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July 21, 2026

Via Regular Mail and Certified Mail/Return Receipt Requested

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

**Re: Cross Creek of Fort Myers Community Association, Inc.
Sewage Rate Redetermination Request**

RECEIVED-FPSC
2026 JUL 27 AM 9:59
COMMISSION
CLERK

To Whom It May Concern:

Please be advised that this office represents Cross Creek of Fort Myers Community Association, Inc. ("Cross Creek").

Cross Creek respectfully requests that the Florida Public Service Commission ("Commission" or "PSC") exercise its authority under Section 367.081(2)(a)1, Florida Statutes, to fix rates that are just, reasonable, compensatory, and not unfairly discriminatory, and initiate a review of the wastewater flat rate currently charged to Cross Creek's 905 residential units served by Sunshine Water Services Company ("Sunshine")¹ through the Eagle Ridge system.

This is not a request to relitigate Order No. PSC-2017-0361-FOF-WS. This is a forward-looking request grounded in nearly a decade of consumption data that did not exist at the time the 2017 Order was issued, and which demonstrates that the rate as currently applied to Cross Creek no longer satisfies the standards of Section 367.081(2)(a)1, Fla. Stat. The statute charges the Commission with an ongoing obligation to fix rates which are just, reasonable, compensatory, and not unfairly discriminatory. That obligation does not expire upon issuance of a prior order. In this case, the accumulation of actual consumption data demonstrates that the prior usage assumption is materially incorrect and establishes that the current rate fails the statutory standard. A rate that satisfied the standard in 2017 may fail in 2026 if the factual circumstances upon which it was based have materially changed or been shown to be inaccurate.

In Order No. PSC-2017-0361-FOF-WS, issued September 25, 2017, the Commission approved a consolidated wastewater flat rate of \$45.60 per residential unit per month for Cross Creek, an increase of 71.5% over the prior rate of \$26.58. The flat rate was computed by averaging the monthly wastewater consumption of all Utilities, Inc. customers across seven (7) different systems statewide, yielding a figure of approximately 4,982 gallons, which was rounded to 5,000 gallons. The statewide average was applied

¹ Previously, Utilities, Inc. serviced the sewage for Cross Creek until Sunshine became the servicer in approximately 2019.

uniformly to all flat-rate customers regardless of their individual system's actual demand characteristics and no community-specific consumption analysis was performed for Cross Creek. The 2017 Order also acknowledged that the Eagle Ridge system which serves Cross Creek had an average residential demand of only 2,489 gallons per month, approximately half the assumed amount.

Cross Creek is now billed for sewage treatment premised on an assumed 5,000 gallons of monthly consumption per unit. Two (2) independent and government sources of data confirm that this assumption bears no relationship to Cross Creek's actual wastewater generation. First, data from Lee County Utilities ("LCU"), the entity that supplies water to Cross Creek and meters its consumption, shows that Cross Creek's actual average water usage was approximately 1,418 gallons per unit per month for the period of 2024 through 2025. Second, Sunshine Water Services itself has reported metered wastewater data for the Cross Creek Wastewater Treatment Facility to the Florida Department of Environmental Protection ("DEP") in its Annual Reuse Report for October 1, 2024 through September 30, 2025, submitted to the DEP on October 8, 2025, a copy of which is enclosed. This report records the actual volume of wastewater processed at the Cross Creek facility. Sunshine reported an annual average daily flow of 0.0338 million gallons per day ("MGD") against a permitted facility capacity of 0.249/MGD, meaning the facility operated at approximately 13.6% of its permitted capacity. The monthly flow data underlying this annual average, attached to Sunshine's submission to the DEP, shows the following metered throughput for the twelve-month period:

Month	Avg Daily Flow (MGD)	Total Gal. Processed/Mo.	Gal./Unit/Mo. (905 units)
Oct. 2024	0.0427	1,323,700	1,463
Nov. 2024	0.0166	498,000	550
Dec. 2024	0.0114	353,400	390
Jan. 2025	0.0728	2,256,800	2,494
Feb. 2025	0.0093	260,400	288
March 2025	0.0037	114,700	127
April 2025	0.0000	0	0
May 2025	0.0123	381,300	421
June 2025	0.0273	819,000	905
July 2025	0.0273	846,300	935
Aug. 2025	0.0218	675,800	747
Sept. 2025	0.0434	1,302,000	1,439
Annual Average	0.0338	735,950	813

Dividing Sunshine's reported annual average flow of 0.0338/MGD by the 905 residential units served, the actual wastewater generated per unit averages approximately 813 gallons per month, which is consistent with, but lower than, the LCU water consumption data. In no month during the reporting period did the per-unit sewage volume remotely approach 5,000 gallons. The highest single month (January 2025) yielded approximately 2,494 gallons per unit, and the annual average was less than one-quarter of the assumed 5,000-gallon figure. Cross Creek residents are therefore being charged for sewage treatment at a rate that is more than four (4) times their actual consumption as measured by the utility's own government-certified reporting. The monthly rate has risen from \$26.58 in 2016 to a projected \$83.93 in 2026. This constitutes a 215% increase over ten (10) years, while actual consumption has remained flat or even declined. Had rates increased at the general rate of inflation since 2016, the equivalent 2026 rate

would be approximately \$34 per unit per month.

