

**Antonia Hover**

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**From:** Office of Commissioner Passidomo  
**Sent:** Thursday, January 20, 2022 8:44 AM  
**To:** Commissioner Correspondence  
**Subject:** FW: Docket #20200226-SU First hand conversations with Jack Boyer NOT opinion  
**Attachments:** Provost Letter Re #20200226-SU.pdf; Letter from Jack Boyer to Island Residents.pdf

Please place the attached in Docket No. 20200226.

Thank you!

-----Original Message-----

From: Lynn Provost <lynn@thedockdoctors.com>  
Sent: Thursday, January 20, 2022 8:41 AM  
To: Records Clerk <CLERK@PSC.STATE.FL.US>; Office of Commissioner La Rosa <Commissioner.LaRosa@psc.state.fl.us>;  
Office of Commissioner Passidomo <Commissioner.Passidomo@psc.state.fl.us>  
Cc: pirrello.anastacia@leg.state.fl.us  
Subject: Docket #20200226-SU First hand conversations with Jack Boyer NOT opinion

We are residents of Don Pedro Island and we are writing to formally request PSC to deny the application put in by Environmental Utilities, Jack Boyer. Please review the attached letter that I have put together summarizing discussions that I have personally had with Mr. Boyer on the subject along with the letter that Jack wrote to Island Residents. Please feel free to reach out to me for further discussions and/or comment on this subject. Thank you.

Best Regards,  
Jeff & Lynn Provost  
121 Bocilla Dr.  
Palm Island (Don Pedro Island)  
Jeff cell 802-349-9679  
jeff@thedockdoctors.com

Jeffrey & Lynn Provost  
Mailing: 8725 Placida Rd. Suite 7-510  
Placida FL 33946  
jeff@thedockdoctors.com

January 19, 2022

Florida Public Service Commission  
2540 Shumard Oak Blvd  
Tallahassee, FL 32399-0850

Re: Docket #20200226-SU

Commissioners of the Public Service Commission:

We are writing as property owners located within the proposed wastewater service area on Don Pedro Island to formally submit our objection to the above referenced Docket #. We respectfully request that PSC deny said application by Environment Utilities (EU). I have personally had one on one conversations with Mr. Jack Boyer of EU along with a subsequent meeting that he arranged with himself and Florida State Representative from our District, Michael Grant. The context of these meetings and how the initial meeting with Mr. Boyer was derived is very relevant to this case.

In January of 2021, in an effort to become more educated on the proposal for a central sewer system on Don Pedro Island, I took it upon myself to reach out to our County Commissioner, Bill Truex to request a meeting and/or conversation to hopefully answer some of my questions. Based on the level of property taxes that the property owners on Don Pedro Island pay annually, it seemed that the County should assume some obligation for this project. The meeting was arranged with Commissioner Truex and I invited representatives from both Cape Haze and Little Gasparilla Island to join me at the meeting along with other property owners from Don Pedro Island.

Commissioner Truex had asked Craig Rudy, Utilities Director of Charlotte County, to also attend this meeting. Unfortunately, the take-away from the meeting was very clear from both Commissioner Truex and Director Rudy that the County did not want anything to do with being a part of this project. They were making every effort they could to rid themselves of the burden of a project of this magnitude and to essentially sell us on EU performing the project. After the meeting had adjourned and I was on my way home, I received a phone call from Jack Boyer, of whom I have never spoken with in the past. He was requesting a meeting with me to discuss the project. During our discussions, I asked Jack how he had obtained my name and phone number. He didn't clearly answer my question, however it was evident from his comments, that he had received it from either Commissioner Truex or Director Rudy, which indicated to me that they were somehow "in bed" together so to speak. During the meeting with Jack, he proceeded to share his thoughts on the project. He felt that the best thing for the island is that the County should perform the project or the property owners should create a public utility. I bluntly asked him why he was involved based on what he was sharing with me, it was



clear that he wasn't interested in physically doing this project. In so many words, he responded to my question that he was in his 70's and if he is going to take advantage and/or profit from the situation, he needs to do it now. Unequivocally, Jack's only ambition is not to provide the best, safest, most equitable sewer system for the island, it is purely to monetize the situation for his own personal gain and retirement. I then asked Jack how much he wanted for the rights so he would step away from the project. He commented that the value won't be determined until he gets the rights to the project, so he wouldn't provide me with a price or even a range. In his own words in letters (*see attached*) from EU, he calls out the options in order of how he feels they should be considered. His options were listed as follows:

1. The County should perform the project and buy out his rights; or
2. The property owners should form their own Public Utility and buy out his rights; or
3. EU goes forward with the wastewater project for the island.

