



# Public Service Commission

## -M-E-M-O-R-A-N-D-U-M-

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**DATE:** June 12, 2000  
**TO:** Division of Records and Reporting  
**FROM:** Division of Legal Services (Van Leuven) *DLV*  
**RE:** Docket No. 000277-WS - Application for transfer of facilities and Certificates Nos. 353-W and 309-S in Lee County from MHC Systems, Inc. d/b/a FFEC-Six to North Fort Myers Utility, Inc., holder of Certificate No. 247-S; amendment of Certificate No. 247-S; and cancellation of Certificate No. 309-S.

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Please file the attached e-mail dated June 8, 2000, in the docket file for the above-referenced docket. Mr. Alexander William Varga needs to be identified in CMS as the sender of the e-mail.

DTV/dm

cc: Division of Regulatory Oversight (Johnson, Redemann)

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- SER \_\_\_\_\_
- OTH \_\_\_\_\_

DOCUMENT NUMBER-DATE

07181 JUN 12 8

FPSC-RECORDS/REPORTING

Subj: **Re: The J.W. French & James Garner Connection with NFMU and others.**  
Date: 6/8/00 11:24:10 AM Pacific Daylight Time  
From: Crabfishes  
To: TVanLeuv@psc.state.fl.usv  
CC: LBEEK, examiner@cyberstreet.com  
CC: jfenton@fortmyer.gannett.com  
CC: lmelsek@news-press.com, nbc2news@nbc-2.com  
CC: winknews@winktv.com, jbrubake@psc.state.fl.us  
BCC: SCOTLAND90, Violetag21, WayneKirk, Jdizone  
BCC: jimjoanr@webtv.net, acluf@acluf.org

JUN 12 2000  
FLORIDA PUBLIC SERVICE COMMISSION  
REG. DIVISION

19808 Frenchman's Court  
North Fort Myers, FL 33903

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

June 8, 2000

Re: Docket 000277 W-S

Dear Mr. Van Leuven:

This morning's News-Press front page had a lead article entitled "LEE COUNTY OFFICIAL KNEW OF LOBBYISTS CONFLICTING ROLE". It seems Mr. French and Mr. Garner were representing both NFMU and the Lee County Commissioners. Mr. French said "I must have forgotten about it." County Manager, Stilwell said, "Our integrity is intact"....(Duh!). Are we all imbeciles. Please download this article for inclusion in docket 000277 as I will be sending it to RAR by regular U.S. Mail per the PSC's ridiculous U.S. Mail requirements. Their website is The News-Press.com.

Also mentioned were Commissioners Andy Coy, Ray Judah and John Albion, whose reelection campaigns have benefited from Garner's financial contributions and fund raising. They said, **they did not know if they would continue to accept money from Garner.** Politics does make strange bedfellows, but its always the public that gets "screwed".

Also, please take note of the statements of David Fell, Vice President of (MHC) who complained that NFMU bullied and coerced his company into hooking several of its parks into its sewer lines. Fell wrote similar letters in 1997 and again this year. Don't you find it extremely inconsistent with MHC's current application to turn over the water and wastewater facilities of Lake Fairways and Pine Lakes to NFMU? This addition of more than 1700 homes to a virtually bankrupt NFMU has resulted in a supposed increase in value to the extent that NFMU is trying to get 59.5 million dollars from Lee County for facilities hardly worth 21 million. If this transfer is approved by the PSC, NFMU will serve over 10,000 homes in Lee County, the majority of them owned by MHC! How many Companies, how many Commissioners and how many lawyers are going to split up this, roughly, forty-million dollar windfall?

In another matter, I am still waiting for the PSC to locate the U.S. Mail I sent on March 31,2000. You should be aware that, being confined to a wheelchair, I had to have someone mail the letter for me. I do have witnesses. Even if the mail was delivered by pony express, it should have surfaced by now...nine weeks later. Since the PSC pigheadedly refuses to recognize my identical e-mail of the same date, you are depriving me of my right to participate as a "Party of Record". In addition to trying to rectify this situation, through the offices of the ACLU, I will try to gain "access" and my "constitutional right to free speech" under the American Disabilities Act. I cannot understand why you and the PSC are so adamantly opposed to my participation. Is Mr. Garner also employed by the the PSC? Has Mr. French "forgotten" some interaction he may have had with a PSC Commissioner? Is there some connection with Mr. Friedman? I ask you, in all innocence!

Thank you for your attention. Please call or e-mail me when you have any answers.

Very truly yours,  
  
Alexander William Varga

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

# THE NEWS-PRESS

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Thursday June 8, 2000



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## Lee County official knew of lobbyist's conflicting role

By LEE MELSEK, The News-Press

Lee County's public works director knew an influential lobbyist worked for North Fort Myers Utility when he persuaded commissioners to let the lobbyist represent taxpayers in buying the company.

