: 270 N GULF BLVD, Knight Island, FL

Sent from Mail for Windows

## Lisa Smith

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**From:** Robert Jensen <rjensen2525@gmail.com>  
**Sent:** Monday, January 17, 2022 2:55 PM  
**To:** clerk@psc.stste.fl.us; Office of Commissioner La Rosa; Office of Commissioner Clark; Office of Commissioner Passidomo  
**Subject:** Environmental Utilities Application for Controlling Wastewater on Bridgeless Barrier Islands. Docket #20200226

**Follow Up Flag:** Flag for follow up  
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Dear Commissioners La Rosa, Clark, and Passidomo:

Upon receipt of a letter from Environmental Utilities in July 2021 proposing the installation of sewers on Little Gasparilla Island (LGI), Don Pedro Island (DP), and Palm Island (PI), I began an email conversation with Jack Boyer to try to understand his exact concerns for eliminating septic systems from Palm Island and Don Pedro Island. It comes as no surprise that there may be septic system issues on the numerous tiny lots located miles away on Little Gasparilla Island (LGI) where Jack Boyer manages the water company.

I am attaching an email correspondence from Mr. Boyer dated January 10, 2022 which confirmed to me that his company is more concerned with the "Density" of homes on small lots specifically on LGI and the fact that 55 gallon drums were used for many septic systems prior to 1983 on LGI. He goes on to state that many of these homes can stay on the 55 gallon drum system. Remember, LGI is miles away from Palm Island and Don Pedro Island where the lots are large enough to accommodate a permitted septic system. As an active realtor on Palm Island and Don Pedro Island, it is a realtor's obligation to investigate permit status of a property's septic system prior to sale. I know of no substandard systems on the PI or DPI.

Mr. Boyer's email also confirmed his thoughts that a better way to manage utilities would be to "create a Not for Profit Utility District as soon as possible.

As I understand, residents of PI and DPI are already undertaking that investigation and need more time. Therefore, I request that the Commissioners table their decision on Docket #20200226 until the Palm Island and Don Pedro Island Board of Directors complete their work.

Thank you for this opportunity to comment.

Sincerely,  
Robert Jensen

see EU correspondence dated Jan 10, 2022 below

**Jack Boyer**

to me

Jan 10, 2022, 4:30 PM (7 days ago)

I will leave the " need" discussion up to the experts.....yet ALL..State and County and DEP are saying there is ! Please realize that FPL is privately owned, Bocilla Utilities is privately owned, Little Gasparilla Island water, privately owned, Comcast, privately owned, the barge for access is privately

owned. We can put all the Utilities in the not for profit Utility District with the existing cash flow. Just need a steering committee?

Density, LGI is one of the county's most densely populated areas in the county. PI/DP have water on almost ever lot. Septic in relationships to open water is one of the main criteria along with the age of the system on the Master Sewer Study.

What year was your septic installed and what regulations are you required to follow?  
I bought a house built in 1964 and the septic went under water with high tides. Guess what, any house built before 1983 can stay on a 55 gallon drum and we have many of those on the island.

Really would like to continue but probably on the phone or in person. Education on this subject is important.

Again thanks for you time!  
Jack @941-626-8294

Sent from Yahoo Mail

--

**Robert Jensen**  
Realtor Extraordinaire  
"You Can Trust, Capt. Bob!"  
Keller Williams Realty Gold  
Cell: 239-887-0320  
Office 239-940-0196

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## Lisa Smith

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**From:** John Ziegert <jziegert@uncc.edu>  
**Sent:** Monday, January 17, 2022 2:58 PM  
**To:** Records Clerk; Office of Commissioner La Rosa; Office of Commissioner Clark; Office of Commissioner Passidomo  
**Subject:** Docket #20200226-SU

**Follow Up Flag:** Flag for follow up  
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Dear Commissioners,

My name is Dr. John Ziegert and I own and reside at the property at 221 Bocilla Drive on Don Pedro Island. My property is within the service district for the central sewer system being proposed by Environmental Utilities (EU). I request that you DENY EU's Application for Original Certificate or Authorization for the following reasons.

