

ORIGINAL
LAW OFFICE

ROSE, SUNDSTROM & BENTLEY, LLP

2548 BLAIRSTONE PINES DRIVE
TALLAHASSEE, FLORIDA 32301

CHRIS H. BENTLEY, P.A.
ROBERT C. BRANNAN
DAVID F. CHESTER
F. MARSHALL DETERDING
JOHN R. JENKINS, P.A.
STEVEN T. MINDLIN, P.A.
DAREN L. SHIPPY
WILLIAM E. SUNDSTROM, P.A.
DIANE D. TREMOR, P.A.
JOHN L. WHARTON

ROBERT M. C. ROSE, OF COUNSEL
WAYNE L. SCHIEFELBEIN, OF COUNSEL

(850) 877-6555
FAX (850) 656-4029
www.rsbatorneys.com

REPLY TO ALTAMONTE SPRINGS

CENTRAL FLORIDA OFFICE
600 S. NORTH LAKE BLVD., SUITE 160
ALTAMONTE SPRINGS, FLORIDA 32701
(407) 830-6331
FAX (407) 830-8522

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

November 10, 2003

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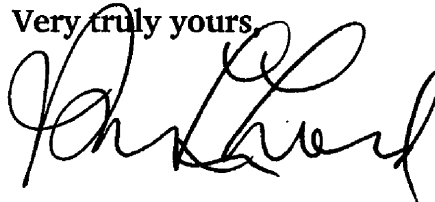
Ms. Blanca Bayo
Commission Clerk and Administrative Services Director
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399

Re: Application of Island Environmental Utility, Inc., for Original Certificate
Docket No.: 020745-SU
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 Compel Discovery served on Linda Bamfield.

Very truly yours,



VALERIE L. LORD
Of Counsel

VLL/lm
Enclosures

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)
Mr. Dean Beckstead (w/enclosure)

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FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

Docket No. 020745-SU

MOTION TO COMPEL DISCOVERY

Island Environmental Utility, Inc. (hereinafter "*Island Environmental*"), by and through its undersigned attorney, requests that the Florida Public Service Commission (hereinafter "*Commission*") compel Linda B. Bamfield (hereinafter "*Ms. Bamfield*") to answer Interrogatories and Request for Production of Documents served on her by Island Environmental in this proceeding (hereinafter "*Discovery*"), and shows:

1. Island Environmental served Discovery on Ms. Bamfield on October 30, 2003.
2. Ms. Bamfield sent a copy of her Objections to Discovery on November 6, 2003.
3. Ms. Bamfield's Objections can be broken down into four categories:
 - (A) The "relevant questions" contained in the Discovery that will be addressed in her testimony scheduled to be filed on November 14, 2003;
 - (B) The Discovery to which she refuses to respond because she believes is not related to this matter;
 - (C) The Discovery that she considers "intrusive, objectionable and serve no purpose other than to harass, embarrass and annoy"; and
 - (D) The Discovery that she considers "irrelevant, immaterial and are not calculated to lead to the discovery of admissible evidence."
4. Ms. Bamfield has not specified the specific Discovery to which she is objecting. In

addition, she has utterly failed to specify which Discovery she considers unrelated to this matter.

Island Environmental is entitled to know the specific Discovery to which Ms. Bamfield is objecting,

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FPSC-COMMISSION CLERK

and the specific grounds for her objections.

5. Ms. Bamfield has failed to specify what information *she* considers “relevant” and will be addressed in her testimony. It is this Commission’s right and duty to determine what is relevant and what is not relevant to this matter. Ms. Bamfield is testing the mandate of this Commission by attempting to usurp its statutorily delegated authority.

6. Rule 1.280(b)(1), Fla. R. Civ. P., specifically provides that parties may obtain discovery “regarding any matter, not privileged, that is relevant to the subject matter of the action”. Island Environmental carefully considered the Discovery propounded to Ms. Bamfield. The Discovery requests information that Island Environmental requires to accurately and completely address the issues Ms. Bamfield raises in her objections to the Application pending before this Commission.

7. Ms. Bamfield has objected to certain Discovery on the grounds that it is not calculated to lead to the discovery of admissible evidence. Rule 1.280(b)(1), Fla. R. Civ. P., provides that it is not grounds for objection that “the information sought will be inadmissible at the trial if the information sought appears reasonably calculated to lead to the discovery of admissible evidence.” The standard is “*appears reasonably calculated* to lead to the discovery of admissible evidence,” not the standard she is asserting, that of admissibility at the trial. Ms. Bamfield does not understand the difference between the two standards.

8. Ms. Bamfield failed to specify which Discovery she considers “intrusive and objectionable”. She has not claimed that the information requested is privileged or confidential, or requested a protective Order on a showing of good cause as provided by Rule 1.280(c), Fla. R. Civ. P.

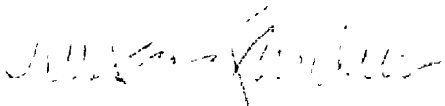
9. Rule 1.340(a), Fla. R. Civ. P., requires a party to answer each interrogatory separately and fully in writing under oath unless it objected to, and if a party objects to an interrogatory, the grounds for objection shall be stated. Rule 1.350(b), Fla. R. Civ. P., relating to Requests for Production of Documents contains similar provisions. Ms. Bamfield has not answered any Discovery to which she has not objected, nor has she stated the grounds for objecting to any of the Discovery to which she has objected, as required by the cited Rules.

10. Island Environmental requires answers to the Discovery propounded to Ms. Bamfield in order to give it a fair and reasonable opportunity to assess the nature and extent of Ms. Bamfield's claims and to respond to Ms. Bamfield's objections to the Application. Ms. Bamfield's refusal to answer the Discovery has prevented Island Environmental from investigating Ms. Bamfield's objections to the Application, assessing the impact of its proposed territory extension on Ms. Bamfield's interests, preparing a defense to her objections or structuring reasonable alternatives, all to its detriment.

11. Island Environmental requests an Order compelling Ms. Bamfield to fully and completely answer the Discovery, as required by the Florida Rules of Civil Procedure.

Respectfully submitted on this 11,
day of November, 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 has been furnished by U.S. Mail to the following parties on this 11 day of November, 2003:

Mr. Daniel Nolan
3031 Placida Road
Englewood, FL 34224

and at

156 Bayview Avenue
POB 23 S 4
Port McNicoll, Canada L0K 1R0

Mr. Ronald Koenig
8006 Lago Vista Drive
Tampa, FL 33614

Mrs. Linda Bamfield
P.O. Box 5063
Grove City, FL 34224

Rosanne Gervasi, Esquire
Office of General Counsel
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850



Martin S. Friedman, Esq.