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BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

In the Matter of:

DOCKET NO. 20200226-SU

Application for certificate to
provide wastewater service in
Charlotte County, by
Environmental Utilities, LLC.

_____ /

PROCEEDINGS: SERVICE HEARING

COMMISSIONERS
PARTICIPATING: COMMISSIONER GARY CLARK
COMMISSIONER MIKE LA ROSA
COMMISSIONER GABRIELLA PASSIDOMO

DATE: Wednesday, February 9, 2022

TIME: Commenced: 9:30 a.m.
Concluded: 12:00 p.m.

PLACE: Robert L. Anderson
Administrative Center
Commission Chamber,
4000 South Tamiami Trail
Venice, Florida

REPORTED BY: DEBRA R. KRICK
Court Reporter

PREMIER REPORTING
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1 P R O C E E D I N G S

2 COMMISSIONER CLARK: Good morning. It is
3 9:30. We are going to go ahead and begin this
4 morning.

5 I would like to welcome each of you here to
6 this customer service hearing regarding
7 Environmental Utilities' application for a
8 certificate to provide wastewater service in
9 Charlotte County.

10 Today's hearing is a very important part of
11 the process. In addition to the technical hearing
12 that we held yesterday, the comments that are made
13 in this hearing are going to be transcribed and
14 will become an official part of the record that
15 this Commission will use to ultimately make its
16 decision. And so I want you to know that we take
17 your comments, not only the comments that you are
18 providing today, but the written comments that have
19 been provided to us as well, we take very seriously
20 and take them into consideration.

21 With me this morning are Commissioner La Rosa
22 and Commissioner Passidomo. I am going to give
23 them an opportunity, if they would like, to say a
24 word before we begin this morning.

25 Commissioner Passidomo.

1 COMMISSIONER PASSIDOMO: Thank you, Chairman
2 Clark.

3 I just want to take a brief moment to thank
4 all of you for coming out this morning, and
5 reiterate my comments that I made at last night's
6 customer meeting.

7 Our -- it's -- this is a really important
8 process, and we really value all of your comments
9 that you are making. And we have received, like,
10 hundreds of comments, written comments, and those
11 are equally as valuable. We take them with the
12 exact same amount of weight, and we recognize it's
13 pretty difficult for a lot of you to get over here,
14 so it's amazing that so many of you have been able
15 to show up in person, but just also value the
16 written comments as well, and so thank you very
17 much for being here.

18 COMMISSIONER CLARK: Commissioner La Rosa.

19 COMMISSIONER LA ROSA: Thank you, Chairman.

20 And I second the thoughts and comments of
21 Commissioner Passidomo. I thank you all for coming
22 out. This is a huge part of our process. It's not
23 often that we come -- that we leave Tallahassee and
24 come to the service area, so thank you all for
25 making the trip down here. It's delighted to see,

1 obviously, this part of the state of Florida and,
2 of course, it's a beautiful part of the state. And
3 thank you. Thank you guys for giving us your
4 thought and kind of walking us through as what you
5 guys see as the issues and, obviously, the
6 important business that's before us. So, again,
7 thank you all, and I look forward to your comments.

8 COMMISSIONER CLARK: Thank you, Commissioner
9 La Rosa.

10 Staff, would you please read the notice?

11 MR. SANDY: Pursuant to notice, this time and
12 place has been set for a service hearing in Docket
13 No. 20200226, regarding the application for an
14 original certificate and rates to provide
15 wastewater service in Charlotte County by
16 Environmental Utilities, LLC. The purpose of the
17 service hearing is set out more fully in the
18 notice.

19 COMMISSIONER CLARK: Thank you, Mr. Sandy.

20 We will take appearances now, beginning with
21 Environmental Utilities.

22 MR. FRIEDMAN: Marty Friedman of the law firm
23 of Dean Mead on behalf of Environmental Utilities.

24 COMMISSIONER CLARK: OPC.

25 MS. PIRRELLO: Anastacia Pirrello for the

1 Office of Public Counsel.

2 COMMISSIONER CLARK: Palm Island.

3 MR. KELSKY: Brad Kelsky on behalf of Palm
4 Island Estates Association, Inc.

5 COMMISSIONER CLARK: Ms. Cotherman.

6 MS. COTHERMAN: Linda Cotherman, Pro Se.

7 COMMISSIONER CLARK: Staff.

8 MR. SANDY: My name is Ryan Sandy. I am an
9 attorney with the Public Service Commission. With
10 me this morning is Ms. Jennifer Crawford.

11 MS. HELTON: And Mary Anne Helton is here as
12 your Advisor.

13 COMMISSIONER CLARK: All right. Did we get
14 everyone?

15 As I mentioned, this part of the hearing is
16 designed to hear directly from you, the potential
17 customers. This is your opportunity to express
18 your thoughts, your comments that are directly
19 related to the utility's request. I mentioned we
20 also had a technical hearing that concluded
21 yesterday that will also be taken into evidence in
22 this case.

23 I know that some of you are preregistered to
24 speak. You registered by phone or by email for
25 today's hearing. You may have seen the speaker

1 sign-up sheet that was provided by the staff when
2 you arrived here this morning. If you
3 preregistered, we've got you list and you are on
4 the list to speak. If you did not preregister and
5 you would like to address the Commission this
6 morning, please see a member of our staff. I
7 believe they are still out front taking sign-ins.
8 If you would like to speak, you must register in
9 order to do so.

10 This is an official public hearing. The
11 comments that you make are going to be transcribed
12 and become part of the record. As such, you are
13 subject to cross-examination by the parties. So
14 while you are testifying -- in conclusion of your
15 testimony, please remain at the podium. I will ask
16 the parties if they have any questions for you, and
17 also staff and the Commission may ask you questions
18 regarding your testimony as well.

19 In addition, if you do not wish to address the
20 Commission and would like to file additional
21 comments, you may do so by visiting our website,
22 you can get a pre-addressed comment card off of
23 there, or time them directly with the Clerk, and
24 the website information, email address is listed on
25 there.

1 Okay. We are going to begin with opening
2 statements from the parties. Each party has three
3 minutes, I believe, Mr. Friedman, you are up first.

4 MR. FRIEDMAN: Environmental Utilities waives
5 opening statements.

6 COMMISSIONER CLARK: Thank you, Mr. Friedman.

7 OPC.

8 MS. PIRRELLO: Good morning, everyone. Thank
9 you for coming. My name is Anastacia Pirrello, and
10 I represent the Office of Public Counsel.

11 We are a State office, independent of the
12 Public Service Commission, which is tasked with
13 representing the public interest on behalf of all
14 the customers of utilities in these types of cases.
15 Our goal is to ensure that in the process of the
16 Public Service Commission considering whether to
17 grant the certificate to Environmental Utilities
18 any of rates and charges to be imposed are
19 accurately reflected by the company, and include
20 only those costs that are shown to be necessary and
21 prudent for this type of wastewater collection
22 system.

23 We are here today to hear your thoughts and
24 concerns about Environmental Utilities' proposal to
25 install sewer lines, and the costs associated with

1 that proposal. If you have questions following
2 these hearings, you may contact our office toll
3 free at 1-800-342-0222. And if you would, please
4 let us know if you were intending to watch the
5 hearing yesterday via the live stream and were
6 unable to do so.

7 COMMISSIONER CLARK: Thank you, Ms. Pirrello.
8 Palm Island.

9 MR. KELSKY: Waive opening statement.

10 COMMISSIONER CLARK: Ms. Cotherman.

11 MS. COTHERMAN: Waive.

12 COMMISSIONER LA ROSA: All right. Are there
13 any elected officials here this morning who are
14 asking to speak? Any elected officials? Our
15 policy is to take them first.

16 All right. Seeing none, we are going to move
17 right on through.

18 I want to give every customer who has signed
19 up the opportunity to speak. We are asking that
20 you contain your comments to three minutes each.
21 We have a timer that is set up. It will be easily
22 visible from the podium. I will control the timer.
23 I am not going to be a real stickler on the three
24 minutes. If you go a few seconds over, we are
25 going to let you finish up your statements. If you

1 hit four minutes, I am going to kind of give you a
2 little warning to wrap it up real quick for us. We
3 have got about 30 folks that are wanting to speak
4 this morning, so out of respect and courtesy to
5 everyone, we want to make sure that everyone is
6 heard.

7 We would ask that you keep your comments
8 direct to the specific case that's involved here.
9 I would also ask that if the person that is in
10 front of you has said something that you are
11 basically going to repeat, just give them a ditto,
12 you know. We've heard a lot of testimony. We
13 would like to hear your unique specific situations.
14 We want to make sure that those are taken into
15 consideration, but if you have heard something that
16 you wanted to say, just feel free to say ditto as
17 well.

18 The attorney for the Public Counsel, Ms.
19 Pirrello, is going to be calling out names. She's
20 going to be calling out three names at a time so
21 that the next speaker can be kind of in the queue
22 and ready to go.

23 When you come to the microphone, please state
24 your name and address. Again, your verbal comments
25 are being transcribed, so please speak loud and

1 clear.

2 Before we begin, I am going to swear each one
3 of you in. This is sworn testimony. So if you are
4 on the sign-up sheet and are planning to speak this
5 morning, if you would, please stand, raise your
6 right hand and repeat after me.

7 (Whereupon, speakers were sworn in by
8 Commissioner Clark.)

9 COMMISSIONER CLARK: Consider yourself sworn.
10 Thank you. You may be seated.

11 All right. We will begin. Ms. Pirrello.

12 MS. PIRRELLO: The first three speakers will
13 be Monica Errico, Leonard Swederski and Joe
14 Savoldi.

15 COMMISSIONER CLARK: Yes, I am sorry, the
16 podium is right over here.

17 You are recognized, Ms. Errico.

18 PUBLIC COMMENT

19 MS. ERRICO: Yes. Hi. I am Monica Errico,
20 resident of Palm Island at 321 Bocilla Drive.

21 Frankly, I am a little bit disappointed that I
22 tried to attend the meeting virtually yesterday and
23 there was no access available. The reason why I
24 chose to preregister and attend is several fold.

25 One, I don't have a lack of any confidence in

1 the ability of EU to be able to come and install
2 this system in totality, especially at the costs
3 that were predicted. So it's amazing to me that we
4 can go from an estimated of 20,000 to 25,000 down
5 to below 15,000 without them really assuming and
6 understanding what the true costs are to install
7 and maintain a system like this in our
8 environmentally delicate community.

9 My second opinion is I am not opposed to sewer
10 systems overall. I am opposed to the type of sewer
11 system that's being put out there. In my opinion,
12 we haven't shown any problems with the septic we
13 have today, but I am not disagreeing. What I have
14 a problem is we are in a very delicate place where
15 we have a high water table, the power goes out
16 routinely, and the type of system that is going to
17 be installed is going to be requiring additional
18 maintenance by each homeowner potentially a
19 pump-out every time when we have power outages for
20 over 12 to 24 hours, which is quite common on the
21 island. I completely disagree with that.

22 I completely disagree with the fact that we
23 don't know what the charges are going to be. We
24 don't understand what the right-of-ways are going
25 to be, and the costs are double of what it would

1 cost for anything that would be considered
2 sponsored and installed by the County, perhaps with
3 different funding and grant options available,
4 where we are going to be asked to foot the costs
5 all upfront for some unknown amount.

6 And that's all I really have to say today.

7 COMMISSIONER CLARK: All right. Thank you
8 very much, Ms. Errico. Hold up one moment, please,
9 in case we have any questions.

10 And I do want to address the issue in regard
11 to the live stream yesterday. Our sincere
12 apologies to those who were at home wanting to
13 watch. We had every intention of providing that
14 service yesterday. Our staff came down months in
15 advance, checked our system, made sure that
16 everything worked so we would have live stream
17 capabilities. When we got here yesterday, plugged
18 in and started the stream, it worked and then it
19 quit.

20 There were some network conflict issues that
21 our system had with Sarasota County's system. I
22 can't explain those to you. I really wish I could.
23 We had three very capable, intelligent individuals
24 that worked diligently yesterday to try to get it
25 up and running. We got it up. It would come up

1 and stay up for a few minutes and would drop back
2 out again.

3 To accommodate that, we tried the telephone
4 call-in. I know that was not the best thing that
5 we could possibly do, but we were kind of out of
6 alternatives. We -- the State of Florida has spent
7 a ton of money and resources to have this hearing
8 yesterday and today, and so we wanted to make sure
9 that we stayed on schedule and did it.

10 So my apologies for those who were trying to
11 watch it at home. It was a technical hearing. You
12 will be able to go back and watch all of the
13 proceedings, we are -- we actually had them posted,
14 I believe, about two hours after we started, we
15 started uploading them -- am I close there, Adam?

16 THE CLERK: Yes, part two and three, basically
17 the afternoon, is available on the website right
18 now. We did have problems with part one. That's
19 the largest file.

20 COMMISSIONER CLARK: Okay.

21 THE CLERK: And it base quit halfway through,
22 like we were having with the broadcast. So we will
23 have that up, most -- I am expecting to have that
24 up tomorrow.

25 COMMISSIONER CLARK: We broke the internet. I

1 am sorry.

2 MS. ERRICO: If I can add one comment to
3 that --

4 COMMISSIONER CLARK: Yes, ma'am.

5 MS. ERRICO: -- because the ability to watch
6 that in advance would have greatly helped me better
7 prepare for rebuttals I would have had today.

8 COMMISSIONER CLARK: Absolutely. We do
9 understand that, and we are taking that into
10 consideration as well.

11 MS. ERRICO: Thank you.

12 COMMISSIONER CLARK: Thank you.

13 COMMISSIONER LA ROSA: Chairman, just quick.

14 COMMISSIONER CLARK: Commissioner La Rosa.

15 COMMISSIONER LA ROSA: Do the audience members
16 and the residents, do they have the ability to
17 still submit comments after-the-fact today?

18 COMMISSIONER CLARK: Yes. Absolutely. You
19 can still continue to submit your comments. If you
20 have an opportunity to go back and watch the
21 proceedings, if there is something there that
22 sparks an interest in you that you would like to
23 comment -- how long do we have, Ms. Helton, could
24 you tell, or Jennifer, how long before the comment
25 bridge is closed? It's open through the entire

1 docket, isn't it?

2 MS. HELTON: I am not sure that there is an
3 end date in particular, but I think it would be
4 helpful to file written comments by the time the
5 briefs are filed so that the parties can address
6 any comments in their brief.

7 COMMISSIONER CLARK: That's great.

8 MS. HELTON: That, to me, makes most since,
9 Mr. Chairman.

10 COMMISSIONER CLARK: That's a great point. So
11 March 16th is the deadline for briefs to be filed
12 by the parties. That is one of the factors that is
13 taken into consideration by the Commission. So if
14 you can get your comments in prior to March 16th,
15 they would be considered by the parties prior to --
16 in closing their briefs, okay?

