

Brian Schultz

From: Guy Hurst <retiringtoecuador@gmail.com>
Sent: Wednesday, March 16, 2022 5:40 PM
To: Records Clerk; Office of Commissioner La Rosa; Office of Commissioner Clark; Office of Commissioner Passidomo
Subject: Fwd: DOCKET #20200226-SU
Attachments: P1340447.JPG; P1340446.JPG; P1340445.JPG; P1340444.JPG; P1340443.JPG; P1340442.JPG; P1320340.JPG; P1320343.JPG; P1320342.JPG; P1320341.JPG

Follow Up Flag: Follow up
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Note: This was first sent out on my wife's email by mistake. Guy

----- Forwarded Message -----

Subject:DOCKET #20200226-SU
Date:Wed, 16 Mar 2022 17:15:43 -0400
From:Jvonna Meier <meierjvonna@gmail.com>
To:clerk@psc.state.fl.us, Commissioner.LaRosa@psc.state.fl.us, Commissioner.Clark@psc.state.fl.us,
Commissioner.Passidomo@psc.state.fl.us

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

POST HEARING BRIEF AND REQUEST TO DENY APPLICATION

Comes NOW Guy L Hurst, pro se, as a potential customer, would respectfully advise of matters not necessarily covered by the parties.

1. The Applicant is Dangerous to Health and Safety

The Boyer-family-run-for-profit-private water system named “Little Gasparilla Water Utility” is not safe. It would be reckless to allow this group of actors into a waste water disposal system. They cannot run potable water, and surely cannot run necessarily dangerous waste water.

The new limited liability company that is trying to force an unwanted private for-profit sewage system on Little Gasparilla Island (aka LGI) is owned by the same family that is endangering the health and safety of our island, our habitat and our lives.

The Boyer husband and wife LLC that comes before this commission under a new nom de plume, is the same private family-run for-profit entity which carries the name “Little Gasparilla Water Utility”. It is supposed to provide safe drinking water to LGI. It is remarkable, and, not in a good way. that “John R. Boyer” and “Diane Kay Boyer” are the same people that want to use another private LLC to force an unwanted and undesirable private sewer on our bridgeless barrier island. They are dangerously reckless and incompetent.

As one recent example shows, on or about January 21, 2022 there was a purported water leak in the potable drinking water system somewhere on the island. This private for-profit entity reportedly was going to make a planned repair of a leak in their private water system and the water to the north end of LGI was to be purposefully turned off to make repairs. The method of informing home owners, residents, workers and tourist/renters was perfunctory, inaccurate and unprofessional.

The “wife” (aka Diane Kay Boyer) of this family-run for-profit entity was on my right-of-way and actually yelling up at persons that there would soon be a water outage. She yells to a home owner’s family two doors

down from us as they stood on their second story deck that there is (or will be) a “boil order”. She punctuates this verbal boil-order-edict by yelling: “It’s the law.”

So, the oral yelling of the “wife“ to those that happen to be around was “It’s the law”, insinuating that it was mandatory.

I would respectfully suggest that her verbal yelling down our right-of-way on our private property does not make an unwritten and secret boil order into “the law”. Besides being rudely inane behavior, this shows that there are no plans or procedures or systems in place to keep our island safe from this private for-profit family company. Health and safety of this potable water system is highly suspect and these people don’t evidence much care for health and safety.

During the same outage. A renter just north of us had the husband/owner tell her that the renter “may” want to boil their water after the outage if the water pressure drops. So owner/wife yells one thing and the owner/husband suggest they may want to boil water.

There was no written notice provided during this event. There was no email. There was nothing posted to our homes. If you did not hear the yelling you had no clue. The only written information was a Facebook post by the “son”. And that post was taken down after I complained in writing under his post with copy of my email to the company. That post, which was taken down, said that one test came back, but another had not yet been received. (Note: I did not get a screen shot of the post before they remove it or I would attach it.)

As far as we know this oral “boil order” is still in place. None of Boyers/owners came by to yell down the right-of way that there was an all clear. At some point in time they posted an undated message on their websites that the boil was over.

Accordingly. it is unremarkable for us to suggest that oral notice to some houses that appear occupied is not a safe way to inform that we may get sick and that a “boil order” exists.

This is dangerous. This is reckless.

The Boyers/owners can't handle a drinking water system safely and should never be allowed to handle a waste disposal system of any kind.