1. **NEED.** To date no actual studies have been conducted to determine that there is in fact a need for central sewers on the island. Please understand that our islands are not densely populated, with fewer than half of the available buildable lots having dwellings. Furthermore, a large majority of the existing dwellings are only used for a few months a year. Except for Palm Island Resort at the north end of Knight Island, which currently owns and operates its own sewage treatment facility, there are NO commercial entities on the islands; no stores, no restaurants, no businesses of any kind that would create a concentrated need for municipal sewage treatment facilities. We have seen no testing of local waters that shows the current residential septic systems are negatively impacting the local environment. Furthermore, the islands are home to a large population of endangered gopher tortoises, and the extensive excavation and heavy equipment traffic required by the sewer installation will almost certainly have a strong negative impact on the existing tortoise population. EU proposes to pump the untreated sewage across the Intracoastal Waterway via an underwater pipe, rather than build sewage processing capabilities on the island(s). I believe this strategy poses a much greater environmental risk due to the possibility of the underwater pipe failing or being damaged by vessel traffic, anchors, etc on the Intracoastal Waterway. This possibility must be weighed against the unproven risk of environmental damage from existing septic systems, especially since EU has not provided any evidence that the island septic systems are, in fact, poorly maintained or causing problems. Given these concerns, I believe EU's application must be DENIED.

2. **FINANCIAL ABILITY.** The residents who would be affected by EU's proposal have not been provided any information regarding EU's ability to finance this project that will cost tens of millions of dollars over the course of several years before any fee income is generated. EU is a newly formed company with NO employees or track record to show they are capable of obtaining financing for, or managing a project of this size and complexity. Given that, it seems that as a condition of approval EU should be required to post a performance bond that would guarantee this project would be completed in the not unlikely event that EU finds it has neither the technical expertise nor financial wherewithal to complete the project after it is begun. It is not clear that EU has the financial ability to even obtain such a bond; and I believe that they would have substantial difficulty in doing so since any bonding entity will be looking closely at their financial and technical ability to undertake and complete this project. Given their complete lack of experience in projects of this size and complexity, I doubt they would be unable to satisfy the bonding entities. Another troubling fact is the fact that a number of island residents have reported that in conversations with the owners of EU that they don't believe EU

has any actual intention of building the proposed system. Instead, their strategy is to obtain the Certificate of Authorization and then try to collect a large fee from some other entity for the rights to undertake the project. I hope that the PRC has a mechanism to ensure that once an entity has obtained Authorization they actually proceed with the project in a timely manner, rather than just wait around for somebody else to pay them for the rights. Based on their lack of demonstrated ability to finance and bond this project, as well as the uncertainty regarding whether they actually intend to proceed, I believe EU's application must be DENIED.

3. TECHNICAL EXPERTISE. It seems apparent that EU, as presently constituted, has essentially zero technical expertise in this area. The principal of EU reportedly runs the municipal water service on Little Gasparilla Island (LGI), which incidentally has quite a record of dis-satisfied customers and service issues. However a water supply system that simply accepts already treated water from another mainland utility and then distributes it, reads the meters, and collects the payments, is vastly different from designing, installing, maintaining and running a municipal sewage system. I am a retired Professor of Engineering and have held a Professional Engineer's License for over 40 years. Although my area of expertise is not in municipal wastewater systems, I am quite familiar with the size, scope, and complexity of a project such as this. I understand that EU plans to contract with an engineering/construction firm to design and build out the proposed system; but it doesn't appear to me that the two persons/owners who presently constitute the entirety of EU even have the ability to intelligently draft a request for proposals to build the system, or evaluate the proposals once they arrive. Furthermore, it is unclear that any engineering firms they may have contacted have been fully informed regarding the difficulties of building on these bridgeless islands where access is **only** provided by a small ferry/barge system with very limited capability to transport large and heavy equipment that will be required for the project, and how this would impact not only the project cost but the ability of the islanders to actually get on and off the island during construction. I believe that their complete lack of the required technical expertise requires that EU's application be DENIED.

4. FAIR AND EQUITABLE RATES & CHARGES. This is an area where EU has repeatedly failed to provide any evidence that would lead to confidence in their abilities. They initially requested to have the Authorization separated from any information on proposed installation costs or rates. The PSC rightly denied this request. Following this they floated a possible connection fee of \$20,000 per dwelling. It was clear at the time that this was nothing more than a guess they hoped they could get approved because it would likely provide a substantial margin over actual costs. They currently are estimating that the connection fee would be a little over \$13,000 per dwelling unit. Again, this appears to be based on little actual estimation of the cost of the project. I know from my engineering background that even preliminary estimates of costs cannot be made without preliminary designs for the project. EU has no experience in building residential sewage systems, and have not shown that they have contracted with a reputable engineering firm to provide the preliminary design and cost estimates. If they cannot provide **preliminary design and cost documentation from a licensed and reputable engineering firm with experience in this area**, their application must be denied as being based on not much more than guesswork. Because EU has failed to provide any reliable evidence that their cost estimates are based on reasonable engineering projections, their application should be DENIED.