17 Any other comments from any staff member
18 regarding this issue?

19 Okay. Next witness, Ms. Pirrello.

20 MS. PIRRELLO: After Mr. Swederski is Joe
21 Savoldi, Daniel Petersen and Michael Riley.

22 COMMISSIONER CLARK: Mr. Swederski, you are
23 recognized.

24 PUBLIC COMMENT

25 MR. SWEDERSKI: Well, thank you for this

1 opportunity to voice my opinions today.

2 I got involved with this -- actually I am a
3 fairly new resident to the island. We moved in in
4 May of 2021, and we are new residents to Florida.
5 Been visiting Florida a long time. We mostly lived
6 in rural areas. My wife and I, our entire life,
7 raised families on septic systems, been involved
8 with having a septic system in my yard for 50 plus
9 years at different places I have lived.

10 Septic systems in most other states are
11 inspected, inspected periodically. They are
12 required to be pumped periodically, and I have
13 rarely seen septic failures when you had those
14 procedures in place.

15 One of the complaints I have is with the State
16 of Florida, they passed the septic inspection law
17 in 2012, they repealed it in 2014. They sat on it
18 for six years. In 2020 they started to look back
19 into the new septic inspection and pump-out
20 requirements. Recently they pushed it off to the
21 Florida DEP to take it over.

22 I believe that DEP is going to do a good job.
23 Just I have had plenty of conversation with them
24 trying to get a dock in. They seem to be very
25 thorough in what they do. And I just got a feeling

1 that we've got a storm coming with our septic
2 systems on the island if we don't get them in
3 order.

4 So, you know, it's a potential, every system
5 might be inspected, putting dye in your toilets and
6 tanks, flushing it through the system with either
7 infrared or other types of ways of looking at where
8 that effluent goes. I do see a problem.

9 I do potentially see a sewer system being
10 forced to us down the road. Whether it's good or
11 bad, I am still, you know, on the balancing act
12 here.

13 Failed septic systems on the island are not
14 good. A sewer system is going to disrupt our
15 island activities, create more barge traffic,
16 potentially bring in more multi-family homes, which
17 really scares me. You know, we've got a nice quiet
18 little island, and most people out there like it
19 that way, and including the renters, not the
20 rentees, but the people that rent their homes,
21 people want to come back every year because they
22 love the quiet atmosphere. Multi-family
23 developments are not going to be good.

24 You know, I guess that's, you know, probably
25 the majority of what I wanted to say, and I am just

1 going to still stay listening.

2 Thank you very much.

3 COMMISSIONER CLARK: Thank you very much.

4 Any questions?

5 Thank you for your testimony, sir.

6 MR. SWEDERSKI: Thank you.

7 COMMISSIONER CLARK: Next witness.

8 MS. PIRRELLO: After Mr. Savoldi, Daniel
9 Petersen, Michael Riley and Jane Smith. I am
10 sorry, not Jane Smith, Shannon Roberts.

11 COMMISSIONER CLARK: Mr. Savoldi, you are
12 recognized.

13 PUBLIC COMMENT

14 MR. SAVOLDI: You good morning, I am Joe
15 Savoldi, a permanent resident on Palm Island, 390
16 Kettle Harbor.

17 Prior to retiring I spent over 20 years
18 working in the process control instrumentation
19 field primarily representing Emerson Process
20 Management who does distributed control systems,
21 SCADA systems, pressure temperature, level flow
22 measurement instrumentation for power plants,
23 chemical plants, refineries, sewage treatment
24 plants and freshwater distribution plants.

25 So I just wanted to say that, you know, sewer

1 is one of the most complicated systems that I dealt
2 with over time. High pressure natural gas
3 pipelines are easier to design and build and
4 install. I am worried that EU doesn't have the
5 kind of experience in sewage that is necessary to,
6 especially with the circumstances surrounding our
7 island.

8 I also think that if you are going to do a
9 project of this magnitude, 100 percent needs to be
10 bonded. There has to be financial protection for
11 not only the County, but also the stakeholders, us
12 homeowners.

13 Certainly, if you are going to let someone do
14 a design and build, be in charge of not -- or not
15 hiring a professional engineering firm to do the
16 initial design of the system, and then having
17 contractors bid through a process based on those
18 engineering specifications is a very bad idea.

19 So looking at the long-term maintenance on
20 each individual system I know has been discussed,
21 and people have talked about, and that's very
22 critical as well, because power outages, like, have
23 been spoken about. And the fact that if the
24 system -- if each individual pump station needs to
25 be monitored, it needs to be, you know, some kind

1 of preventive maintenance installation, it's very
2 expensive. It's incredibly expensive.

3 So that's basically wanted to talk about, and
4 that's basically what I wanted to bring up.

5 Financial bonding is very important and critical.

6 COMMISSIONER CLARK: Thank you very much.

7 Any questions?

8 Thank you for your testimony, sir.

9 MR. SAVOLDI: Okay. Thank you.

10 MS. PIRRELLO: After Mr. Petersen is Michael
11 Riley, Shannon Roberts and Bob Barb Dwyer.

12 COMMISSIONER CLARK: Mr. Daniel Petersen.

13 PUBLIC COMMENT

14 MR. PETERSEN: Good morning, and thank you for
15 letting me speak this morning. My name is Dan
16 Petersen. I live at 43 BayShore Circle on Palm
17 Island.

18 Before I begin, I have information I would
19 like to leave with the Commissioners about the
20 ferry service, which would be very good information
21 in a project transportation needs of such as what
22 we are considering here.

23 COMMISSIONER CLARK: Okay. Do we need to
24 enter that into evidence as an exhibit, Ms. Helton?

25 MR. FRIEDMAN: I would like an opportunity, if

1 I might, Commissioner, to review that --

2 COMMISSIONER CLARK: Sure, we will take --

3 MR. FRIEDMAN: -- this process, it's --

4 COMMISSIONER CLARK: One second. We have some
5 evidentiary law we have to kind of follow here --

6 MR. PETERSEN: I understand.

7 COMMISSIONER CLARK: -- so just give us one
8 second.

9 MR. PETERSEN: Okay.

10 MS. CRAWFORD: Commissioner Clark, if you
11 would like to go ahead and have this identified, we
12 can give it a number.

13 COMMISSIONER CLARK: And the number is?

14 MS. CRAWFORD: No. 50.

15 COMMISSIONER CLARK: 50. Mark it as Exhibit
16 No. 50.

17 (Whereupon, Exhibit No. 50 was marked for
18 identification.)

19 COMMISSIONER CLARK: Mr. Friedman.

20 MR. FRIEDMAN: Commissioners, I have two
21 objections.

22 The first is that this appears to be a
23 printout of a website. And the ones of you who
24 were in the hearing last week understand my
25 argument that you just print out a website doesn't

1 necessarily give any probative value. And in that
2 case y'all, the Commissioners in that hearing
3 denied the exhibit.

4 The second reason would be the probative
5 value, in that Mr. Boyer discussed the fact that he
6 was doing a contract rate with Palm Island Transit,
7 and that rate has got nothing to do with anything
8 that's on this exhibit.

9 So No. 1, I would suggest to you that it's not
10 evidentiary appropriate; and No. 2, it's got no
11 probative value and it's I reviewed relevant.

12 Thank you.

13 COMMISSIONER CLARK: Ms. Pirrello, do you want
14 to address the Commission?

15 MS. PIRRELLO: Yes. Thank you, Mr.
16 Commissioner.

17 I will say we have seen this same chart
18 already in discovery, but the contract that Mr.
19 Friedman is referring to has not been executed, so
20 I do believe that these rates are still relevant.

21 COMMISSIONER CLARK: I am going to overrule
22 the objection and allow the item. The Commission
23 will give it the weight it warrants.

24 You may continue.

25 MR. PETERSEN: Thank you.

1 Previously, I worked for a natural gas utility
2 in Indiana for over 10 years as a district manager
3 in several communities of our service area, and we
4 had 400,000 customers. I have some experience
5 managing a utility operation.

6 In the past year, I have researched this
7 application, Jack and EU, and I read Jack's
8 deposition. I am here to ask that you not approve
9 this application for a central sewer system to EU.
10 It's my understanding there has been no direct
11 testing for the need of service at Palm Island
12 itself.

13 The other thing that concerns me is financial
14 capability. All that I have read and listened to
15 is, for financing this, is loans, and I am aware
16 that borrowing money in the next couple of years is
17 going to do nothing but increase and get more
18 expensive. Also, there is no central sewer system
19 experience whatsoever with EU.

20 I also know that this could cause a financial
21 hardship on multitudes of households due to no plan
22 in place for a reasonable long-term payment plan
23 for hookup fee, which is customary in a lot of
24 systems that are done such as this.

25 I love our island, and when a detailed study

1 is done directly focused on Palm Island itself, and
2 the need for services determined, I do not want a
3 rookie at the installation and maintenance of it.
4 We want the A game with the County doing it, and at
5 the very least, an experienced, proven provider
6 with decades of experience.

7 Please do not approve this application.

8 COMMISSIONER CLARK: Thank you, sir.

9 Do we have any questions?

10 All right. Thank you very much for your
11 testimony.

12 Next witness.

13 MS. PIRRELLO: After Mr. Riley will be Shannon
14 Roberts, Barb Dwyer and George Pettengill.

15 COMMISSIONER CLARK: Mr. Riley, you are
16 recognized.

17 PUBLIC COMMENT

18 MR. RILEY: Thank you. My name is Mike Riley,
19 and I live at 220 Kettle Harbor, which is in the EU
20 service district.

21 I want to thank the Commission first for
22 having this hearing here so that we could all be in
23 person and not Tallahassee. And I, too, did not
24 get to watch yesterday for the technical side,
25 which is very critical in putting together

1 testimony.

2 I am against this application and have several
3 reasons why.

4 First is the type of system. We've covered
5 it. Vacuum versus low pressure. A low pressure
6 system has inherent problems in environmentally
7 sensitive areas, which is our island, because it's
8 under pressure and, therefore, subject to
9 exfiltration, which is blown out of the line, a
10 vacuum system is not subject to exfiltration.

11 A low pressure system has more maintenance
12 costs because it requires each homeowner to have a
13 holding tank and a grinder pump. Per design, these
14 tanks and pumps need to be located on the
15 homeowner's property. A vacuum system is located
16 on public property or easements for the roads.

17 Third, with regard to these tanks being EU is
18 requesting an easement from each homeowner to put
19 these tanks and grinder pumps on their private
20 property with 24-hour access without compensation.
21 They just want it for free. I am not sure it's
22 allowed under law, and needs eminent domain
23 proceedings if not compensated.

24 I have here as an exhibit I would like to put
25 in three copies of easements that Mr. Boyer has had

1 to purchase or has purchased in his water utility
2 on Little Gasparilla Island, and one copy of an
3 eminent domain proceeding. The eminent domain
4 proceeding was \$7,000. The two easements he
5 purchased, one was five, one was 1,200 and one was
6 \$1,000. He is wanting easements on our property
7 for free, which is 1,200 different homesites.

8 COMMISSIONER CLARK: Those are -- I believe
9 those documents are already in, aren't they?

10 MR. FRIEDMAN: They are not.

11 MR. RILEY: They are not in record, I don't
12 think, sir.

13 MR. FRIEDMAN: You denied it for the
14 reasons -- the same reasons you should deny it in
15 this case.

16 MS. CRAWFORD: On the CEL, that's 45 and 46,
17 they were introduced on the rebuttal testimony by
18 OPC of Ms. Swain. The Greene Easement and the
19 Tatum easement, neither one were admitted into the
20 record.

21 COMMISSIONER CLARK: Neither one were
22 admitted, okay.

23 All right. You can continue. Sorry we -- the
24 Commission has seen the documents but we did not
25 allow those into evidence.

1 MR. RILEY: Okay. Fourth, the design and the
2 resort, or Knight Island Utilities. According to
3 application, the resort is not in EU's service area
4 because it's serviced by Knight Island. However,
5 the design shows a six-inch main starting at the
6 gates of the resort, which enlarge to the
7 eight-inch main, and eventually -- and ultimately
8 off island.

9 There is no need for a six-inch line at this
10 location in front of the resort because it is only
11 a beginning feeder line, and in all other locations
12 of the design it starts with a three-inch, then a
13 four-inch based on volume, then into the eight-inch
14 mainline to take it off island.

15 EU's application shows no general service
16 customers. Only residential customers. Is there
17 an unspoken agreement with the resort to be hooked
18 up later with the down-island residents paying for
19 the system installation costs and not the resort,
20 or Knight Island?

21 Why has Mr. Boyer held meetings on the resort
22 to discuss hooking up gathering support for the EU
23 system? The resort has a holding tank problem and
24 must move their sewage off island by truck more
25 frequently now when the tank gets half full. They

1 can't fill it up because of there issue.

2 Rumor has it that resort residents and Knight
3 Island residents are going to be able to hook up
4 without a hookup charge, without a monthly charge,
5 only a transmission charge through lines that we,
6 as the down-islanders, are paying for this in this
7 application.

8 Thank you for your time.

9 COMMISSIONER CLARK: Thank you, sir.

10 One moment, sir.

11 Questions?

12 Mr. Friedman.

13 MR. FRIEDMAN: I don't, but I would just
14 implore you to keep in mind the hearsay element of
15 a lot of this.

16 COMMISSIONER CLARK: Certainly.

17 Other questions, anyone?

18 Thank you for your testimony. Oh, I am sorry,
19 Ms. Pirrello. I'm sorry.

20 MS. PIRRELLO: I am sorry. Not a question,
21 but regarding the papers that Mr. Riley is
22 offering, I did not offer those into evidence, so I
23 don't believe there was a ruling made on that.

24 MS. CRAWFORD: That is consistent with my
25 memory actually.

1 COMMISSIONER CLARK: Well, mine either. I do
2 remember -- so the problem that we had was no one
3 could authenticate those documents --

4 MS. CRAWFORD: That's correct.

5 COMMISSIONER CLARK: -- I think was -- that
6 they were actually -- they were from a water
7 company, not specifically this company. We didn't
8 have anyone that sponsored or authenticated them.

9 MS. PIRRELLO: Ms. Swain was not able to
10 authenticate them, but I believe Mr. Boyer could.

11 COMMISSIONER CLARK: But he did not during the
12 process.

13 MR. FRIEDMAN: They had an opportunity to ask
14 him because he came up after Ms. Swain --

15 COMMISSIONER CLARK: Right.

16 MR. FRIEDMAN: -- but they chose not to do so.

17 COMMISSIONER CLARK: Correct.

18 Ms. Crawford? Ms. Helton?

19 MS. HELTON: I agree. And it was my
20 understanding that Ms. Pirrello was going to
21 authenticate those with Mr. Boyer when he was on
22 the stand, and she did not do so.

23 MS. COTHERMAN: My understanding was that it
24 was referenced because it was in one of my
25 questions, and Mr. Boyer did acknowledge he paid

1 the 7,000 for one, 1,000 for another easement. He
2 did do eminent domain. He had said he didn't
3 remember the \$5,000 one, but he did acknowledge
4 those.