Year	Monthly Rate Per Unit	% Change
2016	\$26.58	Baseline
2017	\$45.60	+71.5%
2021	\$54.13	+18.7%
2025	\$62.94	+16.3%
2026 (Projection)	\$83.93	+10%

Section 367.081(2)(a)1, Fla. Stat., states: “The commission shall, either upon request or upon its own motion, fix rates which are just, reasonable, compensatory, and not unfairly discriminatory. In every such proceeding, the commission shall consider the value and quality of the service and the cost of providing the service.” Furthermore, “PSC is charged with the responsibility of seeing that utilities do not abuse the monopoly power they enjoy.” *S. States Utilities v. Fla. Pub. Serv. Comm’n*, 714 So. 2d 1046, 1053 (Fla. 1st DCA 1998).

In terms of “the cost of providing the service” under Section 367.081(2)(a)1, Fla. Stat., the cost of providing wastewater treatment to a customer who uses approximately 813 gallons per month is materially different from the cost of providing it to a customer who uses 5,000 gallons per month. The cost of treating approximately 813 gallons of sewage per month per unit bears no rational relationship to a rate predicated on treating 5,000 gallons. The excess of over 4,000 gallons per unit per month represents treatment capacity that Cross Creek neither uses nor causes to be dedicated on its behalf. This is confirmed not merely by water consumption data, but by Sunshine’s own metered wastewater throughput as reported to DEP. The Cross Creek Wastewater Treatment Facility operated at only 13.6% of its permitted capacity during the 2024 through 2025 sample period. Whatever deference the 2017 methodology may have deserved at the time of the 2017 Order, the accumulation of nearly a decade of actual consumption data, including Sunshine’s own wastewater usage figures submitted to the DEP, eliminates any remaining justification for maintaining a rate premised on 5,000 gallons.

In terms of being “unfairly discriminatory” under Section 367.081(2)(a)1, Fla. Stat., the statewide averaging methodology permanently requires Cross Creek’s retired, fixed-income residents to subsidize the sewage treatment costs of higher-usage customers at other systems in other counties. The Commission acknowledged in the 2017 Order that the consolidated rate structure would result in “customers of low-cost systems subsidizing the customers of high-cost systems” in the short term. That short-term concession has become a permanent condition for Cross Creek, with no end in sight. Cross Creek has now shouldered this burden for nearly a decade. This is a systematic and ongoing transfer of wealth from one of the lowest-usage communities in the system to higher-usage customers elsewhere. This is also discriminatory against Florida’s seniors. Cross Creek is a community comprised of primarily senior citizen residents who do not use water at the same rate as younger communities. The rate methodology implemented demands that Florida’s seniors are required to subsidize the consumption of lower age communities.

The Cross Creek of Fort Myers Community Association, Inc., respectfully requests:

- The Commission initiate a formal review to determine whether the current wastewater flat rate charged to Cross Creek Community Association customers via the Eagle Ridge system satisfies the standards of Section 367.081(2)(a)1, Fla. Stat.;

- Direct Sunshine Water Services Company to provide PSC with consumption data for Cross Creek obtained from Lee County Utilities and the DEP for the last thirty six (36) months, together with a cost-of-service analysis specific to the Eagle Ridge system and Cross Creek's actual demand/consumption;
- If the Commission determines that the current rate fails the statutory standard as applied to Cross Creek, establish a revised flat rate using actual consumption data in lieu of the statewide average or establish a non-fixed rate system for Cross Creek based on its actual consumption; and
- If the Commission determines that the current rate fails the statutory standard as applied to Cross Creek, consider the appropriateness of a retrospective adjustment for the period in which the rate demonstrably failed the statutory standard, including the issuance of a credit or rebate to the Cross Creek community for overpayment for services.

Very truly yours,



Christopher L. Pope

CLP/WMR/jm
Enclosure

cc: Client, w/encl. (Via email)



October 08, 2025

Dear office staff,

DEP Water Reuse Coordinator Mail Station 3540
2600 Blair Stone Road Tallahassee, Florida 32399-2400

RE: Sunshine Water Services
Cross Creek WWTF
Permit No. FLA014505
Annual Reuse Report 2024-2025

Dear office staff,

Enclosed is the completed Annual Reuse Report for the above-mentioned facility for the 2024-2025 reporting period.

Below please find the documentation for Part X – Required Attachments for the Cross Creek-wastewater facility.

Inventory of Storage Facilities –

- a. Cross Creek WWTF, Permit No. FLA014505
- b. 13050 Cross Creek Blvd Ft Myers FL 33912.
- c. The function of the storage system is to provide reuse water storage. Substandard effluent is pumped to the on-site Reject Tank.
- d. The reuse storage facility consists of one (1) Reuse 690,000-gallon tank and (1) 200,000-gallon reclaimed water storage tanks; (1) 375,000 gallon reject water storage tanks.
- e. The storage facilities are not considered waters of the state, and the reuse facilities do not discharge to the waters of the state.
- f. The distance to the nearest public water supply GM well #1 is approximately 37,065 ft or 7.02 miles.
- g. The nearest shallow potable water supply is approximately 0.50 miles away.
- h. The reuse storage capacity is .890MGD. Reject Tank storage capacity consists of one .375 MGD.

