

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

ORIGINAL
FILE COPY

In re: Application for amendment)
of Certificate No. 427-W to add)
territory in Marion County by)
Windstream Utilities Company.)

Docket No. 960867-WU

WINDSTREAM'S FIRST REQUEST FOR PRODUCTION
OF DOCUMENTS AND PUBLIC RECORDS REQUEST TO MARION COUNTY

Windstream Utilities Company ("Windstream"), pursuant to Rule 1.350, Fla. R. Civ. P., requests that Marion County ("the County") produce the documents described below for inspection and/or copying within thirty (30) days at the offices of Rose, Sundstrom & Bentley, 2548 Blairstone Pines Drive, Tallahassee, FL 32301 or such other location as may be agreed upon.

This document is intended to also serve as a public records request pursuant to Chapter 119, Fla. Stat.

DEFINITIONS AND INSTRUCTIONS

1. As used in this Request, the terms "you", "your", or "the County" means Marion County and/or any employee, agent, attorney or other person acting for or on behalf of Marion County as the context requires.

2. As used herein, "document" and "documents" refer to the original, including an original by reason of any marginal notation, (or if unavailable, a copy of the original) of any written expression, and all tangible things from which such information can be processed or transcribed; graphic or aural records of representations of any kind; and any other information which is stored

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or processed by means of data processing equipment and which can be retrieved in printed or graphic form.

3. As used herein, "affiliated party" or "related party" means any party, person or entity in which the County has a legal or equitable interest, whether said interest is a controlling interest or not, including, but not limited to, as a division, general partner, limited partner, or as a participant in a joint venture or to which Marion County is legally or lawfully related or affiliated.

4. All terms not defined in this request and not having ordinary, nontechnical definitions are used in accordance with their meanings in the Florida Rules of Civil Procedure and the Rules of the Florida Public Service Commission.

DOCUMENTS AND OTHER THINGS TO BE PRODUCED

1. Please provide a copy of each document upon which the following witnesses relied, or to which the following witnesses referred, in their preparation of and filing of prefiled testimony in this case:

- a) Gerald C. Hartman
- b) Lyle Titterington
- c) Andrew Woodcock
- d) Jeff Gann
- e) Randy Harris
- f) Terese Manning

2. Referencing the prefiled testimony of the following witnesses, please produce the following documents:

- a) Gerald C. Hartman

1. All those documents referred to in the summary of the county water and wastewater service area on page 5.
2. The final development agreement between J.B. Ranch and Marion County, in November of 1996, referred to on page 6.
3. Any documents discussing, referencing, explaining or analyzing whether Windstream has the financial capability necessary for the expansion of its service area.
4. Any document referencing, explaining, discussing or analyzing any impact on J.B. Ranch from obtaining approximately \$140,000 in refundable advances as discussed on Page 8 of the prefiled testimony.
5. Any documents explaining, referencing, analyzing, discussing, or setting forth why the County chose to object to certain areas for which Windstream has applied and/or chose not to object to certain other areas or properties for which Windstream has applied for an extension.
6. Please provide any documents explaining, establishing, referencing, analyzing, or discussing the extent of the County's service area, as discussed on Page 13 of the prefiled testimony, and the capacity or proposed capacity of the County to render water and wastewater service in such service area.
7. Please provide any documents explaining, referencing, discussing or analyzing Marion County's finding that fragmented, small package wastewater plants have an adverse impact to the County as referenced on page 14 of the prefiled testimony.
8. Please provide any documents explaining, referencing, discussing or analyzing any developments planned in the area or which could be planned in the parcel areas greater than 15 units, as referenced on page 15 of the prefiled testimony.
9. Please provide any documents explaining, referencing, discussing or analyzing that the areas next to Sun Country Estates could not be

served water without significant upgrades and improvements as referenced on page 15 of the testimony.

10. Please provide any documents explaining, referencing, discussing or analyzing that the County system would have the capacity and auxillary power and fire flow transmission facilities as referenced on page 15-16 of the prefiled testimony.
11. Please provide any documents explaining, referencing, discussing or analyzing that Windstream Utilities does not have the water transmission system to provide commercial fire flow areas in the northern 60th Street and S.R. 200 area, as referenced on page 16 of the prefiled testimony.
12. Please provide any documents explaining, referencing, discussing or analyzing the City of Ocala's investigation referenced on page 16 of the prefiled testimony.
13. Please provide any documents explaining, referencing, discussing or analyzing the value of Windstream's facilities and whether or not the County should purchase or should have purchased Windstream Utilities as referenced on Page 17 of the prefiled testimony.
14. Please provide any documents explaining, referencing, discussing or analyzing the alleged agreement between Mr. L. E. Dlouhy and Marion County as to service to the S.R. 200 and 60th Street corridors in the bulk deal, as referenced on page 17 of the prefiled testimony.
15. Please provide the complete documents summarized in Attachment GCH-5, as referenced on page 18 of the prefiled testimony.
16. Please provide any documents explaining, referencing, discussing or analyzing whether or not Windstream's proposed application violates the County's Comprehensive Plan, as referred to generally on page 19 of the prefiled testimony.
17. Please provide any documents explaining, referencing, discussing or analyzing the issue of competition between Windstream and Marion

County, as referenced on page 23 of the prefiled testimony.

18. Please provide any documents explaining, referencing, discussing or analyzing the FDEP water and wastewater system at Jasmine Properties as referenced on page 3 of the prefiled rebuttal testimony.
19. Please provide any letters, correspondence, memoranda, or other documents exchanged between Mr. Lloyd Sadlowski, Project Manager of Jasmine Properties, and either the County or any of its representatives regarding water or wastewater utility service.
20. Please provide any documents explaining, referencing, discussing or analyzing the conversation or communication between Mr. Hartman and Mr. