

BOARD OF COUNTY COMMISSIONERS
GULF COUNTY, FLORIDA
PLANNING DEPARTMENT
DAVID RICHARDSON, PLANNER

1000 CECIL G. COSTIN, SR. BLVD., • ROOM 312 PORT ST. JOE, FLORIDA 32456 • PHONE (850) 227-9562 • FAX (850) 227-9563

May 4, 2011

To: Valerie Jones
Florida Department of Environmental Protection

From: David Richardson
Gulf County Planning Department

2011 MAY -4 PM 4:44
RECEIVED
GENERAL COUNSEL
STATE OFFICE

NOTICE OF NO OBJECTION

Project Information

DEP Reference No.:
Applicant Name: Sunrise Sunset Condominiums
Address: 3869 SR 30E/Cape San Blas Road (center unit for reference)
County Parcel ID#: 06276-065R (center unit for reference)
Description of Construction Activity: construct retaining wall

Response

The construction of the proposed rigid coastal armoring structure does not contravene local setback requirements or zoning codes. This determination is based on a May 2, 2011 decision by DEP that the proposed structure was not a seawall. Seawalls are not allowed per the Gulf County Comprehensive Plan, however, other innovative protective measures are allowed.

As always, if you need any additional information, feel free to contact this office at 850-227-9562, from 7:00 am till 12:00 pm and 12:30 pm till 5:30 pm, Monday through Thursday.

Sincerely,

Gulf County Board of County Commissioners



David Richardson
Planner

CARMEN L. McLEMORE
District 1

WARD MCDANIEL
District 2

BILL WILLIAMS
District 3

TAN SMILEY
District 4

WARREN YEAGER
District 5

5/10/11 CC

David Richardson

From: McNeal, Tony [Tony.McNeal@dep.state.fl.us]
Sent: Monday, May 02, 2011 4:30 PM
To: 'Clayton Studstill'; 'David Richardson'
Subject: RE: Seawall
Attachments: Sunrise Sunset Condominium Armoring Plans.pdf

Clayton and David,

This is in response to your request for an opinion on whether the rigid coastal armoring structure identified in the attached plans for the subject property constitute a seawall. The plans received by DEP were prepared by Everlast Synthetic Products, LLC, dated 3/28/11, and entitled "Sunrise Sunset Condominiums Stabilization Retaining Wall Cape San Blas, FL".

Based on my review of the plans, it is my opinion that the proposed structure is not a seawall. However, the structure is considered a rigid coastal armoring structure which must meet all applicable state laws and rules for such structures.

Tony D. McNeal, P.E., Administrator
 Coastal Construction Control Line Program
 Department of Environmental Protection
 Bureau of Beaches and Coastal Systems
 3900 Commonwealth Blvd., M.S. 300
 Tallahassee, FL 32399-3000
 850/921-7745
 Facsimile 850/488-5257
 tony.mcneal@dep.state.fl.us

2011 MAY -4 PM 4:44

The Department of Environmental Protection values your feedback as a customer. DEP Secretary Herschel T. Vinyard Jr. is committed to continuously assessing and improving the level and quality of services provided to you. Please take a few minutes to comment on the quality of service you received. Simply click on [this link to the DEP Customer Survey](#). Thank you in advance for completing the survey.

From: Clayton Studstill [mailto:clay@garlickenv.com]
Sent: Monday, May 02, 2011 9:45 AM
To: McNeal, Tony
Subject: FW: Seawall

This letter was sent to DCA.

From: David Richardson [mailto:drichardson@gulfcounty-fl.gov]
Sent: Monday, November 22, 2010 9:15 AM
To: larry.wetherington@dep.state.fl.us
Cc: clay@garlickenv.com; commissioner1@gulfcounty-fl.gov; commissioner2@gulfcounty-fl.gov; commissioner3@gulfcounty-fl.gov; commissioner4@gulfcounty-fl.gov; commissioner5@gulfcounty-fl.gov; Don Butler; Jeremy Novak ; Susan. Poplin; Tim McFarland; 'Dombrowski, Michael (MRD Associates, Inc. - Engineering)'
Subject: Seawall

Mr. Wetherington,

Based on Ms. Poplin with DCA suggesting the County to contact you, I would assume that you are aware that Gulf County's Cape San Blas from the Lighthouse to the State Park is experiencing critical erosion. This area not only involves a tremendous investment by individual property owners, it is also very critical to Gulf County's economy. The Gulf side property owners voted to impose a layered MSTU to make payments on a seven year bond that was

combined with a DEP Grant to fund a \$22,000,000 beach restoration project. Therefore, the initial monetary investment, loss of property value, plus the MSTU creates serious financial issues for the property owners. Before the pumped sand project could stabilize, the coast was battered by tropical systems that accelerated the normal erosion rate and many of the owners are back to total desperation. FEMA mitigation funding is being withheld due to action by US Fish and Wildlife who is using CBRA to block the funding. This County is currently appealing the FEMA action through DEM. The fallacy of CBRA is that it is suppose to protect habitat, whereas, without beach restoration, there is no habitat for sea turtles as the MHWL will be at the base of dune structure there is remaining. In this case, CBRA is killing habitat.

Even though the FEMA action is under appeal, the erosion situation is critical for several structures, such as the referenced Sunset Townhomes. We need assistance from DEP in determining if the proposed Sunset Townhomes mitigation project is classified as a seawall or not. Please contact Mr. Clayton Studsill, Esq. at clay@garlickenv.com or at 850-323-0792. If DEP deems the proposal is not as seawall, then the County could issue a Letter Of No Objection. If DEP deems the project as seawall, then the County would have to object.

The County is very sensitive to plight of the Cape and coastal property owners. Therefore, the County is very open to a workshop with DCA and DEP to amend the Gulf County Comprehensive Plan in 2011 that will address erosion mitigation within the MSTU beach restoration area. If the County is not successful on our appeal, the coastal protection issue will continue to escalate rapidly.

Feel free to contact me at 850-227-9562 if you wish to discuss the situation.

Thanks,

David Richardson
Gulf County BOCC
Planner
1000 Cecil G. Costin Sr. Blvd.
Port St. Joe, FL 32456
(850) 227-9562

<http://www.gulfcounty-fl.gov/PlanningDepartment.cfm>

"Under Florida Law, e-mail addresses are public records. If you do not want your e-mail released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by telephone or in writing."

=====

Email scanned by PC Tools - No viruses or spyware found.
(Email Guard: 7.0.0.21, Virus/Spyware Database: 6.16350)
<http://www.pctools.com>

=====

PUBLIC NOTICE

A Public Hearing will be held at the Planning and Development Review Board (PDRB) meeting on Monday, May 16, 2011 at 8:45 a.m. EST, and at the Board of County Commissioners (BOCC) meeting on Tuesday, May 24, 2011 at 6:00 p.m. EST. Both public hearings will be held in the BOCC Meeting Room at the Robert M. Moore Administration Building, 1000 Cecil G. Costin Sr. Blvd., Port St. Joe, Florida. The public hearings will be to discuss and act on the following:

1. Variance- Ms. Sue Griffin- Parcel ID #03894-000R- Section 5, Township 7 South, Range 11 West, Gulf County, Florida- Requesting a variance to encroach into the road setback that will extend a porch addition to be in-line with the adjacent footprints.
2. Open Discussion
3. Staff

The public is encouraged to attend and be heard on these matters. Information prior to the meeting can be viewed at the Planning and Building Department at 1000 Cecil G. Costin Sr. Blvd., Room 312.

Ad #2011-21

Date: May 5 and May 12, 2011

Invoice: Gulf County Planning Department

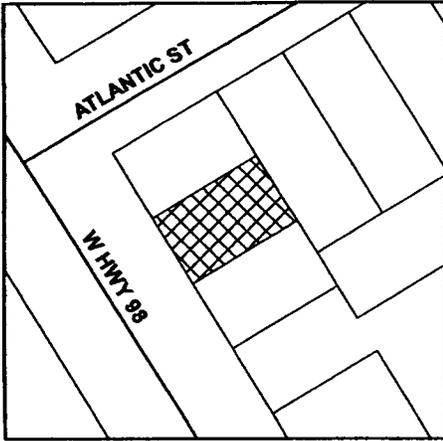
Size: **Headline no smaller than 18 point**

Must be at least 2 columns wide by 10 inches long

Must not appear in the newspaper portions where legal notices and classified advertisements appear

Proof of Publication required

Parcel ID#03894-000R



PUBLIC NOTICE

The Gulf County Board of County Commissioners will hold a special meeting on Monday, May 9, 2011 at 6:00 p.m., E.T. in their meeting room in the Robert M. Moore Administration Building at the Gulf County Courthouse Complex in Port St. Joe, Florida to discuss the following:

- A) R.V. Moratorium (Chairman * 4/26/11 * 7:00 p.m.)
- B) Debris Pick-Up (Chairman * 4/26/11 * 7:45 p.m.)
- C) 30 Acre Site (Chairman * 5/2/11 * 4:30 p.m.)

**WARREN J. YEAGER, JR.
CHAIRMAN**

F.S. 286.0105:

If a person decides to appeal any decision made by the board, agency or commission, with respect to any matter considered at such meeting or hearing, he will need a record of the proceedings, and that, for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

PUBLIC NOTICE

The Gulf County Board of County Commissioners will hold a special budget meeting on Tuesday, May 10, 2011 at 4:00 p.m., E.T. in their meeting room in the Robert M. Moore Administration Building at the Gulf County Courthouse Complex in Port St. Joe, Florida.