Summary of Public Notification Program-

- a. Enclosed is a copy of a reuse informational booklet. Additional copies are available at the Cross Creek WWTF and at the Sunshine Water Services regional office in Altamonte Springs.
- b. N/A
- c. Reuse Advisory signs are posted at Tee 1 and 10 on the Cross Creek golf course. The signage will be in conformance with the requirements of Chapter 62-640.
- d. N/A

Sunshine Water Services

If you have any questions or require any further information, please do not hesitate to contact me at 312-914-3106

Regards,

Sunshine Water Services

Will Jerome
Lead Operator

Enclosure:

ec: Sean Twony, President
Domenic Gentilucci, Vice President of South
Operations

cc:
Robert Wanvestraut
Alternative Water Supply-Reuse Coordinator
South Florida Water Management District
561-682-6615 Office

Kaylee Turke
Environmental Specialist II
South District
Florida Department of Environmental Protection
2295 Victoria Avenue, Suite 364
Fort Myers, FL 33901
Kaylee.Turke@FloridaDEP.gov
Main: 239-344-5600
Office: 239-344-5710



Florida Department of Environmental Protection

Annual Reuse Report

Part I – Instructions

1. This form is to be submitted on or before January 1 following the completion of each fiscal year (October 1 through September 30). Submittal is required by Rule 62-610.870, F.A.C. This report will be used to develop and maintain a reuse inventory. It will not be used for determination of compliance with permit limitations, other than requirements to submit this report. If flow monitoring information is not available for individual reuse types or types of users, please provide your best estimates of flows allocated to individual reuse types or types of users.
2. Submit the report (including all attachments):
 - a. Electronically using the DEP Online Business Portal (<https://www.fldeportal.com/DepPortal/go/home>).
 - b. To the appropriate water management district.
3. When submitting the form electronically through the DEP online business portal, you do not need to submit a hard copy of the form as well to the Department. Once the form is submitted and accepted through the DEP online business portal, a copy of the report will be generated and available through the DEP online document warehouse. That copy of the report can be submitted to the appropriate water management district to fulfill reporting requirements.
4. Completion of this report is required for all domestic wastewater facilities having permitted capacities of 0.1 mgd or larger which contribute reclaimed water to one or more reuse systems permitted under Chapter 62-610, F.A.C. This form is to be completed annually for each separate reuse system. For purposes of this form, "reuse system" means a network of pipes, pumping facilities, storage facilities, and appurtenances designed to convey and distribute reclaimed water from one or more domestic wastewater treatment facilities to one or more users of reclaimed water.
5. Use the units specified in the form. For flows, show annual average flows (in mgd). This can be obtained by averaging daily flows over a 365-day period, dividing the total annual volume by 365, or by averaging the 12 monthly average flow values.
6. Be sure to submit the required attachments (see Part X on pages 8 and 9 of this form).
7. The cover sheet of your permit will identify portions of your project classified as "reuse" and portions classified as "effluent disposal." Rule 62-610.810, F.A.C., lists the criteria for classifying projects (or portions of projects) as "reuse" or "effluent disposal."

Part II - General Information

1. Reporting Period: October 1, 2024 through September 30, 2025
2. Date Submitted: 10-08-2025
3. Person Completing This Form
- Name: Wilber Jerome
- Title: Lead Operator
- Organization: Sunshine Water Services
- Mailing Address: 200 Weathersfield Ave.
- City/State/Zip Code: Altamonte Springs FL 32714
- Telephone: (866) 842-8432
- E-mail: Will.Jerome@nexuswg.com
4. Reuse System Name: Cross Creek WWTP
5. Domestic Wastewater Treatment Facilities Providing Reclaimed Water to This Reuse System
- a. Location of Facilities
- City: Fort Myers County: Lee

DEP District (check one):

- ☐ Northwest (Pensacola)
- ☐ Northeast (Jacksonville)
- ☐ Southwest (Tampa)
- ☐ Central (Orlando)
- ☐ Southeast (West Palm Beach)
- ☒ South (Ft. Myers)

Water Management District (check one):

- ☐ Northwest Florida (Havana)
- ☐ Suwannee River (Live Oak)
- ☒ Southwest Florida (Brooksville)
- ☐ St. Johns River (Palatka)
- ☐ South Florida (West Palm Beach)

b. Domestic Wastewater Treatment Facility Information

Enter the name of the facility, the DEP identification number, disinfection level,^a permitted capacity, and annual average flow for each treatment facility providing reclaimed water to this reuse system.

Table I. Facility Information

Facility Name	DEP Identification Number	Disinfection Level ^a	Permitted Capacity (mgd)	Average Flow (mgd)
Cross Creek WWTP	014505	High	0.249	0.0338
Total Treated Wastewater			0.249	0.0338

^a Enter one of the following codes for disinfection level for each treatment facility:

HI = High-level disinfection, as described in Rule 62-600.440(6), F.A.C.