5 COMMISSIONER CLARK: And you have him on
6 record saying that, but we did not -- we did not
7 allow the documents.

8 MS. COTHERMAN: They weren't presented. They
9 weren't available at the time, I don't believe.

10 COMMISSIONER CLARK: You still have his
11 testimony that he made that statement that that's
12 what he paid for them. It's in the record.

13 MS. COTHERMAN: Okay.

14 COMMISSIONER CLARK: Mr. Friedman.

15 MR. FRIEDMAN: I do have a question for this
16 witness, please.

17 COMMISSIONER CLARK: Yes, sir, you may
18 proceed.

19 MR. FRIEDMAN: Thank you.

20 Mr. Riley, isn't it true that you don't object
21 to central sewer on the island, you just object to
22 it being done by Environmental Utilities or some
23 other private utility?

24 MR. RILEY: It I object because it's done by a
25 private utility. But I also object because there

1 is no proven need. There has been no water tests,
2 so no water -- no actually water tests, there is no
3 contamination that they found. There is no level.
4 There is no baseline. There is no idea whether
5 there is nitrates or not. All they've done is take
6 assumptions that we have septic, therefore, we are
7 bad.

8 So I am against the sewer system, yes; but I
9 am also primarily against a private company, which
10 duplicates management, and duplicates costs, and
11 duplicates maintenance costs, and has rates that we
12 are going to end up paying \$250 a month for sewage
13 and it's going to be jammed down our throat.

14 MR. FRIEDMAN: Do you recall writing a letter,
15 a comment letter to the Commission?

16 MR. RILEY: Yes, sir.

17 MR. FRIEDMAN: And --

18 MR. RILEY: Approximately three pages. I do
19 not have a copy of it with me.

20 MR. FRIEDMAN: I happen to, and I would like
21 to read what you said and see if you -- this is an
22 accurate quote.

23 Understanding that Charlotte County's
24 long-range plan calls for removal of septic tanks,
25 a private system is not the answer. It would be in

1 everyone's best interest to have a public utility
2 handle any sewer system so there is transparency,
3 guaranteed cost control, unquestionable financial
4 ability to be able to operate and avoid the
5 needless stakeholders to pay a profit for private
6 utility -- private individual to a utility. Is
7 that an accurate statement of what you recall
8 saying?

9 MR. RILEY: That's an accurate statement, yes.

10 MR. FRIEDMAN: All right. I have no further
11 questions.

12 COMMISSIONER CLARK: All right. Thank you
13 very much for your testimony today, sir.

14 Your next witness, please.

15 MS. PIRRELLO: After Ms. Roberts is Barb
16 Dwyer, George Pettengill and Jane Smith.

17 PUBLIC COMMENT

18 MS. ROBERTS: Good morning, Commissioners. My
19 name is Shannon Roberts. My husband and I are
20 full-time residents of Palm Island, and we reside
21 at 32 BayShore Circle.

22 Before I get started with my comments, I did
23 want to offer up an exhibit that is a filing with
24 the Florida Public Service Commission. The reason
25 why I am offering this --

1 COMMISSIONER CLARK: Hold on one second and
2 let us take -- and just so everyone understands,
3 and I am not an attorney, let me begin with that
4 statement, but we do have to follow evidentiary law
5 regarding the admission of evidence and exhibits in
6 these cases, so that is why I am turning to two of
7 our staff attorneys to help me out with determining
8 if it is legal for us, as a body, to include this.

9 Some of the things that you have said and
10 testified to we've taken into consideration. When
11 it comes to specific items, web pages are one
12 that's an area that we have some issues with. We
13 can't authenticate is this the real web page? Is
14 this the company's actual position?

15 So there is some real unique rules as to why
16 we do this. I just want you guys to understand.
17 Just because we say we are not taking something
18 into evidence, we may read it, understand it, we
19 consider it, but we can't include it in the docket.

20 MS. CRAWFORD: Commissioner Clark, if you
21 would like, we can go ahead and give this a number.

22 COMMISSIONER CLARK: Yes, please.

23 MS. CRAWFORD: 51.

24 (Whereupon, Exhibit No. 51 was marked for
25 identification.)

1 MS. CRAWFORD: And based on my review, this
2 appears to be a copy of the Charlotte County
3 Prehearing Statement from a 2002 Commission docket.

4 COMMISSIONER CLARK: Okay.

5 MS. CRAWFORD: It is not the action of the
6 Commission, so I'm unclear what the probative value
7 would be of this document. If the witness would
8 like to speak to that perhaps.

9 COMMISSIONER CLARK: We will. One second.
10 Yes, ma'am. You would tell us the value?

11 MS. ROBERTS: Yeah. It is my understanding
12 that Mr. Boyer testified that Charlotte County
13 Attorney Janette Nolton was against certification
14 and for it this time, and that means against
15 certification in this past case.

16 In reality, the County Attorney in this old
17 case was for certification, but recognized that the
18 Comprehensive Plan needed to be changed for the
19 project to move forward.

20 In this case, it speaks volumes that the
21 Charlotte County -- that Charlotte County is not a
22 party of record, and that Jeannette Nolton has not
23 written a letter supporting the project. The only
24 County official weighing in on this matter is a
25 former of utilities director who is also a friend

1 of Mr. Boyer.

2 COMMISSIONER CLARK: All right. One moment,
3 please.

4 Ms. Helton.

5 MS. HELTON: I think it might be appropriate,
6 Mr. Chairman, to hear from Mr. Friedman first and
7 the other parties.

8 COMMISSIONER CLARK: Mr. Friedman.

9 MR. FRIEDMAN: I am not sure of the probative
10 value of the document; although, I love these
11 statements, that the County fully supports the
12 application we had back in 2002. There is a lot of
13 great language in here. So the only negative
14 language, which she addressed, was whether it was
15 consistent with the Comprehensive Plan, and this
16 one deals with the 1997 Comprehensive Plan, as you
17 can see from the exhibit, the one we are dealing
18 with for this case.

19 COMMISSIONER CLARK: Do you object, Mr.
20 Friedman?

21 MR. FRIEDMAN: I don't object.

22 COMMISSIONER CLARK: Any other comments?

23 All right. You may continue, ma'am.

24 MS. ROBERTS: Thank you.

25 I think my -- one of my concerns is that the

1 County appears to be silent in this case. Other
2 than the utilities director, we haven't heard from
3 anyone else from the County, and that's concerning
4 to me. So that's one of the reasons why I think I
5 offered that document.

6 Another argument is that there appears to be a
7 high risk that the sewer pipes may break and spill
8 sewage into the waterways around the island if this
9 certificate is granted. Over the years, in the
10 high velocity zones, sizable sections of land have
11 closed off or opened up large bodies of water,
12 fundamentally changing the topography and the outer
13 boundaries of the island.

14 For example, a narrow outlet at Pinfish Point
15 previously flowed directly into the Gulf, it is now
16 closed and a house sits nearby. Bocilla Lagoon
17 used to flow into the intercoastal waterway, after
18 a hurricane it was closed off by sand shifting
19 inward, houses now sit nearby. My understanding is
20 also that Little Gasparilla and Don Pedro were
21 separate islands, and now they are connected.

22 So if you have a maze of these sewer pipes,
23 you know, and we have a hurricane or a tropical
24 storm, my assumption is they are going to break and
25 we are going to have a sewage spill. Maybe that's

1 the reason why we are not supposed to have a sewer
2 on a barrier island.

3 We also believe that EU has oversimplified its
4 ability to obtain the necessary easements to
5 install the system. There are multiple private
6 neighborhoods with private roads on the island.
7 There has been extensive litigation between some of
8 these neighborhoods on access issues. The most
9 recent case was late last year between two large
10 neighborhoods backing to the State park, Beach
11 Dubai and the preserve.

12 The Charlotte County Circuit Court ruled that
13 no service vehicles, construction vehicles or cars
14 can cross through Beach Dubai to reach the
15 preserve, rendering the preserve a golf cart only
16 community accessible by boat or its own barge.

17 My understanding is that the proposed sewer
18 plan assumes EU will obtain an easement to run
19 through both of the neighborhoods to reach the rest
20 of the island.

21 The application also assumes EU will have
22 barge access to Don Pedro, but the barge is
23 provided at the pleasure of the resort. It is not
24 a mandatory service. Nor does EU have easements to
25 use the landings, to my knowledge.

1 Before this proposed project gets through its
2 planning phase, the entire island's flood and
3 velocity designations will be rezoned, much of it
4 to an E, which is outside the high velocity zone.

5 The 2018 preliminary FEMA map show that FEMA
6 completely rezoned Charlotte County. I confirmed
7 with the Charlotte County Community Development
8 office yesterday that the maps are anticipated to
9 go into effect November or December of this year.

10 Failing to disclose or account for this
11 information demonstrates why EU does not have the
12 technical expertise to take on this project; and in
13 my opinion, is yet another exhibit how they are
14 oversimplifying the issues presented to this
15 commission.

16 There have also been countless statements from
17 Mr. Boyer to stakeholders indicating that he
18 doesn't think EU proceeding with the project is
19 necessarily the best way to go. We all received a
20 letter in the mail well into these proceedings that
21 offered up alternatives, and some of them were --

22 MR. FRIEDMAN: I object on the best evidence
23 rule. The best evidence of what that letter said
24 is the letter itself. Not her testimony.

25 MS. ROBERTS: I have the letter.

1 COMMISSIONER CLARK: Could you sum up real,
2 real quick for me? It's been about five minutes
3 already.

4 MS. ROBERTS: Oh, I am sorry.

5 COMMISSIONER CLARK: Thanks.

6 THE WITNESS: Okay. I am trying to find the
7 best evidence from the letter. I will just -- I
8 will just read a quick sentence from it.

9 UNIDENDIFIED SPEAKER: I have it if you want
10 it.

11 MS. ROBERTS: Okay, I have it.

12 Possibly even better that Charlotte County
13 would be a utility district established by a
14 special act of the Florida legislation, we have met
15 with Michael Grant, our state majority health
16 leader, his comments were, simply get it to me and
17 we will get it done. He is referring to us
18 becoming our own utility district, and saying that
19 that may be a better way to go so we can obtain
20 grants and funding.

21 COMMISSIONER CLARK: Great. All right. Thank
22 you very.

23 Questions, Mr. Friedman?

24 MR. FRIEDMAN: I do.

25 Ms. Roberts, you mentioned that the County had

1 not indicated any support for this project, was
2 that the correct understanding of what you
3 testified to?

4 MS. ROBERTS: No, I was only introducing this
5 as --

6 MR. FRIEDMAN: I'm talking about earlier.
7 Earlier in your discussion --

8 MS. ROBERTS: Yeah.

9 MR. FRIEDMAN: -- I think you indicated that
10 the only support had been by Mr. Rudy, and that
11 there had been nothing from the County supporting
12 this project?

13 MS. ROBERTS: All that I have seen is the
14 letter from the County supporting the project that
15 was signed by Mr. Rudy and the water quality
16 manager.

17 MR. FRIEDMAN: All right. So you are not
18 familiar --

19 MS. ROBERTS: And then the service agreement,
20 which was signed by Commissioner Treux. And I am
21 of the opinion that this was kind of rubber
22 stamped, because I met with Commissioner Treux and
23 Mr. Rudy with a small group of homeowners in which
24 they described that process, and said it was kind
25 of perfunctory, that it's sort of like first come,

1 first serve. If you raise your hand and ask for
2 the agreement, you get it. There is no vetting or
3 anything. And that's what Mr. Rudy pretty much
4 recommended and did.

5 MR. FRIEDMAN: But isn't it true that the
6 County Commission itself voted on that? Whether
7 it's on the consent agenda or otherwise, the County
8 Commission itself voted on that agreement?

9 MS. ROBERTS: I just know what my
10 conversations were with Mr. Treux.

11 MR. FRIEDMAN: Okay. Then I don't want her to
12 testify as to what other people said.

13 COMMISSIONER CLARK: Understand.

14 MS. ROBERTS: Yeah.

15 COMMISSIONER CLARK: All right. Any other
16 questions?

17 All right. Thank you very much.

18 MS. ROBERTS: Thank you.

19 COMMISSIONER CLARK: Kelly, could I get -- I
20 don't have seven, eight and nine. I am missing
21 seven, eight and nine. Would you bring me a copy
22 of those, please?

23 MS. PIRRELLO: After Ms. Dwyer is George
24 Pettengill, Jane Smith and Richard Sadenwater.

25 COMMISSIONER CLARK: Who do we have now?

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PUBLIC COMMENT

MS. DWYER: Barb Dwyer. I am a resident of Hideaway Bay Beach Club, Unit G8, and I am also a member of the LGPOA Board of Directors.

COMMISSIONER CLARK: You are recognized.

MS. DWYER: Good morning, Commissioner. Thank you for letting us be a part of this.

There have been a lot of inconsistencies in the information that Jack has relayed to the people on LGI. Territory maps contain errors, and are in direct contradiction to the information that EU sent out in an email to us on January 20th, 2022, the territory maps include Hideaway Bay even though it's excluded in the service area. The maps show the transmission line going from Cape Haze to Don Pedro Island through mangroves, but the email that was sent out shows that, you know, at the attachment from the utility director, Craig Rudy, indicates the transmission line for LGI will be brought over to Hideaway; which is correct?

It is also unclear if the underwater transmission line is overseen by EU or if it will be handled by CCU. Does the County involvement start on the island side of the line or the mainland side of the line?

1 You know, the issue was raised with the email
2 sent out to answer questions. Island residents are
3 assuming the cost of the transmission line will be
4 included in the cost that Jack has published. The
5 Rudy letter seems to indicate that the transmission
6 line is CCU responsibility; which is correct?

7 In of that same letter, Rudy indicated the
8 septic plants, you know, Hideaway Bay specifically,
9 was at the end of their life. Hideaway has a DEP
10 permitted septic plant in good standing, NES is our
11 plant operator and has a Class A permit. We have
12 been told by the plant operator that with continued
13 maintenance, the plant will last for another 20
14 plus years.

15 If you recall the gasps in the room during
16 attorney Kelsky's cross-examination of the EU
17 witness Cole, when he revealed the LPS tanks would
18 still have to be pumped out every three to five
19 years, you can get a sense of another piece of
20 hidden information and hidden costs people are
21 dealing with and concerned about.

22 Why do we need to replace working septic tanks
23 with a sewer system that will cost more money,
24 require additional plumbing and electric hookups,
25 have ongoing maintenance costs and potentially

1 disrupt and delicate ecosystems on our bridgeless
2 barrier islands?

3 Transportation costs were listed by EU as
4 \$1,000 per month. On Little Gasparilla Island,
5 barging fees are currently 1,200 to 1,400 per run.
6 The owner of the barge can be called persnickety at
7 best, and he is the only option that we have.