**WARREN J. YEAGER, JR.
CHAIRMAN**

F.S. 286.0105:

If a person decides to appeal any decision made by the board, agency or commission, with respect to any matter considered at such meeting or hearing, he will need a record of the proceedings, and that, for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

SUNGARD PENTAMATION, INC.
 DATE: 04/29/2011
 TIME: 15:21:02
 SELECTION CRITERIA: orig. fund='120'
 ACCOUNTING PERIOD: 6/11

BAY COUNTY BOARD OF COUNTY COMMISSIONERS
 EXPENDITURE STATUS REPORT

March 2011

SORTED BY: FUND, DEPT TOTAL, 1ST SUBTOTAL, ACCOUNT
 TOTALED ON: FUND, DEPT TOTAL, 1ST SUBTOTAL
 PAGE BREAKS ON: FUND, DEPT TOTAL

FUND-120 LIBRARY
 DEPT TOTAL-0361 GULF COUNTY LIBRARY
 1ST SUBTOTAL-5100000 PERSONAL SERVICES

ACCOUNT	TITLE	BUDGET	PERIOD EXPENDITURES	ENCUMBRANCES OUTSTANDING	YEAR TO DATE EXP	AVAILABLE BALANCE	YTD/ BUD
5101200	SALARIES & WAGES-REGULAR	92,006.00	7,724.31	.00	48,574.00	43,432.00	52.79
5101400	SALARIES & WAGES-OVERTIM	11,077.00	.00	.00	3,660.53	11,077.00	.00
5102100	FICA TAXES-MATCHING	7,886.00	580.85	.00	4,225.47	4,225.47	46.42
5102200	RETIREMENT CONTRIBUTIONS	11,102.00	831.90	.00	5,231.43	5,870.57	47.12
5102300	LIFE & HEALTH INSURANCE	3,568.00	299.06	.00	1,942.96	1,625.04	54.46
5102400	WORKERS COMP. PREMIUMS	377.00	94.00	.00	188.00	189.00	49.87
	TOTAL PERSONAL SERVICES	126,016.00	9,530.12	.00	59,596.92	66,419.08	47.29
1ST SUBTOTAL-5300000 OPERATING EXPENSES							
5304101	COMMUNICATIONS SERVICES	1,050.00	76.55	.00	542.65	507.35	51.68
5304125	POSTAGE/TRANSP/FREIGHT	125.00	.00	.00	.00	125.00	.00
5304301	UTILITY SERVICES	22,000.00	1,331.98	.00	7,126.63	14,873.37	32.39
5304501	INSURANCE & BONDS	992.00	248.00	.00	496.00	496.00	50.00
5304605	REPAIR/MAINT-BLDG & GRAND	450.00	32.00	.00	192.00	258.00	42.67
5304615	REPAIR/MAINT-EQUIPMENT	450.00	35.81	.00	214.86	235.14	47.75
5304990	MISCELLANEOUS EXPENSES	.00	.00	.00	20.00	-20.00	.00
5305101	OFFICE SUPPLIES	100.00	.00	.00	110.63	-10.63	110.63
5305202	OPER SUPPLIES-JANITORIAL	75.00	.00	.00	19.73	55.27	26.31
5305401	BOOKS/RESOURCE MATR/SUBS	6,000.00	.00	.00	5,798.42	201.58	96.64
	TOTAL OPERATING EXPENSES	31,242.00	1,724.34	.00	14,520.92	16,721.08	46.48
1ST SUBTOTAL-5600000 CAPITAL OUTLAY							
5606620	BOOKS - STATE AID	7,295.00	.00	.00	.00	7,295.00	.00
5606623	BOOKS - LOCAL	2,059.00	141.32	.00	619.25	1,439.75	30.08
	TOTAL CAPITAL OUTLAY	9,354.00	141.32	.00	619.25	8,734.75	6.62
1ST SUBTOTAL-5900000 NON-OPERATING EXPENSES							
5909910	RESERVE FOR CONTINGENCIE	13,898.00	.00	.00	.00	13,898.00	.00
	TOTAL NON-OPERATING EXPENSES	13,898.00	.00	.00	.00	13,898.00	.00
	TOTAL GULF COUNTY LIBRARY	180,510.00	11,395.78	.00	74,737.09	105,772.91	41.40

LS:111W 5-1AH1102

SUNGARD PENTAMATION, INC.
DATE: 05/03/2011
TIME: 15:26:42

BAY COUNTY BOARD OF COUNTY COMMISSIONERS
EXPENDITURE STATUS REPORT

PAGE NUMBER: 3
EXPSTALL

SELECTION CRITERIA: orgn.fund='120'
ACCOUNTING PERIOD: 7/11

April 2011

SORTED BY: FUND, DEPT TOTAL, 1ST SUBTOTAL, ACCOUNT
TOTALLED ON: FUND, DEPT TOTAL, 1ST SUBTOTAL
PAGE BREAKS ON: FUND, DEPT TOTAL

FUND-120 LIBRARY
DEPT TOTAL-0361 GULF COUNTY LIBRARY
1ST SUBTOTAL-5100000 PERSONAL SERVICES

ACCOUNT	TITLE	BUDGET	PERIOD EXPENDITURES	ENCUMBRANCES OUTSTANDING	YEAR TO DATE EXP	AVAILABLE BALANCE	YTD/ BUD
5101200	SALARIES & WAGES-REGULAR	92,006.00	7,492.51	.00	56,066.51	35,939.49	60.94
5101400	SALARIES & WAGES-OVERTIM	11,077.00	.00	.00	.00	11,077.00	.00
5102100	FICA TAXES-MATCHING	7,886.00	563.15	.00	4,223.68	3,662.32	53.56
5102200	RETIREMENT CONTRIBUTIONS	11,102.00	806.92	.00	6,038.35	5,063.65	54.39
5102300	LIFE & HEALTH INSURANCE	3,568.00	299.06	.00	2,242.02	1,325.98	62.84
5102400	WORKERS COMP. PREMIUMS	377.00	.00	.00	188.00	189.00	49.87
	TOTAL PERSONAL SERVICES	126,016.00	9,161.64	.00	68,758.56	57,257.44	54.56
1ST SUBTOTAL-5300000	OPERATING EXPENSES						
5304101	COMMUNICATIONS SERVICES	1,050.00	78.40	.00	621.05	428.95	59.15
5304125	POSTAGE/TRANSP/PREIGHT	125.00	.00	.00	.00	125.00	.00
5304301	UTILITY SERVICES	22,000.00	1,253.30	.00	8,379.93	13,620.07	38.09
5304501	INSURANCE & BONDS	992.00	.00	.00	496.00	496.00	50.00
5304605	REPAIR/MAINT-BLDG & GRND	450.00	32.00	.00	224.00	226.00	49.78
5304615	REPAIR/MAINT-EQUIPMENT	450.00	35.81	.00	250.67	199.33	55.70
5304990	MISCELLANEOUS EXPENSES	.00	.00	.00	20.00	-20.00	.00
5305101	OFFICE SUPPLIES	100.00	9.34	.00	119.97	-19.97	119.97
5305202	OPER SUPPLIES-JANITORIAL	75.00	.00	.00	19.73	55.27	26.31
5305401	BOOKS/RESOURCE MATR/SUBS	6,000.00	.00	.00	5,798.42	201.58	96.64
	TOTAL OPERATING EXPENSES	31,242.00	1,408.85	.00	15,929.77	15,312.23	50.99
1ST SUBTOTAL-5600000	CAPITAL OUTLAY						
5606220	BOOKS - STATE AID	7,295.00	.00	.00	.00	7,295.00	.00
5606223	BOOKS - LOCAL	2,059.00	244.00	.00	863.25	1,195.75	41.93
	TOTAL CAPITAL OUTLAY	9,354.00	244.00	.00	863.25	8,490.75	9.23
1ST SUBTOTAL-5900000	NON-OPERATING EXPENSES						
5909910	RESERVE FOR CONTINGENCIE	13,898.00	.00	.00	.00	13,898.00	.00
	TOTAL NON-OPERATING EXPENSES	13,898.00	.00	.00	.00	13,898.00	.00
	TOTAL GULF COUNTY LIBRARY	180,510.00	10,814.49	.00	85,551.58	94,958.42	47.39

LS:11111 5-MAY 1102



CHIEF FINANCIAL OFFICER
JEFF ATWATER
STATE OF FLORIDA

2011 MAY 13 PM 1:11
BUREAU OF COUNTY
COMMISSIONERS

April 14, 2011

The Honorable Warren Yeager, Jr.
Chairman, Gulf County Commissioners
1000 Cecil G. Costin Sr. Blvd.
Port St. Joe, FL 32456

Dear Chairman Yeager:

On behalf of the Department of Financial Services, Division of State Fire Marshal, Bureau of Fire and Arson Investigations (DFS-SFM-BFAI) Northwest Region, I am contacting you for your support in proclaiming May 1-7, 2011 as Arson Awareness Week.

The United States Fire Administration, partnered with the Coalition Against Insurance Fraud, Bureau of Alcohol, Tobacco, Firearms, and Explosives, the National Association of State Fire Marshals, the National Volunteer Fire Council, USAonWatch, and the International Association of Arson Investigators have established this year's theme to be *Working Together to Extinguish Serial Arson*.

The goal of this year's Arson Awareness Week is to focus public attention on serial arsonists and provide law enforcement, the fire service, and communities with tools and tactics to prevent arson in their cities and towns. Serial arson is defined as an offense committed by fire setters who set three or more fires with a significant cooling off period in between the fires. These types of fires are plaguing many rural and urban communities causing significant loss of life and millions of dollars in property damage, adding to the suffering already caused by the current economic climate.

The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) reports that from 2009-2010 there were 88 reported serial arson incidents with an aggregate monetary loss of \$4.8 million. Arson in residential dwellings accounted for 49 percent of these incidents.

Gulf County can take prompt action to promote the key issues of serial arson recognition. Please join with the many counties that have already proclaimed this week as Arson Awareness Week. A sample proclamation is enclosed for your convenience.

Respectfully yours,

Captain Gloria B. Whitehurst
Regional Commander, Northwest Region
Enclosure

2011 MAY -4 PM 4:45

FLORIDA DEPARTMENT OF FINANCIAL SERVICES
Gloria B. Whitehurst • Captain
Division of State Fire Marshal • Bureau of Fire and Arson Investigations
610 East Burgess Road • Pensacola, Florida 32504 • Tel. 850-453-7803 • Fax 850-471-6339
Email • Gloria.Whitehurst@myfloridacfo.com
AFFIRMATIVE ACTION • EQUAL OPPORTUNITY EMPLOYER

INFORMATION PACKET
DATE 5/10/11

2011 National Arson Awareness Week

Sample Proclamation

WHEREAS, The theme for 2011 Arson Awareness Week is Working Together to Extinguish Serial Arson; and

WHEREAS, The U.S. Fire Administration reports that there are an estimated 210,300 intentionally set fires each year resulting in approximately 375 deaths and 1,300 injuries; and

WHEREAS, The Bureau of Alcohol, Tobacco, Firearms and Explosives reports that from 2009 – 2010, there were 88 incidents reported as being associated with serial arson, with an aggregate monetary loss of \$4.8 million; and

WHEREAS, The price that America pays for arson is severe. In 2007, three firefighters died on scene or during response to intentional fires, and 6,100 firefighters were injured at the scene of intentional fires. In addition to needless injury and death, an estimated 1 billion dollars in direct property loss occurs annually; and

WHEREAS, Public awareness is one of the specific responsibilities of the U.S. Fire Administration; and

WHEREAS, A community Arson Watch Program can put the “neighbor” back into neighborhood by creating a sense of cooperation. It brings the fire service, law enforcement and citizens together to reduce the crime of arson.