Listing himself as the third option was once again very clear that his intentions were to get the rights and not to perform the project.

About a month after this initial meeting with Jack, he arranged a meeting with the State Representative for Charlotte County, Michael Grant. The three of us met, at which time Jack reiterated the options as he sees them in the same order as he previously noted in writing.

In summary with regard to my communications with Jack, he does not have the desire or the structure in place to perform the project. His goal is simply to obtain the rights to do the project and then set his price to sell the rights to the highest bidder. Why would the PSB penalize the island property owners by granting the rights to EU and providing us with the third best option for the sewer project?

I would highly recommend that some of the Commissioners visit the island to observe for yourselves why the protection of this environment is so important to all of us that live here and/or own property here. If you came to visit, you would witness the magnitude of the opposition of this applicant thru yard signs that are posted over a majority of the island. I would personally be pleased to arrange a tour of the island at your convenience.

In closing, property owners here on the island, including myself, agree that the island should be protected including having good sewage treatment. There are many ways to accomplish this whether it be through the County or through a utility company owned by the island residents. This should not be given to an applicant who is looking for a way to fund his retirement. Thank you for taking the time to review this information.

Regards,



Jeff & Lynn Provost

Physical address:

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Placida FL

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802-349-9679

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## Environmental Utilities

### *Stepping Out For The Next Generation*

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Dear Island Resident,

Thank you for taking the time to review all the information and verify the truth of the information you are being provided by all parties. You should not rely upon the Facebook misconception or the “Coconut Express” (PIE’s newsletter).

Septic to sewer conversion programs are a growing effort throughout the state, particularly in areas near water bodies. Just last week, the city of Jacksonville and Orange County announced massive septic to sewer conversion programs.

Wastewater removal is coming to the Island and most islanders agree it needs to happen and.....the sooner the better. Although the County’s Sewer Master Plan determined that the Island had the highest impact level, the County recommended septic to sewer conversion within five years (by 2022). So, what the conversation is really about is the cost to residence and the best vehicle to provide such a service. The County has realized that due to a multitude of factors the conversion is going to take longer than the original plan projected. Therefore, the County, in an attempt to prevent further environmental impact and to hasten the conversion process, entered into a contract with Environmental Utilities, LLC to treat the islands wastewater.

The Florida Department of Environmental Protection (FDEP) will make sure that the wastewater collection system is permitted to best meet the needs in this environmentally sensitive area.

#### **Introduction**

Environmental Utilities, LLC (EU), is a new company that is proposing to provide wastewater removal from the bridge-less barrier islands.

EU is presently owned by Island residents Jack and Diane Boyer, although other investors might be brought in once EU receives a Certificated Service Area (CSA) from the Florida Public Service Commission (FPSC) and construction begins.

The FPSC will make its determination on EU receiving a CSA, based on three criteria.

- 1) The need for wastewater service.
- 2) The experience of the applicants.
- 3) The financial ability of the applicant.

#### **Is There a Need?**

The Charlotte County Board of County Commissioners (BCC) has been very pro-active in protecting the pristine environment in which we are so blessed to call home. In 2017, the BCC retained Jones Edmunds & Associates, Inc. to prepare a plan called the “Sewer Master Plan” to reduce pollution by converting septic tanks to central sewer. You can view this Plan here:

<https://www.charlottecountyfl.gov/core/fileparse.php/523/urlt/charlotte-county-sewer-master-plan.pdf>



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Contractual Recitals between EU and the BCC that refers to the need to convert septic tanks to central sewer on the Island are:

**WHEREAS**, EU desires to reserve and secure sewer service capacity and bulk sewer service from COUNTY to serve the current and projected needs of a portion of Cape Haze, Little Gasparilla Island, Don Pedro Island, and Knight Island; and

**WHEREAS**, in 2017, Charlotte County adopted a Sewer Master Plan that utilizes environmental scoring criteria to prioritize the level of importance, for specified areas, of converting septic tanks to sewer; and

**WHEREAS**, the environmental scoring criteria, which utilizes a scale of 1 to 5, includes scoring based on three factors: proximity to surface waters, age of septic tanks, and nitrogen loading; and

**WHEREAS**, based on the environmental scoring criteria, the areas of Cape Haze, Little Gasparilla Island, Don Pedro Island, and Knight Island scored in the highest impact level of 4.0 to 5.0; and

**WHEREAS**, areas with an average impact score from 4.0 to 5.0 are recommended for conversion from septic to sewer within a five-year period; and

In a nutshell, the BCC has determined that the islands are not only in one of Charlotte County's most environmentally sensitive areas but is rated and prioritized as to needing the septic to sewer conversion.

