

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

ORIGINAL

In re: Application for Authority)
to Transfer the Facilities of)
MHC SYSTEMS, INC. and)
Certificate Nos. 353-W and 309-S)
in Lee County, Florida to)
NORTH FORT MYERS UTILITY, INC.)
_____)

DOCKET NO. 000277-WS

RESPONSE TO MOTION TO STRIKE
BY NORTH FORT MYERS UTILITY, INC.

In as much as the Public Service Commission has not, as of today, (November 16, 2000) made any motion to strike my response to NFMU's request for Summary Final Order, I am presuming that my response, directed to D. Tyler Van Leuven and copied to Blanca Bayó, Director of Records and Reporting was accepted as received in a timely manner (November 4, 2000). This is in conformity with, an albeit rather informal, "arrangement" between myself and Mr. Van Leuven, pending implementation of Governors Jeb Bush's directive that all state agencies become e-mail accessible.

Again, it is demonstrated that the U.S. mail, between Fort Myers and Tallahassee, is at best, unpredictable. However, since the attorney for NFMU has acknowledged that my e-mail arrived at his office on November 4, 2000 and it is known that all other interested parties also received their e-mail on the same date, it would appear that NFMU's Motion to Strike is a pointless and transparent attempt to harass.

- APP _____
- CAF _____
- CMP _____
- COM _____
- CTR _____
- EGR _____
- LEG _____
- OPC _____
- PAI _____
- RGO _____
- SEC _____
- SER _____
- OTH _____

Should the Public Service Commission acquiesce to this Motion to Strike, I will reluctantly accept its' decision, relying on the superb Amicus Response filed by Stephen C. Reilly, Office of Public Counsel (November 6, 2000) on behalf of all citizens of Florida, as well as myself.

DOCUMENT NUMBER-DATE

14936 NOV 20 8

FPSC-RECORDS/REPORTING

At this juncture, I would reiterate and formalize my previously expressed objections (e-mailed July 26, 2000), objecting to the rules of procedure “unilaterally” adopted by the Public Service Commission, contrary to most, if not all, other Florida state agencies.

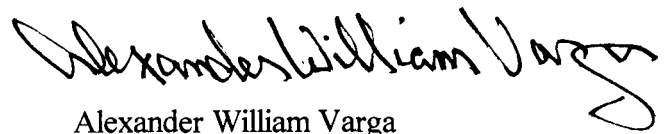
Tuesday, July 25, 2000, Governor Jeb Bush unveiled a new state government one-stop website to provide a new way for the public to receive services, from renewing licenses to paying state taxes. This website, “myflorida.com” will eventually be expanded to include almost every department or division of government. Governor Bush wrote on the sites’ introductory page, the Internet “is not on the margins of our lives anymore. It is at the core of our existence”. Obviously a project of this immensity and importance must have been in development for many months or even years, perhaps... even before June 25, 1998.

On that date, according to your memorandum, from the Division of Legal Service, dated June 29, 2000, you observed and I now quote “...the Commission (PSC) asked for and was granted an exception from Rule 28-106.104 (Uniform Rules of Procedure) to be replaced by Rule 25-22.028(1) Florida Administrative Code (filing requirements). The principal difference between these two Rules is that the Uniform Rules of Procedure provide for electronic filing and the Commission’s (PSC’s) exception does not.

In effect, the Public Service Commission’s Petition for Exception from the Uniform Rules of Procedure (Final Order No. APA 98-007) was a deliberate act, resulting in my inability to file my objections electronically, on a timely and reasonably expected date. In effect, the Commission’s thoughtless act discriminated against me, and others, preventing our filing electronically and quite possible violating our constitutional rights to free speech.

Significant and confusing, is the appearance of Governor Jeb Bush's e-mail link on the Public Service Commission's website Home Page, as well as another link to file e-mail complaints with the Public Service Commission. How much longer will it be, before the Public Service Commission is **fully in compliance with the Governor's vision for myflorida.com?**

Respectfully submitted,



Alexander William Varga

19808 Frenchman's Court

North Fort Myers, FL 33903

941-543-9697

motstrike.wpd

CERTIFICATE OF SERVICE

DOCKET NO. 000277-WS

I HEREBY CERTIFY that a true and correct copy of the foregoing Response to Motion to Strike was furnished by U.S. Mail this 16th day of November, 2000 to:

Mr. D.Tyler Van Leuven, Esquire
Florida Public Service Commission
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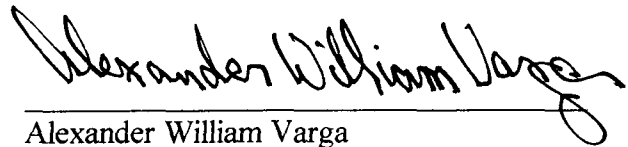
Ms. Kathryn Cowdery, Esquire
Ruden, McCloskey, Smith, et al.
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Mr. Leon J. Beekman, President
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Ms. Blanca Bayó
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