8 My last concern has to do with the operation
9 of LG Water Utility as an example of Jack's ability
10 to handle and operate a wastewater utility. I have
11 been three -- I have been witness to three examples
12 of questionable practices. There was a broken
13 water pipe spewing water for over an hour that had
14 to be fixed with duct tape because no one from
15 Little Gasparilla Water was available to fix it.
16 It happened on a weekday afternoon. The pipe
17 stayed that way for over a week.

18 There was a boil water notice not issued until
19 24 hours after a reportable infraction. A Florida
20 Power & Light backhoe broke a water pipe when
21 digging a trench for the new electric main that was
22 brought to the LGI. No one from LG Water Utility
23 was available the morning that it happened to shut
24 off the water. The island fire chief was called,
25 and luckily able to find the connection -- the

1 correct connection to shut off the water. Water
2 pressure was significantly diminished. The boil
3 water notice was not issued until the following
4 day.

5 And the third example was LG Water Utility
6 refused to hook up the Hideaway Bay fire
7 suppression system unless we allowed the LG Water
8 Utility office to be hooked up to our septic plant.
9 We asked LG Water Utility to connect to their water
10 after our fire pump failed in January of 2019.
11 After accepting fees to start the permitting
12 process, LG Water Utility refused to hook up our
13 system unless we allowed the office to tie into our
14 septic plant.

15 Our HBBC lawyer filed a complaint with the
16 Public Service Commission in March of 2019, which I
17 haven't been able to find on the PSC website. LG
18 Water Utility came back with four solutions.

19 COMMISSIONER CLARK: Could you wrap it up
20 pretty quick, please?

21 MS. DWYER: I find it unsettling that Jack, by
22 his own admission yesterday at the technical
23 hearing, would ignore raw sewage in his neighbor's
24 yard and not report it to the proper authorities.
25 I don't think it's funny, and I think -- I don't

1 think it's the actions of a person that I want
2 running a wastewater system.

3 COMMISSIONER CLARK: Thank you very much.

4 MS. DWYER: Thank you.

5 COMMISSIONER CLARK: Questions?

6 Mr. Friedman.

7 MR. FRIEDMAN: Yes.

8 Ms. Dwyer, so if I understand your testimony
9 correct, you are not going to be -- since you are
10 in Hideaway Bay, you are not going to be a customer
11 evidence the utility, is that correct?

12 MS. DWYER: It's questionable at this point.

13 MR. FRIEDMAN: You don't have a septic tank,
14 do you?

15 MS. DWYER: No, I don't.

16 MR. FRIEDMAN: All right. No questions.

17 COMMISSIONER CLARK: Anybody else? Any
18 questions?

19 All right. Thank you, Ms. Dwyer, for your
20 testimony today.

21 MS. DWYER: Thank you.

22 COMMISSIONER CLARK: Ms. Pirrello.

23 MS. PIRRELLO: After Mr. Pettengill are Jane
24 Smith, Richard Sadenwater and Jeff Provost.

25 COMMISSIONER CLARK: Mr. Pettengill, you are

1 recognized.

2 PUBLIC COMMENT

3 MR. PETTENGILL: Good morning. My name is
4 George Pettengill. I am at 9400 Little Gasparilla
5 Island, which is the Hideaway Bay address, Unit J7.

6 And I just want to point out to the Commission
7 and Commissioners, and so forth, that on November
8 11th, 2020, the storm surge from Hurricane Eta put
9 large portions of Little Gasparilla under water.
10 That meant that many septic systems on the island
11 were also under water. Additionally, much of the
12 island was without power for 27 hours. However, to
13 the best of my knowledge there were no declared
14 environmental impacts from that event. I believe
15 that indicates there was no real need for a public
16 sewer system.

17 Also based on the testimony I heard yesterday,
18 I am also of the opinion that the public service --
19 public sewer system that relies on a series of
20 grinders in a pumping station that all require
21 electricity may not have faired as well. Many of
22 the roads on the island remained under water for
23 several days, and which would made -- would have
24 hindered a speedy full recovery of the island.

25 In short, I believe the public service plan

1 has the potential to create a problem where I feel
2 none exists.

3 Thank you very much for your time.

4 COMMISSIONER CLARK: Thank you very much, sir.

5 One moment, please.

6 Mr. Friedman?

7 MR. FRIEDMAN: Yes, sir.

8 So you live in Hideaway Bay, and you don't
9 have a septic tank either, do you?

10 MR. PETTENGILL: That's correct.

11 MR. FRIEDMAN: Okay.

12 COMMISSIONER CLARK: Other questions?

13 Thank you very much.

14 Next witness.

15 MS. PIRRELLO: After Ms. Smith is Richard
16 Sadenwater, Jeff Provost and Deb Reinke.

17 PUBLIC COMMENT

18 MS. SMITH: Good morning.

19 COMMISSIONER CLARK: Ms. Smith, you are
20 recognized.

21 MS. SMITH: Thank you. My name is Jane Keeney
22 Smith. I live at 33 BayShore Circle. It's my
23 full-time residence. I have lived there
24 six-and-a-half years. Love, love, love the island.

25 Our main way to get to and from the island is

1 on the ferries, and we pay over \$2,000 a year to
2 have car service that can go. The ferries can
3 carry eight cars at a time, or some trucks. It
4 would be very disruptive to have this ongoing in
5 addition to the construction that we have.

6 I do have a septic tank. I had to redo it
7 last year. It has that aqua flow bubble thing.
8 And I have it inspected twice a year by the County
9 and also by Martin Septic. I am required to have a
10 service provider.

11 My septic tank is A1 shape, and I agree with
12 my fellow residents that this would be a very
13 unnecessary addition to the island, and it's scary
14 to think that we just have to open our wallets and
15 take whatever is given as far as hooking on.

16 COMMISSIONER CLARK: Thank you very much.

17 MS. SMITH: Thank you.

18 COMMISSIONER CLARK: No questions?

19 Next witness.

20 MS. PIRRELLO: Following Mr. Sadenwater, Jeff
21 Provost, Deb Reinke and Lindsay Yates.

22 COMMISSIONER CLARK: Mr. Sadenwater, you are
23 recognized.

24 PUBLIC COMMENT

25 MR. SADENWATER: Yeah. My name is Richard

1 Sadenwater. I live at 150 Kettle Harbor Drive,
2 which is on Don Pedro Island. I have been a
3 resident there for over 20 years.

4 After witnessing the display of attorney
5 questioning of prominent people and experts
6 yesterday, it appears to me the purpose of the
7 hearings may have gotten a bit off center. To me,
8 the basic questions are:

9 Has it been proven that we need a sewer
10 system? The answer is no.

11 Has our county explored other contracted
12 services? The answer is no.

13 Has our county offered financial assistance as
14 they have in other areas within the county? The
15 answer is no.

16 As per agreement of 2003, when we were here
17 for the same issue, Docket No. 020745-SU, it was
18 decided that, and I quote, "any eventual sewer
19 service should be provided by Charlotte County
20 Utilities and not a private company."

21 Our county has not done any testing on Don
22 Pedro or Knight Islands to justify conducting a
23 project of this magnitude. I personally conducted
24 testing of surface water along with a commercial
25 water testing laboratory for seven years, between

1 2008 and through 2015.

2 MR. FRIEDMAN: Commissioner, I am going to
3 object to any testimony about -- from a member of
4 PIE about any testing that was done. That's a --

5 AUDIENCE: Why?

6 COMMISSIONER CLARK: Listen, let's keep our
7 comments in the audience -- we will make the
8 decisions from here. Just hang tight.

9 Mr. Friedman, continue.

10 MR. FRIEDMAN: Here's the problem, and it's a
11 little unsettling, because the witness yesterday
12 said, oh, yeah, we did -- we have members that did
13 some testing, and they will talk about it tomorrow.

14 Now, if PIE had any reports that had anything
15 to do with this case, they should have disclosed it
16 instead of trying to blindside us with testimony
17 from prospective customers at a hearing.

18 We've got no way to vet what this gentleman is
19 getting ready to say about testing. I don't know,
20 maybe it's positive to us. I don't know. But, you
21 know, one way or the other, there is no way for us
22 to vet what he is going to say.

23 COMMISSIONER CLARK: All right. Thank you,
24 Mr. Friedman.

25 MR. FRIEDMAN: It's information that should

1 have been disclosed by PIE in the case.

2 COMMISSIONER CLARK: Thank you, Mr. Friedman.

3 All right. So, Ms. Helton, Ms. Crawford, my
4 question is when you have members of an
5 association, how do you differentiate the
6 membership from the association membership, the
7 members themselves testifying as customers from the
8 association and what the association is
9 representing? Is there a legal bar here I am not
10 aware of?

11 MS. HELTON: In my mind, Mr. Chairman, the
12 witness is testifying as a potential customer of
13 the utility. So from that perspective, I think
14 that the fact that PIE has intervened does not keep
15 any members of PIE from testifying as potential
16 customers. However, it's a little bit different
17 story about this water testing, and I think perhaps
18 maybe it looks like that counsel for PIE wants to
19 speak to that, and that might be helpful.

20 COMMISSIONER CLARK: Sure. I will hear from
21 you.

22 Mr. Kelsky.

23 MR. KELSKY: Thank you. Let me take this off.

24 The witness is testifying from his own
25 personal knowledge and his own personal capacity,

1 and is not the mouthpiece or the representative
2 from PIE who has been designated to give testimony.
3 I think that his personal interaction with testing
4 is completely relevant and admissible for purposes
5 of what he did.

6 COMMISSIONER CLARK: Okay. Ms. Crawford?

7 MS. CRAWFORD: I don't suppose I have anything
8 to add, except that we traditionally allow a
9 certain amount of latitude to customers speaking.
10 If the gentleman is speaking from his personal
11 experience, I think that's allowable. As with any
12 customer testimony, the parties and the
13 Commissioners can give the evidence that we take in
14 the weight they believe is due --

15 COMMISSIONER CLARK: Right.

16 MS. CRAWFORD: -- and that's true of all
17 evidence in all Commission hearings.

18 COMMISSIONER CLARK: Mr. Friedman, wrap up.

19 MR. FRIEDMAN: The difference in this case is
20 that it's not just a prospective customer coming
21 in. It's a member of an organization that has done
22 a very concerted drive to push their members to
23 file letters of complaint with the three of you,
24 and with the Commission, and they've set out here
25 are the issues that we need to deal with. And so

1 it's not an isolated customer out here of an
2 association, or member of an association. This
3 association has been getting together to build up
4 this objection. And as the witness testified
5 yesterday, PIE knew about this testing, knew about
6 it beforehand, and ever disclosed it.

7 COMMISSIONER CLARK: Isn't that their right as
8 an association and customers, though? Isn't that
9 their -- isn't that --

10 MR. FRIEDMAN: I couldn't hear you. These
11 people are --

12 COMMISSIONER CLARK: Isn't that their right as
13 an association, and as customers, to gather
14 themselves and rally themselves against costs?

15 MR. FRIEDMAN: Absolutely. I don't fault that
16 at all. The point is not that. The point is that
17 they had information, apparently some water testing
18 that this gentleman did that they knew about, that
19 they did not disclose. And they said, okay, why
20 should we disclose it and give somebody a chance to
21 refute it. Let's put it at the customer service
22 hearing where there is no chance to delve into the
23 specifics of it.

24 COMMISSIONER CLARK: True.

25 All right. So I am going to overrule the

1 objection. Again, I am going to remind you that
2 the bar -- the bar, to me, for customer testimony
3 is going to be a lot different than what the
4 expectation is from this panel here.

5 We are asking and hoping that everyone is
6 being truthful and honest in representing their
7 individual situation, their individual case and
8 what they saw themselves, so I am going to overrule
9 the objection and allow the testimony.

10 You may continue, sir.

11 MR. SADENWATER: Thank you.

12 I will pick up. I am not pressured by the
13 association in any way, shape or form, sir. I will
14 also continue on with my statement.

15 COMMISSIONER CLARK: Sir, address your
16 comments to the Commission, if you would, please.

17 MR. SADENWATER: For seven years, between
18 2008, at 10 different sites along Don Pedro
19 waterways and Knight Islands there were no
20 violations of State standards for fecal coliform,
21 none were found. That testing continues on by
22 several other organizations at this point. I just
23 got tired of doing it.

24 Our island -- and that was backed up by
25 Sanderson Labs, by the way. They were the ones

1 that actually did the testing. I was just their
2 modus operandi to get around to the sites.

3 Our island conservancy group has purchased and
4 set aside over 16 lots and easements effectively
5 stopping some build-out. Many homeowners have
6 purchased adjoining lots, and several lots have
7 been purchased just for boat docking to the Gulf
8 water access. Building -- the cited building
9 built-out figures are, therefore, not correct.

10 As Commissioners of the public service, this
11 decision should be made based upon consideration
12 for the numerous residents that are opposed to the
13 project as presented. The proposed rates are just
14 too high. And I thank you.

15 COMMISSIONER CLARK: All right. Thank you
16 very much, sir.

17 Questions?

18 All right. Thank you. You are dismissed.

19 Next witness.

20 MS. PIRRELLO: After Mr. Provost will be Deb
21 Reinke, Lindsay Yates and Heather Stout.

22 COMMISSIONER CLARK: Mr. Provost.

23 PUBLIC COMMENT

24 MR. PROVOST: Yes, thank you --

25 COMMISSIONER CLARK: You are recognized.

1 MR. PROVOST: -- for your time.

2 My wife and I live at 121 Bocilla. We are
3 permanent residents on the island. My background
4 is I own a manufacturing company, and I manufacture
5 marine waterfronts. I design municipal
6 waterfronts. I build municipal waterfronts,
7 including water, sewer, electric and fuel
8 infrastructure.

9 So when I first heard about this, and knowing
10 the environmental area that we call home, I wanted
11 to get better educated. So in doing so -- I am not
12 part of any association. I have lived my life by
13 getting educated on fact. And the fact is I called
14 Mr. Treux. I got a form letter. Then I got a
15 second form letter. Then I said, I am not asking
16 for a form letter. I am asking for a meeting.

17 I set up the meeting with Mr. Treux and a few
18 island people from Cape Haze, from Little
19 Gasparilla for and against to get educated, to get
20 facts. That's really what I am asking for the
21 Board to do.

22 So in doing that, we got a meeting with Mr.
23 Treux and Mr. Rudy. It was very clear to me that
24 Mr. Treux and Mr. Rudy had no interest in doing
25 this project, even though they are there to serve

1 the residents of the county.

2 We pay millions of dollars in taxes on that
3 island. What do we get back? A private operator
4 cramming this down our throat with no experience.
5 That's what we get back. That's not right. We
6 should be basing this decision, again, on fact.

7 The fact after this meeting, where it was very
8 clear the County had no interest in doing this
9 project. They were petrified of running this line
10 across the intercoastal waterway. By the time I
11 could get from Charlotte County meeting to the
12 ferry landing, I get a call from Mr. Jack Boyer.
13 Never met him in my life. Never called him in my
14 life. Huh, I wonder who called him to tell him
15 that I just had a meeting with Mr. Treux and Mr.
16 Rudy. So Jack called me. Wanted to talk. I
17 talked to Jack. It was very clear what Jack wanted
18 to do. Jack also invited me to a meeting with Mr.
19 Grant, who is a State representative.