IM = Intermediate disinfection, as described in Rule 62-600.440(7), F.A.C.

BA = Basic disinfection, as described in Rule 62-600.440(5), F.A.C.

LL = Low-level disinfection, as described in Rule 62-600.440(8), F.A.C.

HB = High-level disinfection & basic disinfection for portions of the treated flow.

FT = Full treatment disinfection, as described in Rule 62-610.563(3)(b), F.A.C.

Part III - Reclaimed Water and/or Effluent Available for Reuse or Disposal

Table II. Available Reclaimed Water and/or Effluent

Source of Water	Average Flow (mgd)
Treated Wastewater [Enter the Total Average Flow from Table I]	0.0338
Supplemental Water Supplies added by the utility - Surface Water	
Supplemental Water Supplies added by the utility - Stormwater	
Supplemental Water Supplies added by the utility - Ground Water	
Supplemental Water Supplies added by the utility - Drinking Water	
Demineralization Concentrate (Blended with final reclaimed water only)	
Water Recovered from ASR ^b	
Total Water Available for Reuse or Disposal [Should be equal to the Total Reuse Flow in Table III below]	0.0338

^b Aquifer Storage and Recovery (ASR) - This activity is described in Rule 62-610.466, F.A.C. If you have an ASR system included in your permit for the reuse system, please make separate entries in

both Part III (for the total average flow withdrawn from the ASR well) and in Part VI (for the total average flow injected into the ASR well).

Part IV - Reuse

For each reuse activity, enter the permitted capacity, average flows, and acreage. Do not duplicate any of these entries in Part V of this form. Using available flow records, other available information, and your best judgment, please allocate the average flows for all treatment facilities among the reuse types listed in this part. Make discrete entries (do not show ranges). Show totals at the bottom of the table.

Table III. Reuse Activities

Reuse Type	Reuse Sub-Type	Part	Capacity (mgd)	Flow (mgd)	Area (acres)
Public Access Areas & Landscape Irrigation	Golf Course Irrigation	III	0.249	0.0338	60
	Residential Irrigation	III			
	Other Public Access Areas	III			
Agricultural Irrigation & Sprayfields	Edible Crops (Be sure to attach the inventory of edible crop irrigation. See Part X of this form.)	III			
	Grass, Pasture, Other Crops	II			
Ground Water Recharge & Indirect Potable Reuse	Rapid Infiltration Basins (Including Some Perc Ponds) ^c	IV			
	Absorption Fields ^c	IV			
	Surface Water Augmentation (Discharge to Class I Waters)	V			
	Injection to Potable Aquifers	V			
Industrial	At Treatment Plant	VII			
	At Other Facilities	VII			
Toilet Flushing		III			
Fire Protection		III			

Wetlands				
Other (Specify)				
Total Reuse [Enter total flow on Line 1 in Part VI of this form.]			0.249	0.0338 60

^c To be considered "reuse," either of the following conditions must exist:

- * There are multiple basins or absorption fields that are routinely wetted, dried, and maintained in accord with Part IV of Chapter 62-610, F.A.C., or
 - * Continuously-loaded ponds must meet the higher treatment/disinfection requirements in Rule 62-610.525, F.A.C.
- If neither condition is met, the perc pond or absorption field is "effluent disposal" and should be recorded in Part V in this form (under "Other").

Part V - Effluent Disposal

For each effluent disposal activity, enter the permitted capacity and average flow. Do not duplicate any of these entries in Part IV of this form. Using available flow records, other available information, and your best judgment, please allocate the average flows for all treatment facilities among the effluent disposal types listed in this part. Make discrete entries (do not show ranges) for capacity and flow. Show totals at the bottom of the table.

Table IV. Disposal Activities

Disposal Type	Disposal Sub-Type	Permitted Capacity (mgd)	Average Flow (mgd)
Surface Water Discharges	Ocean Outfall	0	0
	To Coastal or Estuarine Waters	0	0
	To Wetlands	N/A	N/A
	To Other Surface Waters	0	0
Deep Well Disposal		0	0
Other (specify)			
Total Flow Disposed [Enter total flow on Line 2 in Part VI of this form.]		0.0	0.0

Part VI - Summary of Reuse and Disposal

Table V. Reuse and Disposal Summary

Reuse or Disposal Activity	Average Flow (mgd)
1. Reuse (From Total Flow of Table III)	0.0338
2. Effluent Disposal (From Total Flow of Table IV)	0.0
3. Flow Stored in ASR (See note ^b on ASR in Part III.)	0.0
Total (Should equal Total Flow of Table II) ^d	0.0338

^d The totals in Tables II and V will not be equal if one of the following conditions exists (check as appropriate):

- ☐ The reuse system includes an ASR system and the amounts injected and withdrawn during the year differ.
- ☐ The reuse system includes one or more reuse activities in which reclaimed water is returned to the treatment facility after its use, where it is then available for reuse or disposal.