Thank you for your valuable service and for taking the time to hear my concerns.

Best regards,

John C. Ziegert, Ph.D., P.E.

Professor Emeritus, Department of Mechanical Engineering and Engineering Science

University of North Carolina at Charlotte

Mobile: 864-633-8009

Email: [jziegert@uncc.edu](mailto:jziegert@uncc.edu)

## Lisa Smith

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**From:** Robert Jensen <rjensen2525@gmail.com>  
**Sent:** Monday, January 17, 2022 3:08 PM  
**To:** Office of Commissioner Passidomo  
**Subject:** Fwd: Environmental Utilities Application for Controlling Wastewater on Bridgeless Barrier Islands. Docket #20200226

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----- Forwarded message -----

**From:** Robert Jensen <rjensen2525@gmail.com>  
**Date:** Mon, Jan 17, 2022 at 2:54 PM  
**Subject:** Environmental Utilities Application for Controlling Wastewater on Bridgeless Barrier Islands. Docket #20200226  
**To:** <clerk@psc.stste.fl.us>, <Commissioner.LaRosa@psc.state.fl.us>, <Commissioner.Clark@psc.state.fl.us>, <Commissioner.Passidomo@psc.state.fl.us>

Dear Commissioners La Rosa, Clark, and Passidomo:

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Again thanks for you time!

Jack @941-626-8294

Sent from Yahoo Mail

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**Robert Jensen**

Realtor Extraordinaire

"You Can Trust, Capt. Bob!"

Keller Williams Realty Gold

Cell: 239-887-0320

Office 239-940-0196

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**Robert Jensen**

Realtor Extraordinaire

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Office 239-940-0196

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## Lisa Smith

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**From:** Deb Knighten <deb\_knighten@yahoo.com>  
**Sent:** Monday, January 17, 2022 3:55 PM  
**To:** Records Clerk; Office of Commissioner La Rosa; Office of Commissioner Clark; Office of Commissioner Passidomo  
**Subject:** Docket 20200226-SU

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Regarding the proposed certification of a central sewer system at Don Pedro Island.

It makes no sense that a private company is able to install a sewer system that no one wants and charge us an arbitrary number for it. Especially a company that is well known for their poor reputation. Private citizens of our community are having shell money to fight this thing.

It's pure nonsense and needs to stop.

Sent from my iPhone

**Lisa Smith**

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**From:** bgood2go@gmail.com  
**Sent:** Monday, January 17, 2022 3:58 PM  
**To:** Records Clerk; Office of Commissioner La Rosa; Office of Commissioner Clark; Office of Commissioner Passidomo  
**Cc:** bgood2go@gmail.com; mlgoodhead@gmail.com; Bill.Trux@CharlotteCountyFL.gov  
**Subject:** Docket #20200226-SU - Knight - Don Pedro Island / EU Application for Original Certificate of Authorization

**Follow Up Flag:** Flag for follow up  
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**Dear Clerk and Public Service Commissioners,**

I am writing to you today to ask for your help on behalf of myself and the other homeowners on Knight / Don Pedro Island affected by this pending EU application (Docket 2020022-SU) and proposed sewage project.

I am asking for your help because as you have been already advised by Palm Island Estates and others, there is absolutely no reasonable justification for this project to even be considered in the first place. There is no need! So anything else beyond the initial review and rejection of this application, submitted by EU, is a great waste of county time, processing and resources (and tax dollars). This should be an open and shut case. There is no demonstrated need, application is denied. Hopefully everyone will agree that just anyone cannot go around submitting applications to force people to do something where there is no need. It must be proven by facts that there is a real need for what is being proposed. Without this validation such a proposal is absurd. This is what we have here.

Below, I am reiterating facts that have already been submitted to you by many other affected homeowners and homeowner associations. You will most certainly recognize many of the exact same facts being described here. That is because these are empirical facts. Again, this is in an effort by the homeowners to implore the decision makers in this case for the use of reason and to make these overwhelming facts crystal- clear to the entire commission, so that they can arrive at the rational decision to deny this application.