20 In all of this thing it was very clear when I
21 was asking questions -- remember what my background
22 is, in infrastructure for marine establishments.
23 The last thing you do, and I concur, is put a
24 pressure system in an environmentally sensitive
25 area. Any marina has a vacuum system. You want to

1 suggesting that stuff out. You don't want to be
2 pushing it in. That's just common sense. He just
3 wants to put the bill on somebody else so he
4 doesn't have to do the other part where you have
5 generated provided vacuum systems, so when the
6 power goes down, the sewer doesn't pile up.

7 So all I am asking is for fact. I am asking
8 for good due diligence. I have asked Mr. Boyer if
9 he would sell the rights. He said: I can't sell
10 them until I obtain them. I don't think he has an
11 intent to do this project. I think he has intent
12 to monetize this project, and he clearly doesn't
13 have the experience to do the project.

14 Thank you.

15 COMMISSIONER CLARK: Thank you, sir.

16 Any questions?

17 Okay. Next witness.

18 MS. REINKE: Hi --

19 COMMISSIONER CLARK: One moment.

20 MS. PIRRELLO: Following this witness will be
21 Lindsay Yates, Heather Stout and Buzz Mallett.

22 COMMISSIONER CLARK: All right. I would
23 remind you also to please check your cell phones
24 and make sure they are turned off.

25 Okay, you are recognized, Ms. Reinke.

1 PUBLIC COMMENT

2 MS. REINKE: Thank you for giving me this
3 opportunity to speak.

4 My name is Deborah Reinke, and my husband,
5 Tom, and I have had a house on Don Pedro Island for
6 22 years. I was here all day yesterday and into
7 last evening. What I learned was that EU has
8 provided no evidence for the need for this service.
9 I also learned that EU has no experience in
10 wastewater collection. I also learned that EU has
11 no interest in fair and equitable cost sharing. It
12 all goes on us. This is about making a profit,
13 pure and simple.

14 So if you remember anything about what I have
15 said here today, it is no. No to EU. No to
16 private ownership, and no to for-profit.

17 Thank you. God bless you, and God bless
18 America.

19 COMMISSIONER LA ROSA: Hold on, ma'am, Ms.
20 Reinke -- Ms. Reinke, we have a quick --

21 MS. REINKE: I am sorry.

22 COMMISSIONER LA ROSA: No worries. We have
23 got a quick question from Environmental Utilities.

24 You are recognized.

25 MR. FRIEDMAN: I do. I just have a quick

1 question.

2 You said you were opposed to this being done
3 by private. Are you okay, then, if it were being
4 done by the County itself?

5 MS. REINKE: Possibly.

6 MR. FRIEDMAN: Okay. Thank you.

7 COMMISSIONER LA ROSA: Any other questions?
8 Thank you.

9 MS. PIRRELLO: Following Ms. Yates is Heather
10 Stout, Buzz Mallett and Teegan Stout.

11 COMMISSIONER LA ROSA: You are recognized.

12 PUBLIC COMMENT

13 MS. YATES: Good morning. I have some
14 pictures I would like to offer into evidence if
15 they are permitted. I am sure that Mr. Friedman
16 would like to look at them.

17 COMMISSIONER CLARK: Do you have enough copies
18 for everyone?

19 MS. YATES: No, I don't. I am sorry. Those
20 are just the originals --

21 COMMISSIONER CLARK: Could you describe real
22 quick, like, what are they photos --

23 MS. YATES: -- maybe pass them around.

24 There is a photo of the ferry, the barge that
25 is filled. There is a picture of the ferry line,

1 the cars waiting to on the ferry. There are
2 pictures of island roads.

3 COMMISSIONER CLARK: Okay.

4 MS. YATES: Mostly just general island
5 pictures --

6 COMMISSIONER CLARK: Okay.

7 MS. YATES: -- for people who are not familiar
8 with what we are talking about.

9 COMMISSIONER CLARK: Understandable.

10 No objection? Mr. Friedman, we couldn't hear
11 you.

12 MR. FRIEDMAN: I apologize. Yeah, they are
13 just photographs of the island. They don't -- I
14 have no problem with them.

15 COMMISSIONER CLARK: We will -- if you want
16 to, we will just pass them around, unless you want
17 us to make copies for everyone?

18 MS. YATES: You know, it's up to you.

19 COMMISSIONER CLARK: You can just pass them
20 around.

21 MS. YATES: Whatever is easier for you.
22 Passing around is fine.

23 Good morning. My name is Lindsay Yates. I
24 live at 2 Pointe Way on Don Pedro Island. I am a
25 20-year homeowner and a 15-year full-time resident.

1 I have a two-year-old septic system with a
2 drain field that's seemingly the size of a football
3 field that's used by just my husband and me, and I
4 don't think we are causing any problems.

5 I am opposed to EU's application for all the
6 reasons brought forth by others who have stated why
7 this application does not meet four criteria that
8 are the basis for the PSC decision. I am most
9 particularly concerned about EU's lack of
10 experience in wastewater system construction and
11 operation.

12 I object to Charlotte County's cavalier
13 attitude in just handing us off to the first person
14 who came along uninvited, and who then waltzed out
15 with a bulk wastewater treatment agreement without
16 that opportunity being extended to any other
17 individuals or companies.

18 EU was handed a golden opportunity without the
19 knowledge of any island residents, and the
20 agreement was then approved by the County on a
21 consent agenda with no public discussion. How is
22 anyone to know if, in fact, EU's proposal and
23 ability to perform is the only or the best game in
24 town?

25 If there is such an urgent need for wastewater

1 service on the bridgeless barrier islands, and the
2 existing septic systems are causing such degradation, why
3 is the County still issuing septic permits? If the
4 County is so alarmed by the specter of
5 deteriorating septic systems, why has the County
6 not been inspecting these systems?

7 The County has abdicated its responsibility to
8 the citizens of these islands, not the least of
9 which is by just handing the golden egg to EU.

10 Utilities should be provided by public
11 entities. Not by companies looking to generate a
12 nice retirement income on the financial backs of
13 neighbors.

14 Incidentally, in the most recent mainland
15 sewer conversion projects, Charlotte County has
16 extended payments out over 20 years. We have been
17 told by EU that payment will be due in full. One
18 lump sum. No terms.

19 Also, the proposed rate, which I understand to
20 be around \$200 a month, is about twice what we are
21 paying now for our overpriced water. My past
22 experience has been with sewer charges that are
23 approximately 30 to 40 percent of the water charge.
24 Does this sound fair and equitable?

25 Additionally, construction of a project of

1 this magnitude is going to cause major
2 transportation problems on the Palm Island ferry,
3 which is already overtaxed at times.

4 Until it was mentioned in remarks last night,
5 I had given no consideration to the nightmare of
6 trucking off crushed old septic tanks.

7 I encourage all of the Commissioners to come
8 and visit and take a tour of the islands. These
9 islands are clearly unique, and the residents take
10 very seriously their obligation as custodians of a
11 fragile environment.

12 Finally, I have been told that this is a done
13 deal. That certainly seemed to be the case with
14 the awarding of the bulk wastewater agreement, and
15 I sincerely hope this is not the case here. I
16 would very much like to retain faith in the system.

17 Thank you for your time.

18 COMMISSIONER CLARK: Thank you.

19 Mr. Friedman.

20 MR. FRIEDMAN: Yes. Ms. Yates, you mentioned
21 that the County still granting septic system
22 permits, is that correct?

23 MS. YATES: Yes, it is.

24 MR. FRIEDMAN: Are you familiar with the
25 language in those permits, that says that --

1 MS. YATES: I know that they are supposed to
2 accept the fact that they convert to sewer at such
3 time within a year that sewer becomes available.

4 MR. FRIEDMAN: Okay. Thank you.

5 MS. YATES: But they are not making that clear
6 to the people who are obtaining the permits.

7 MR. FRIEDMAN: Is that language not in the
8 permit itself?

9 MS. YATES: The language that's not in the
10 permit itself is that a possible sewer project is
11 imminent.

12 MR. FRIEDMAN: Okay. It's just you are
13 drawing a distinction between --

14 MS. YATES: It's in there --

15 MR. FRIEDMAN: -- the fact that it's saying it
16 versus it's saying --

17 MS. YATES: It doesn't say it's going to be
18 within the next 12 months.

19 MR. FRIEDMAN: Okay. Thank you.

20 COMMISSIONER CLARK: Thank you.

21 One moment.

22 MS. HELTON: Mr. Chairman, I think we should
23 mark those photos as Exhibit No. 52.

24 COMMISSIONER CLARK: I have no objection. No
25 objections?

1 MR. FRIEDMAN: The photos?

2 COMMISSIONER CLARK: Yes, sir.

3 Okay. We will mark them as Exhibit No. 52.

4 MR. FRIEDMAN: Somebody will send those out?

5 I don't need color, just --

6 COMMISSIONER CLARK: You got it.

7 MR. FRIEDMAN: Nothing fancy.

8 COMMISSIONER CLARK: Yes, we will make -- we
9 will have copies made.

10 (Whereupon, Exhibit No. 52 was marked for
11 identification and received into evidence.)

12 COMMISSIONER CLARK: We marked them as 52?

13 All right. Next witness.

14 MS. PIRRELLO: Following Ms. Stout will be
15 Buzz Mallett, Teegan Stout and Ben Fertic.

16 COMMISSIONER CLARK: Ms. Stout, you are
17 recognized.

18 PUBLIC COMMENT

19 MS. STOUT: Thank you. Thank you for having
20 us today.

21 We moved to this island in 2014. Through hard
22 work and budgeting, our dream became a reality. I
23 am asking that you deny Environmental Utilities the
24 certification for sewer based on the following
25 reasons:

1 One: First, fair and equitable charges.

2 Since Environmental Utilities does not have a true
3 and accurate representation of actual costs and no
4 payment plan options, I am very concerned about my
5 family's budget.

6 We will have to have our panel upgraded. We
7 know this. We will have to buy a generator. We
8 are a full-time family of three. We have many
9 power outages on that island, and we are not going
10 to lit our sewer become an issue, so a generator
11 cost is going to happen.

12 Environmental Utilities' owner, Jack Boyer,
13 told me on record at our homeowners' association
14 board of directors meeting when I asked if he will
15 be perpetually raising rates as our current private
16 water provider does. He answered, he will take
17 every raise afforded to him. In 10 years, our \$200
18 septic bill is going to be up over \$400.

19 Commissioners, do you have a monthly water and
20 sewer Bill that's the same as a new BMW payment?

21 And make no mistake, we will be right back
22 here in five years when Jack applies for a rate
23 hike above the yearly permissible rate again, like
24 our private water system did approximately six to
25 seven years ago. Which is why we have been

1 commenting we have the highest water rates, some of
2 the highest water rates in the whole country.

3 For a family that adheres to a budget to live
4 in an environmental and family oasis, these charges
5 will not be tenable for us and many family friends.
6 They are not fair and equitable rates and charges.
7 In fact, we haven't even been supplied with the
8 true number so our family can plan accordingly.
9 Please deny Environmental Utilities on that point.

10 I would also like to address the need for
11 service. A need would imply that our septic
12 systems are harming our waterways. An individual,
13 an organization, a county government, or even a
14 state agency would have to have tests to show that
15 our island is impacting the Lemon Bay Watershed.
16 There are none. I have spent the last year
17 studying, talking, emailing with all of the
18 agencies that would be involved with making this
19 determination. There are simply no tests.

20 Jack says he brought out to the island
21 yesterday -- excuse me. There are simply no tests
22 documented or posted from our local government or
23 state agencies. In fact, Brandon Moody, the
24 Charlotte County water quality expert Jack says he
25 brought out to the island is on record August of

1 2021 saying, Charlotte County has no water testing
2 program.

3 Charlotte Harbor National Estuary Program has
4 very little -- excuse me, has very limited posted
5 results from our area. And those limited results
6 clearly show that our testing does not --

7 MR. FRIEDMAN: Same objection I made on the
8 last witness.

9 COMMISSIONER CLARK: Restate your objection,
10 Mr. Friedman.

11 MR. FRIEDMAN: Number one, she's getting ready
12 to provide hearsay evidence that there is no
13 evidence in the record that supports her hearsay,
14 so she doesn't come within the administrative law
15 hearsay exemption.

16 COMMISSIONER CLARK: Just stick to what you
17 know to be a fact.

18 MS. STOUT: I do know that. I spoke with
19 Charlotte Harbor National Estuary Program on the
20 phone multiple times.

21 COMMISSIONER CLARK: It is third-party
22 information.

23 MS. STOUT: It's available on the --

24 COMMISSIONER CLARK: Yes.

25 MS. STOUT: Okay. So we will pretend I didn't

1 speak with them.

2 COMMISSIONER CLARK: Wrap up. You are about a
3 minute over already. Go ahead and wrap up.

4 MS. STOUT: Well, I have a lot to say.

5 There are no reports that show enterococcus,
6 which is a current gold standard for septic to
7 effluent, has met or exceeded the 35 parts per
8 million threshold that the EPA has set. We do know
9 the State has a problem, but putting undue burden
10 on us individual homeowners is not going to make
11 this problem go away.

12 Furthermore I would like to point out that
13 Charlotte County has had 690 reported septic or
14 wastewater issues, and that's per the State of
15 Florida Oculus report. That's where our wastewater
16 is going?

17 I am a State of Florida licensed certified
18 apartment manager. I run a few homeowners'
19 associations out on the island. I am in the rental
20 game. What's going to happen when we lose power
21 and all these renters keep flushing the toilets?
22 Are we going to give them generators? That's a
23 safety issue. Are we not going to give them
24 generators? That's an environmental issue.

25 And I am just going to take a second --

1 COMMISSIONER CLARK: Wrap it up, please.

2 MS. STOUT: I am wrapping it up, sir.

3 I would like to close with two bits of wisdom
4 that my mom and dad gave me. Don't go into
5 business with someone you don't trust, no matter
6 what they are promising you. Approving
7 Environmental Utilities' certificate is tantamount
8 to saying I have to go in business with Mr. Boyer.
9 His financial track record, his past arrest record
10 for stealing water from the State of Florida --

11 COMMISSIONER CLARK: Okay, ma'am, let's wrap
12 it up. That's enough. Thank you.

13 Any questions?

14 Okay. Thank you.

15 Next witness.

16 MS. PIRRELLO: Next witness is Buzz Mallett,
17 following that Teegan Stout, Ben Fertic and John
18 Jenack.

19 COMMISSIONER CLARK: Mr. Mallett, you are
20 recognized, sir.

21 PUBLIC COMMENT

22 MR. MALLETT: Thank you, sir. And I am Buzz
23 Mallett. I live at 8 Pointe Way, and I own
24 property at 26 Palm Drive on Knight Island.