Part VII – Reuse Activities, Numbers of Customers, and Backup Discharges

1. How many single-family residences have reclaimed water service?
0
2. How many golf courses are irrigated using reclaimed water?
1
3. How many parks or playgrounds are irrigated using reclaimed water?
0
4. How many schools are irrigated using reclaimed water?
0
5. Is reclaimed water used to flush toilets? ☐ Yes ☒ No If yes, list locations where reclaimed water is used for toilet flushing:
6. Is reclaimed water used for fire protection? ☒ No ☐ Yes, in sprinkler systems
☐ Yes, in fire hydrants ☐ Yes, other (please describe):
7. How many cooling towers use reclaimed water from this reuse system? 0

8. List or describe any unique or unusual uses of reclaimed water. N/A

9. Is there a surface water discharge that serves as a backup discharge for the reuse system?

☒ No ☐ Yes, a Limited Wet Weather Discharge permitted under Rule 62-610.860, F.A.C.

☐ Yes, permitted under the APRICOT Act [Section 403.086(7), F.S.]

☐ Yes, permitted under other rules governing surface water discharges

10. Do you require construction of reclaimed water piping in new residential or other developments?

☐ Yes ☒ No

11. Do you require connection to the reclaimed water system when reclaimed water service becomes available?

☐ Yes ☒ No

Part VIII – Cross-Connection Control Activities

Rule 62-610.469, F.A.C., imposes cross-connection control requirements on reuse systems permitted under Part III of Chapter 62-610, F.A.C. This includes requirements for the implementation of cross-connection control programs by all public water supply systems serving areas that are within the general reclaimed water service area. Color-coding, labeling, and separation distance requirements are included. In addition, inspections within the reclaimed water service area are required. For purposes of this form, “cross-connection” means a pipe-to-pipe connection between drinking water pipes and reclaimed water pipes.

1. Are all public water supply systems serving areas that are within the general reuse service area actively implementing and enforcing their cross-connection control programs?

☒ Yes ☐ No

a. Have all of these cross-connection control programs been accepted by the DEP or the approved county health department? ☒ Yes ☐ No

2. How many illegal cross-connections have been identified during the reporting period?
0

a. How many of these cross-connections have been eliminated?
0

b. Please, attach a description of identified cross-connections and efforts taken to eliminate them.

3. How many new connections were made to the reclaimed water system during the reporting period? 0

a. How many of the new reclaimed water connections were inspected at the time of initial connection? 0

4. How often are the reclaimed water connections of existing residential reclaimed water customers inspected (i.e., daily, weekly, monthly, annually)?

Not inspected

- a. How often are the reclaimed water connections of existing non-residential reclaimed water customers inspected (i.e., daily, weekly, monthly, annually)? Not inspected

5. In addition to the number of new connections inspected in Item 3 above, how many existing connections were inspected during the reporting period?

0

Part IX - Rates Charged for the Use of Reclaimed Water

Please, list the fees charged for the use of reclaimed water. Please do not enter wastewater or sewer charges. If reclaimed water is provided at no cost, enter zeroes in both blanks. If the fee structure includes both flat rate and gallonage charge components, make a positive entry in both spaces. Make all entries in the units shown.

1. How much do you charge a single-family residential customer (assume a 0.2-acre lot) for the use of reclaimed water?

Flat rate (\$/month/connection) 0

Gallonage charge (cents/1000 gal.) 0

2. How much do you charge non-residential customers, such as golf courses, (assume 0.1 mgd on a 50-acre site) for the use of reclaimed water?

Flat rate (\$/month/connection) 0

Gallonage charge (cents/1000 gal.) 0

Part X - Required Attachments

Check, as appropriate, and attach the required documentation.

- ☐ **Inventory of Edible Crop Irrigation** - If reclaimed water is used to irrigate edible crops at commercial agricultural sites, attach a copy of the current edible crop irrigation inventory as required by Rules 62-610.475 and 62-610.870, F.A.C. The inventory shall include the following information:

- a. Name of the agricultural operation.
- b. Name and telephone number of the owner or operator of the agricultural operation.
- c. Address of the agricultural operation.
- d. Edible crops irrigated using reclaimed water.
- e. Type of application (irrigation) method used.
- f. Approximate area (acres) under irrigation using reclaimed water on which edible crops are grown.

☒ **Inventory of Storage Facilities** - If this reuse system was permitted under Part III of Chapter 62-610, F.A.C., attach a copy of the current inventory of storage facilities, as required by Rules 62-610.464, 62-610.830, and 62-610.870, F.A.C. The inventory shall include the following information:

- a. Name or identifier for the storage system.
- b. Location.
- c. Function of the storage system (system storage or reject storage).
- d. Type of facility (covered tank, uncovered tank, lined pond, unlined pond).
- e. Indication of whether or not the storage facility is a water of the state or discharges to a water of the state.
- f. Distance to the nearest public water supply well.
- g. Distance to the nearest potable water supply well, which is not a public water supply well.
- h. Volume of each storage tank/pond and the total storage volume of all storage tanks and ponds (in units of million gallons).