NOW, THEREFORE, BE IT PROCLAIMED, that The International Association of Arson Investigators, Inc., Board of Directors, meeting in Executive Session on February 1, 2011, in Atlanta, Georgia, hereby proclaims the week, beginning on May 1, 2011, as National Arson Awareness Week, and the first full week of May shall be so designated each year thereafter.

By action of the Board of Directors
International Association of Arson Investigators, Inc.
February 1, 2011
Atlanta, Georgia



H. Frank Farmer, Jr., M.D., Ph.D.
State Surgeon General

April 18, 2011

2011 MAY -4 PM 4:44

Mr. Warren J. Yeager, Jr., Chairman
Gulf County Board of County Commissioners
1000 Cecil G. Costin, Sr. Boulevard, Room 309
Port Saint Joe, Florida 32456

Dear Mr. Yeager:

It gives me great pleasure to award Gulf County an emergency medical services (EMS) county grant in the amount of \$1,053.00. The grant ID code is C0023. This grant is for improving and expanding pre-hospital emergency medical services. We have submitted a request to our disbursements office for the full advance payment of the grant funds, and your county should receive the funds within the next 30 days. Notification of your second payment amount on this grant, based on your county's traffic fine surcharge collections between January 1 and June 30, 2011, will be sent to you in July 2011.

This grant program is authorized and required by section 401.113(2) (a), *Florida Statutes*. It is grant program number 64.005 in the Florida Catalog of State Financial Assistance. The grants are paid from the Department of Health's EMS Trust Fund and there are no federal funds involved.

The grant ends April 13, 2012. Expenditure and activity reports are due by: August 19, 2011 based on activities and expenditures through July 31, 2011; November 18, 2011 based on activities and expenditures through October 31, 2011; and the final expenditure and activity report is due by May 4, 2012 based on activities and expenditures throughout the grant.

Your signed grant application acknowledges that you have read, understand, and will comply fully with the terms and conditions as outlined in the "Florida EMS County Grant Program Application Packet, June 2008."

Thank you for your continued outstanding support and involvement in improving and expanding Florida's pre-hospital EMS system. If you have questions or need assistance, please contact the state grant manager for this project, Mr. Alan Van Lewen, Health Services and Facilities Consultant in the Bureau of EMS, at (850) 245-4440, extension *2734.

Sincerely,

Jean L. Kline, RN, BSN, MPH
Director

Division of Emergency Medical Operations

cc: Ms. Towan Kopinsky, Grant Coordinator

INFORMATION
DATE: 5/10/11 LL

Gulf Biomass Incinerator Information

*Gulf Citizens for Clean Renewable
Energy*

April 11th UPDATE:



**Statement on Biomass Plants
April 11, 2011**

The American Lung Association in Florida has significant concerns regarding the proposed biomass plant and the potential effects it could pose for at-risk groups like those suffering from emphysema, asthma, diabetes and heart disease. Burning wood, or burning any substance, releases toxic chemicals and particles into the air which affect both the environment and respiratory health. Burning biomass could lead to significant increases in emissions of nitrogen oxides, particulate matter and sulfur dioxide and have severe impacts on the health of children, older adults, and people with lung diseases.

Additionally, diesel equipment critical to plant operation, like the trucks delivering wood, adds significant pollution on the roads and throughout nearby communities. A constant supply of fuel is needed requiring these trucks to make multiple, daily trips to and from the plant. The age of these vehicles and idling practices will also have a significant impact on the level of pollution emitted, and increase the potential damage to air quality and the health of residents in the area.

Furthermore, we have noticed a pattern nationwide of biomass plants being proposed for rural areas away from cities; where less protective pollution control restrictions and weaker permitting requirements apply. Plant proponents will say that they "meet the air pollution requirements" but the requirements themselves tend to be more lax.

The American Lung Association is dedicated to healthy air and healthy lungs for all Floridians. We encourage the leaders of Gulf County to consider the potential negative health effects on an already medically vulnerable and underserved community.

2011 MAY -3 PM 2:13

Business Investing Tech Entrepreneurs Op/Ed Leadership Lifestyle Lists

Fort



The World's Most Valuable Soccer Teams

America's Best Colleges America's 100 Best Small Companies Best Places for Business & Careers Celebrity 100 Forbes 400 Richest Americans Global 2000 Leading Companies

Largest Private Companies Most Expensive Zip Codes 100 Most Powerful Women World's Billionaires World's Most Powerful People All Lists

Gallery: The World's 25 Companies

Yesterday NFL Draft First Round: The Winners and Losers

MONTE BURKE The Owner's Box

Yesterday British Stiff Upper Lip Goes Wobbly For Will And Kate

PARMY OLSON Disruptors



Energy Source

HOW WE POWER THE WORLD

PROFILE HEADLINE GRABS RSS FEED

How To Evaluate A Renewable Energy Technology

Apr 26 2011 8:11 pm | 264 views | 0 recommendations | 1 comment

written by ROBERT RAPIER

To people who follow the energy industry closely, it's a common occurrence to come across announcements from companies proclaiming to have developed the key to the 'next big thing' for solving the world's energy crisis. Maybe they say they can take any sort of waste biomass and turn it into fuel — ethanol, diesel, pyrolysis oil, mixed alcohols — at very low cost. Or they say they can produce renewable electricity at a price competitive with coal.



Image via Wikipedia

The layperson reads the news release and is curious: "Is this real?"

Of course there are technologies with real potential, and just because a company hypes their technology doesn't mean it won't work. But in order to make that determination, a certain level of due diligence must be applied.

Let's say you are interested in becoming a stakeholder in a process. You could be a private investor, a government entity, or you could be someone from the media who is interested in sorting out hype from reality in order to protect potential stakeholders (such as taxpayers). That

5

Share

20

submit



0

3

Share

ABOUT

See our profile »

OUR CONTRIBUTORS

BRUCE UPBIN

CHRIS RHODES

CHRISTOPHER HELMAN

DAN BIGMAN

and 28 more

Followers: 33

Contributor Since: January 2010

PROFILE

RSS FEED

HEADLINE GRABS

EMAIL TIPS

OUR ACTIVITY FEED

requires quite a different level of investigation than rendering an opinion based on a press release, and many people don't know where to start.

In my own experience, perhaps 90% of the stories you see promoting various technologies are at least exaggerated. So how do you separate fact from fiction and wishful thinking from reality?

Understand the Levels of Scale and the Hurdles that Come With Each Step

It is a huge challenge to take results that were achieved in a laboratory and scale those up through a pilot facility to a demonstration facility to a commercial facility. Each of those steps is a gate, and each of those gates will stop most technologies from advancing to the next gate. Skipping steps — for instance jumping from the lab to a demonstration-size facility — greatly lowers the probability of success while putting much more money at risk.

There are no hard and fast rules on the borders between these particular facilities; one person's pilot facility may be another person's demonstration facility. In general, I think of lab experiments as consisting of one aspect of a technology at scales of ounces or milliliters. Piloting moves up into scales of pounds or liters per day, and will incorporate more pieces of the process into the experiments. Demonstration facilities reach the realm of barrels per day (1 barrel = 42 gallons), and are typically integrated facilities designed to demonstrate that all aspects of the technology work — in conjunction with each other — at that particular scale.

A facility producing 10 barrels a day (150,000 gallons per year) is demonstration size; one that produces 1,000 barrels a day is on the low end of commercial size. To put those numbers into perspective, the average size of a corn ethanol plant is just over 4,000 barrels per day and the average size of an oil refinery in the U.S. is 125,000 barrels per day.

Data Omitted From the Press Release: How and Who to Get it From

Before you even get to ask questions, you may be asked to sign a secrecy agreement. This is a legitimate and necessary step for companies who wish to protect against someone running off with their technology and starting a competing company, or leaking proprietary information to competitors. A secrecy agreement will give you access to information you might never obtain otherwise, and you will often find out very quickly that what companies tell you privately is different from their press releases. On the other hand many companies that are out promoting their technology and trying to get funds will answer many questions before asking for a secrecy agreement — and ideally you want to learn as much as you can before signing an agreement.

Of course if you are a reporter doing an investigative story, you will never sign a secrecy agreement. You are just going to have to dig a little harder to find answers to your questions. As you dig for information, generally the first people you will encounter are those promoting the technology. They will probably be careful and very optimistic with the information they provide. What you really want to do is ultimately talk to an operator or technician who is involved in the day-to-day operation of the process. They will be the ones to tell you about potentially significant issues.

First Questions

The first question to ask is "At what scale has this process been demonstrated?" But that's just a start, because you will get misleading

Show all activity

CHRIS'S NEW POST 3 hours ago
Deep Oil From Diamonds? Maybe, Says A New Report

CONTRIBUTOR COMMENT Yesterday
HANNAH ELLIOTT
De Luxe
 Commented on **WHO KNEW A BUICK COULD BE SO MUCH FUN?**
 "I wish all kids could have a mom that does donuts in the parking lot. Sets a good example, if..."

DANIEL'S HEADLINE GRAB Yesterday
Chesley Belatedly Tells Fannie Mae Judge Of His Legal Woes
 TYPEPAD.COM

CONTRIBUTOR COMMENT Yesterday
LEWIS DVORKIN
The Copy Box
 Commented on **FORBES COMES TO FLIPBOARD**
 "Bruce, And there's so much more to come from us in the App world."

MOST POPULAR

- OUR POSTS** All Posts Last 24 Hours
1. Exxon Says It Does Pay U.S. Income Taxes 15,000 views
 2. Oil-to-Gas Ratio Says Oil Will Hit \$200 A Barrel 8,000 views
 3. BP Is Cheap, But Not A Hostile Candidate 7,000 views
 4. If Oil's On The Way Out, What Will Be In? 6,000 views
 5. Rare Earth Elements And Thorium Power 5,000 views

Retire On One HOT Stock ProfitConfidential.Co...
 Our gurus pick the best stock for 2011. Buy now and retire faster

2 Stocks to Hold Forever www.StreetAuthority...
 Buy them, forget about them, and never sell them.

Take The Solar Quiz SolarCalc...
 Can You Get Solar For \$0 Down? Find Out If You Qualify Now!