25 I have been around for a long time. I bought

1 my first lot down there in 1978 or 9 and raised
2 some kids. These guys. And a lot has been said
3 and covered, so I am not going to go over it.

4 Personally, this is a problem for me, because
5 I would like to pull the trigger on a modest house
6 on my property, but, you know, the idea of spending
7 15 or 20 grand on a septic tank, and then having to
8 come back with no financing offered and spend
9 another 15 or so thousand to hook up to septic
10 within a short period of time is lying throwing
11 \$15,000 out of the window. I can't do that.

12 So a lot of other points have been covered.

13 Also am currently employed grading the roads.
14 We have about four miles of sand roads on the
15 island. And when I was listening to the technical
16 stuff, and when I have been studying up on this a
17 little bit, I was leaning towards the vacuum
18 system, but Jack's engineer yesterday indicated
19 that -- and this is just for you all to think about
20 or maybe whatever is going to happen here -- that
21 with the vacuum system, there would have to be a
22 valve box, I think, in the middle of the road, like
23 kind of a manhole kind of thing. Can't do that. I
24 grade the roads. I am not going to be hitting a
25 manhole, and it's a safety issue also, but we've

1 spent hundreds of thousands of dollars on fixing
2 these roads, so that would be a real problem.

3 But I love the vacuum idea if it had to go
4 there. I don't like the central sewer idea. And I
5 am just going to tell you a short story if I have
6 got a little bit of time.

7 I am on the gopher tortoise relocation team of
8 the Bocilla Islands Conservancy. A couple of years
9 ago, my neighbor's septic tank drain field went
10 bad. They decided they were on the list and it
11 would be about a month to get redone. So this is
12 my doctor science hat here, and so they -- I
13 offered to supervise it.

14 The guys came out a little early. They
15 started to work mobilized, and discovered in the
16 bush they couldn't, nobody could see it, a gopher
17 tortoise burrow that was under the drain field.

18 So I went over because I am qualified to dig
19 out this burrow. And I was geared up with my toxic
20 mask, and I thought this is -- man, this is
21 friendship dues here.

22 So I was just astonished when I am digging out
23 this gopher tortoise burrow, which tells you
24 something that it would live under a drain field.
25 There was no odor. It was pristine sand. This is

1 a 30-year old, you know, early stage drain field.
2 So I just do not believe that the septic systems
3 don't work. I believe they do work, and I think
4 we've got a let's not fix what's not broken going
5 on here.

6 COMMISSIONER CLARK: Thank you, sir.

7 Any questions, Mr. Friedman? Okay.

8 MR. FRIEDMAN: Commissioner, might I ask. We
9 are about halfway through the customer part of this
10 testimony, and it's been maybe an hour-and-a-half,
11 do you think maybe we could take a little --

12 COMMISSIONER CLARK: We could take a
13 five-minute break. I have no objection.
14 Five-minute recess --

15 MR. FRIEDMAN: Thank you.

16 (Brief recess.)

17 COMMISSIONER CLARK: Ms. Pirrello. Call your
18 next witness.

19 MS. PIRRELLO: The next witness is Teegan
20 Stout followed by Ben Fertic, John Jenack and
21 Laurie Tremblay.

22 COMMISSIONER CLARK: Ms. Stout, you are
23 recognized.

24 PUBLIC COMMENT

25 MR. STOUT: My name is Teegan Stout, and I am

1 10 years old. I am here to say that private sewer
2 is a very bad idea. One reason is because it will
3 be very expensive for my family and friends. My
4 family needs to save money instead of spending it
5 on the sewer system so that I can go to college and
6 my family can do fun things. Plus we have to buy a
7 house generator for \$2,000.

8 A good friend of us who lives on the island is
9 a Vietnam veteran with Parkinson's, and this will
10 be a burden for him too.

11 I work with the island gopher tortoise team to
12 help protect the tortoises. I understand how the
13 private sewer is going to cause many of the gopher
14 tortoises to die or lose their homes because of the
15 pipes being run all over the island in the ground.
16 Many of the homes for tortoises will get dug up,
17 and they are federally protected. This is why I
18 think we should not have a private sewer on the
19 island.

20 Thank you for allowing me to come and speak
21 today.

22 COMMISSIONER CLARK: Thank you very much, Ms.
23 Stout. Good job.

24 Next witness.

25 MS. PIRRELLO: The following three witnesses

1 after Mr. Fertic will be John Jenack, Laurie
2 Tremblay and Lilly Onufrak.

3 COMMISSIONER CLARK: Mr. Fertic, you are
4 recognized.

5 PUBLIC COMMENT

6 MR. FERTIC: I am Ben Fertic. My house is at
7 40 Tarpon Way.

8 I am not a full-time resident. I bought this
9 house a little over 10 years ago, and I use it for
10 vacation. So probably, to guess, I think I was in
11 the house maybe two weeks this year, or this past
12 year. The only time we spent in any real time
13 there was during COVID.

14 To give you the kind of impacts -- I am an
15 engineer, by the way, and I have done a lot of work
16 with effluent systems through power plant
17 distribution of effluent systems, including
18 coal-fired and paper mills. So I understand, you
19 know, I read Charlotte County's Master Sewer Plan
20 and. I understand the plan, and I understand their
21 goals, and that's great. But the reality is, you
22 know, there is a lot of residents like me. I think
23 there is 450 homesites, or so. And just on my
24 block there is 40 homesites. I think maybe 10
25 percent of those homesites are full-time residents.

1 The rest are like me. Only one of those homesites
2 is rented.

3 So when you start working out the actual
4 calculation of who this is actually going to serve,
5 you get in the ballpark of about 150 people.
6 That's literally, if you will notice a lot of the
7 people that came up here and spoke, the retirees,
8 two people living in a home -- a lot of the homes
9 on Palm Island are either two or three bedrooms.
10 They are not these massive, you know, homes. And
11 so my bill -- I have a question, if it's okay,
12 because you say -- to EU -- you say 4,000 gallons
13 will have a rate of \$256, is that correct? It's in
14 this --

15 COMMISSIONER CLARK: Yes, sir. You can assume
16 that if it's in the documentation it's correct.

17 MR. FERTIC: So what 4,000 gallons is that?
18 What does that mean? 4,000 gallons of what?

19 MR. FRIEDMAN: Water.

20 MR. FERTIC: So the water going to the house,
21 is that regular water or black water?

22 COMMISSIONER CLARK: Your sewer rate is going
23 to -- your gray water sewer rate is going to be
24 based off of your water consumption.

25 MR. FERTIC: Okay. So I was roughly in the --

1 so I checked my water bill over the past six
2 months. I am averaging, you know, 8,000, 9,000
3 gallons a month because of the irrigation. Now,
4 obviously with this bill, with this plan, according
5 to these rates, I am upwards of 500 bucks a month
6 for the sewer bill, \$6,000 a year. My Charlotte
7 County taxes are \$12,000 a year.

8 So this is 50 percent of my Charlotte County
9 taxes just based upon this addition; which I know
10 sounds crazy, because it is crazy. And it's crazy
11 because, you know, I don't know what that works out
12 to per flush, but that is not a risk reward that I
13 would ever recommend anybody do.

14 And so from that perspective, you are really
15 serving -- you know, it's great for them, because I
16 mean, reality is he has probably worked out the
17 math and said, I am going to work out a bulk rate,
18 then I am going to send over to Charlotte County.
19 I am not going to get, you know, that much going to
20 them, but I am going to charge everybody this flat
21 rate based off this water usage and I am going to
22 pocket the money and, you know, it's just a matter
23 of math.

24 So it's basically a service that nobody needs.
25 It was never tested for. Nobody wants it. And,

1 you know, I am not sure why we are all here.

2 COMMISSIONER CLARK: Okay. Thank you very
3 much, sir.

4 Questions, Mr. Friedman?

5 One moment, please.

6 MR. FRIEDMAN: Yeah. Are you familiar with
7 the fact that you could get a separate meter for
8 your irrigation to separate that from your --
9 separate that from your potable water?

10 MR. FERTIC: At whose cost?

11 MR. FRIEDMAN: I am just asking you. I don't
12 know which provider you have got and what their
13 rules are. I am just asking you do you understand
14 that you could get a separate meter for your
15 irrigation system?

16 MR. FERTIC: Well, I mean, I could go back to
17 my -- I could go back to my system for collection
18 of raining water.

19 COMMISSIONER CLARK: Okay, guys -- listen.
20 Listen, let's keep the comments in the public, this
21 is a conversation for the person who's testifying,
22 please.

23 Yes, sir, please continue. I am sorry.

24 MR. FRIEDMAN: And if you don't know, say so,
25 but I am just asking you the question.

1 MR. FERTIC: No, I would investigate that.

2 MR. FRIEDMAN: Okay. Thank you.

3 COMMISSIONER CLARK: Any further questions for
4 the witness?

5 All right. Thank you very much for your
6 testimony, sir.

7 MR. FERTIC: Thank you.

8 Call your next witness, please.

9 MS. PIRRELLO: After Mr. Jenack is Laurie
10 Tremblay, Lilly Onufrak and Robert La Barbera.

11 COMMISSIONER CLARK: I am sorry, you said
12 Jenack?

13 MS. PIRRELLO: Yes.

14 COMMISSIONER CLARK: Mr. John -- Mr. Jenack,
15 you are recognized, sir.

16 PUBLIC COMMENT

17 MR. JENACK: Thank you.

18 Hello. Hello. I am not going to go through a
19 long recitation of things people have already said
20 here. There have been some remarkable things. The
21 best I can say at this point is at this point I am
22 in you awe of my neighbors, and the amount of he
23 research that they have done, and the depth to
24 which they have gone to basically show what the
25 situation is that we are all faced with here, what

1 the penalties and disadvantages of it are, and who
2 is going to live with them.

3 COMMISSIONER CLARK: Sir, would you -- I am
4 sorry, can I interrupt you? Would you give your
5 name and address for the record, please? I am
6 sorry.

7 MR. JENACK: Yes. My name is John Paul
8 Jenack. My wife and I are co-owners here on the
9 island. We live at 141 Kettle Harbor Drive.
10 That's our home and residence, and we also own 121
11 Kettle Harbor Drive, a lot which we bought and set
12 aside for green space.

13 The --

14 MR. FRIEDMAN: Commissioner, I understand that
15 this is Ms. Schaffer's husband.

16 MR. JENACK: That's correct.

17 COMMISSIONER CLARK: Yes.

18 MR. FRIEDMAN: And I was told at one point
19 that family members of our side shouldn't sign up
20 to testify.

21 COMMISSIONER CLARK: Just a second.

22 MR. FRIEDMAN: So I am just questioning the
23 husband of a party being able to basically say what
24 the party couldn't say when we wouldn't let her
25 testify earlier today.

1 COMMISSIONER CLARK: All right. One moment.
2 Do we have an agreement among the parties?

3 MS. HELTON: I'm going to go talk to --

4 COMMISSIONER CLARK: Yes, please. One moment,
5 let me see if there is an agreement among the
6 parties.

7 MR. FRIEDMAN: Sure.

8 COMMISSIONER CLARK: Mr. Friedman, we are not
9 aware of any agreement that was made of any
10 exclusions on anyone testifying. No one on staff
11 is aware of that. Is that an agreement that you
12 guys made between yourselves?

13 MR. FRIEDMAN: There wasn't an agreement. Its
14 just that that's what the Boyers' son-in-law was
15 told when he tried to sign up to testify.

16 COMMISSIONER CLARK: And who told him that?

17 MR. FRIEDMAN: I don't know.

18 COMMISSIONER CLARK: So -- okay, there is no
19 exclusion -- Ms. Crawford, there is no exclusion --

20 MR. FRIEDMAN: So they could have testified?

21 COMMISSIONER CLARK: Yes --

22 MR. FRIEDMAN: Okay.

23 MR. WILLIAMS: -- to my knowledge.

24 MR. FRIEDMAN: That's all. Thank you.

25 COMMISSIONER CLARK: As property owners,

1 residents, they have the right to testify, in my
2 opinion. That's what we are going to go with.

3 MR. FRIEDMAN: All right. Thank you.

4 COMMISSIONER CLARK: Okay. You may continue,
5 sir, you have 1:40 left.

6 MR. JENACK: Okay. I am going to take the
7 short form here.

8 I think a simple but inevitable fact is that
9 central sewer is forever. That is once it's
10 installed, you can't really just go and undo it and
11 change to something else easily. You may not
12 legally be allowed to change to something else.
13 And not only are you then saddled with the initial
14 collection bill paying charges monthly, and things
15 that add up to far more than people have paid for
16 water at any time before. We've had enough people
17 talk about comparison of bills to what they are,
18 you know, what they are paying and what they have
19 paid.

20 Basically, I would say given the lack of
21 experience of the owner/operator specifically
22 related to wastewater utilities, and inadequate
23 information regarding the applicant's financial
24 strength, and a complete absence of a realistic
25 estimated rates and connections fees that everyone

1 has commented on here, I say that I cannot in any
2 way support this, and I do not believe that my
3 neighbors should support this either.

4 Thank you.

5 COMMISSIONER CLARK: Thank you very much, sir.
6 Questions? No questions.

7 Call your next witness.

8 MS. PIRRELLO: Following Ms. Tremblay, Lilly
9 Onufrak, Robert La Barbera and Ben Stout.

10 PUBLIC COMMENT

11 MS. TREMBLAY: Hello. I am Laurie Tremblay.
12 I am a resident of Little Gasparilla Island, 8266,
13 and I wrote a letter but I just basically would
14 like to read it real quickly and then maybe make
15 another comment or two.

16 My husband Raymond and I have owned our
17 property on LGI for 40 plus years. Our full-time
18 residence is in Winter Haven. We are now both
19 retired. Yay. I am a teacher, former teacher. My
20 husband was a letter carrier. And our plan was to
21 spend a lot of time on the island, fishing,
22 beaching, shelling, swimming, so on, maybe even 100
23 percent of our time on the island.

24 It's important for you to understand that we
25 love the LGI way of life. That's why, many years

1 ago, we purchased our little property for \$6,000,
2 and bought a 900 -- built a 900-square-foot cottage
3 because that was the required size, minimum size
4 that we could build at that time.

5 We don't rent except to a few close friends.
6 We do have one renter that comes maybe for a few
7 weeks in the winter, and that's only been in the
8 last couple of years, and that's to help pay for
9 insurance and taxes, and things like that, that
10 have been a real strain for us, to be honest, over
11 the 40 years. We hope we don't have to give our
12 house up.

13 EU does have the water service, and our last
14 month bill -- our last quarterly bill was \$236,
15 plus \$23 for water. That was for just a little
16 less than 3,000 gallons for three months. So you
17 can see we are very conservative with our water
18 usage.

