

Diamond Williams

From: Dana Rudolf [DRudolf@RSBattorneys.com]
Sent: Thursday, September 22, 2011 4:32 PM
To: Filings@psc.state.fl.us
Cc: Martin Friedman
Subject: Docket No. 110061-WS; Application for Authority to Transfer the Assets of Service Management Systems, Inc., and Certificate Nos. 517-W and 450-S to Aquarina Utilities, Inc. in Brevard County, Florida

Attachments: PSC Clerk 11 (Response to Request for Production).ltr.pdf

- a) Martin S. Friedman, Esquire
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- b) Docket No. 110061-WS
Application for Authority to Transfer the Assets of Service Management Systems, Inc.,
and Certificate Nos. 517-W and 450-S to Aquarina Utilities, Inc. in Brevard County,
Florida
- c) Aquarina Utilities, Inc.
- d) 4 pages
- e) Response to James I. Minnes' Request for Production of Documents.

9/22/2011

DOCUMENT NUMBER-DATE
06876 SEP 22 =
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LAW OFFICES

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Please Respond to the Lake Mary Office

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September 22, 2011

VIA E-FILING

ROBERT M.C. ROSE, (1924-2006)

Ann Cole, Commission Clerk
Office of Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399

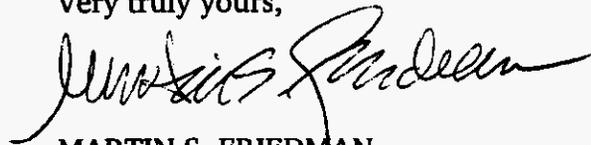
RE: Docket No. 110061-WS; Application for Authority to Transfer the Assets of Service Management Systems, Inc., and Certificate Nos. 517-W and 450-S to Aquarina Utilities, Inc. in Brevard County, Florida
Our File No.: 45052.01

Dear Ms. Cole:

Enclosed for filing in the above-referenced docket is Aquarina Utilities, Inc.'s Response to James I. Minnes' Request for Production of Documents.

Should you or the Staff have any questions regarding this filing, please do not hesitate to give me a call.

Very truly yours,



MARTIN S. FRIEDMAN
For the Firm

MSF/mp
Enclosure

cc: Mr. James I. Minnes (w/encs.) (via U.S. Mail)
Anna Norris, Esquire, Office of the General Counsel (w/enc.) (via U.S. Mail)
J.R. Kelly/Stephen C. Reilly, Esq., Office of Public Counsel (w/enc.) (via U.S. Mail)
Mr. Reginald J. Burge (w/enc.) (via e-mail)
Mr. Keith Burge (w/enc.) (via e-mail)

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for Authority to Transfer)
the Assets of SERVICE MANAGEMENT)
SYSTEMS, INC., and Certificate Nos.)
517-W and 450-S in Brevard County,)
Florida to AQUARINA UTILITIES, INC.)
in Brevard County, Florida)

Docket No. 110061-WS

**AQUARINA UTILITIES, INC.'S RESPONSE TO
JAMES I. MINNES' REQUEST FOR PRODUCTION OF DOCUMENTS**

Applicant, AQUARINA UTILITIES, INC. ("Aquarina"), by and through its undersigned attorneys and pursuant to Rule 1.350, Florida Rules of Civil Procedure, hereby responds to JAMES I. MINNES' Request for Production of Documents served upon it on or about September 9, 2011, and states as follows:

A. All such documents are being produced to Mr. Minnes. In addition, Mr. Dodrill was provided with copies of PSC Annual Reports for Service Management Systems, Inc., which are available on the PSC website.

B. Aquarina objects to providing the personal financial statements of Reginald and Lois Burge to Mr. Minnes. Such documents are confidential and privileged and cannot be disclosed to Mr. Minnes. Mr. Minnes helped form a company to compete with Aquarina for the purchase of the Service Management Systems, Inc., utility systems and had encouraged customers not to pay their bills in an effort to convince the bank which owned the utility system to sell to his group at a discounted price. Mr. Minnes has no legal repercussions for violating a confidentiality order. Office of Public Counsel has reviewed the financial information and advised Mr. Minnes that the Commission is not going to

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deny the transfer based on lack of financial or technical ability of Aquarina. This request is purely for harassment.

C. All such documents are being produced to Mr. Minnes.

Respectfully submitted on this 22nd day of September, 2011, by:

ROSE, SUNDSTROM & BENTLEY, LLP
766 N. Sun Drive, Suite 4030
Lake Mary, Florida 32746
PHONE: (407) 830-6331
FAX: (407) 830-8522

By



MARTIN S. FRIEDMAN
For the Firm
Attorney for Applicant

CERTIFICATE OF SERVICE
DOCKET NO. 110061-WS

I HEREBY CERTIFY that a true and correct copy of the foregoing Response to James I. Minnes' Request for Production of Documents has been furnished by U. S. Mail this 22nd day of September, 2011, upon the following:

JAMES I. MINNES
25 Grovehurst Drive
Ottawa, Ontario
Canada K2G 6W1

Mr. Dennis Basile, Receiver
Service Management Systems, Inc.
826 Creel Street
Melbourne, FL 32935-5992

Anna Norris, Esquire
Office of the General Counsel
Florida Public Service Commission
2540 Shumard Oak Boulevard, Room 301D
Tallahassee, FL 32399-0850

J. R. Kelly/Stephen C. Reilly, Esquire
Office of Public Counsel
c/o The Florida Legislature
111 W. Madison Street, Room 812
Tallahassee, FL 32399-1400



MARTIN S. FRIEDMAN
Florida Bar No.: 0199060
For the Firm
Attorney for Applicant