9 Best Stocks to Own Now www.DailyTradeAl...
 Here's a list of recommendations that several top analysts agree on

Ads by Google

answers and people will withhold information. They may not tell you that they only simulated some parts of the process. For instance, a biomass gasifier produces synthesis gas (syngas), but there can be problems with the gas quality because of tar formation. If a simulated syngas is used in lab or piloting experiments (e.g., bottled hydrogen and carbon monoxide were mixed together to produce the syngas), that tar issue can be conveniently ignored in the lab and yet be a show-stopper for a commercial plant.

So you have to dig into the details. You want to know the scale of the process that has been demonstrated, but then you also want to know how many consecutive hours it has been run, and you want to know the source of the raw materials and the composition of the final product. Ask about the nature of byproducts and waste products as well. Product quality and waste disposal are both issues that have bankrupted companies attempting to commercialize a process.

Know the Limits of Computer Modeling

Next you have to ask about the assumptions that are being used to model a commercial plant. What is the scale-up factor between what they actually demonstrated and what a commercial plant will be? What are the production volumes in each case? How were the costs estimated for construction of a commercial plant? Have they attempted to skip steps in the scale-up process (e.g., going from lab or small pilot to small commercial scale)? If they are running at lab or small pilot scale and projecting their production costs for a commercial plant, I generally don't take those numbers seriously. There are just too many hurdles between the lab and commercial scale. Small lab scale problems often become much bigger problems at demonstration scale.

You want to clearly distinguish between how much of the process has actually been proven and how much has been simulated with computer models. I saw a recent question posed by a renewable energy developer: Isn't it true that you can prove a technology through modeling? The answer to that question is absolutely not. In fact, the reverse is true: You prove a model by actually demonstrating that the process gives results consistent with the model. But some people will present model results as if they represent reality. Models are merely guides that are used to help design processes at various stages of development; a model won't tell you whether a process will work or not. It will give you some guidance, but ultimately you have to take the results from the model and actually run the process. That is how you prove a technology (and validate a computer model). Boeing doesn't build a fleet of airplanes based on a model. They use the model as guidance for building a prototype. Then they refine the model based on how the prototype performs, and they modify the prototype as needed.

Biomass Feedstock, Economic Assumptions, and Energy Requirements

You need to ask about the presumed source and cost of the biomass that will be used. As I identified in Bad Assumptions, I believe the assumption of a long-term supply of cheap, free, or even negatively-priced biomass is one of the most unrealistic assumptions companies make, and yet the assumption that commonly results in those claims of \$1 or \$2/gallon biofuel.

So I want to know what the economics look like if the biomass costs are similar to the cost of hay. I want to know about costs if the biomass is \$100 per ton (and I expect elusive or misleading answers). It is true that

there is a lot of wood in the U.S. that has been killed by the pine bark beetle, but it still costs money to process those trees and move them to a facility for conversion into fuel.

The energy requirement for the process is a very important issue, but one that is not generally easy to dissect. But you want to know the types of energy used in the process, as well as the energy balance for the process (the energy of the fuel out over the energy it took to produce it). People will omit all sorts of energy inputs when stating an energy balance. They will assume that they will burn waste biomass in the commercial plant and thus assume low external energy inputs. They won't count the energy that it takes to grow and transport biomass, and they won't count the energy inputs to move the fuel to the customer. When you see someone claim an energy return of five or ten to one for a renewable process, those are often the kinds of assumptions they are making. (Note that energy balance has to be understood in context; it may be economically attractive to use 2 BTUs of coal to produce 1 BTU of liquid fuel even though the energy balance is poor).

Competitors and Former Employees Can Be a Source of Valuable Info

I also want to know about predecessors and competitors. Very little is invented from scratch; almost everyone builds off of previous work. So who came before and did similar work? Who is doing similar work now? How is their work better than that of others? Then you ask the same questions of competitors. This is a very effective tool for sniffing out problems. Competitors are always happy to tell you what is wrong with the other company's process. On the other hand, many will insist that they are so unique they have no competitors. Don't fall for that.

Talk to former employees. If there are skeletons in the closet, they may tell you where to look (especially if they are disgruntled). The difficulty here is that they may not be willing to go on the record, but they can provide leads. For instance, an employee will likely be bound by a confidentiality agreement, but that doesn't prevent them from pointing you to a specific bit of information in a patent that doesn't mesh with the company's public claims.

Bring up the company in casual conversation and see where it leads. I did this on a recent trip, where a manager relayed to me that many years ago he had worked for a company that was claiming a breakthrough in turning natural gas to gasoline. I mentioned this process, and he said "Yes, it works but the gasoline has a very high aromatic content." That was the first time I heard that particular revelation, and yet many countries have very low aromatic allowances for their gasoline. Hence, this was a potential show-stopper, or in any case a good bit of information to have as I continued to investigate the company.

Read Between the Lines and Use Common Sense

Claims like *"Ideally suited for landfill waste"* sometimes mean *"Our economics only work if we are getting paid to take the biomass."* A statement like *"Perfect for co-locating with a power plant"* can mean *"We need cheap steam."*

Are there patents or patents pending? If so what are the patent or patent application numbers? Find out if *"patent pending"* means *"Some day we hope to get around to filing for a patent."*

There will often be specific technical claims that may be outside of your particular area of expertise. For instance, someone claims to be able to

run a car on water. You may not have the technical foundation to understand why this isn't what it claims to be, but you can find lots of information on the Internet [that breaks the technical issues down](#). You can also consult with someone who knows the area. Sometimes you can locate a free opinion. You may see a quote from a professor who is skeptical of the process. Contact them for further information.

Beyond the technical questions, there are the obvious signs. Do the company's claims appear to be grandiose? If yes, this is a warning sign. Most companies making grandiose claims do not deliver. Do they issue press releases for fairly trivial developments? For instance, I saw a recent press release from a company claiming that a university had validated their (seemingly inflated) claims. Yet there was no actual detailing of which claims were being validated, nor exactly what the results of the university study were. It was a press release designed to draw attention without actually conveying any useful information.

Summary

To break this down into a short "cheat sheet", here is a summary of some important questions that you want to ask. Try to corroborate answers by talking to employees or competitors.

1. At what scale has the process been actually demonstrated, and is the process currently running?
2. What is the source of raw materials for the process?
3. What is being done with the product?
4. What are the primary energy inputs into the process, and what is the energy balance?
5. Will there be intermediate scale-up steps before a commercial facility is built?
6. What are the key assumptions for a commercial facility (e.g., size, cost of production, location, need for subsidies)?
7. What is the presumed source and cost of biomass for a commercial facility?
8. Has the process been proven on that specific biomass?
9. What are the patent or patent application numbers relevant to the process?
10. What prior work is most similar to yours, and who are your perceived competitors?

If you manage to get honest answers to those questions, you will be well on your way to burrowing through the hype to understand the true potential of a process.

* *Robert Rapier writes the [R-Squared Energy Blog](#).*

Recommend [b Buzz Up!](#) [Reddit](#) [StumbleUpon](#) [Facebook](#) [Twitter](#) [Email this](#)

Previous Post:

Spiking Oil Prices: It's The Investors, Stupid

Next Post:

Deep Oil From Diamonds? Maybe. Says A New Report

More on Forbes Right Now

Related Posts

Vinod Khosla-backed Renewable Fuel Firm Kior Files To Go Public

Billionaire-backed Biofuels Firm Mascoma Inks Deal With Refiner Valero

Google Continues Clean Energy Spending Spree

UN Climate Talks Consider Global Renewable Energy Standard

World's Largest Solar Tower Takes Next Step Forward

Comments

DISPLAY

One Called-out Comment, One Comment
Post your comment »

Called-Out Comments All comments

9:09 pm on 04/26/11



willstewart1

The author lists several thoughtful gate criteria for those looking to understand the progress a specific energy technology R&D thrust has made in light of the claims about it. Clearly, he has been through countless evaluations, though it would be nice to see more detailed discussion at an article length longer than the usual Forbes blog post.

Log in to Reply

Flag for abuse

DISPLAY

Log in for notification options

Called-Out Comments All comments

Comments RSS

Gulf County Community Development Corporation



401 Peters Street, Port St. Joe, FL 32456

Phone: (850) 229-1477 Fax: (850) 227-3392 Email: gulfcdc@yahoo.com

April 19, 2011

The Honorable Warren Yeager, Chairman
Gulf County Board of County Commissioners
1000 Cecil G Costin Sr Blvd
Port St. Joe, FL 32456

Dear Mr. Chairman:

The purpose of this letter is to request, pursuant to our "Agreement For State Housing Initiatives Partnership (SHIP) Program", under Section 7, paragraph G, your mutual agreement to allow our corporation to withdraw from the contract, effective May 1, 2011.

Since June 28, 2005, it has been our honor to administer the SHIP program on your behalf. However, at this point in time, we believe that it is in our best interest to concentrate our efforts on other areas of need in our community.

Upon your acceptance of this request, we will proceed to turn over all "finished or unfinished documents, data, studies, surveys, maps, models, photographs, reports or other materials" prepared by us under this agreement. Of course, as also called for under the same section noted above, our corporation will expect to receive "just and equitable compensation for any satisfactory work complete on such document or materials prior to the termination."

Sincerely,

Dan M. Van Treese
Chairman of the Board

2011 MAY -4 PM 4:44
CLERK OF DISTRICT COURT
GULF COUNTY, FLORIDA

INFORMATION
DATE: 4-20 2011 BT



RICK SCOTT
GOVERNOR

STATE OF FLORIDA

Office of the Governor

THE CAPITOL
TALLAHASSEE, FLORIDA 32399-0001

www.flgov.com
850-488-7146
850-487-0801 fax

GULF COUNTY
2011 MAY -2 PM 5:02
GULF COUNTY
COMMISSIONERS

April 28, 2011

Carmen L. McLemore
Chair, Board of County Commissioners of Gulf County
1000 Cecil G Costin SR Boulevard
Port St. Joe, Florida 32456-1653

RE: Agreement # ARE042
Monitoring Visit Scheduled

Dear Chair McLemore:

In coordination with Gulf County staff, I will be visiting your community on Thursday, May 19, 2011, to monitor the Energy Reduction Plan. I will meet at 10:00 a.m. Eastern Standard Time with your project staff and others responsible for the administration of the project.

There is one enclosure included with letter. Enclosure A identifies the areas the GEO will focus on during the on-site monitoring visit. Please have all your records available for review in the monitoring meeting room.

I will conduct an exit briefing by 4:00 p.m. (earlier if monitoring is completed before then). I encourage you and other interested parties to attend the exit meeting to discuss monitoring conclusions and any other project issues of concern you may have.

If you have any questions, please call me at (850) 922-0999.

Sincerely yours,

April Groover
April Groover, Grant Manager
The Governor's Energy Office

Enclosures

cc: Towan Kopinsky

2011 MAY -4 PM 4:42

INFORMATIC 21
DATE: 5-4-11 SB

Enclosure A

Please have the following items available for the monitoring visit:

Audit Review

- ▶ A-133 Audit Report (most recent) or local government audit if an A-133 audit was not required
- ▶ Management letter and local government response to letter (if applicable)

Financial Management I -- System Review

- ▶ Bank Statements
- ▶ Cash Journals/Registers/Ledgers
- ▶ Cost Allocation Plan (for indirect costs billed to the EECBG grant)
- ▶ Copies of all Payments Request
- ▶ Proof that EECBG funds are incorporated into the local government's general accounting system
- ▶ Proof of bonding
- ▶ Canceled Checks and Bank Reconciliations
- ▶ Purchase Orders, Invoices, etc.
- ▶ Documentation of Leveraged Fund expenditure, if applicable

Labor Standards

- ▶ Subcontractor lists from each prime contractor, unless bid proposals already identifies all subs
- ▶ Payrolls of each prime contractor and subs
- ▶ Employee interviews
- ▶ Signed authorizations for employees with "other" deductions
- ▶ If any employee complaints or enforcement actions have occurred, documentation of efforts to resolve
- ▶ For each job classification not listed in the wage decision but used on the project: documentation sent to the Energy Office to include the classification in the decision and Energy Office response

Energy Improvement Retrofits

- ▶ Construction Documents
- ▶ Documentation of Change Order Eligibility, if applicable
- ▶ Documentation of Percentage Completion
- ▶ Policy outlining process for paying any special assessments which will be charged

Procurement

- ▶ For all contracts, a copy of advertisement(s) in a publication of general circulation throughout the region
- ▶ For construction contracts:
 - copy of bid tab and bid evaluation (i.e., letter/memo reviewing bids and recommending award)
 - minutes of commission meeting when contract was awarded
 - notice to proceed

- executed contract documents, including any addenda issued and bonds (contracts more than \$100,000: a 100% payment bond and a 100% performance bond required)
- any change orders, including documentation of negotiation, including profit negotiation and cost analysis (unless based on unit prices in bid)
- location of contract clauses required by 10 C.F.R. 600.236(i) and Chapter 287, Florida Statutes
- documentation of each prime contractor's efforts to obtain MBE/WBE subs
- each prime contractor's most recent pay request

- ▶ For professional services contracts:
 - copy of the Request for Proposal
 - copies of all proposals submitted
 - technical evaluations and ranking summary
 - cost estimates submitted by the selected firm
 - documentation of negotiations, including cost analysis and profit negotiation;
 - executed contracts, including location of contract clauses required by 10 C.F.R. 600.236(i) and, if applicable, 287.055 Fla. Stat. (including Truth-in-Negotiation Certificate)

Program Administration

- ▶ Application (EECBG)
- ▶ Citizen Participation Plan
- ▶ Contract (EECBG)
- ▶ All construction and professional contracts

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for approval of revisions to
Tariff Sheet Nos. 6.280 through 6.284 and
approve original Tariff Sheet No. 6.2811 in
Rate Schedule LS-1, Lighting Service by
Progress Energy Florida, Inc.

DOCKET NO. 110030-EI
ORDER NO. PSC-11-0201-CO-EI
ISSUED: April 22, 2011

CONSUMMATING ORDER

BY THE COMMISSION:

By Order No. PSC-11-0177-TRF-EI, issued March 28, 2011, this Commission proposed to take certain action, subject to a Petition for Formal Proceeding as provided in Rule 25-22.029, Florida Administrative Code. No response has been filed to the order, in regard to the above mentioned docket. It is, therefore,

ORDERED by the Florida Public Service Commission that Order No. PSC-11-0177-TRF-EI has become effective and final. It is further

ORDERED that this docket shall be closed.

By ORDER of the Florida Public Service Commission this 22nd day of April, 2011.

2011 MAY -14 PM 4:44



ANN COLE
Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399
(850) 413-6770
www.floridapsc.com

(SEAL)

CMK

DOCUMENT NUMBER-DATE
02790 APR 22 =

FPSC-COMMISSION CLERK

STATION
5/10/11 LL

ORDER NO. PSC-11-0201-CO-EI
DOCKET NO. 110030-EI
PAGE 2

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any judicial review of Commission orders that is available pursuant to Section 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for judicial review will be granted or result in the relief sought.

Any party adversely affected by the Commission's final action in this matter may request judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or the First District Court of Appeal in the case of a water and/or wastewater utility by filing a notice of appeal with the Office of Commission Clerk and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days after the issuance of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

NOTICE OF CUSTOMER MEETING

TO THE CUSTOMERS OF LIGHTHOUSE UTILITIES COMPANY, INC.

AND

ALL OTHER INTERESTED PERSONS

RE: Docket No. 100128-WU; Application for Increase in Water Rates in Gulf County by Lighthouse Utilities Company, Inc.

NOTICE is hereby given that the Staff of the Florida Public Service Commission will conduct a customer meeting to discuss Lighthouse Utilities Company, Inc.'s Application for a rate increase. The meeting will be held at the following time and place:

6:00 p.m., May 4th, 2011
The Centennial Building
300 Allen Memorial Way
Port St. Joe, FL 32456

2011 MAY -4 PM 4:44

All persons who wish to comment are urged to be present at the beginning of the meeting, since the meeting may be adjourned early if not customers are present. One or more of the Commissioners of the Florida Public Service Commission may attend and participate in this meeting. The meeting will begin as scheduled and will continue until all of the customers have been heard.

The purpose of this meeting is to give customers and other interested persons an opportunity to offer comments to Commission Staff regarding the quality of service the Utility provides and to ask questions, and comment on the rates included in this Notice as well as other issues. Commission Staff will be available to address and coordinate customers' comments and to assist members of the public. A representative from the Utility may also be in attendance. At the beginning of the meeting, procedures will be established for the order of comments. Commission Staff will have sign-up sheets, and customers will be called in the order that they sign up to speak.

Pursuant to provisions of the Americans With Disabilities Act, any person requiring special accommodations to participate in this meeting because of a physical impairment should call the Office of Commission Clerk at (950) 413-6770 at least 48 hours prior to the meeting. Any person who is hearing or speech impaired should contact the Florida Public Service Commission by using the Florida Relay Service, which can be reached at 1-800-955-8771 (TDFD) or 1-800-955-8770 (Voice).

2011 MAY 13 PM 1:14
GULF COUNTY
COMMISSIONERS

INFORMATION
DATE: 5/10/11 u

Emergency Cancellation of Customer Meeting

If a named storm or other disaster requires cancellation of the meeting, Commission staff will attempt to give timely direct notice to the parties. Notice of cancellation of the meeting will also be provided on the Commission's website (<http://www.psc.state.fl.us/>) under the Hot Topics link found at the bottom of the home page. Cancellation can also be confirmed by calling the Office of the General Counsel at 850-413-6199.

How to Contact the Commission

Any person who wishes to comment or provide information to Commission Staff may do so at the meetings, either orally or in writing. Other written comments regarding the Utility and the proposed rates, or requests to be placed on the mailing list for this case, may be directed to this address:

Office of Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

All correspondence should refer to "Docket No. 100128-WU, Lighthouse Utilities Company, Inc." Your letter will be placed in the correspondence file of this docket. You may also submit comments through the Florida Public Service Commission's toll-free facsimile line at 1-800-511-0809.

If you wish to contact the Florida Public Service Commission regarding complaints about service, you may call the Commission's Division of Service, Safety and Consumer Assistance at the following toll-free number 1-800-342-3552. You may also submit a complaint through the Commission's website at:

<http://www.floridapsc.com/consumers/complaints/index.aspx>.

This notice was prepared by the Utility and approved by Commission Staff for distribution by the Utility to its customers.

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

INITIAL CUSTOMER NOTICE

TO THE CUSTOMERS OF LIGHTHOUSE UTILITIES COMPANY, INC.
AND
ALL OTHER INTERESTED PERSONS

RE: DOCKET NO. 100128-WU

APPLICATION FOR INCREASE IN WATER RATES IN GULF COUNTY BY
LIGHTHOUSE UTILITIES COMPANY, INC.

April 12, 2010

BACKGROUND

Lighthouse Utilities Company, Inc. ("LUCI" or the "Utility") is a water utility whose office is located at 252 Marina Drive, Port St. Joe, Florida 32456. The Utility's water facilities are located in Gulf County, Florida.

The Utility filed an application with the Florida Public Service Commission ("FPSC" or the "Commission") for increased water rates for its customers on September 1, 2010. The application was assigned Docket No. 100128-WU, and February 21, 2011, was established as the official date of filing.

As reported in its Minimum Filing Requirements ("MFRs") filed with its application to the Commission, for the year ended December 31, 2009, the test year for this case, the Utility's revenues per books are \$472,364, with operating expenses per books of \$475,472, for its water system, resulting in a net operating loss of \$3,108, per books before adjustments. The rate increase application has been filed by the Utility because of inadequate earnings. Copies of the MFRs will be available for inspection at the main office of LUCI during regular working hours located at:

252 Marina Drive
Port St. Joe, Florida
9:00 a.m. – 4:30 p.m. Monday – Friday

A "Rate Case Synopsis" will also be available, along with the application and MFRs. The test period for setting rates is the historical period ending December 31, 2009.