19 Now we are told that the sewage connection
20 will cost, I thought at first 20,000, and now we
21 are maybe looking at 13,000. And that we could
22 probably, you know, we can scrape out some savings
23 for that. But we are looking at a monthly charge
24 of \$256 a month for the rest of our lives, and I
25 don't know that we can -- I don't know that we can

1 manage that with roof repairs, and bringing in fill
2 because the water table is rising, and we have a
3 lake now in the corner of our property. And none
4 of that is related to this, but there is just a lot
5 of other expenses out there that people don't
6 realize.

7 We have been trying to get a hole filled so
8 that we can get the golf cart down, or get the
9 water safety or the Fire Department to us. We have
10 been working on that for a year, and we can't even
11 get the hole in the ground filled because the last
12 time we brought a load of dirt over it was \$800, I
13 think, \$600 to \$800 for one truckload of dirt that
14 barely raised our yard one-inch. So, you know, we
15 are looking at a tremendous amount of money just to
16 try to raise the yard up, and now we've got the
17 sewer bill.

18 Well, in Winter Haven, we pay about \$2,200 a
19 month for water for 3,400 gallons. The EU bill is
20 \$86 average a month for 3,000 gallons. In Winter
21 Haven, the sewage for 4,000 gallons would be about
22 \$36 a month as opposed to \$256 a month.

23 In the January 23rd issue of our Lakeland
24 Ledger, which is our local paper, there was an
25 article about an increase in water and sewage

1 hikes -- you know, everything is going up -- about
2 a 2.5 percent for water, and an increase of about
3 15 percent for sewage. This will now cost -- for a
4 new sewer connection in the Winter Haven area, it's
5 about \$4,200. And this was suggested by Raftelis
6 Financial Consultants after a fiscal analysis, the
7 EU connection looks like it's going be to 13,000 at
8 the low end, and we are probably looking at several
9 thousand more.

10 According to Charlotte County Utilities' web
11 page, it would cost about \$10,000 -- I did find
12 that somewhere -- for an LPS connection. So 13 may
13 not be a lot more than the 10, but still it is an
14 increase of 2,000 or 3,000 plus, I am afraid, more
15 than that.

16 COMMISSIONER CLARK: Would you go ahead and
17 get to a conclusion pretty quick please?

18 MS. TREMBLAY: I got -- what's that?

19 COMMISSIONER CLARK: Get to a conclusion
20 pretty quick.

21 MS. TREMBLAY: Okay, I will. I am almost to
22 the end.

23 So the other thing Charlotte County -- and
24 someone has mentioned this -- that there is no
25 transferable -- there is not a loan for us to take

1 out for that.

2 There was a statement from Craig Rudy and
3 Brandon Moody back in September of 2021, the
4 Comprehensive Plan dictates that Charlotte County
5 Utilities shall develop a cost-effective sewer
6 expansion program. I do not think EU's plan is
7 cost-effective based on my research that I have
8 been able to do. And this also includes Cape Coral
9 that I looked at, and I didn't get to mention, as
10 well as Polk and Charlotte County.

11 I think there would be less resistance to this
12 plan if it were more cost-effective. I think there
13 are a lot of people on the island that are in my
14 boat. We are just little retirees, like the man
15 mentioned before. You know, we are not out there
16 to make a lot of money. We are just out there to
17 try to find a house to live in. And maybe
18 Charlotte County is interested in covering the, you
19 know, the difference for charges for a lifetime.

20 The question that PSC asked is, is it
21 cost-effective? And I would actually have to say,
22 no, I can't see that it's cost-effective.

23 Thank you.

24 COMMISSIONER CLARK: Thank you so much.

25 Questions?

1 Thanks.

2 Just a reminder, I know some of you may have
3 came in after we began. We do have a three-minute
4 time limit. I am being very liberal with that. I
5 don't want to cut you off, but try to -- we've got
6 a clock up front. Keep an eye on that. At three
7 minutes start wrapping your comments up for me if
8 you would, please. Thank you.

9 All right. Call your next witness, please.

10 MS. PIRRELLO: Following the next speaker
11 Robert La Barbera, Ben Stout and then Terry Miklos.

12 PUBLIC COMMENT

13 MR. LA BARBERA: Good morning. Good morning,
14 everybody. Me and my wife, we have a place on Gulf
15 Boulevard on Bokeelia Island.

16 COMMISSIONER CLARK: Would you state your name
17 and address for the record, please, sir?

18 MR. LA BARBERA: My name is Robert La Barbera,
19 and the address is 301 Gulf Boulevard on Bokeelia
20 Island.

21 I don't have any facts or figures and all
22 these things that other people do. I just have my
23 experience for the last 15 years, which I would
24 like to cover and hopefully give you some insight.

25 About 15 years ago, we bought a house down in

1 Marathon in the Keys. It was on a canal. It was a
2 mobile home. The canals, at that time, were all
3 slime, green slime in the canals. We knocked the
4 mobile home down, we put a regular house in, a
5 stilt house, and had to spend over \$12,000 for a
6 sophisticated septic system with two tanks and an
7 ejection well.

8 That was good for about two years, and then
9 the County found human bacteria on the reef, which
10 is four miles off the shore. That's when the
11 bacteria, as I say, hit the fan. The County --
12 Monroe County and all the Keys went to a vacuum
13 sewer system, which is now maybe 12, 13 years old.
14 They went through a hurricane. They went through
15 power outages, and the system is still working
16 good. So -- and about two years after they went to
17 that, the canals are clear. You can see lobsters
18 walking around the bottom.

19 So septic tanks are good, but as was told to
20 me when I said you are going to eject the water in
21 the ground, why don't you just eject it into the
22 canal? They said, there is always bacteria in your
23 septic systems. It doesn't have to smell or
24 anything, but you will have bacteria up to a
25 certain amount.

1 Multiply septic tanks to thousands of people
2 in all of Florida on the water, and that's what's
3 feeding, one of the things that's feeding the red
4 tide. This is you really have got to take into
5 consideration.

6 Now, my last tax bill from Marathon was \$86
7 for storm water and sewer system a month. Now, I
8 don't know where they are coming up with these \$250
9 a month it's going to cost, but we are going to be
10 getting ripped off.

11 Now, if Marathon, which is 100 miles long in
12 the Keys, and Marathon City, that has businesses,
13 supermarkets and hotels and everything, and it only
14 costs me \$86 a month, something is wrong. So I
15 think you ought to look into call Marathon, call
16 Monroe County, look into their system and see what
17 they are doing. Let's look toward the history of
18 stuff, not future because they got a good system
19 going for the last 12, 13 years. Check with them.
20 See what they are doing.

21 COMMISSIONER CLARK: Great. Thank you very
22 much for your comments, sir.

23 Any questions, Mr. Friedman?

24 MR. FRIEDMAN: I am trying to understand. So
25 you are okay -- you think getting rid of the septic

1 tanks is a good thing to do, but you question the
2 cost?

3 MR. LA BARBERA: Yes, I do. We had to pay
4 \$5,000 for a hookup, it was tax deducted because it
5 was a county thing that did it. It wasn't a
6 private. So that 5,000 was paid over five years,
7 and you could deduct it off your taxes. You could
8 either do \$1,000 a year, or pay the full 5,000 and
9 you would get 10 percent pack on your taxes. So it
10 was a win-win for everybody. Of course, you had
11 the initial money you laid out. Maybe some people
12 couldn't afford it, but they had low loans to take
13 out also.

14 They worked with the people. They didn't just
15 go, this is what we are going to do with a private
16 industry. This is totally inn heard of.

17 COMMISSIONER CLARK: Thank you for your
18 testimony, sir.

19 Any other questions?

20 All right. Call your next witness.

21 MS. PIRRELLO: Is Lilly Onufrak present?

22 COMMISSIONER CLARK: Who do we have? I'm
23 sorry.

24 MS. PIRRELLO: We skipped one. We are going
25 back to Lilly.

1 COMMISSIONER CLARK: I am sorry.

2 MS. PIRRELLO: And then following her will be
3 Ben Stout, Terry Miklos and Don Schultz.

4 PUBLIC COMMENT

5 MS. ONUFRAK: Hello. My name is Lilly
6 Onufrak. I live at 17 Palm Drive.

7 Just I don't have a lot of technical things to
8 talk about except that I am a new homeowner. And
9 what brought me to Palm Island is 15 years ago, or
10 so, we went out there to visit friends and I fell
11 in love with the island. It is unique. It's like
12 you step back into time. It's really special. I
13 have been on all the other islands in the area and
14 you couldn't pay me too live there, with the
15 congestion and everything that goes on. So I would
16 like to preserve that way of life that we have.

17 Also, we just dropped a boat load of money on
18 a septic system, and we put in fencing, and we put
19 in landscape, and we put in a new driveway, and I
20 am sure these things are going to get disrupted.

21 Also, speaking as a nature lover, we had to
22 push our house back to preserve the turtles in the
23 front, the gopher tortoises. Now I have, you know,
24 a certified area in my front yard.

25 I maintain the area. I pull out weeds. I

1 plant things, and I don't know how this is not all
2 going to be disrupted with sewer pipes, whatnot.
3 My front yard is going to get all torn up that I
4 just spent tons of money on. And we saved for
5 many, many years to be able to afford to live there
6 and build what we wanted to build, and, you know,
7 it's just I don't see how that's --

8 So I am opposed to sewers because there is no
9 need for them. We have a brand new septic system,
10 and the people on the island are very
11 conscientious, most of them, about maintaining
12 their septic system. And with the low population
13 density that we have, I don't know that we need to
14 run sewer pipes all over the island to take care of
15 the few full-time homeowners, and the rest of the
16 people that come for a couple of weeks out of the
17 year. So I don't see the need for it.

18 Thank you.

19 COMMISSIONER CLARK: All right. Thank you
20 very much.

21 Any of questions?

22 No questions.

23 Call your next witness.

24 MS. PIRRELLO: Following Mr. Stout, Terry
25 Miklos, Don Schultz and Patty Swederski.

1 PUBLIC COMMENT

2 MR. STOUT: Good morning.

3 COMMISSIONER CLARK: Good morning.

4 MR. STOUT: My name is Ben Stout. I live at
5 400 Bocilla. I have been a resident on the island
6 since 2014.

7 I want to echo the issues of my fellow
8 residents, that my fellow residents have raised
9 today, and want to say that I am here against EU's
10 proposal.

11 Our island residents have always been good
12 stewards of the environment. PIE is an entity, has
13 been incorporated since 1980 as an environmental
14 organization, and we have been active as an
15 environmental committee that has grown to such a
16 scope that they actually split from PIE and
17 incorporated into a second group called Bocilla
18 Islands Conservancy. In their few years of
19 operation, the conservancy has acquired 15 vacant
20 lots for green space. For its part every year, PIE
21 supports a spring pump-out program, reminding
22 residents to have their tanks inspected and pumped
23 and encouraged -- encouraging a batch pump-out to
24 cost share on the barging process.

25 From 2011 going forward, we have initiated

1 testing this our canals to the same standards as
2 the State's testing on the beach. We began with
3 fecal coliform testing.

4 MR. FRIEDMAN: I object on the same reason I
5 objected previously on testimony about --

6 COMMISSIONER CLARK: Overruled.

7 You may continue.

8 MR. STOUT: Thank you, sir.

9 We have begun -- we began with a fecal
10 coliform testing, and when the State switched to
11 enterococcus we changed as well. Our testing is
12 rigorous and has always come within the appropriate
13 standards for public health and public safety. And
14 that is what I have.

15 I have also got some barrier island overlay
16 maps that I would like to present for evidence.

17 COMMISSIONER CLARK: They are just maps of the
18 island?

19 MR. STOUT: Yes, they are district overlay
20 maps.

21 COMMISSIONER CLARK: If you will hand those to
22 Mr. Friedman, if he has no objection, we will.

23 MR. STOUT: Thank you.

24 MR. FRIEDMAN: I don't have any objection to
25 them. I think it's part of the Comp Plan, the 2050

1 Comp Plan anyway, so I think it's already --

2 COMMISSIONER CLARK: Is it part of the
3 Comprehensive Plan?

4 MR. STOUT: I believe it is.

5 COMMISSIONER CLARK: Okay. We already have it
6 in the record, so that works good thank you very.

7 MR. STOUT: Thank you.

8 COMMISSIONER CLARK: Next witness, please.

9 MS. PIRRELLO: Following Mr. Miklos, Don
10 Schultz, Patty Swederski and Sally Johnson.

11 COMMISSIONER CLARK: Mr. Miklos, you are
12 recognized.

13 PUBLIC COMMENT

14 MR. MIKLOS: Terry Miklos, 40 North Gulf.

15 And I had all of these prepared notes that
16 there is no point to them because everyone has said
17 everything three and four times over, so I will
18 spare you all that.

19 But I do want to say there is people out there
20 that haven't spoke because it's challenging to
21 stand. We normally don't talk in front of people,
22 so I would like to see, like we did last night, how
23 many people are opposed to this? How many are in
24 favor?

25 So that's 98 percent of these people are

1 actual federal statistics say that you are going to
2 use 12,000 gallons per month, which is three times
3 the 256. But let's just say two people, you are
4 going to use 200 gallons a day, times 30 days, is
5 6,000 gallons a month. That's time-and-a-half. So
6 that's 400 bucks a month basically.

7 So the published rate is not accurate, and I
8 also find it -- you know, I am not a long time
9 resident, and I am from Michigan so you can hate me
10 if I want, but what I am finding is there is a
11 private ferry. Okay, that's private, and it's a
12 cost plus. And I find out there is city water, but
13 that's private, and that's cost plus. Now we are
14 talking about a sewer, and that's cost plus. I am
15 not aware that the County does a plus.

16 I would like to be a considered of resident of
17 Charlotte County with the same rights and
18 privileges that anybody else has. I love the
19 island, and I ditto a lot of the previous people
20 who are much smarter than I am, and have taken more
21 time than I have, but I object to privatized sewer.

22 COMMISSIONER CLARK: Thank you very much for
23 your comments.

24 Questions?

25 No questions.

1 Call your next witness.

2 MS. PIRRELLO: Following Pat Swederski, Sally
3 Johnson, Richard Avlenti and Cori Palmere.

4 COMMISSIONER CLARK: Ms. Swederski, you are
5 recognized for three minutes.

6 PUBLIC COMMENT

7 MS. SWEDERSKI: My name is Pat Swederski, 160
8 South Gulf, Placida.

9 COMMISSIONER CLARK: Speak up just a little
10 for me.

11 MS. SWEDERSKI: I am very new to the area, and
12 I am not pro or against. I am undecided at this
13 point. But what I do want to know is how many
14 documented complaints were there about septic to
15 the County?

16 COMMISSIONER CLARK: Okay. Just for
17 clarification, we are not the County.

18 MS. SWEDERSKI: Okay.

19 COMMISSIONER CLARK: We are the State. We are
20 the Florida Public Service Commission.

21 MS. SWEDERSKI: Well, if somebody could give
22 me that information it might help me make a
23 decision one way or another too. But I can't see
24 going into a new system if we don't know how bad
25 the old system is.

