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REPLY TO ALTAMONTE SPRINGS

MARTIN S. FRIEDMAN, P.A.
VALERIE L. LORD, OF COUNSEL
(LICENSED IN TEXAS ONLY)

September 4, 2003

HAND DELIVERY

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

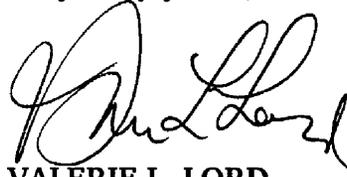
RECEIVED-FPSC
03 SEP -4 PM 12:30
COMMISSION
CLERK

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 Second Motion to Strike
Objections of Daniel Nolan.

Very truly yours,



VALERIE L. LORD
Of Counsel

AUS _____
CAF _____
CMP _____
COM 3 VLL/mp
CTR _____ Enclosures
ECR _____
GCL _____
OPC _____
MMS _____
SEC 1
OTH _____

cc: Rosanne Gervasi, Esquire (w/enclosure)
Mr. Daniel Nolan (w/enclosure)
Mrs. Linda Bamfield (w/enclosure)
Mr. Ronald Koenig (w/enclosure)
Mr. John R. Boyer (w/enclosure)

DOCUMENT NUMBER-DATE

08276 SEP -4 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

SECOND MOTION TO STRIKE OBJECTIONS OF DANIEL NOLAN

Island Environmental Utility, Inc., (*Island Environmental*), beyond through its undersigned attorneys, requests that the Florida Public Service Commission (*Commission*) strike the Objections of Mr. Daniel Nolan filed in this case, and in support shows:

1. Island Environmental served Interrogatories and a Request for Production of Documents (*Discovery Requests*) on Mr. Nolan on March 24, 2003. Mr. Nolan mailed his Objections to the Discovery Requests to Island Environmental on April 16, 2003, after the date for filing objections to the Discovery Requests had expired. Island Environmental filed a Motion to Strike Mr. Nolan's Objections and to Compel Mr. Nolan to provide answers to the Discovery Requests.

2. On July 3, 2003, the Commission issued Order No. PSC-03-0791-PCO-SU (*Order*), denying Island Environmental's Motion to Strike Mr. Nolan's Objections and directing Mr. Nolan to provide Island Environmental with answers to the Discovery Requests within 30 days of the date of the Order.

3. In accordance with the terms of the Order, Mr. Nolan was required to provide Island Environmental with answers to the Discovery Requests by Monday, August 4, 2003, at the latest.

4. Mr. Nolan has failed to answer the Discovery Requests or to otherwise respond in any meaningful way, within the time required by the Order.

5. On August 6, 2003, Island Environmental filed a Motion to Strike Objections based

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FPSC-COMMISSION CLERK

on Mr. Nolan's continued refusal to comply with the terms of the Order.

6. On August 15, 2003, counsel for Island Environmental received a letter dated July 29, 2003, from Mr. Nolan indicating his continued unwillingness to comply with the Order and demanding that Island Environmental and counsel for Island Environmental, personally, answer the same interrogatories and requests for production of documents served on Mr. Nolan, as a condition to his compliance with the Order. Attached hereto is a copy of Mr. Nolan's letter, which is also on file with the Commission.

7. To date, Island Environmental has not been served with any interrogatories or requests for production of documents by Mr. Nolan, although Island Environmental was told by Commission Staff that Mr. Nolan was informed that he must do so in order to require response by Island Environmental. Counsel for Island Environmental is not a party to, or a witness in, this proceeding and thus is not subject to discovery.

8. 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. Mr. Nolan's refusal to answer the Discovery Requests has prevented Island Environmental from investigating Mr. Nolan's objections, assessing the impact of its proposed territory extension on Mr. Nolan's interests, preparing a defense to his objections or structuring reasonable alternatives, all to its detriment.

9. Island Environmental has been prejudiced, and will continue to be prejudiced, in the pursuit of its Application, by Mr. Nolan's failure and refusal to answer the Discovery Requests.

10. Mr. Nolan's continual failure and refusal to obey the terms of the Order is purposeful and flagrant. The Commission Staff have given Mr. Nolan assistance in understanding his rights and obligations under the Rules of the Commission and pursuant to the Order, as well as shown tolerance

because he is unrepresented. However, despite the able assistance and advice of Commission Staff, Mr. Nolan has flouted a lawful Order of this Commission and exhibited gross disregard for the dignity of this Commission and an abusive and disrespectful attitude toward its lawful processes.

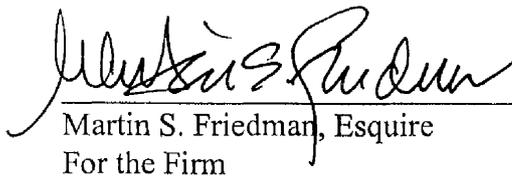
11. Mr. Nolan is primarily resident outside of the United States.

12. It appears unlikely that Mr. Nolan will credibly respond to the Discovery Requests, or that other sanctions such as holding Mr. Nolan in contempt, will be sufficient to enforce the Order, and that an order striking Mr. Nolan's objections will be the only method for achieving the objectives of the Order and ensuring fairness to the other parties to this matter who are willing to comply with the lawful orders of this Commission.

WHEREFORE, Island Environmental Utility, Inc., respectfully requests that this Commission issue an order striking Mr. Nolan's objections.

Respectfully submitted on this 3 day of
September, 2003.

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Email: mfriedman@rsbattorneys.com



Martin S. Friedman, Esquire
For the Firm

CERTIFICATE OF SERVICE
DOCKET NO. 020745-SU

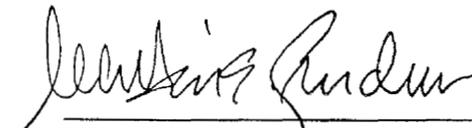
I HEREBY CERTIFY that a true and correct copy of the foregoing Second Motion to Strike
Objections has been furnished by U.S. Mail to the following parties on this 3 day of September,
2003:

Mr. Daniel Nolan
156 Bayview Avenue
POB 23 S 4
Port McNicoll, Canada L0K 1R0

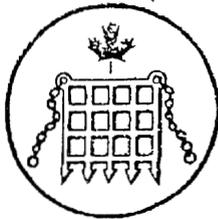
Mr. Ronald Koenig
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Grove City, FL 34224

Rosanne Gervasi, Esquire
Office of General Counsel
Florida Public Service Commission
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Tallahassee, FL 32399-0850



MARTIN S. FRIEDMAN



Daniel Nolan, CITT

Valerie L. Lord
ROSE, SUNDSTROM etc.,
2548 Blirstone Pines Drive
Tallahassee, FL 32301

RECEIVED

AUG 15 2003

Rose Sundstrom & Bentley, LLP

Thanks Val, for the copy of your letter July seventeenth addressed to Ms. Blanca Bayo, regarding the second request for my "Production of Documents". You're probably aware by now that I can't produce them until all parties connected with Island Environmental have produced theirs, including that of Martin Friedman. As soon as I get theirs, they'll get mine. Quid pro quo.

Cordially,

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

Tuesday July twenty-ninth 2003
DN/jt
Port McNicoll ON

CC: Our side, Their side, and the Commission's side.

Nolan Transportation Agencies Ltd.

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

NTA Transport Inc.

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

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