The following tentative schedule was established by the Commission for the remaining major events in the Utility's rate case:

<u>Schedule Item</u>	<u>Due Date</u>
Staff Audit Report	Filed 12/22/10
Customer Meeting	5/4/11
Staff's Proposed Agency Action ("PAA") Recommendation	6/29/11
Agenda Conference on PAA Rates	7/12/11
PAA Order	8/1/11
Protest Period Expires	8/22/11

The customer meeting will be held at the following time and place:

6:00 p.m., May 4th, 2011
The Centennial Building
300 Allen Memorial Way
Port St. Joe, FL 32456

CURRENT AND PROPOSED CHARGES

The current and proposed rates and charges follow. These rates are subject to the change based on information gathered at the customer meeting, further Staff review, and the final decision by the Commissioners.

MONTHLY RATES – ALL SERVICES

<u>METER SIZE</u>	<u>BASE FACILITIES CHARGE</u>	
	<u>Current</u>	<u>Proposed</u>
5/8 X 3/4"	\$14.60	\$19.90
1"	\$36.51	\$49.75
1 1/2"	\$73.04	\$99.53
2"	\$116.86	\$159.25
3"	\$233.74	\$318.52
4"	\$365.20	\$497.66
6"	\$730.41	\$995.33
8"	\$1,168.66	\$1,592.53
10"	\$1,679.95	\$2,289.27
Gallage Charge per 1,000 gallons	\$3.07	\$4.18

SERVICE AVAILABILITY CHARGES

The Utility is not requesting any changes to its service availability charges. Even though not requested to do so, the Commission may review and adjust service availability charges.

LATE PAYMENT FEE

The Utility is requesting a late payment fee of \$5.25 when a bill is not paid within twenty (20) days.

NON-SUFFICIENT FUNDS ("NSF") CHECK CHARGES

The Utility is requesting approval of NSF Check charges that may be levied pursuant to Section 68.065 and Section 832.08(5), Florida Statutes, when a customer pays by check and that check is dishonored by the customer's banking institution. The Company will charge the amount set by Section 68.065 and Section 832.08(5), Florida Statutes, as may be amended. As currently set forth in Section 832.08(5), the following fees may be assessed.

1. \$25, if the face value does not exceed \$50,
2. \$30, if the face value exceeds \$50 but does not exceed \$300,
3. \$40, if the face value exceeds \$300, or five percent (5%) of the face amount of the check, whichever is greater.

MISCELLANEOUS SERVICE CHARGES

The Utility is requesting the following changes to its miscellaneous service charges:

	<u>Normal Business Hours</u>		<u>After Normal Business Hours</u>	
	<u>Current</u>	<u>Proposed</u>	<u>Current</u>	<u>Proposed</u>
Initial Connection Fee	\$15.00	\$21.00	\$15.00	\$42.00
Normal Reconnection Fee	\$15.00	\$21.00	\$15.00	\$42.00
Violation Reconnection Fee	Actual Cost		Actual Cost	
Premises Visit	\$10.00	\$21.00	\$10.00	\$42.00
Late Payment Charge	---	\$5.25	---	\$5.25

Written comments regarding the Utility's service or the requested final rate increases may be sent to the Commission at the following address:

Office of Commission Clerk
 Florida Public Service Commission
 2540 Shumard Oak Boulevard
 Tallahassee, FL 32399-08050

All comments should refer to Docket No. 100128-WU, which is the docket number that has been assigned to this case. Complaints regarding service may be made to the Commission's Division of Service, Safety and consumer Assistance at the following toll-free number: 1-800-342-3552.

If you have any questions, please call the Utility's office at 850-227-7427.

ROPER & ROPER, P.A.

ATTORNEYS AT LAW
116 N. Park Avenue
Apopka, Florida 32703

Donovan A. Roper, Esquire
Teresa S. Roper, Esquire
Andrew I. Dayes, Esquire
Heather A. Macre, Esquire**
Sophia E. Langley, Esquire*
* Of Counsel
** Licensed in FL and AZ

Cynthia A. Todd, Paralegal
Anne Hughes, Paralegal

Telephone: (407) 884-9944
Facsimile: (407) 884-4343
E-Mail: email@roperandroper.com
Web: www.roperandroper.com

Satellite Offices in
Palatka, Florida
Safety Harbor, Florida

April 15, 2011

Ms. Denise Manuel
Gulf County BOCC
1000 Cecil G Costin Sr. Blvd, #301
Port St Joe, FL 32456

RE: *The Proliferation of Sweepstakes Internet Gaming Cafes in Florida*

Dear Member:

I wanted to alert you to a growing issue in Florida that has recently presented itself to some of our other clients. In Florida, there is a growing trend of sweepstakes internet gaming cafes setting up business in towns throughout the state. The most well known of these is Allied Veterans Cafe, though there are several other companies out there. The cafes apply for business licenses as if they were regular retail type businesses, and often state that they will sell internet time and offer copying and faxing-type business services. The cafes bill themselves as something like a FedEx-Kinkos, when they are in fact a form of legal gambling. The cafes sell cards with internet time on them. Included with the time are (usually thousands of) sweepstakes entries, which users scan into a computer. The computer displays the sweepstakes results with program that resembles a slot machine. Users spend many hours and thousands of dollars in these internet cafes, and they are open late hours and often cause a decline in the character of their immediate area. They are also magnets for police activity.

Unfortunately, if your zoning codes are not up to date, you could be stuck with one of these in your community with little or no power to regulate where they can operate. This recently happened to a client of ours, though we were able to broker a settlement. Another, former client had to allow the cafe to open, and then used their police power to shut it down when issues arose. So, what can you do to prevent these businesses from coming into your town or at least be able to regulate them as a conditional use? You will need to update your zoning code to include specific references to "internet cafes."

RECEIVED
FEDERAL JUDICIAL CENTER
U.S. DEPT. OF JUSTICE
U.S. DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MAY 4 4 45 PM
2011 APR 20 PM 12:20
RECEIVED
GULF COUNTY BOCC
HUMAN RESOURCES DEPT

Zoning ordinances with clear definitions will be interpreted more strictly than those that lack clarity if and when they are challenged in court. Since zoning regulations are in derogation of private rights of ownership, words used in a zoning ordinance should be given their broadest meaning when there is no definition or clear intent to the contrary and the ordinance should be interpreted in favor of the property owner. *Stroemel v. Columbia County*, 930 So. 2d 742 (Fla. 1st DCA 2006). See also, *Rinker Materials Corp. v. City of North Miami*, 286 So.2d 552 (Fla. 1973).

A zoning ordinance that restricts or designates the locations of certain uses or types of buildings and/or businesses in an area is a reasonable exercise of police power pursuant to the authority conferred on municipalities to adopt regulations designed to promote health and the general welfare and to encourage the best use of land. *Cooper v. Sinclair*, 66 So. 2d 702 (Fla. 1953). When a landowner is charged with an unauthorized use of his or her property contrary to the zoning ordinance, the landowner must be allowed to present evidence at a hearing that the conditions on his or her property are in compliance with the ordinance. For example, at a code enforcement board hearing on a citation charging a farmer with operating an unauthorized junkyard on his agricultural zoned land, the farmer was entitled to present evidence that the equipment was properly used for farm purposes that, if believed, would have precluded a finding that the equipment was a nuisance. *Orange County v. Lewis*, 859 So. 2d 526 (Fla. 5th DCA 2003), reh'g denied. The owners or purchasers of property in an area already zoned for a particular use have a right to know any additional requirements with which they must comply in order to implement the permitted use. These requirements must be of uniform application so as to preclude the applicable governing body from acting upon whim, caprice, or in response to outside pressures. *Effie, Inc. v. City of Ocala*, 438 So. 2d 506 (Fla. 5th DCA 1983). In the *Effie* case, a business applied to sell alcohol in an area where sales of alcohol were allowed. The City denied their request, and the Court overruled this, stating that, "while the city council is required to consider certain enumerated matters, the ordinance is silent as to what weight or effect those matters will have. It also allows the council to consider "all other pertinent factors that may arise in connection with the particular application and location being considered" which is patently vague and obscure. The trial court held that the City was not required to confine itself to the enumerated items, or to weigh them equally or to approve the application upon compliance by the applicant with a majority of the criteria. But this interpretation by the trial court discloses the very potential inequality built into the ordinance, which thus renders it invalid." *Id.* at 509. For a zoning ordinance decision to be valid, all parts of an ordinance must be weighed equally, and ephemera cannot be taken into account.

It is key to remember here that under Florida law, words used in a zoning ordinance should be given their broadest meaning when there is no definition or clear intent to the contrary and the ordinance should be interpreted in favor of the property owner. *Stroemel v. Columbia County*, 930 So. 2d 742 (Fla. 1st DCA 2006). Also, if the zoning ordinance contains a "catchall" provision, it will be expanded to include all similar uses: "[u]nder the

doctrine of 'ejusdem generis,' when an enumeration of specific things is followed by some more general word or phrase, then the general word or phrase will usually be construed to refer to things of the same kind or species as those specifically enumerated. This doctrine is actually an application of the broader maxim 'noscitur a sociis' which means that general and specific words capable of analogous meaning when associated together take color from each other so that the general words are restricted to a sense analogous to the specific words." *Transcon Trailers, Inc. v. Northland Insurance Company*, 436 So.2d 380, 381 (Fla. 5th DCA 1983).

This doctrine was applied in the *Halifax Area Council on Alcoholism v. City of Daytona Beach*, 385 So.2d 184 (Fla.App., 1980) matter, wherein a proposed rehab center was denied entry into a business-professional zone which permitted professional services, boarding houses, motels, and restaurants. That ordinance also permitted "similar uses" to professional services, boarding houses, motels, and restaurants. *Id.* at 186. The court ultimately allowed the rehab center to move into the area because the zoning ordinance permitted similar uses. "The principle of ejusdem generis may be applied to aid in the construction of the ordinance. Under this rule, where the enumeration of specific things is followed by a more general word or phrase, the general phrase is construed to refer to a thing of the same kind or species as included within the preceding and more confining terms. However, the rule does not necessarily require that the general provision be limited in its scope to the identical things specifically named, otherwise it would render the subsequent general phrase entirely inoperative. Consideration must therefore be given to the details of the Serenity House operation." *Id.* at 187. The court considered the activities at Serenity House and that they were consistent and compatible with the other uses permitted under the ordinance. *Id.*

A similar result was reached in *Thomas v. City of Crescent City*, 503 So.2d 1299, (Fla. 5th DCA 1987). In that case, a property owner running an existent resort and boat slip added an R.V. resort to his property. The City stated that this activity went beyond what was allowed under its zoning ordinance. The Court disagreed and allowed the R.V. park to stay. "The City argues that the ordinance prohibits the use of land for those purposes not specifically enumerated in the ordinance, but this argument ignores the catch-all phrase "any commercial use of a retail or service nature." While admittedly not a "retail" use by definition, the operation of an R.V. resort is as much service oriented as is a motel or hotel, a coin-operated car wash or a dry cleaning plant, all of which are permitted uses in the district. Neither do we find persuasive the City's argument to the effect that the enumerated uses are of a permanent nature, while an R.V. park caters to transitory uses, because the transient use of an R.V. resort is no greater than that of a hotel or motel. We take a broad view of the ordinance because of the legal principle that because "zoning regulations are in derogation of private rights of ownership, words used in a zoning ordinance should be given their broadest meaning when there is no definition or clear intent to the contrary and the ordinance should be interpreted in favor of the property owner." *Id.* at 1301 (citations

omitted).