☒ **Summary of Public Notification Program** - If this reuse system was permitted under Part III of Chapter 62-610, F.A.C., attach a summary of the public notification program activities during the reporting period, as required by Rule 62-610.468(6), F.A.C. The summary shall include the following:

- a. Details of written public notification activities (include copies of written notices).
- b. Summary of activities involving the news media.
- c. Use of advisory signs.
- d. Other public notification activities.

☐ **Summary of Metering and Rate Structure** – As noted in 403.064(16), Florida Statutes, utilities implementing reuse projects are encouraged to meter use of reclaimed water by all end users and to charge for the use of reclaimed water based on the actual volume used when such metering and charges can be shown to encourage water conservation. Metering and the use of volume-based rates are effective water management tools for the following reuse activities: residential irrigation, agricultural irrigation, industrial uses, landscape irrigation, irrigation of other public access areas, commercial and institutional uses such as toilet flushing, and transfers to other reclaimed water utilities. As required by 403.064(16), F.S., if this reuse system provides reclaimed water for any of the uses listed above, attach a summary of the utility's metering activities and the rate structure that the utility currently employs or plans to employ. The summary shall include the following:

- a. Number of meters employed to monitor volume of reclaimed water used by customers.
- b. If information is available, please provide per capita reclaimed water use for areas that meter and for unmetered areas. If available, please provide historical per capita usage data for before and after the utility began metering reclaimed water.
- c. Provide information on the type of rate structure (i.e., inclining or declining block rates) for reclaimed water employed by the utility.
- d. Provide a description of the utility's use of master meters (i.e., for a subdivision) or the use of individual meters (i.e., for single-family residential customers).
- e. Provide a summary of the utility's plans for metering reclaimed water customers.

☐ **None of these items are required for this reuse system.**

Part XI - Permittee's Certification

I certify that the statements made in this report of reclaimed water utilization are true, correct, and complete to the best of my knowledge and belief.

Date: 10/31/2025

Signature

Phone: (407) 312-1815

Sean Twomey (President)

Name and Title (please print/type)

Company Name: Sunshine Water Services

Address: 200 Weathersfield Ave

City/State/Zip Code: Altamonte Springs, FL 32714

E-Mail: sean.twomey@nexuswg.com

Months	Avg Flow
Oct-24	0.0427
Nov-24	0.0166
Dec-24	0.0114
Jan-25	0.0728
Feb-25	0.0093
Mar-25	0.0037
Apr-25	0.0000
May-25	0.0123
Jun-25	0.0273
Jul-25	0.0273
Aug-25	0.0218
Sep-25	0.0434
Total Avg	0.0338

Request for Review and Adjustment of Unfair Sewage Flat Rate Charges

To:

Florida Public Service Commission

Florida Public Counsel

Date: August 7, 2025

From:

Frank Maranto, Treasurer

Cross Creek Community Association

Email: maranto@gmail.com

The Florida Public Service Commission is entrusted with ensuring that essential utility services — electric, natural gas, telephone, water, and wastewater — are provided in a safe, reasonable, and reliable manner. Likewise, the Office of Public Counsel was created to ensure that utility ratepayers are adequately represented in such matters.

With the information below, I respectfully submit that both agencies have failed to uphold these responsibilities with regard to my community. I urge the Commission and Public Counsel to review and rectify this longstanding inequity.

Background

I represent Cross Creek of Fort Myers Condominium Association, a community of approximately 905 mostly retired residents. Nearly all properties are 2-bedroom units occupied by one or two individuals, resulting in water and sewage usage that is significantly lower than average.

History of Sewage Rate Increases

From 2000 to 2017, sewage treatment costs increased at an average rate of 3.8% annually, culminating in a 2017 bill of \$288,659. However, in 2017, we were notified of a rate increase from \$26.58 to \$45.60 per unit — a 71.6% jump — raising our annual bill to \$495,216. On September 19, 2017, we filed a formal PSC complaint #124246 and contacted the Public Service Commission, Public Counsel, local Commissioner Cecil Pendergrass, and even Governor Rick Scott. Unfortunately, our efforts yielded no results.

The 71.6% Increase and Its Flawed Basis

This increase was justified using a “flat rate” based on assumed usage of 5,000 gallons per unit per month. However, data provided by the PSC in 2017 showed that the Eagle Ridge area — including Cross Creek — averaged only 2,489 gallons per month. Our own community likely used even less due to our demographics. In 1917, the actual water bill for my own local community averaged \$12.85 per unit, while the new sewage flat rate was \$45.60 — more than 3.5 times higher.

This flat-rate system effectively penalizes low-usage communities like ours, forcing us to subsidize higher-usage customers.

2025 Update and Further Concerns

In July 2025, our sewage rate increased by another 17%. Sunshine Water Service (formerly Utilities, Inc) asked for a meeting to inform us they plan to close our current local treatment plant, which only serves our 905 units. Our sewage will now be processed at the Eagle Ridge plant. Given our very low usage, this transition should not significantly impact that facility.

During the July 31st meeting, we expressed our dissatisfaction with the flat rate, which we likened to:

1. A flat income tax where billionaires pay the same as those on Social Security
2. A flat gas price where compact car owners pay the same as those filling 300-gallon tanks

Although the Sunshine representatives were sympathetic, they lacked the authority to make rate changes.