(Note: Our water bills from this private for-profit LLC are \$238.77 before we use a single drop of water. Needless to say, this is overtly higher than it should be for a governmental service, especially since the actual water is provided by a governmental trust entity.)

2. None of the Boyers Appear to be Licensed in Florida to Handle Drinking Water or Wastewater

Jack Boyer opines often that he has been licensed for thirty years: "Jack got his water operator's license 30 years ago and was lead operator for Little Gasparilla Water Utility."

The State of Florida does not seem so show that any of the Boyer family is licensed -- or ever was licensed. Having run the search on the state website there is nothing to suggest that any of the these people have a Drinking Water, Wastewater or Water Distribution License with the Florida Department of Environmental Protection. https://prodlamp.dep.state.fl.us/ocp/reports/accesspublic/Search_form

3. The Boyer is a for-profit LLC and Shows Little Concern for the Environment on LGI

Attached are pictures from just my right-of-way showing the work product of the purported environmentally concerned Boyers. They demolished a huge strip through private property to run a small water line. This simply is not an environmentally concerned group. And, the land is still a huge scar, having never been repaired.

4. Actual Notice must be Given to Owners of OSTDS on LGI

The applicant's lawyer in response to my objection to the unpostmarked tri-fold junk mail "notice" mailed just days before Christmas, advised this Commission that proper notice would be given sometime later. That has never occurred.

The staff approved an uncaptioned and unsigned "notice" that was bulk-mailed to only some owners and still has not been rectified. Counsel's representations otherwise appear to be, at best, mere specious remarks unrelated to the procedural due process problems he has created by sending out something that was intentionally packaged to look like what it was a tri-fold unpostmarked piece of junk-mail. At best, use these pieces of junk-mail were headed for the bottom of a bird-cage, not to provide actual notice that ones' OSTDS (On Sight Treatment and Disposal Systems) were about to be taken and handed over to a private for-profit corporation for free. The Commission should take judicial notice that a tri-fold unpostmarked junk-mail sheet of paper from some unknown sender was in reality just bulk advertising mail --- aka third-class mail. It is clearly not "regular mail" as required by Rule 23-30.030.

See also: <https://www.lawinsider.com/dictionary/regular-mail> Courts that have looked at the issue have found that "regular mail" is USPS First-class mail. Third-class advertising mail is purposely pseudo-notice and judicially is judicially not notice at all. The Commission should take judicial notice that on LGI, which has no USPS mail delivery whatsoever, junk mail is not regular mail in any source of reason or logic or precedent. The notice in this matter is a violation of agency rules and the application should be dismissed instant.

If the Commission is to be taken seriously, it needs to act like it cares about its rules and the citizens of Florida.

Most of us own interests in quite expensive and often new OSTDS that are already permitted from the state of Florida. According, most every person is an owner/part-owner of a Utility system that is in conflict with this proposed for-profit private utility. Taking away our OSTDS may not be a substantive due process taking issue, but surely it requires procedural due process and proof of actual notice before you take away my \$30,000 OSTDS and give it to a private for-profit LLC for free.

This matter is of grave concern to those of us that cannot afford to pay for these unknown and overtly over-priced shenanigans of a dangerous for-profit private LLC. The Commission must provide due process, as this for-profit private LLC will not and does not. Only Florida governmental agencies and trusts under the 14th Amendment to the United States Constitution are required to treat people with due process. This private LLC has no intention to treat us fairly. Every owner of a OSTDS should have actual notice in accord with procedural due process. The private LLC only wants secrecy, deminimus services and buckets money at our expense.

Conclusion

It would inappropriate to allow this inexperienced, unlicensed and for-profit family run LLC to take our OSTDS and get into the waste water business before it ever figures out how to move clean water safely.

Deny the application.

Respectfully submitted,

Guy L. Hurst, Pro se



















Brian Schultz

From: Adam Teitzman
Sent: Thursday, March 17, 2022 9:13 AM
To: Brian Schultz; Hong Wang
Subject: 20200226-SU

Brian,

Per my conversation with Jennifer Crawford in the General Counsel's Office, please place the email sent from Gary L. Hurst on 3/16/22 @ 5:40 PM in correspondence for Docket No. 20200226-SU. Ms. Crawford will be contacting Mr. Hurst to discuss further.

Adam J. Teitzman

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