

ORIGINAL

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-S

DISTRIBUTION CENTER
03 NOV 14 AM 11:48
RECEIVED-FPSC
COMMISSION
CLERK

MOTION TO STRIKE OBJECTIONS AND COMPEL DISCOVERY

Ronald Koenig responds to the Motion to Strike Objections and Compel Discovery filed by Environmental Utility, Inc. through its attorney and requests that the Florida Public Service Commission strike the objections filed by Island Environmental Utility, Inc. through its attorney and compel Environmental Utility, Inc. to answer interrogatories and request for production of documents served on them by Ronald Koenig.

In the Objections to Discovery sent to me it states interrogatories 8, 24, and 25 Requests for production 1,5,6,5 and 9 seek the disclosure of personal financial information of these individuals who are stockholders of the utility. Interrogatories 34 and 35 and Request for Production 12 and 13 regarding wrong doing. This information may or may not lead to discovery but I will never know if I don't get it. It also states that my discovery request are highly unlikely to lead to discovery. I find this hard to believe because most of my questions are the same questions IEU asked me (does any one read this stuff?).

1. I was asked for personal financial information and objected. I was then instructed to provide the information and it was posted for public viewing. IEU felt that by knowing how much I owed on my house and what my taxes were they could discover something that would negate my objection to their petition. If the PSC grants IEU the right to start a Utility, I and a lot of other home owners will be forced to pay IEU significant monies up front and recurring for a long time. I would like to know that this venture is not doomed from the start because of a pending law suit, bankruptcy, other debts, financial difficulties or whatever that could make the IEU financial unstable.

2. 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.

3. In correspondence from Mr. Friedman and in John Boyer's direct testimony, both have stated that Island Environmental Utility is a new company, established exclusively for the purpose of obtaining certification from the Florida Public Service Commission to provide wastewater service to a specific territory. Due to the fact the IEU has no financial history or financial standing whatsoever, it must depend on the financial abilities of the principal shareholders in IEU, namely, Mr. Dean Beckstead, Mr. Garfield Beckstead and Mr. John R. Boyer. It was also indicated that the securing of funding

AUS _____
CAF _____
CMP _____
COM _____
CTR _____
ECR _____
ECL _____
OPC _____
WMS _____
SEC _____
OTH _____

DOCUMENT NUMBER-DATE

11381 NOV 14 03

would be based on the principals' financial stability and would be guaranteed by the three principals.


4. The financial information requested is germane to the discovery process, and I therefore request that the principal shareholders be compelled to answer all of the interrogatories and requests for production of documents that have been made to them.

5. In addition, the requests for information relating to any lawsuits involving any business enterprise in which any of Island Environmental's shareholders had an interest relate directly to the financial and technical aptitude of the principals of the corporation. The requests are germane to the discovery process, and may lead to the discovery of admissible evidence.

One last request, when I received IEU response to my Interrogatories for Boyer production of documents 2, 3,4,7,8,10,11,14,15,19,21,22,23,24,30,I was told they had the information but if I wanted it I would have to go to their offices and get it , **This is not acceptable they must be compelled to send the information I requested to me!** IEU has already set a confrontational tone with statements in correspondence to me, Linda Bamfield and Dan Nolan. Their attorneys have also shown a reluctance to provide information on the conference call. When IEU wanted a copy of my tax bill I did not tell them they would need to set an appointment and come to my house to see the documents. I provided a copy in my response to their interrogatories.

The original document of this "Motion to Compel Discovery" has been sent by US Mail to Island Environmental Utilities, Inc c/o Martin Friedman at Rose, Sundstrom & Bently, LLD, 600 S. North Lake Blvd., Suite 160, Altamonte Springs, FL 32701.

Copies to:
Roseahn Gervasi
Blanca Bayo ✓
Linda Bamfield
Daniel Nolan


Ronald Koenig
8006 Lago vista Drive
Tampa Florida 33614