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19808 Frenchman's Court
North Fort Myers, FL 33903

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MAIL ROOM

Mr. Tyler Van Leuven
Staff Attorney
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Re: Docket 000277 W-S

June 16, 2000

Dear Mr. Van Leuven:

Thank you for your letter of June 12, 2000. Before we get into substantive matters, please allow me to comment on what may appear to you as inconsequential trivia, but to me indicates a careless and imprecise attitude on your part regarding my participation in Docket 000277. For example, my name is **Alexander William Varga** not William Alexander Varga. Secondly, I have always been addressing you as Tyler Van Leuven; now I find out that you are **D. Tyler Van Leuven**. I had assumed that we knew each other. How could you forget my name?

In addition, your letter indicates an enclosure. There was none! Your letter indicates a copy was sent to Martin S. Friedman. I find it unconscionable that you should provide my potential adversary with any information directed toward me. You have never copied me with any of your correspondence with Mr. Friedman. Mr. Friedman should be required to search the Dockets, just as I have to, without any prejudicial assistance from the PSC! As to your copying the Division of Regulatory Oversight, I have no objection, except to question, why are you doing this at this late date? Have I somehow called into question some of the PSC's regulations? e.g. regulations concerning the acceptability of e-mail in cases of "Transfer of Facilities", etc. See below, and attachments forwarded to RAR. In any event, you must recognize that you have a responsibility to be a better "proofreader".

Now, to get to the heart of my problems, I was pleased to find out that if I am granted "**party status**", I will be allowed to petition the Prehearing Officer to allow me to participate in the prehearing conference by telephone, rather than in person in Tallahassee. Thank you for your help in this matter. Will I be advised about how and when I may petition the Prehearing Officer?

To assist the PSC staff in reaching an informed decision, regarding my e-mail of March 31, 2000 and my concurrent U.S. Mail of the same date, I am enclosing a nationally syndicated article from GANNETT NEWS SERVICE, concerning congressional legislation which would allow electronic transactions in the 33 states that currently do not permit them. Surprise! **Florida is one of 17 states that have "adopted a uniform standard to both encourage and regulate electronic transactions"**. In view of the State's position on this, how can the PSC be so inflexible and adamantly opposed to accepting my E-mail of March 31, 2000 (and others)?

At this time I am the **only** person or group, with any hope of getting "**party status**" in "opposing the FFEC-Six / NFMU / MHC consortium, (my definition). If I am denied the right to speak out against this transfer, because of the PSC's antiquated and arbitrary policies relative to e-mail transmissions, then Mr. Friedman will have the implicit consent and authorization of the PSC to roll over the public's interests, **unopposed**.

Late breaking news from the Associated Press, June 15, 2000, "**House gives e-signatures same status as penned**". Now that the federal government is on the brink of accepting electronic transmissions (including e-mail) and the state of Florida already has a "**uniform standard**" regarding electronic transactions, it would seem incumbent upon the PSC staff to adhere to the guidelines established by your legislative and executive superiors, and recommend that I be granted status as a "**Party of Record**" based upon my timely e-mail of March 31, 2000.

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In closing, thank you for letting me know that my June 9, 2000 e-mail did not get through. I thought that I had made the correction in the address and resent it immediately, but it appears that I need more practice with the recovery procedure. The e-mail probably is in electronic limbo.

I will be attaching several newspaper articles to my copy to Records and Reporting.

Very truly yours,



Alexander William Varga

CC: Leon Beekman - President, Pine Lakes Estates Home Owners Association, Inc.
Charles H. Liedtke - Publisher, Lee County Examiner
Joe Fenton - Editor, The News Press
Lee Melsek - The News Press
nbcnews@nbc-2.com
winknews@winktv.com
Jennifer Brubaker - Staff Attorney PSC

Attachments Enclosed (3)

The News Press - June 10, 2000 Editorial
The News Press - June 14, 2000 Gannett News Service "Congress set to pass e-signature legislation"
The News Press - June 15, 2000 The Associated Press "House gives e-signatures same status as penned".

Government openness is crucial

Corruption flows downhill; leaders must set examples

J.W. French has been suspended from his job and should be fired, but the public works director's disregard for serious conflict of interest is only a symptom of what is wrong at the top of Lee



FRENCH

County government.

French deserves to lose his job, but if that's all that happens, nothing will change — and it must.

County commissioners — the elected government — should make brutally clear to the county bureaucracy — the permanent government — that they do not want the county catering to lobbyists and giving them special privileges, that the public's business will be conducted with the maximum of transparency and

independence.

Instead, commissioners have done just the opposite. They have encouraged an atmosphere of coziness with special interests.

They routinely take campaign contributions from special-interest lobbyists like James Garner, the Fort Myers attorney and well-connected power broker at the heart of the case that got French in trouble. They



GARNER

appoint advisory boards so that they are overloaded with representatives of business with something to be gained from public contracts and regulations.

They fail to insist on the open, competitive bidding that might have made clear that Garner was a player in both the company hired by the county to negotiate the \$60 million purchase of a utility, and in the utility itself. French was suspended after admitting he knew of possible conflicts in that situation but did nothing about it.

Openness is mocked by at least one commissioner, John Manning, who has agreed to plead no contest to the charge that he failed for years to disclose contacts with lobbyists, as required by a law he voted for.



