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April 18, 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.

Very truly yours,



MARTIN S. FRIEDMAN
For the Firm

Dictated by Mr. Friedman
but signed in his absence
to avoid delay in mailing.

MSF/dmp
Enclosures

AUS _____
CAF _____
CMP _____
COM 3 cc: Rosanne Gervasi, Esquire (w/enclosure)
CTR _____ Mr. Ronald A. Koenig (w/enclosure)
ECR _____
GCL _____
OPC _____
MMS _____
SEC 1 _____
OTH _____

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DOCUMENT NUMBER-DATE
DISTRIBUTION CENTER

03603 APR 21 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. Ronald A. Koenig and compel Mr. Koenig 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. Koenig on March 24, 2003. Mr. Koenig mailed his objections to Island Environmental on April 14, 2003, after the date for filing objections had expired. Attached to this Motion is a copy of the objections of Mr. Koenig and the envelope they came in, which is clearly postmarked April 14, 2003. Mr. Koenig'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. Koenig filed objections to the Discovery Requests with the Commission on or after March 28, 2003 as follows:

- (A) Mr. Koenig objects to the number of Discovery Requests;
- (B) Mr. Koenig objects to the relevance of the Discovery Requests;
- (C) Mr. Koenig claims that the Discovery Requests are "intrusive, objectionable and serve no purpose other than to harass, embarrass and annoy."

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FPSC-COMMISSION CLERK

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:

“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. Koenig in his objections to Island Environmental's Application for a wastewater certificate in this docket. In particular, Island Environmental seeks information relating to the degree of harm to his property and the financial burden on property owners which Mr. Koenig asserts will occur if Island Environmental's Application is granted.

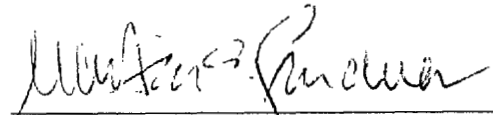
6. Island Environmental requires answers to the Discovery Requests in order to give it a fair and reasonable opportunity to assess the nature and extent of Mr. Koenig's claims of harm and to respond to Mr. Koenig's objections to the Application.

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. Koenig to provide personal information that he may not prefer to reveal, they cannot be considered objectionable.

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

Respectfully submitted on this 18 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

18 day of April, 2003:

Mr. Ronald A. Koenig
P.O. Box 3504
Placida, FL 33946

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

A handwritten signature in black ink, appearing to read "James G. Gaudin". The signature is written in a cursive style with a long horizontal flourish at the end.

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

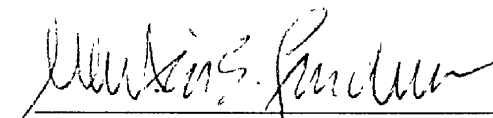
**IN RE: Application for certificate to provide
wastewater service in Charlotte County,
Florida by of Island Environmental
Utility, Inc.**

Docket No. 020745-SU

NOTICE OF SERVICE

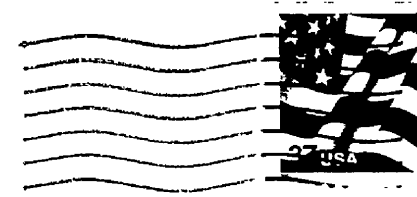
ISLAND ENVIRONMENTAL UTILITY, INC. , by and through the undersigned counsel,
gives notice that it has served its Motion to Compel Discovery on Mr. Ronald A. Koenig on this
17 day of April, 2003.

ROSE, SUNDSTROM & BENTLEY, LLP
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Suite 160
Altamonte Springs, Florida 32701
Telephone: (407) 830-6331
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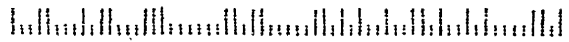


Martin S. Friedman

returning
8006 Lago Vista Dr,
Tampa, FL 33614



Rose, Sundstrom + Bentley, LLP
600 S. North Lake Blvd, Suite 160
Altamonte Springs, FL 32701

32701+6154 

RECEIVED

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

APR 16 2003

Rose Sundstrom & Bentley, LLP

In response to Notice of Service from Rose, Sundstrom & Bentley, LLP request for production of documents and interrogatories, Ronald A. Koenig gives notice as to the following:

Friday, March 28, 2003

Docket No. 020745-SU

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

Ronald A. Koenig objects to Interrogatories (Nos. 1-66) and Production of Documents (Nos. 1-41) 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 the subparts..." Furthermore, I object and refuse to respond to questions that are of personal nature and not relevant to Docket No. 020745-SU.

I am objecting to a proposal to provide wastewater service at my homestead property. Existing water treatment supported by Septic System on my property is sufficient to maintain our household and conforms to Charlotte County regulations. Answering questions about:

- personal finances,
- addresses where I've previously resided,
- my nationality,
- number of persons residing in my home,
- value of property (tax assessment as well as market value)
- mortgage, liens, other encumbrances on my property
- identify all government bodies that have authority to determine wastewater management on barrier islands

And other matters pertaining to my property have no relevance to Docket No. 020745-SU. These interrogatories and requests for documents are intrusive, objectionable and serve no purpose other than harass, embarrass and annoy.

Respectfully,



Ronald A. Koenig

CC: Florida Public Service Commission including copies of interrogatories and request for documents that shall be posted on the Docket No. 020745-SU official record.