**A. No Validation of Need**

This is by far the most important fact in this case, which is to demonstrate there is only a fabricated "need" for this application for certification, being submitted by EU. There is no empirical data at all to support any of the hear-say and conjecture being used by them to "justify" this application /submission, if any at all was used.

The County adopted the 2017 Sewer Master Plan which includes these Islands for sewer executed by CCUD (Charlotte County Utilities Dept.). In fact, Knight and Don Pedro Islands have been identified as priority areas for the extension of central sewer by CCUD. Furthermore, there was no study of the

source of the nitrites alleged to be spilling into inland and shore waters. Specifically, there was no study data to determine whether these were coming from leaky sewage tanks or from fertilizers. Therefore, the assumption that the alleged pollution is emanating from sewer tanks is not a substantiated fact based on any real, applicable testing and or data and therefore must be considered false.

## **B. Legal Ethics and Integrity**

Immediately, with little effort for a background search on Mr. Jack Boyer, the facts appear that Mr. Boyer was charged with and indicted for larceny as it relates to a utility as well as criminal mischief for stealing water from Don Pedro Island State Park to serve his own water utility on Little Gasparilla Island (Copies of these reports have already been submitted to the PSC).

In summary, Mr. Boyer waited until rangers were absent from the park over a weekend and installed a water main from the Don Pedro State Park fresh water supply pipe and trenched it to LGI and hooked it up to his water company's facility. He admitted to this and moreover refused to remove the pipe after which he was indicted. How, in any legal proceeding or application to any government agency, can a man with this history of blatant disregard and disdain for the law even remotely be considered as a viable applicant for anything, especially if it is in the same business / industry that he was convicted for crimes in?

The answer to this question from any ethically bound person or entity reviewing this application (having done any internet search or background check), would immediately be a no /denied! How this application got past the initial screening process(s) raises serious questions regarding integrity and or negligence. There must be some ethical / moral scale being used for evaluating anyone (person or business) applying for anything with the county to ensure they meet some minimum threshold of integrity. If there is not, then there are even more serious issues at hand.

## **B. Financial Capacity of the Applicant**

Any statements made by the principals of EU to the public are baseless. Instantly, EU has no demonstrable experience and no guaranteed funding (including bond issues) that could even marginally show its solvency, ability to obtain funding, complete the project and/or provide ongoing maintenance.

Specifically, none of the publicly facing filed documents guarantee any funding and state specifically that there is no commitment to lend. No projected costs are given.

Certainly a proposed project of this size must have been cost-estimated; No CIAC was provided which would identify cash and property contributions; EU appears to have no experience with projections, certainly not sufficient enough to project annual expenses; there is no comprehensive plan in the application that describes how this project will be financed. EU is a start-up company.

As such, the company and its principals are inextricably linked. A completed bond issue by a reputable financial institution should be a mandatory condition precedent for any approval. Again, a letter of interest from a local bank is meaningless. Since the reliability of the financial strength of the principals is paramount, their request to treat all of their financial information as confidential is improper and should be denied.

There have been no studies or valid estimates of the cost of this project, both globally and as it applies to Knight Island-Don Pedro Island. The verbal estimate given by Jack Boyer to community groups of approximately \$20,000 per homeowner is not based on any actual cost estimates related to this project. Given the project location and necessary involvement of multiple state (and potentially federal) agencies, the number is likely to be much higher. This places an undue burden on the members of our community. No permits should be issued without disclosure and verification of all of the necessary costs, e.g. profits build-ins, ongoing operating costs, construction costs, construction slow-downs or complications; distribution and allocation of cost-recovery, etc.

No provision has been made to allow for payment over time should the project go forward. In addressing this question to residents, the applicant has stated that grants might be available without any factual basis for these statements and without any data in support relative to this project. Grants seem far-fetched at best since the State of Florida is facing a significant budget shortfall exacerbated by the COVID-19 crisis. This application should be rejected until the applicant provides a firm cost per ERU along with appropriate financing options and payment vehicles for those affected owners along with the demonstrated financial ability to provide for payments over time. EU has failed to address its ongoing operating costs. In an applicant with limited operating experience and financial resources, how will ongoing operating costs be addressed?

