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April 21, 2003

Ms. Blanca Bayo
Commission Clerk and Administrative Services Director
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399

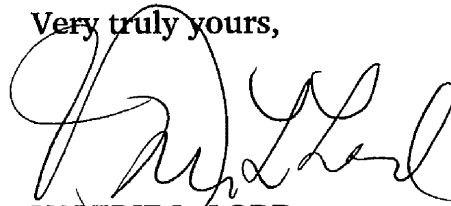
Re: Docket No. 020745-SU; Application of Island Environmental Utility, Inc., for
Original Certificate
Our File No.: 37025.01

Dear Ms. Bayo:

Enclosed please find for filing in the above-referenced docket the original and seven (7) copies of Island Environmental Utility, Inc.'s Motion to Strike Objections and Compel Discovery directed to Daniel Nolan.

AUS _____
CAF _____
CMP _____
COM 3 _____
CTR _____
ECR _____
GCL _____
OPC _____
MMS _____
SEC 1 _____
OTH _____

Very truly yours,



VALERIE L. LORD
Of Counsel

MSF/dmp
Enclosures

cc: Rosanne Gervasi, Esquire (w/enclosure)
Mr. Daniel Nolan (w/enclosure)

DOCUMENT NUMBER-DATE

03657 APR 22 8

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Application for certificate to
provide wastewater service in Charlotte
County by Island Environmental
Utility, Inc.

Docket No. 020745-SU

MOTION TO STRIKE OBJECTIONS AND COMPEL DISCOVERY

Island Environmental Utility, Inc. (*Island Environmental*), through its undersigned attorney, requests that the Florida Public Service Commission (*Commission*) strike the objections filed by Mr. Daniel Nolan and compel Mr. Nolan to answer interrogatories and requests for production of documents served on him by Island Environmental and in support shows:

1. Island Environmental served interrogatories and requests for production of documents (*Discovery Requests*) on Mr. Nolan on March 24, 2003. Mr. Nolan mailed his objections to Island Environmental on April 16, 2003, after the date for filing objections had expired. Attached to this Motion is a copy of the objections of Mr. Nolan and the envelope they came in, which is clearly postmarked April 16, 2003. Mr. Nolan's objections should be stricken because they were not filed within the time provided in the Order Establishing Procedure dated November 20, 2002, Order No. PSC-02-1611-PCO-SU.
2. Mr. Nolan filed objections to the Discovery Requests with the Commission as follows:
 - (A) Mr. Nolan objects to the number of Discovery Requests;
 - (B) Mr. Nolan claims that the Discovery Requests are "categorized as a means of harassment, rather than admissible evidence."
3. The number of Discovery Requests are well within the Order No. PSC-02-1611-PCO-SU, which specifically provides, in part, on page 2:

DOCUMENT NUMBER-DATE

03657 APR 22 8

FPSC-COMMISSION CLERK

“Pursuant to Rule 28-106.206, Florida Administrative Code, ... the following shall apply: interrogatories, including all subparts, shall be limited to 100, and requests for production of documents, including all subparts, shall be limited to 100.”

4. Rule 1.340(b) of the Florida Rules of Civil Procedure provides that interrogatories may relate to any matters that can be inquired into under Rule 1.280(b). Rule 1.350 makes similar provisions in reference to Rule 1.280(b). Rule 1.280(b) provides that a party may obtain discovery regarding any matter, not privileged, that is relevant to the subject matter of the pending action, and further it is not ground for objection that the information sought will be inadmissible at the trial if the information sought is reasonably calculated to lead to the discovery of admissible evidence.

5. The information sought is relevant to the issues raised by Mr. Nolan in his objections to Island Environmental’s Application for a wastewater certificate in this docket. In particular, Island Environmental seeks information relating to over development of the island, the lack of infrastructure to support further development and the provision of necessary services in the public interest.

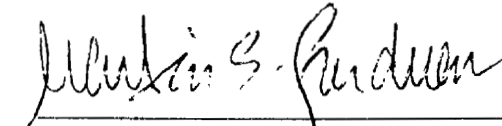
6. Island Environmental requires answers to the Discovery Requests in order to give it a fair and reasonable opportunity to assess the nature and extent of Mr. Nolan’s claims and to respond to Mr. Nolan’s objections to the Application.

7. The Discovery Requests are within the permissible scope of Rule 1.280(b) of the Florida Rules of Civil Procedure and, while they may require Mr. Nolan to provide personal information that he may not prefer to reveal, they cannot be considered objectionable.

8. Island Environmental requests an order striking Mr. Nolan’s objections and compelling answers to the Discovery Requests.

Respectfully submitted on this 21 day of
April, 2003.

Rose, Sundstrom & Bentley, LLP
600 S. North Lake Boulevard
Suite 160
Altamonte Springs, Florida 32701
Telephone: (407) 830-6331
Facsimile: (407) 830-8522
Email: mfriedman@rsbattorneys.com



Martin S. Friedman, Esq.

CERTIFICATE OF SERVICE
DOCKET NO. 020745-SU

I HEREBY CERTIFY that a true and correct copy of the foregoing Motion to Compel Discovery of Island Environmental Utility, Inc. has been furnished by U.S. Mail to the following parties on this

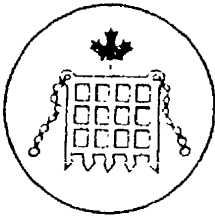
9th day of April, 2003:

Mr. Daniel Nolan
3031 Placida Road
Englewood, FL 34224

Roseanne Gervasi, Esq.
Lorena Holley, Esq.
Division of Legal Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850



MARTIN S. FRIEDMAN



Martin S. Friedman
Rose, Sundstrom & Bently
600 S. North Lake Blvd., Suite 160
Altamonte Springs, FL 32701

Daniel Nolan, CITT, P.Log.

RECEIVED

APR 18 2003

Rose Sundstrom & Bentley, LLP

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In response to Notice of Service from Rose, Sundstrom & Bently, LLP request for production of documents and interrogatories, be advised I give notice as to the following:

Docket # 020745 –SU In RE: Application for certificate to provide wastewater service in Charlotte County FL by Island Environmental Utility Inc.

I object to Interrogatories (# 1-61) and Production of Documents (# 1-37) under full oath and in accordance with Rule 28-106.206 of Florida Administrative Code and Rule 1.340 of Florida Rules of Civil Procedure Rule 1.340, sub paragraph a. "The interrogatories shall not exceed 30, including all subparts....".

Note that I object to the majority of these interrogatories that are categorized as a means of harassment, rather than admissible evidence.

Daniel Nolan, C.I.T.T., P.Log.
Qualified Person status
Revenue Canada, Customs & Excise
U.S. Property Broker M.C. 187225

Friday, April eleventh 2003
DN/jt
Palm Island FL.

CC: Florida Public Service Commission.

Nolan Transportation Agencies Ltd.

156 Bayview Avenue, POB 23-S4, Port McNicoll, Ontario L0K 1R0 Tel: (705) 534-4796 Fax: (705) 534-4193

Nolan Transport Inc.

7939 Keele Street, Concord, Ontario L4K 1Y6 Tel: (905) 660-6781 Fax: (905) 660-6790

Nolan Transportation Agencies Inc.

230 Gulf Blvd. North, Palm Island, Cape Haze, Florida Tel: (941) 698-1040 Fax: (941) 698-1041
Postal: Grove City Post Office, 3031 Placida Road, Englewood FL 34223

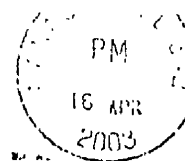


Nolan Transportation Agencies Inc.

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