In other words, courts in Florida will broadly construe the language of a zoning ordinance to favor private property rights, and if the zoning ordinance in question includes a "catchall" provision, then any similar business may be permitted. In order to conditionally zone internet gaming cafes or to prohibit them, you will need to change your zoning ordinances to address internet cafes specifically. In fact, in our dealings with Allied Veterans Cafe and the like, they noted that they were able to set up shop just about anywhere they pleased since all but one municipality had an on point zoning ordinance. With preparation, you can prevent or regulate internet gaming in your respective municipality.

Also, please be advised that while you are in the process of changing your zoning code, you can take advantage of the "zoning in progress" moratorium and thwart any internet cafes that attempt to obtain zoning while the legislative process is in motion. Under that doctrine, if an applicant knows that there is a pending zoning ordinance or decision when they apply for zoning, then the final outcome will be applied to their application. "Turning first to the question of what ordinance governs, the general rule in suits of this nature is that the law in effect at the time of the final decision governs, notwithstanding the fact that there has been a change in the law since the time of application. This rule is especially applicable where, as in the case sub judice, the application for a permit was made after the publication of the required notice prior to amendment of the ordinance." *City of Boynton Beach v. Carroll*, 272 So.2d 171, 172 (Fla.App. 1973), citing *Broach v. Young*, 100 So.2d 411 (Fla.1958) (dissenting opinion); *Davidson v. City of Coral Gables*, 119 So.2d 704 (Fla.App.1960); *Tice v. Borough of Woodcliff Lake*, 12 N.J.Super. 20, 78 A.2d 825 (1951); *Concord Garden Apts. v. Board of Adjustment*, 1 N.J.Super. 301, 64 A.2d 355 (1949); 101 C.J.S. Zoning s 251 (1958) and cases cited n. 81; cf., *City of Coral Gables v. Sakolsky*, 215 So.2d 329 (Fla.App.1968). In the *City of Boynton Beach v. Carroll*, 272 So.2d 171, 172 case, the court stated that, "where zoning ordinance was amended to limit building height to approximately four stories between time of original application for permit for seven-story building and time of granting of peremptory writ of mandamus compelling city and its building official to issue the building permit, and where application for permit was made after the publication of the required notice prior to amendment, ordinance in effect at time of the final judgment controlled, and city was under no duty to issue the building permit at time of the final judgment."

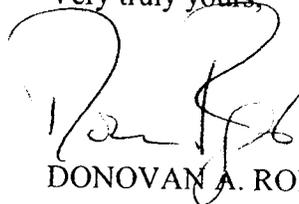
In sum, the zoning law in effect at the time of the final decision on the application for a permit governs, especially where the application was made after publication of the required notice prior to amendment of the zoning law. The case of *Pompano Beach v. Yardarm Restaurant, Inc.*, 509 So.2d 1295, 1297 (Fla. 4th DCA 1987), extended this somewhat, holding that a municipality may properly delay issuance of a building permit when there is a change in zoning in progress which would affect the permit.

This is because it has been held that mere purchase of land does not create a right to rely on the existing zoning. *Walker v. Indian River County*, 319 So.2d 596, 599-600 (Fla. 4th DCA 1975). But, cities relying on the pending zoning doctrine should be careful: equitable estoppel may create rights to obtain permits if the owner expends significant sums of money in reliance upon existing zoning and preliminary approvals obtained from the regulatory governmental body even though final approvals have not yet been obtained. *Town of Largo v. Imperial Homes Corporation*, 309 So.2d 571 (Fla. 2d DCA 1975). See also, *Board of County Commissioners of Metropolitan Dade County v. Lutz*, 314 So.2d 815 (Fla. 3rd DCA 1975). A city must be careful to make sure that the public is aware of the potential change in zoning, and the zoning applicant in particular should be told as "[t]here exists a separate line of cases which hold that if the landowner has actual or constructive knowledge of an impending zoning change when he obtains his building permit, he has no basis for a claim of equitable estoppel even if he has substantially changed his position or incurred extensive obligations." *Sharrow v. City of Dania*, 83 So.2d 274 (Fla.1955). See also, *City of Ft. Lauderdale v. Lauderdale Industrial Sites*, 97 So.2d 47 (Fla.1957).

The proliferation of internet cafes and electronic gaming in Florida is concerning. There are currently bills in the State House and State Senate aiming to outlaw electronic gaming altogether, but the bills are just now in their first committee, and similar measures have failed in the past. In order to get out ahead on this issue, you should consider amending or changing your current zoning codes so as to prohibit the business or regulate where they can go. Some areas prohibit them outright, and others have instead decided to regulate their placement. Either approach is acceptable, as long as it is undertaken before these businesses apply for zoning.

If you have any additional questions or comments on this "hot topic," please feel free to contact our office. I remain,

Very truly yours,



DONOVAN A. ROPER

DAR/pc



100 Connecticut Avenue, NW
Suite 300
Washington, D.C. 20036
202.331.8500
202.331.1598 fax

2011 MAY -3 PM 1:19
2011 MAY -4 PM 4:43
GULF COUNTY
COMMISSIONERS

April 28, 2011

Mr. Don Butler
Chief Administrator
Gulf County Board of Commissioners
1000 Cecil G. Costin Sr. Blvd, Rm, 302
Port St. Joe, Florida 32456

cc: Commissioner Warren Yeager, Commissioner Bill Williams

Re: Proposal for Federal Government Affairs Representation

Dear Mr. Butler:

Thank you for considering The Ferguson Group (TFG) for your government affairs services. Per our discussion last month with you and Commissioner Yeager, we are pleased to provide this agreement to provide government affairs consulting services to Gulf County to advance your FEMA reimbursement, transportation infrastructure, community redevelopment projects, and port revitalization.

Given what we have learned so far, Gulf County is well-positioned to be effective in obtaining federal assistance with the right strategic guidance and support.

The first thing we will do is to create your "federal agenda," which we develop with you and the County Commission and key staff. This federal agenda will illustrate your priorities and will serve as our advocacy roadmap. It will serve as our blueprint to communicate requests to Congress, pursue grant opportunities, communicate with the federal agencies, and achieve legislative and policy goals. This federal agenda also becomes a key reporting tool so that you and your local elected officials have a full understanding of what we are doing on your behalf, and so that you can communicate effectively with your constituents about why you are paying a consultant in Washington. Our purpose in developing your initial federal agenda is to quickly and efficiently identify near- and long-term goals.

Some of the programs we will review in more depth when we begin the process of developing your federal agenda include, but are not limited to:

- 1.) **FEMA Reimbursement and Removal of Land on St. Joseph Peninsula from the Coastal Barrier Resources System** – TFG has reviewed the background materials you provided regarding your FEMA reimbursement efforts and the inclusion of land on St. Joseph Peninsula in the Coastal Barrier Resources System (CBRS). As you know, the Coastal Barrier Resources Act prohibits most federal funding (including flood insurance, road

INFORMATION
DATE: 5-4-11

construction, dredging, and beach nourishment) within certain designated coastal barriers. CBRS areas are depicted on maps that can only be modified by an act of Congress. We understand that in the 108th and 109th Congress, legislation was introduced that would have lifted limitations placed upon flood insurance coverage within CBRS unit P30, the unit in question.

While you were not successful in passing this legislation, and had it passed it would have benefited residents of the area who were struggling to secure flood insurance for their property, it would not have ultimately resolved the FEMA reimbursement issue for which you are now seeking a remedy. To resolve the FEMA issue and gain the reimbursement, the designated area must be removed from the CBRS entirely. Your early legislative effort was opposed by the Fish and Wildlife Service in part because it would have been precedent setting – rather than simply modifying a map, it removed federal expenditure prohibitions from an individual CBRA unit.

Only Congress has the authority to modify boundaries of the CBRS through legislation. Congress designated the initial CBRS units in 1982 and modified and expanded the CBRS in 1990. Subsequent modifications to the CBRS have been made since 1990 via Congressional action and we recommend that you undertake a request to remove this unit entirely from the system, thereby restoring (retroactively) your eligibility for FEMA reimbursement for beach renourishment costs. At that point, we can amend your FEMA appeal and secure the reimbursement.

This unit was included in the CBRS as an “undeveloped coastal barrier.” The Coastal Barrier Reauthorization Act of 2000 specifies that a coastal barrier area is considered undeveloped if (1) the density of development is less than one structure per five acres of land above mean high tide; and (2) there is not a full suite of existing infrastructure consisting of a road with a reinforced road bed, wastewater disposal system, electric service, and fresh water supply to each lot or building site in the area.

When pursuing a legislative fix to remove this unit from the CBRS, we would enlist the support of Senators Nelson and Rubio as well as Representative Southerland. Using historical data that confirms that the label “undeveloped coastal barrier” was erroneously applied to these areas when they were designate CBRS units, we will pursue the passage of legislation that will fully remove this unit from the CBRS, thereby permitting federal investments in road construction, dredging, and beach nourishment, as well as restoring federal flood insurance eligibility.

Existing maps are outdated and difficult to use and the digital remapping of the entire CBRS is ongoing. Gulf County’s CBRS units have not yet been digitally remapped as the Fish and Wildlife Service has received only enough funding to produce new, more accurate maps for about 10% of the CBRS. However, ongoing efforts by Congress to make technical corrections based on these new digital maps may provide a moving legislative vehicle for passage of your correction and others.