Jack Boyer has stated to community groups that if they fight him, the costs will be passed on to the community. While cryptic, the intent seems clear and also indicates the tenuousness of EU's financial position going into this project. EU is a private, for-profit utility company. The owners' financial history and the financial health of the company is not known and not available.

### **C. Applicant's experience, knowledge and resource deficiencies**

The owner has little or no demonstrated experience with sewer systems and the owner's present water company has a long list of non-compliance and violations registered with the DEP. The Charlotte County Clerk's office website lists several foreclosures and lien actions involving Mr. Boyer. Should EU's stewardship of the project become untenable, another future utility will then have to compensate EU for the service area, resulting in further cost to the future ratepayers.

Again, here is more testimony to the lack of integrity and insolvency and once again Mr. Boyer has shown a conscious disregard for the citizen stakeholders, but none more so than its threats to pass on its legal fees to customers should they challenge its permit application.

Given the lack of demonstrated need, the absence of financial and operational data to support this project, and the absence of any discernible expertise, EU's application should be denied.

### **D. Gateway to commercial building**

Additionally, the approval of this application and execution of this project to install a make-shift sewage system, will only pave the way for the approval of the building of commercial structures on Knight /Don Pedro Island (condos / high rises). Anyone with any knowledge of barrier island living and its fragile environment / eco system knows that this would wreck the natural and pristine state of the island forever. For this reason alone, this cannot be allowed to happen.

### **E. Real project impacts to homeowners**

Lastly, but most certainly not least, here is a list of what homeowners will be faced with should this project succeed. This list is not exhaustive. Again, if you understand anything about the landscape of the island and the size and orientation of the home lots you will know how unrealistic these requirements are. Meeting these requirements would wreck property lines and lots with easements not to mention enormous power requirements and costs placed on the homeowners.

- **Uncertain Hook-up Cost:** When EU first presented to PIE, the connection fee was estimated at approx. **\$20K per unit**. When the rates and tariffs were finally submitted by the applicant, the requested Service Availability Charge per ERC was reduced to total estimated **\$13,221**.
- **Average Residential Bill: \$178.78**, which is roughly twice the amount that a ratepayer on the mainland in Rotonda pays per month for *water and wastewater combined*. Note that the average cost to EU per customer per month is \$97.18.
- **Electric:** the system pump requires a separate electric panel, installed by a licensed electrician at the expense of the owner.
- **More electric:** If the owner has maxed out their main electric grid with pool equipment or other large-draw items, the panel will need an expensive upgrade to accommodate the new panel.
- **Generator:** the grinder pump has a limited capacity (60 gal) and in the event of a power outage will be unable to function for long. Homeowners will need a generator to keep the system running to avoid sewage back-up.
- **Tree removal:** Landscaping and hardscaping around the septic area will need to be cleared at the expense of the homeowner to gain access to crush & fill the septic tank.
- **No pay-over-time plan:** Ratepayers may need to take loans to cover the cost of connection.
- **Mandatory Hook-up:** Charlotte County regulations require all homes to connect to central water and wastewater within 1 year of availability.
- **No grandfathering of septic systems:** regardless of age or condition.
- **No “contract” and no single point of general oversight:** EU is not a contractor that has won a bid to install sewer. The PSC approves certification solely based on the 4 criteria above and regulates rates and charges. Each of the other agencies (County, DEP, Army Corps, etc.) is responsible for supervising only their specific area where regulation and/or permitting is involved. There is no performance bond required and we have no single point of recourse in the event of cost overruns or project failure.
- **Access to homes:** Some properties have physical constraints that will complicate how the applicant gains access to the property without leaving the boundaries or damaging the grounds.
- **Disruption of traffic:** Vehicles have only one point of entry/egress -- the car ferry. With normal traffic, service and construction trucks, delays at the ferry line in season can be an hour or more. This project could result in years of traffic issues.
- **New easement giveaway:** Most utility easements are placed in the road right-of-way. EU has claimed ownership of a utility easement that will go from the sewer equipment, located near the house to the connection in the road without compensating the homeowner.
- **System maintenance and emergencies:** The applicant has not addressed how the system will be serviced in the event of failure during a storm or other adverse conditions.
- **Lifespan of the equipment:** Salt air takes a heavy toll on mechanical and electrical equipment here. Equipment will need replacing when it fails, possibly at 5-year intervals. This proposal places too much responsibility on the homeowner at too great a cost.