Everything we have seen and understand shows THERE IS A NEED.

#### **EXPERIENCE of The Applicants**

Jack and Diane Boyer are island residents and have been in the utility business for over 30 years, including water service on the Islands.

Jack got his water operator's license 30 years ago and was lead operator for Little Gasparilla Water Utility, Bocilla Utilities, and Knight Island Utilities for many years.

Therefore, with their history in the business and qualifications, it is clear that they have the most experience to bring this project to fruition.

#### **FINANCIAL Ability**

EU is in a strong financial position as they will only be building a collection system and will be connecting with Charlotte County for treatment and disposal.

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## Environmental Utilities

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In meeting with potential investors Wharton Smith, the most prominent general contractor of wastewater treatment facilities in Florida, it became abundantly clear that the agreement with CCU will result in cost savings of millions of dollars for island customers.

CCU will be installing a master lift station to handle the flows, also a cost savings for the island.

The Office of Public Counsel has reviewed the Boyer's personal financial statements and stated they do not see any problem with their financial ability for the construction of a wastewater collection system.

#### **History:**

State and local governments have repeatedly tried to hinder or stop growth on the bridge-less barrier islands. The islands have always been outside the Charlotte Counties Urban Service Area. Governor Martinez even stopped mainland utilities (water, wastewater and electric) from expanding to the islands.

Developers overcame and built five independent utilities, two for profit and three not for profit. Four still exist today: Knight Island Utilities, Bocilla Utilities, Hideaway /Placida Harbor Homeowners Association Wastewater, and Little Gasparilla Water Utilities. Having this many independent utilities absolutely drives up the cost to the end user.... you the homeowner!

#### **Today:**

Jack and Diane Boyer, along with Bocilla Utilities and Knight Island Utilities have been working for many years to determine what is best for the island utilities and their customers.

We all agree that Charlotte County (CC) would be best for the islands but as of today, that is not an option.

Possibly even better than CC would be a Utility District, established by a special act of the Florida Legislation. We have met with Michael Grant, our state Majority House leader. His comments were simply "get it to me and we will get it done" however this is close to a two-year process.

A Utility District will also be a way to consolidate all the utilities and create a substantial savings to the island residents for many years to come.

This is what was done to the north of us as the Englewood Water District and to the south as Gasparilla Island Water Authority (Boca Grande)

#### **Summary of Options**

- 1) Charlotte County buys out existing island utilities and constructs the wastewater collection system.
- 2) Islanders form a Utility District (UD) and buy out existing utilities then construct the wastewater collection system.
- 3) EU goes forward proceeding to provide removal of wastewater from the Islands.



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## Environmental Utilities

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Please understand there will be a considerable cost savings on the operational cost by consolidation of all the island utilities.

Why duplicate management and operating cost four times?

Also, CC and UD operate without having to pay FPSC regulatory assessment fees (4.5% of gross revenues) property taxes, tangible taxes. For example, EU's financial consultants have projected \$400k in annual other tax liability. This does not include income tax liability that is also passed through to the customers which is something that a Utility District or Charlotte County would not have to pay.

There are many other cost savings that can be studied further if there is Island interest.

We feel the island property owners would be much better off working alongside the Utilities on the island in moving forward to consolidate operations.

#### **How do we do this?**

Let's form a steering committee that will look at all the options, instead of spending monies in a negative and non-productive way. For example, EU has a projected \$275k expense for an administrative hearing requested by PIE and other protesting parties. This additional expense is passed through to the customers.

We are looking to see if there is any interest in forming a steering committee. This steering committee will also need funds to hire financial and legal advisers.

EU/Jack and Diane have previously attended LGPOA and PIE meetings for informational purposes and have seen firsthand how words get twisted, which is why EU is trying to communicate directly to their potential customers.

After meeting with LGPOA, several board members pursued and confirmed the information relayed by EU/Jack. Most board members agree that although EU will most likely get the proposed CSA, a UD or CC administered project would be a positive alternative for island property owners.

There is much more information to be shared, and if interested, Rhonda Olson has set up [UDisland21@gmail.com](mailto:UDisland21@gmail.com) as a way for islanders to help by way of joining a steering committee.

Thank You for your time!

Jack & Diane Boyer  
Cell: 941-626-8294