



Public Service Commission

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RECORDS AND REPORTING

DATE: June 6, 2000

TO: Division of Records and Reporting

FROM: Division of Legal Services (Van Leuven) *DTV*

RE: Docket No. 000277-WS - Application for transfer of facilities and Certificates Nos. 353-W and 309-S in Lee County from MHC Systems, Inc. d/b/a FFEC-Six to North Fort Myers Utility, Inc., holder of Certificate No. 247-S; amendment of Certificate No. 247-S; and cancellation of Certificate No. 309-S.

Please file the attached e-mail dated June 1, 2000, in the docket file for the above-referenced docket. Mr. Alexander William Varga has asked that he be identified in CMS as the sender of the e-mail.

DTV/dm

cc: Division of Regulatory Oversight (Johnson, Redemann)

I:\000277FM.DTV

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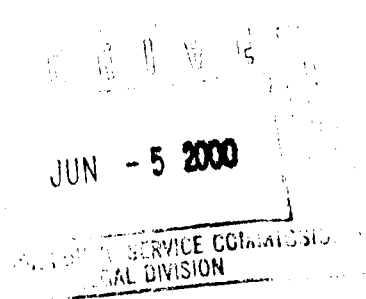
DOCUMENT NO.
06870-00
6-6-00

Subj: **RESPONSE TO NFMU'S MOTION TO DISMISS MY COMPLAINT**
Date: 6/1/00 1:41:26 PM Pacific Daylight Time
From: Crabfishes
To: TVanLeuv@psc.state.fl.us
CC: LBEEK, examiner@cyberstreet.com
CC: jfenton@fortmyer.gannett.com, nbc2news@nbc-2.com
CC: winknews@winktv.com
BCC: SCOTLAND90, WayneKirk, Jdizone
BCC: jimjoanr@webtv.net

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North Fort Myers, FL 33903

Alexander William Varga
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Mr. Tyler Van Leuven
Staff Attorney
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850



June 1, 2000

Re: Docket 000277 W-S

Dear Mr. Van Leuven:

Well, here I am again! After our long telephone conversation yesterday, I expected that things would be quiet for a while. However, my day has been very eventful. For a beginning, this morning's News Press (a "legitimate newspaper", probably acceptable to Mr. Friedman) featured an article entitled "Controversy spurs official to avoid panel" in which Mr. J.W. French, Mr. James Garner, Mr. Don Stilwell, and Mr. Ray Judah are prominently mentioned. I suggest you download it from the website...The News-Press.com. In any event, I will forward a copy of this E-mail and the article in order that it may become part of Docket 000277.

The second event that occurred today was the arrival of a copy of Mr. Friedman's motion on behalf of NMFU to dismiss my complaint (and may I note, "he did not take precautions to assure that it would be received..."). Irrespective of his lugubriously quoted "Legalese"and his mistaken assertion that the PSC did not receive my complaint until May 18, 2000, my complaint was received in a timely manner. Whether "served" or "filed", I have proof that my E-Mail was received on March 31, 2000 and acknowledged by an internal E-mail from Jennifer Brubaker to you (and copied to me) on May 9, 2000. The efficiency of the PSC mailroom or the U.S. Mail cannot be a valid issue here!

I am also astonished, that an experienced attorney, as Mr. Friedman allegedly is, would write in an official document, "The Lee County Examiner is not a legitimate newspaper". I'm sure that Mr. Charles Liedtke may find that objectionable, at least.

The third event of the day was that the ACLU has responded to my **E-mail**, no less. Hopefully, at the end of this proceeding, Docket 000277 will have resulted in some new, modern and public friendly rules and regulations being put into effect.

Thank you for your time and consideration.

Very truly yours,


Alexander William Varga

cc: Leon Beekman - President, Pine Lakes Estates Home Owners Association, Inc.
Mr. Charles H. Liedtke - Publisher, Lee County Examiner
Joe Fenton - Editor, The News Press
nbcnews@nbc-2.com
winknews@winktv.com

Controversy spurs official to avoid panel

News Press 6/1/00

Public works chief
planned to appear
with lobbyist

By LEE MELSEK
The News-Press

Lee County's public works director — under criminal investigation for doing favors for a lobbyist in utility deals — won't join the lobbyist on a panel next month after Commission Chairman John Albion complained about the arrangement.

J.W. French and Fort Myers lobbyist James Garner were scheduled to sit on a panel at a Marco Island seminar July 18 and 19 sponsored by the Florida Chamber of Commerce. They were to talk about creating "innovations" in the purchase of utilities. The official topic of the discussion is titled, "The Lee County Experience in the Financing and Acquisition of Water and Wastewater Facilities."

Part of that experience resulted in Garner and some of his clients benefitting from deals French was behind for the county. An investigation of those deals by The News-Press earlier this year prompted the Lee County Sheriff's Office and the FBI to look into the county's role in the 1998 private purchase of Gulf Utilities and the county's negotiations this year to buy North Fort Myers Utility. In both cases, Garner was a major player,

The county was negotiating to buy North Fort Myers Utility in March when The News-Press revealed that Garner — a major contributor and fund-raiser in commission re-election campaigns who had represented the utility — was secretly involved in the negotiations and wanted \$825,000 for the job. French knew Garner was behind the corporation he recommended for the job but failed to tell commissioners or make Garner's role public.

The commission ended negotiations with North Fort Myers Utility, saying that questions raised by the investigation cast a cloud over the deal.

It also was French who recommended the county encourage the 1998 purchase of Gulf Utilities by a private, nonprofit group put together by Garner. Garner made \$350,000 in fees from the bond proceeds used to buy the utility and some of his clients reaped hundreds of thousands of dollars more in fees from the same proceeds.

The county intends to eventually take over the company and its \$114 million bond debt being repaid by the customers of Gulf Utility, which serves about 9,000 homes and businesses around San Carlos Park and Estero.

Lee County Manager Don Stilwell was adamant Tuesday that there was nothing wrong with French appearing with Garner on the

DIRECTOR: Decision aims to save credibility

From Page 1A

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panel to discuss their deals.

"Mr. French is innocent until proven guilty and he's representing Lee County on that panel. He's an expert on utilities," Stilwell said. "We will make a decision on the appropriateness of his actions when all of the facts are in."

Commissioner Ray Judah also saw nothing wrong with French appearing with Garner on the panel.

But Albion didn't like the arrangement.

"Why are we waving a red flag in front of the bull?" Albion told a reporter. "The timing of this sure isn't good. We have to use a little better discretion in this. They can't act as if nothing is going on. It is. We have to be aware that how this community perceives this board will have an impact on whether we accomplish anything."

Albion then had a talk with Stilwell. Several hours later Stilwell said French will not be sitting on the panel.

"We will make a decision on the appropriateness of his actions when all of the facts are in."

— Don Stilwell,
Lee County manager

"I called Mr. French and he's agreed he's not going to be on the thing. We don't want the wrong perception. There is enough suspicion going around," Stilwell said.

French said Wednesday he agreed to stay off the panel to protect his employers.

"I learned you don't bring grief down on the people you work for," he said.

— Lee Melsek can be reached at
335-2386.