- **Environmental concerns:** No water quality testing has been done in our area to prove a need for sewer. This project brings the potential for destruction of habitat and interference with endangered species such as the gopher tortoise.
- **Potential of sewer spill in the Intracoastal:** The risk of a central sewer leak with a subaqueous crossing is greater than the risk of one or more septic systems developing leaks

I strongly urge any commissioner and or decision maker on this vote, who is not familiar with Knight / Don Pedro Island, to go and visit the island and speak with some of the homeowners before they make a decision that could permanently affect the future of this island and the families that live there.

In closing, please be aware that the decisions made by the commission in this vote, and its final outcome, will bear the utmost weight with all homeowners involved, on how we vote for county positions in the next election.

Your constituents are now asking for you to use common sense and to make a rational decision for us here, and not ignore the clear facts presented. Do not provide support of an unscrupulous business application / proposition that would wreck the environment and forever change the Knight / Don Pedro island landscape and its way of life!

Please accept this as my formal request for PSC to deny EU's application for wastewater service.

Sincere and Kindest Regards,

Brian and Melissa Goodhead  
53 Palm Drive  
Placida, Florida 33946

PS I have also attached a .PDF of this same letter for your convenience



## Lisa Smith

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**From:** art knighten <captartknighten@yahoo.com>  
**Sent:** Monday, January 17, 2022 4:02 PM  
**To:** Records Clerk; Office of Commissioner La Rosa; Office of Commissioner Clark; Office of Commissioner Passidomo  
**Subject:** Fwd: Docket 20200226-SU

**Follow Up Flag:** Flag for follow up  
**Flag Status:** Flagged

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> My name is Art Knighten, I'm retired and owner of the property at 130 Bocillia Dr on Don Pedro Island in the proposed sewer area. I am writing you because of my concern of the proposed private sewer system for our beautiful island and way of life. With all do respect, not living on our island I'm sure it's hard to understand our life style and pride we as owners take in our island.

> My wife and I spent a large portion of our life savings to purchase our modest home on the island. Our septic tank passed inspection when we bought our home and has worked fine ever since. EU has told us they don't know what it will cost to destroy our perfectly good septic tank and what cost we will be forced to pay for the tap on fee, but understand it can be upwards of \$20,000, with monthly fees starting at \$178 That's twice what the Rotunda pays for both water and sewer and it is guaranteed to increase every year. This would be an unnecessary burden on our finances. All this to fix a problem that does not exist and to make a couple of people and EU very rich at the expense of all the owners on the island.

>

> I assure you, if there was an issue with the individual engineered septic systems here on the island we as owners and the HOA would welcome a central sewer system, but the fact is:

> 1-these septic tanks are checked on a regular basis and in the rare case that there is a need to pump out or repair we gladly have it done. Honestly the main issue I hear about is roots from a near by tree which is easily repaired.

> 2-there has been no study done that shows the water quality around the island has been affected by the septic tanks on the island

> 3- EU has never taken on such a project, where is the history that they will be able to handle this large a project. Will they be bonded?

> 4 - the company has stated they would increase rates the maximum allowed every year.

> 6-the digging of sewer lines over approx 7 miles of roads on the island with destruction and removal of hundreds of septic tanks with thousands of dump trucks crossing the ferry system, disposing of their remains and refilling the septic holes somewhere in Charlotte County would destroy our island and hundreds of acres of the mainland would be contaminated and destroyed.

> 7-with all this heavy equipment and workers crossing the ferry every day for years, it will take hours for owners and guest to cross to the mainland to shop, have Dr appointments, etc and then return home. This is not an inconvenience, it's a constant daily traffic jam from morning to night, no less than 5 days a week 52 weeks a year for the life of the construction.

> 8-there are many questions that are yet to be answered. The electricity each home will have to supply - do these homes have room in there fuse boxes for more more breaker switches? What happens when power goes out (which it does a lot) does the sewer just back up?

> 9-any sewage spill whether on land or going under water to the mainland will have devastating effect on the waters around our island. These will be large pipes carrying thousands of gallons of waste which in the event of any spill would be a major catastrophe.

>

> In conclusion, there is no study nor any incident to show our septic tank systems on the island are causing an issue with water quality or a health hazard. The prospect of constructing a private sewer system on Don Pedro and Palm Islands has many more negative ramifications than any positive effect. I see it as one company, EU, trying to take advantage of a situation that they have no expertise in just to make a lot of money for a few people.

> Sent from my iPhone

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