- 2.) **Transportation Infrastructure Funding** – TFG can help Gulf County submit competitive and well-crafted requests for funding for transportation infrastructure, which could include roadway, railway, pedestrian/bike path, or marina infrastructure. Potential sources of funding include the upcoming congressional reauthorization of the SAFETEA-LU surface transportation act, annual transportation appropriations through Congress (in future years), or DOT funding including TIGER grant and pedestrian/bicycle facilities grant funding. TFG has strong experience and relationships with senior DOT and congressional transportation decision-makers, and a record of success in these transportation infrastructure programs.
- 3.) **U.S. Department of Commerce, Economic Development Administration (EDA) Grants**
These grants (called Public Works & Economic Development facilities grants, and Global Climate Change Mitigation Incentive Grants) provide up to \$3+ million each for remediation, site preparation, infrastructure development, and building for job-creating economic development projects. EDA is expected to have up to \$246 million in grant resources for projects during 2011, and TFG is well-suited to help you pursue those funds.
- 4.) **Environmental Protection Agency (EPA) Infrastructure funding** – Gulf County and community partners could seek funding to support the deployment of stormwater management, green infrastructure, and/or water and sewer infrastructure. Such funding can be obtained through a congressional earmark (unlikely this year), EPA grant, and State-directed funding provided by EPA. TFG has helped many localities use this funding for stormwater infrastructure on riverfront redevelopment projects.
- 5.) **Port – Dredging, Infrastructure, Economic Development Corps of Engineers Funding**
TFG has worked with many communities to obtain Corps of Engineers funding for navigational improvements, shoreline stabilization and improvements, waterfront redevelopment, aquatic ecosystem restoration, and environmental infrastructure (stormwater, water, and sewer infrastructure). We have extensive experience and very solid relationships with Corps officials and offices, as well as the congressional members and committees with jurisdiction over the Corps, which has helped us produce positive results for dozens of clients on projects similar to Gulf County's. While the Senate's call for Water Resources Development Act (WRDA) projects recently passed, the House is expected to have their own call for projects should the County determine in the future that WRDA assistance is needed.

The surface transportation reauthorization bill is also expected to include a strong maritime component, which the County could target for Port infrastructure needs.

- 6.) **New Markets Tax Credits** – To the extent that any of your community development projects will serve lower-income citizens, redevelopment parties that may be part of your community plan could seek to obtain New Markets Tax Credits for investments at the property. These federally-supported tax incentives could be obtained from existing "Community Development Entities" (CDE) that have been selected by the U.S. Treasury to dispense funding, including to brownfields redevelopment projects.

These are just a few of the areas for funding exploration. A deeper analysis during our federal agenda building session with you would likely develop additional potential sources to add to our plan.

TFG SERVICES

TFG will provide a number of strategic, consulting, and advocacy services to assist Gulf County on these opportunities, including:

- 1.) ***Strategic Advice*** – TFG will provide strategic counsel to Gulf County designed to explore, identify, and pursue these funding opportunities. This will commence with a visit to Gulf County to convene with your team on the project, followed by the delivery of a comprehensive memorandum with a strategy and recommended steps for pursuing your federal funding agenda.
- 2.) ***Advocacy on Budget*** – TFG will work with Gulf County to seek the inclusion of resources in the budget requests of appropriate federal agencies to the extent it is necessary to accomplish your objectives.
- 3.) ***Pursue a Legislative Fix to Your CRBS Issue, Enabling Retroactive FEMA Reimbursement Through CBRS Digital Mapping Technical Corrections Legislation-*** As described above, TFG is confident that a legislative fix is attainable with the right advocacy effort.
- 4.) ***Confirm Funding Opportunities in FY11 and FY12 Funding bills, Authorization bills and Federal Agency Grant Programs-*** Beginning with the list of potential resources outlined above, TFG will advise Gulf County on how to seek funding through FY11 federal agency programs, and upcoming FY12 authorizations and federal agency grants for your top projects. We can provide strategic advice on how to match projects to the best federal opportunities, and to the interests and priorities of your three federal representatives, Senator Rubio, Senator Nelson and Congressman Southerland. Most importantly, we can help Gulf County shape your projects in a fashion to be most eligible and most competitive for these federal resources.
- 5.) ***Agency Coordination*** – TFG will help Gulf County coordinate and interact with federal agencies that will be involved in the funding and policy process, so that you are competitive and prepared for grants or congressionally-directed funding sources for Gulf County.
- 6.) ***Identify and Pursue Opportunities in Legislative Authorizations*** – including the SAFE-TEA-LU reauthorization and the Water Resources Development Act.
- 7.) ***Assist with Forms, Fact Sheets, and Letters*** – TFG will work with Gulf County staff to draft forms, fact sheets and letters that will be used to seek funding with the Florida congressional delegation and the relevant House and Senate Appropriations Subcommittees and authorization committees. This can be a critical, complicated, and time-consuming process that TFG will help you navigate.

- 8.) **Prepare Gulf County for Washington, DC Visits** – A visit to your congressional delegation and other important federal agency officials, from a delegation of Gulf County local government, community and business leaders, will be critical to your success. TFG will arrange meetings with your congressional delegation and their staffs and other important officials, prepare you for those visits, and guide you through these meetings in order to optimize your effectiveness.
- 9.) **Work with Personal and Subcommittee Staff** – TFG will work directly with staff in your congressional offices and the key Appropriations Subcommittees to promote your projects, gather timely information, and advance your efforts. This will include providing guidance to Gulf County on maintaining the support of congressional staff in Washington and the home district.
- 10.) **Stakeholder Support** – TFG will work with Gulf County to gather and effectively convey support from stakeholders in local and state government, the business and environmental communities, and prominent citizens, through letters, phone calls, and visits.
- 11.) **Legislative Markups** – TFG will guide your projects through the markup of spending and authorizing legislation in the relevant subcommittees and committees.
- 12.) **Conferencing** – TFG will guide your projects through the House-Senate conference negotiations necessary to the successful inclusion of your priorities in any legislation.
- 13.) **Legislative Tracking** – TFG will track your projects as legislation progresses, so that Gulf County knows when, and how, to press for these projects at critical times. This will include a subscription to our monthly newsletter the *TFG Washington Report*, and in special alerts, all of which will be emailed to those designated by you to receive them.
- 14.) **Agency Implementation** – TFG will also help Gulf County work with federal agencies in order to establish your funding arrangements and implement these projects.
- 15.) **Regular Reporting** – TFG will provide regular status reports and updates to Gulf County on the status of these projects.

TFG TEAM

We anticipate that Partners Val Gelnovatch and Leslie Mazingo, as well as Michelle Thomas, Director of TFG Grants, will initially be part of the Gulf County team. We will also draw upon the experience of Amanda Wood, a partner with the firm.

Bill Ferguson, Chief Executive Officer of TFG, will initially oversee the TFG/Gulf County client team, and he will be available to ensure that the County is comfortable and satisfied with our relationship and strategy.

Bios on these team members, as well as those we may call on as needed can be found at www.fergusongroup.us

PROPOSED COMPENSATION ARRANGEMENT

In most cases, TFG provides services on a monthly retainer plus costs basis, in which the client would provide a set monthly fee to cover all TFG services and activities. TFG's rates are a minimum of \$5,000, and typically range from \$5,000 to \$12,000 monthly, depending on the depth of the scope of services.

Because you are in the middle of your budget year, we suggest a six month retainer contract beginning May 1, 2011, at \$5,000 per month, with the option for the parties to renew. This will allow us to direct the necessary resources to the FEMA CBRS issue and develop your federal agenda.

We are happy to expand our services, such as work on the surface transportation reauthorization bill, for an additional negotiated fee. We recommend making that determination following the development of a full federal agenda.

TFG would charge approved expenses (including, but not limited to, long distance telephone calls, faxes, document production, overnight delivery, in-town courier service, in-town meals (pre-approved by the County), out-of-town travel (pre-approved by the County), and in-town travel (taxi cab/metro). TFG would expect such costs for Gulf County not to exceed \$3,000 during the 6 month duration of this contract.

TFG agrees to keep accurate detailed records of activities conducted on behalf of the County and expenses related to the business of the County. TFG also agrees to report to the County regularly on the status of the scope of work outlined in this Letter of Agreement and to advise the County on any additional steps to be taken to effectively achieve the agreed upon goals and objectives. In addition, TFG agrees to file all required documentation according to the Federal Lobbying Disclosure Act to represent the County before Congress and federal agencies.

Either party may terminate this agreement at any time by giving the other party at least thirty (30) days notice, in writing, of such termination.

Our Commitment to Client Service

We realize that you have many choices in the marketplace when hiring a government relations consulting firm, and we appreciate your consideration of TFG. We believe TFG to be unique compared to other firms that provide similar services, and we take pride in the work that we do and the commitment that we have to local government issues. Some of these distinguishing factors include:

- We are committed to highly personalized service. You will get to know your lobbyists well and will always know what we are accomplishing on your behalf and what opportunities exist in Washington that could benefit your community. This highly personal service is a cornerstone of our success and is achieved through constantly communicating with you about your priorities.
- We are a consulting firm that advocates mostly on behalf of organizations that serve public constituencies – local governments, coalitions of local governments, and other public or quasi-public organizations. The collective experience of all our professionals will help Gulf County to identify opportunities to increase federal funding and to promote legislative and policy changes that can have a significant impact on your constituents.
- We regularly host webinars, conference calls, and other general education sessions that help educate all of our clients about key issues that impact local governments. We also regularly share client alerts and produce special reports in response to events in Washington that impact local governments.
- Vision drives results at TFG. Powered by unparalleled bench strength and experience, we develop creative, innovative strategies that isolate client priorities and provide a vision to achieve our clients' federal funding, public policy and legislative goals.
- We are committed to continuously improving our service to clients and frequently check-in with them to ask how we are doing. We have non-lobbying staff dedicated to ensuring that TFG is providing the highest level of client services available.

Page 8 of 9
Proposal to Gulf County
The Ferguson Group LLC
April 28, 2011

We appreciate the opportunity to provide this proposal to work with Gulf County, and we look forward to helping secure continued federal support for its initiatives. If the terms of this letter of agreement are acceptable, please sign and return one copy to us at your earliest convenience.

If you have any questions or need further information, please contact me at (202) 331-8500. Again, we appreciate the opportunity to work with you and look forward to our relationship.

Sincerely,



Valerie L. Gelbvatch

Partner

The Ferguson Group LLC

ACKNOWLEDGED AND AGREED TO BY:

THE FERGUSON GROUP, LLC

Gulf County



WILLIAM FERGUSON, JR.

Chief Executive Officer

April 28, 2011