Conclusion and Request

Cross Creek residents have paid unfair sewage rates since 2017. As of July 2025, the flat sewage rate has reached \$73.19 per residence, more than five times our projected water cost of \$13.75.

While we understand that retroactive refunds may not be feasible, we respectfully request urgent review and adjustment of our sewage rate to a fair and more usage-based level.

From PCS in 2017

The methodology for computing a consolidated flat rate for wastewater service for those customers currently billed on a flat-rate basis was to first determine the average water consumption for that subset of UIF customers. Only the usage of flat-rate customers of the systems identified in the table was included in the calculation. That calculation appears in the table below.

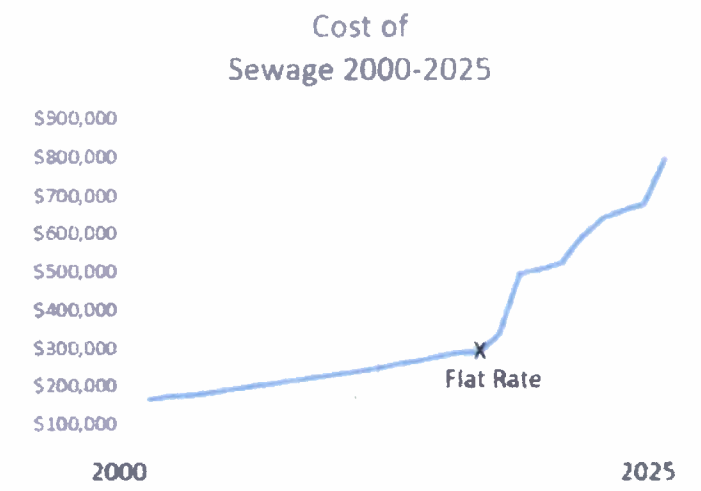
Docket No. 20160101-WS

In re: Application for increase in water and wastewater rates in Charlotte, Highlands, Lake Lee, Manon, Orange, Pasco, Pinellas, Polk, and Seminole Counties by Unifines, Inc. of Florida

Test Year Gallons and Bills for UIF Systems with a Residential Flat Rate

System Name	Total Residential Gallons (Flat Rate Customers Only)	Total Residential Bills (Flat Rate Customers Only)	Average Residential Flat Rate Demand Per Customer
Eagle Ridge	27,051,000	10,860	2,489
Tierra Verde	71,909,000	11,318	6,354
Mid County	63,000	23	2,864
UIF-Pasco Orangewood	69,000	36	1,917
Longwood	114,462,000	18,639	6,141
Lake Placid	59,000	36	1,639
Sanlando	26,601,216	7,296	3,646
Total	240,194,216	48,207	240,194,216 / 48,207 = 4,982 = 5,000 gallons

2017 Flat Rate Effect



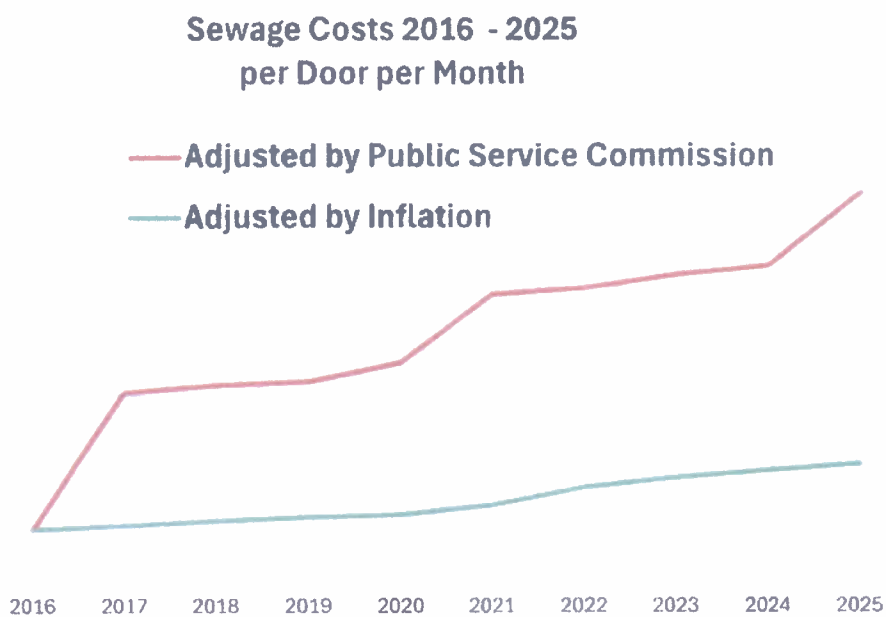
In the past, Sunshine (formerly Unities Utilities, Inc) has always provided maintenance of the systems as required in the Utility Easement. Recently service was required on one of our lift stations and Sunshine refused to provide it as specified in the Utility Easement Grant. We had to have it repaired in order to continue the critical sewage services. Please reimburse us for expenses of \$675 as soon as possible.