1 That's all I got.

2 COMMISSIONER CLARK: Okay. Thank you very
3 much.

4 No questions? No questions.

5 Next witness.

6 MS. PIRRELLO: Following Ms. Johnson, Richard
7 Avlenti, Cori Palmere and Lisa Simmons.

8 COMMISSIONER CLARK: Ms. -- let me get --

9 PUBLIC COMMENT

10 MS. JOHNSON: Hi. My name is Sally Johnson,
11 and I am at 120 North Gulf Boulevard.

12 Basically everybody has said, you know, and
13 very factually I think. But from an emotional
14 place, I really see that something like this --
15 well, okay, so I went home last night, I was so
16 depressed, and I went and I looked at -- I found my
17 SOS Septic, which we just had pumped out a couple
18 of, you know, weeks ago. And I remember calling my
19 neighbor and saying, hey, you know, I am going to
20 have my septic pumped out, you want to join me,
21 because they can do three at a time, and she said,
22 oh, I am already signed up. Anyway, a long story
23 short. We got it.

24 To pump it out, it's \$500. There is 156.25
25 for, you know, what it costs us to pay the barge

1 times three, because we split it with two other
2 people. So it's \$450 if you have an emergency and
3 the SOS has to come over and help you. So I am
4 looking at that and I go, okay, well, I do that
5 probably once every three years.

6 My husband and I live there alone. We are
7 away for part of the summer, and so we are not
8 doing it because it's bubbling up. We are doing it
9 because we are taking care of it and our neighbors
10 do. Our neighbors have two people living next
11 door. There is -- I mean, it's not highly
12 populated where I am.

13 So I looked at it, and so basically it costs
14 me -- let me see, my annual cost is about \$218 a
15 year for our sewer. And then I looked at my water
16 bill, and I was like, wow.

17 Well, I do know that we had leaky toilet, and
18 the water bill, we had 10,700 gallons, which is
19 more than we normally use because of a leaky
20 toilet. And I looked that up, it would have cost
21 me over \$472 for just that one bill for that month.
22 And then I extrapolate it out, and if it was just a
23 monthly fee of 256, which is what you are quoting,
24 it's over \$3,000 a year. And I am thinking, you
25 know, we are old, you know, can we afford this? So

1 I am saying -- I basically say, please vote against
2 this proposal.

3 COMMISSIONER CLARK: Thank you very much.

4 MS. JOHNSON: You are welcome.

5 COMMISSIONER CLARK: Any questions?

6 No questions.

7 Next witness.

8 MS. PIRRELLO: Following Mr. Avlenti, Cori
9 Palmere, Lisa Simmons and Tyler Erickson.

10 COMMISSIONER CLARK: Mr. Avlenti.

11 PUBLIC COMMENT

12 MR. AVLENTI: Richard Avlenti, 120 North Gulf
13 Boulevard.

14 I am overwhelmed at the response, the
15 technical response, and the effort that these
16 people have put in. I am going to relinquish my
17 time, only one statement I want to make is it feels
18 like we are setting up a business for the EU folks
19 to take over, and we are going to pay for this over
20 the next however many years we are alive.

21 COMMISSIONER CLARK: Thank you, sir.

22 Next witness.

23 MS. PIRRELLO: Following Ms. Palmere, Lisa
24 Simmons, Tyler Erickson and Julie Imig.

25 PUBLIC COMMENT

1 MS. PALMERE: Hello. My name is Cori Palmere.
2 My husband and I live at 31 South Gulf Boulevard.
3 Our community is very environmentally aware.
4 We have to be. You have to love the natural beauty
5 so much that you are willing to put up with the
6 inconveniences of daily life. We have no mail
7 delivery there. There is no commercial zoning
8 outside of the Palm Island Resort. If you need a
9 quart of milk, you have to get in your car, get on
10 the ferry and then drive to the grocery store.
11 This lifestyle is not for everyone, but for us,
12 it's an extraordinary place to live.

13 If I had a neighbor with a septic leak, I
14 would go next door and speak to them about it, and
15 I would ask if there was anything I could do to
16 help them solve the problem. And if they told me
17 to take a hike, I would call the County Code
18 Enforcement. That's what I would do, because I am
19 a good neighbor and I care about the environment.

20 Now I would like to talk about the gorilla in
21 the room. What is sometimes referred to as
22 undesirable development, highrise condos, hotels.

23 We are told that the withholding of utilities
24 should not be used as a deterrent to development,
25 that the Comprehensive Plan is our shield to

1 protect us from these things. That is the way it's
2 supposed to be. That's the way it's supposed to
3 work. But according to the Environmental Utilities
4 deposition, our own County Commissioner essentially
5 said of the Comprehensive Plan, well, if we have to
6 change it, it won't be a problem.

7 This is what frightens us. The fact that
8 deals could be made behind closed doors, and by the
9 time the community is aware it has become a done
10 deal. If the Comprehensive Plan could be changed
11 without a problem, how difficult would it be to
12 change some of the zoning from single family
13 residential to multi-family tourist or even
14 commercial?

15 What we do we have to do to protect our
16 environment. What you Commissioners, our last
17 bastion of defense against these things we fear
18 most. We have to have these protections, but we
19 suspect that they are flimsy.

20 We have seven miles of the only beach front in
21 Charlotte County, and they are hungry for tourist
22 taxes. We are happy to share with visitors, our
23 friends and our neighbors who operate responsible
24 rental management firms, but these precious islands
25 are our home, and that kind of development will

1 overwhelm us.

2 We don't want a central sewer system because
3 it could be cost-prohibitive for many islanders,
4 and we don't have confidence in the proposal that
5 has been brought before us. We believe this
6 proposal is not in the public best interest.

7 Please show us that the public, the community,
8 still has a chance against the moneyed interests.
9 Please deny this application and close this docket.

10 Thank you.

11 COMMISSIONER CLARK: Thank you very much.

12 One moment, ma'am.

13 Mr. Friedman, you are recognized.

14 MR. FRIEDMAN: Yes, ma'am. You mentioned
15 about putting in highrise and condos. Isn't it
16 true that the land development code, as it
17 currently exists, prohibits buildings over 36 feet
18 high?

19 MS. PALMERE: Yeah, I think I mentioned that
20 it's not definite that the codes can't be changed
21 given what we are seeing as the ways things can
22 sometimes happen behind closed doors.

23 MR. FRIEDMAN: And aren't you aware that when
24 the zoning code changes, that certain notices have
25 to be posted within 900 feet and send notices to

1 college nursing instructor. I don't make a lot of
2 money. This little piece of island is my
3 sanctuary. I share it with friends and family.
4 It's not there to make money.

5 And I don't have anything personal against Mr.
6 Boyer. He actually financed the water when he
7 hooked it up because I was in a bad accident, about
8 had my leg blown off and didn't work for three
9 years, so I don't -- I appreciate that, but I don't
10 appreciate the idea of having to pay over \$400 a
11 month for sewer. I will have to sell my home.

12 I am a neighbor to Laurie. Her testimony
13 brought tears to my eyes because that's the only
14 reason I am here. I don't want to give this up.
15 This is something that I hope that I will be able
16 to leave to my children and to my grandchildren.

17 When I was nine years old, my dad ran a marina
18 right there as Placido, right on -- right there on,
19 you know, Boca Grande Road, whatever, and I fished,
20 and I crabbed, and I run my boat, and I put my boat
21 in by myself, and I bring my kids, and I bring my
22 grandkids, and I am just a single person trying to
23 keep my home.

24 That's why I took the day off. That's why I
25 drove two hours down here, so I could look you in

1 the eye and ask you, please, just say no, because
2 it will be the most heartbreaking day of my life to
3 have to sell something that I love so dearly.

4 Thank you for your time.

5 COMMISSIONER CLARK: Thank you very much.
6 Thank you for your testimony.

7 Next witness.

8 MS. PIRRELLO: After Mr. Erickson is Julie
9 Imig.

10 COMMISSIONER CLARK: Mr. Erickson.

11 PUBLIC COMMENT

12 MR. ERICKSON: Hi. I am Tyler Erickson at 111
13 North Gulf Boulevard. And I will keep this simple.

14 I am against this. If somebody came up to you
15 and you had a piece of land, and they said, I want
16 to build you a house, but only two conditions, I
17 have no experience and you can't get any other
18 bids, what would you do?

19 COMMISSIONER CLARK: Thank you, sir.

20 Next witness.

21 PUBLIC COMMENT

22 MS. IMIG: Hi. I am Julie Imig, and my
23 husband George and I have a house at 9866 Little
24 Gasparilla Island. And I had to smile when I heard
25 people give a street address. We don't have a

1 street. We don't have a golf cart street. That
2 ends about maybe 20 houses up island from where we
3 are.

4 So I wanted to thank the neighbors for your
5 stewardship and your research and your, you know,
6 thoughtfulness in considering pros and cons. I
7 still am not convinced there is a need. If there
8 is a need, I think we could take a step back and
9 look at some alternative plans to see if what we
10 are looking at is a cost-effective, you know,
11 cost -- conservative in cost and effective plan,
12 because we still don't know, like, if there was a
13 power outage or a hurricane what the consequences
14 would be.

15 And finally, I am concerned about the
16 implementation. Our property -- so if I need a
17 gallon of milk, I have to get on my boat and go to
18 the marina and get in the car and go to the store.
19 So there is no road.

20 A couple of years ago, we talked to FPL about
21 burying power lines, and there were many, about 25
22 or 30 neighbors were interested in it, but for
23 several reasons it wasn't feasible. I mean, down
24 to we would need to move every turtle nest, and we
25 have a lot and we love them, for \$3,000 a pop if

1 FPL was going to take care of that.

2 So I don't see, A, how will you get your
3 equipment to the property? How will you, you know,
4 install whatever would need to be installed? What
5 kind of electricity backup would we need, and how
6 could you do all that without, you know, really
7 disrupting our natural environment.

8 That's all I have. Thanks.

9 COMMISSIONER CLARK: Thank you very much.

10 Is that all?

11 All right. I believe that concludes -- we
12 have one more that has requested to speak. One
13 moment.

14 MS. HELTON: And Mr. Chairman, while we are
15 waiting for that customer, I don't think we ever
16 admitted the photos, according to my notes, and
17 maybe I missed that.

18 COMMISSIONER CLARK: 53?

19 MS. HELTON: Oh, we did? Okay, I just missed
20 that okay.

21 MR. FRIEDMAN: I certainly don't object.

22 MS. HELTON: Okay.

23 COMMISSIONER CLARK: Is that 53, Ms. Crawford?

24 MS. CRAWFORD: 52.

25 MS. HELTON: 52.

1 COMMISSIONER CLARK: 52, I was close. 52.

2 Okay. We have one last witness to testify.

3 MS. PIRRELLO: We call Kathy Sickles.

4 COMMISSIONER CLARK: Ms. Sickles, you are
5 recognized.

6 MS. SICKLES: Thank you.

7 My name is Kathy Sickles. I am on 130 Kettle
8 Harbor and --

9 COMMISSIONER CLARK: One moment. Let me ask
10 you one quick, were you here -- were you sworn in
11 when we swore everyone in?

12 MS. SICKLES: No.

13 COMMISSIONER CLARK: Okay. Would you raise
14 your right hand, please.

15

16 (Whereupon, Kathy Sickles was sworn in by
17 Commissioner Clark.)

18 MS. SICKLES: Yes.

19 COMMISSIONER CLARK: Okay. Thank you. You
20 are recognized.

21 PUBLIC COMMENT

22 MS. SICKLES: We've heard awesome testimony
23 from all of my friends in Little Gasparilla. I am
24 thrilled that we had such a great turnout. The
25 technical things I am going to pass on. I just

1 want to say that I have been on the island about,
2 almost 20 years, and my husband and I had two homes
3 on the island. I spend my time in New Jersey in
4 the summer and here on the island, which I think a
5 lot of people do.

6 We are not taxed with our sewer -- our septic
7 right now, but this is -- it's a family here. And
8 I express, as others said, look at the pictures.
9 Look at our island. Come visit our island. It's
10 very, very unique. It's so unique people down the
11 street don't even recognize if you are going to the
12 grocery store and say I have to get back on the
13 ferry, they are like, what are you talking about?

14 Visiting our island is an experience. I am
15 widowed about four-and-a-half years. I decided to
16 stay because of my family here. That is exactly
17 what we are, a family environmentally keen on
18 keeping it the way it is. It's a beautiful place,
19 a beautiful way to grow old if you can afford it.
20 I have a pension of a teacher salary, which is not
21 a lot, and I would like to plan on staying, so I,
22 please, would like to extend everyone else's wishes
23 to not accept EU.

24 Thank you.

25 COMMISSIONER CLARK: Thank you very much.

1 Questions?

2 No questions.

3 All right. Did we get everyone who signed up
4 and wished to speak today? Everyone was given the
5 opportunity to speak? Okay. Great.

6 Thank you again for taking time out of your
7 schedules to be here today. This -- you are an
8 exemplary group of individuals, and we appreciate
9 the dedication that you have for your home and for
10 what you love. Your testimony is a very important
11 part of this process.

12 Just as, I think we mentioned yesterday, your
13 attorneys are filing their briefs. They are due on
14 March 16th. Once the briefs are filed, the
15 Commissioners will have the opportunity to review
16 those documents. Those are very, very important
17 parts of the entire process. That's a lot of the
18 information that the Commissioners are going to
19 receive will be filed inside those briefs, in
20 addition to the testimony you provided and the
21 hearing testimony that we went through yesterday,
22 then the Commissioners will have about a 30-day
23 review period on that before a decision is rendered
24 in, I believe April is our agenda, scheduled agenda
25 for -- the wrong way. April's agenda?

1 STAFF: I believe so.

2 COMMISSIONER CLARK: I think that's right,
3 April agenda -- April or May, one of the two.

4 Okay. Are there any other comments before we
5 adjourn?

6 All right. Thank you very much for being here
7 today. We stand adjourned.

8 (Proceedings concluded.)

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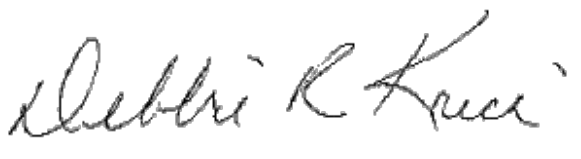
STATE OF FLORIDA)
COUNTY OF LEON)

I, DEBRA KRICK, Court Reporter, do hereby
certify that the foregoing proceeding was heard at the
time and place herein stated.

IT IS FURTHER CERTIFIED that I
stenographically reported the said proceedings; that the
same has been transcribed under my direct supervision;
and that this transcript constitutes a true
transcription of my notes of said proceedings.

I FURTHER CERTIFY that I am not a relative,
employee, attorney or counsel of any of the parties, nor
am I a relative or employee of any of the parties'
attorney or counsel connected with the action, nor am I
financially interested in the action.

DATED this 24th day of February, 2022.



DEBRA R. KRICK
NOTARY PUBLIC
COMMISSION #HH31926
EXPIRES AUGUST 13, 2024