

M E M O R A N D U M

ORIGINAL

September 20, 2002

TO: DIVISION OF THE COMMISSION CLERK AND ADMINISTRATIVE SERVICES

FROM: OFFICE OF THE GENERAL COUNSEL (ECHTERNACHT) *KNE*

RE: DOCKET NO. 020707-SU - APPLICATION FOR TRANSFER OF CERTIFICATE NO. 281-S FROM REALNOR HALLANDALE, INC. IN LEE COUNTY TO BONITA SPRINGS UTILITIES, A NOT-FOR-PROFIT CORPORATION, AND FOR CANCELLATION OF CERTIFICATE NO. 281-S

Attached is a letter from David B. Erwin dated September 18, 2002, to be placed in the docket file.

KNE
Attachment
cc: Division of Economic Regulation (Clapp)
I: 020707m.kne

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FPSC-COMMISSION CLERK

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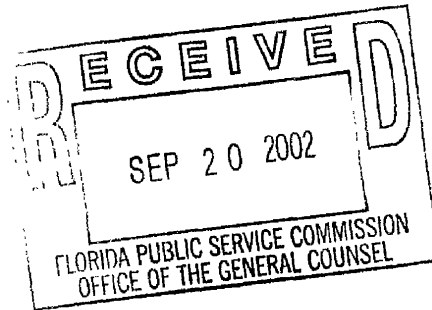
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September 18, 2002



Michael Miceli, President
Bonita Country Club Utilities, Inc.
10200 Maddox Lane
Bonita Springs, FL 34135

Dear Mr. Miceli:

This is a response to your letter to me dated September 9, 2002. You request that I withdraw from the case before the FPSC which proposes to transfer Certificate No. 281-S from RealNor Hallandale, Inc. to Bonita Springs Utilities, Inc. You allege that I represented Bonita Country Club Utilities (BCCU) "in various legal matters over the years," which you believe constitutes a conflict of interest, and you request my immediate withdrawal as attorney for RealNor Hallandale, Inc.

Please be advised that my records reflect that I represented BCCU in one non-controversial matter in 1996 that sought to and succeeded in adding territory to Certificate No. 281-S, in FPSC Docket No. 960803-SU. On August 26, 1996, I wrote to BCCU and indicated that my work for BCCU was finished. Since that date I have had no contact with and have not represented BCCU in any matter.

It is my opinion that the current matter in Docket No. 020707-SU is not the same or substantially related to the matter for which I represented BCCU in 1996. In addition, I acquired no information in the course of prior representation which I have used or could use to the disadvantage of BCCU. Consequently, there is no basis for requiring my withdrawal in this current docket.

Sincerely,

David B. Erwin

DBE:jm

Copy: Roy Young
Helen Athan
Don Thomson
✓ Katherine Echternact