Public Works Director J.W. French previously denied knowing lobbyist James Garner worked for the utility.

But French admitted Wednesday he learned about Garner's connection weeks before persuading commissioners last September to let Garner's company negotiate the deal.

Garner was helping the utility boost its value only weeks before he began representing the county in trying to buy it, records discovered by county auditors show.

French didn't tell commissioners about that tie.

"I must have forgotten about it," French said Wednesday.

Nor did French reveal the company commissioners were approving as their negotiator, Catalina Group, was Garner's.

The arrangement between Garner and the county meant taxpayers were forced to rely on Garner representing their interests in negotiations with the utility he worked for.

French's boss, County Manager Don Stilwell, said in April that French assured him he had no knowledge of Garner representing North Fort Myers Utility.

"Our integrity is intact," Stilwell said then.

Stilwell refused to talk to a reporter Wednesday regarding French's admission he knew of the connection. Spokesman Pete Winton said Stilwell wants to wait until an audit of French's actions in the North Fort Myers negotiations and other utility deals is completed in several weeks.

Clerk of Courts Charlie Green and his auditors are strongly critical of French's actions in helping Garner in another matter in which French pressured a trailer park to connect with the utility.

By forcing the park to connect with North Fort Myers Utility, French helped Garner increase the company's value, Green told Stilwell on Monday.



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In fact, the president of the company that owned that park and others in North Fort Myers complained that the utility bullied, coerced and forced it to connect to its sewerage system.

Garner claimed in March he hasn't represented North Fort Myers Utility in several years.

"I did not represent North Fort Myers Utility. I have done nothing wrong," Garner said March 14.

Garner didn't return repeated calls to his office Tuesday and Wednesday.

County auditors discovered a letter Garner wrote to a state official on July 29, 1999, showing he not only represented the utility but was helping it increase its value in the sale he later began negotiating for the county.

Garner sent a copy of that letter to French, who read it and put crosses through his initials on the top right corner, which he said is his practice before filing correspondence.

In the letter, Garner asked the state Department of Environmental Protection (DEP) to notify French when state inspectors found sewer plants at mobile home parks in North Fort Myers did not work properly. He wanted French's office to force those parks to hook into his clients' sewer lines.

"My clients, North Fort Myers Utility, is a regional system that is ready, willing and able to serve Serendipity Park or any other package sewer facility that is within its franchise area that is out of compliance," Garner wrote DEP Secretary David Struhs.

Only weeks after reading that letter, commissioners approved French's request Sept. 7 to hire Garner's Catalina Group to represent taxpayers in buying the utility.

Garner and his company wanted \$825,000 from the county if the deal was successful.

But commissioners stopped negotiations in April after an investigation by The News-Press raised questions about Garner's representation of the county in negotiations with his other client.

The Florida Bar and state and federal investigators are examining Garner's actions.

The utility's pursuit of the mobile home parks has sparked anger in an owner of several of the parks.

David Fell, vice president of Manufactured Homes Communities, has complained to North Fort Myers Utility that it bullied and coerced his company into hooking several of its parks into its sewer lines.

Fell wrote similar letters in 1997 and again this year complaining about the company tactics.

Green's auditors discovered Garner's letter to the DEP and made it a part of their report to Stilwell, who has defended

In addition to his denials that he represented the utility, Garner's role in the negotiations was kept out of public discussion with the commission.

Stilwell and commissioners said French never told them of Garner's connection.

French helped Garner and the utility in 1997 force one of Fell's mobile home parks, Windmill Village, to connect with the utility.

At Garner's request, French wrote a letter threatening the park with county action if it didn't hook into the utility. That action added about 500 homes to the utility, thus increasing its value.

"Our first intention should have been to purchase North Fort Myers Utility as cheap as possible. When he sent that letter encouraging people to hook up, that immediately raised the cost of the utility, and that ain't right," Green told Stilwell during a meeting Monday.

Commissioners Andy Coy, Ray Judah and John Albion, whose re-election campaigns have benefited from Garner's financial contributions and fund-raising efforts, said they were disappointed Garner had not told the county about his association with North Fort Myers Utility.

Asked if they would continue to accept money from Garner, they said they don't know.

"I am deeply concerned about this. It looks like he wasn't truthful with us. I will pray for wisdom," Coy said when asked this week if he would continue accepting Garner's money at re-election time.

Commissioner Doug St. Cerny, whose 1994 re-election campaign was partly run by Garner, said he wants to wait until all of the investigations are completed before he comments.

— Contact Lee Melsek at [lmelsek@news-press.com](mailto:lmelsek@news-press.com) or 335-0386.

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