

ORIGINAL

Oct 22, 2003

BEFORE the Public Service Commission

Docket No.  
020745-SU

In RE: Application  
for certificate to  
provide wastewater  
service in Charlotte  
County, FL by Island  
Environmental Utility  
Inc. (IEU)

COMMISSION  
CLERK

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Motion to Strike Objections and  
Compel Discovery

① Rule 1.340(b) FL Rules of Civil Procedure provide 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. Rule 1.280(b) also provides that "it is not grounds for objection that the information sought will be inadmissible at the trial if the information sought is reasonably calculated to lead to discovery of admissible evidence."

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- ② In correspondence from Mr. Friedman and in John Boyer's direct testimony both have stated that IEU is a new company, set up solely for the purpose of obtaining Commission certification to provide wastewater service to a certain new territory, that it is relying on the financial ability of its principle share holders (Dean Beckstead, Garfield Beckstead and John Boyer) and that permanent funding would be based on their financial stability and guaranteed by them.
- ③ Since IEU has not requested confidential business information status than all bankruptcy, loan default, tax audit, law suit, and financial information requested must be provided. These documents and information are an intregal part of determining the financial capabilities and stability and ~~is~~ business practices, and history of IEU and its guorunteeing shareholders.
- ④ In a letter dated Feb 20, 2003 from the PSC the applicant is requested to show its financial ability per Rule 25-30.03(1)(e) FAC.

- ⑤ In a telephone conference call of July 16, 2003 it was agreed by Mr. Friedman to provide financial statements by Aug 15, 2003.
- ⑥ The follow-up memo dated July 25, 2003 from the PSC identifies issue #5 as a request for the current balance sheets and income statements of the applicant.
- ⑦ While Mr. Friedman argues that pro se litigants are not subject to the same consequences as attorneys should confidentiality be breached (when confidentiality is required) the same can be said for the applicants once their attorney passes information to them.
- ⑧ It is premature for Mr Friedman to assume that the personal financial statements and information of the utilities principals will be classified as specific confidential material. And presumptuous of him to assume that if that determination is made that the pro se litigants would not abide by the confidentiality requirements.

For these reasons I request that the shareholders (DEAN AND GARFIELD Beckstead and John Boyer) be compelled to answer all interrogatories and requests for production of documents made of them.

The original of this document has been sent by US mail to Island Environmental Utilities, Inc. c/o Martin Friedman @ Rose, Sundarston & Bentley LLD, 600 S. North Lake Blvd. Suite 160, Altamonte Springs, FL, 32701

original signature

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