

Dorothy Menasco

From: James Minnes [minnes.j@gmail.com]
Sent: Friday, September 30, 2011 9:14 AM
To: Filings@psc.state.fl.us
Cc: Martin Friedman; Anna Norris; Steve Reilly
Subject: Docket No. 110061-WS: Application to Transfer Assets of Service Management Systems, Inc.
Attachments: reply to aui's response to productionDoc3.docx

From: James I. Minnes
 Sent: Friday, September 30th, 2011
 To: Filings@psc.state.fl.us
 Subject: Docket No. 110061-WS: Application to Transfer Assets of Service Management Systems, Inc and Certificate Nos. 517-W and 450-S to Aquqrina Utilities, Inc., Brevard County, FL.

Attachments: James I. Minnes' Reply to Aquarina Utilities, Inc., Response to James I. Minnes' Request for Production of Documents

a) James I. Minnes
 25 Grovehurst Drive
 Ottawa, Ontario, Canada
 phone: (819)-671-6732
 e-mail: minnes.j@gmail.com

b) Docket No. 110061-WS
 Application for Authority to Transfer the Assets of Service Management Services, Inc., and Certificate Nos. 517-W ans 450-S to Aquarina Utilities, inc., in Brevard County, FL.

c) James I. Minnes

d) 3 pages

e) Reply to Aquarina Utilities, Inc., Response to James I. Minnes' Request for Production of Documents.

DOCUMENT NUMBER-DATE

07099 SEP 30 =

FPSC-COMMISSION CLERK

9/30/2011

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for Authority to Transfer) DOCKET No. 110061-WS
the Assets of Service Management Systems, Inc.,)
and Certificate Nos. 517-W and 450-S)
in Brevard County, Florida)

Reply of James I. Minnes to Aquarina Utilities, Inc., Response

To Request for Production of Documents

James I. Minnes hereby replies to Aquarina Utilities Inc., ("AUI") Response to my Request for Production of Documents as follows:

1. No documents have been produced by AUI to me to date. AUI has stated in an e-mail from its attorney to me dated September 22, 2011, "There is no way you are going to get Mr. & Mrs. Burge's personal financial statement." That financial statement was requested, with others, in my Request for Production of Documents, Documents Requested, item B.
2. The allegation in paragraph B of the Response that I, "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.", is false and malicious and defamatory and should be retracted and deleted from the Response by the Applicant or be expunged from the document by the Commission.
3. The Office of Public Counsel has not advised me nor anyone else to my knowledge, "that the Commission is not going to deny the transfer based on lack of financial or technical ability of Aquarina." as alleged by the Applicant in paragraph B of its Response. The Office of Public Counsel actual statement of August, 2011 was in fact as follows, "Based upon OPC's research to date our office does not believe staff would recommend or the Commission would vote to deny this Application..." It is unknown what if any research had or has been done by the OPC before or since that date and what their present "belief" is.
4. The Office of Public Counsel has not disclosed to the Applicant or any party to this proceeding the nature and extent of its research or review of the financial statement as at August 2011.
5. The allegation of harassment is untrue, sanctimonious and hypocritical. As a very concerned ratepayer of AUI I have every reason and right to avail myself of legislation and an Administrative Commission specifically authorized to fairly and reasonably deal with these particular concerns.
6. AUI has no reason to believe I would violate a confidentiality order.

DOCUMENT NUMBER-DATE
07099 SEP 30 =
FPSC-COMMISSION CLERK

7. I first saw the completely redacted version of the financial statement after the delivery of my Request for Production of Documents to the Applicants. The document is in fact a SBA form 413 (3-D5) of the US Small Business Administration, entitled Personal Financial Statement, and was completed by Mr. & Mrs. Burge on July 1, 2011 as part of and in support of a loan application for a business the name of which was " to be determined". On September 23,2011 I made written request to the Applicants attorney to produce, in addition to the statement and other documents described in the Request for Production, all documentation submitted to and arising from the July 2011 US Small Business loan application. That documentation is material to a determination of the Applicants financial ability to provide service and has not been produced to any party to date, including the OPC.

Wherefore, James I. Minnes submits that the Applicants be required to produce all documents requested, forthwith.

All of which is Respectfully Submitted on this 30th day of September, 2011 by:

s/James I. Minnes
James I. Minnes
208 Osprey Villas Court,
Melbourne Beach, Fl. 32951
Phone: (819)-671-6732
E-mail: minnes.j@gmail.com

Certificate of Service

Docket No. 110061-WS

I Hereby Certify that a true copy of the foregoing Reply of James I. Minnes to Aquarina Utilities, Inc., Response to Request to Produce Documents has been filed with the PSC Clerk and furnished to the following parties this 30th day of September, 2011:

Martin Friedman
Rose, Sundstrom & Bentley
766 N Sun Drive
Suite 4030
Lake Mary, FL 32746

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

Stephen Reilly
Office of Public Counsel
C/o The Florida Legislature
111 W. Madison St., Room 812
Tallahassee, FL 32399-1400

s/James I. Minnes
James I. Minnes