Some time in the summer of 2025, without any notice or permission, Sunshine altered the flow of the processed water from their treatment plant. The water had been disposed of by adding it to the nearby lake that supplies water to our golf course irrigation system. Given the significant dilution, this had little effect. However, whatever Sunshine changed caused our irrigation system to have an extremely high level of chlorine. The effect of this over the ensuing months and especially during the colder periods caused serious damage to our golf course greens resulting in a very large loss of revenue and, even more important, a loss of reputation as an outstanding golf course. We are still evaluating the cost to us. Please take this as official notice to immediately STOP disposing of your processed waste water on our property.

Given the above occurrences, we declare this lease to be in default, but in full force and effect with a right to terminate.

The **Florida Public Service Commission** is committed to making sure that Florida's consumers receive wastewater in a reasonable manner

Year	Inflation Rate	Sewage Rate Approved by Public Service Commission	Per Month per Door		
			Sewage Rate Adjusted for Inflation	Sewage Rate Approved by Public Service Commission	
2016			\$26.58	\$26.58	\$70.00
2017	2.1%	71.6%	\$27.14	\$45.60	\$60.00
2018	2.4%	2.3%	\$27.79	\$46.64	\$50.00
2019	1.8%	1.1%	\$28.29	\$47.13	\$40.00
2020	1.2%	5.5%	\$28.63	\$49.70	\$30.00
2021	4.7%	18.7%	\$29.97	\$59.01	\$20.00
2022	8.0%	1.5%	\$32.37	\$59.89	
2023	4.1%	3.1%	\$33.70	\$61.72	
2024	2.9%	2.0%	\$34.68	\$62.95	
2025	2.7%	16.3%	\$35.61	\$73.19	
2026					



Year	Monthly Charge	Per Door	% Increase	2025 Monthly Cost per Door	
2016	\$24,055	\$26.58		Water	\$13.26
2017	\$41,268	\$45.60	71.6%	Sewage	\$73.19
2018	\$42,209	\$46.64	2.3%		
2019	\$42,653	\$47.13	1.1%		
2020	\$44,979	\$49.70	5.5%		
2021	\$53,404	\$59.01	18.7%		
2022	\$54,200	\$59.89	1.5%		
2023	\$55,857	\$61.72	3.1%		
2024	\$56,970	\$62.95	2.0%		
2025	\$66,237	\$73.19	16.3%	Proposed	
2026	\$75,053	\$82.93	13.3%		

Ms. Shonna McCray
Public Service Commission
2540 Shumard Oak Blvd
Tallahassee, FL 32399-0850

RE: FPSC Inquiry 1484436C

Dear Ms. McCray:

Thank you for your letter of March 17, 2026 that once again confirmed the FPSC's Order PSC-2017-0361-0361-FOF-WS.

As you and the commissioners know, we are well aware of the order and the financial consequences it has had on our community. Our open question remains: Is there anything we might be able to do to better encourage a reasonable review of this order and a possible replacement by something more equitable to those who have been forced to live with it for nearly 10 years now.

Our older community of mostly retired residents has been paying at the rate of 5,000 gallons per month even though data supplied by Lee County Utilities (LCU) certifies that our actual usage is only about 1,400 gallons per month. At Sunshine's request, we supplied 2024 to 2025 water statistics showing 1,418 gallons of water per month at a cost of \$13.26 compared to the flat rate of 5,000 gallons of sewage costing about \$75 a month. Do our commissioners really feel that this is appropriate?

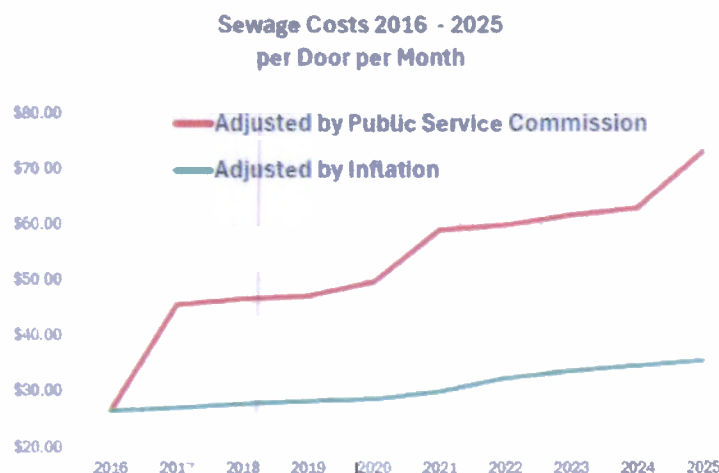
We have been requesting that the FPCS simply review this; determine if it is fair and reasonable; and advise us if there might be any solution.

Our per door monthly sewage cost in 2016 was **\$26.58**.

We were placed under the 5,000 gallons flat rate in 2017.

Rate increases, e.g. **71.6%** in 2017, **18.7%** in 2021, **16.3%** in 2025, **10%** in 2026 ...

Our 2026 rate is projected to be **\$83.93!**



We thank for any assistance and reasonable explanations,

Frank Maranto
Treasurer, Cross Creek Community Association

CC: Office of Public Counsel
Office of Tiffany Esposito