MANNING

The elected county leadership has failed to set a standard of independence in execution of public business. Then they seemingly rely on the press to tell them when there's a problem. Citizens in North Fort Myers had been trying to tell their commissioner that something was very wrong in this utility deal, but couldn't get anyone to pay attention. If The News-Press had not dragged out the facts in the French case, would anyone ever have known? Would Garner have made hundreds of thousands of dollars from his situation?

The watchdog function of the press is an essential one, but if it's the only safeguard, we're in trouble. Government also has to police itself, both internally and through checks and balances like the sheriff's investigation of the French case and the state attorney's charges against Manning.

That won't happen unless we elect sternly independent officials fiercely determined to protect the public's business from powerful special interest influence. Corruption flows downhill, and sometimes it hits the fan.

Until we get that kind of leadership, it's especially crucial to insist on stricter observance of the mechanics of open government: competitive bidding and careful recording of the contacts commissioners and key county staff make with lobbyists of any kind, business or otherwise.

The lobbyist contact disclosure law should be rigorously enforced, with stiffer penalties than the \$250 slap on the wrist which is what Manning will reportedly get.

Congress set to pass e-signature legislation

Gannett News Service

WASHINGTON — Consumers would be able to sign contracts, close on mortgages and receive financial documents over the Internet under legislation expected to be approved by Congress this week.

The federal legislation allows electronic business-to-business and business-to-consumer transactions to carry legal weight in the 33 states that have not enacted comprehensive electronic commerce legislation.

Arizona, California, Florida, Iowa and Pennsylvania are among the 17 states that have adopted a uniform standard to both encourage and regulate electronic transactions. Another 20 are considering the legislation, but some state legislatures meet only once every two years.

President Clinton issued a statement Friday urging congressional passage of the Electronic Signatures in Global and National Commerce Act.

“The legislation would remove barriers to e-commerce by establishing technology-neutral legal standards for electronic contracts and signatures,” Clinton said. “It would ensure that consumer protections online will be equivalent to those in the paper world.”

Passage will lead to “an explosion of e-commerce over the next few years,” predicted Sen. Spencer Abraham, R-Mich., sponsor of the Senate version of the bill. “A lot of people have held back developing e-commerce because either the law prevented it or the uncertainties of being able to enforce contracts made them reluctant,” he said.

The federal law will establish a national standard for many electronic transactions as of Oct. 1, but the portion affecting banks, insurance companies and stock transactions does not kick in until March 1, 2001.

In order to establish a digital signature, a consumer would be required to register a signature or file personal information that would be the equivalent of a legally-binding signature with a government agency or business.

Once an agency — such as a state motor vehicles departments — has that signature on file, the customer would use a password or similar electronic identifier to sign documents.

Nation

House gives e-signatures same status as penned

The Associated Press

WASHINGTON — Businesses will soon be able to seal multimillion-dollar mergers and consumers will be able to buy a car, apply for a loan or close a mortgage with the tap of a computer key — no scrawling in ink. Legislation passed by the House on Wednesday would give electronic signatures the same legal status as a penned "John Hancock" on a paper document.

The bill "will further move us from the paper age to the digital age," smoothing the way for a change in the way people have done business since the time of the ancient Egyptians, said House Commerce Committee Chairman Tom Bliley, R-Va.

The bill, passed 426-4, was considered likely to get quick Senate approval, and President Clinton said he looked forward to signing it.

"It will encourage the information technology revolution that has helped lower inflation, raise productivity and spur new research and development," Clinton said in a written statement.

In addition to easing commerce for individuals, the legislation would open the way for companies to supply their customers with contracts, documents and information online rather than with paper through the mail.

The bill would set national legal standards for e-commerce that is

expected to triple from \$500 billion last year to some \$1.6 trillion by 2003.

It will give consumers "increased confidence that an online transaction has the same legal standing as if we had traveled down to the bank, stood in line for an hour and signed a bunch of papers," said House Majority Leader Dick Armey, R-Texas.

The measure is the result of months of negotiations among the House, Senate and the administration on how best to move business transactions into the electronic age without sacrificing consumer protections.

Commerce Department Secretary William Daley applauded the legislation, saying it "enables companies to harness modern information technologies" while "ensuring that consumers in cyberspace will have legal protections equivalent to those in the offline world."

The administration opposed earlier versions of the bill that passed the House and Senate last year, saying they didn't adequately protect consumers from fraud and abuse.

A particular concern was that businesses could convey legally binding information on interest rate increases, new fees or recalls to customers lacking the computer skills or technology to receive it.

The compromise bill makes clear that consumers must agree to electronic transactions and consent to

receiving electronic records. The company must verify that the customer has the hardware and software to obtain its online documents.

Notices of termination, such as electricity cutoffs, health insurance lapses or evictions, must still be in paper form.

Consumers Union spokesman David Butler said his consumer advocacy organization believes the new version "does an adequate job of ensuring that consumers will be reasonably protected when they sign a contract."

A tip sheet on electronic signatures put out by Consumers Union advised customers to be sure their hardware and software is compatible with that of the business, to keep backup paper copies of electronic documents, to close unused e-mail accounts and to refrain from giving out e-mail addresses if the person doesn't want to receive e-mail from a business.

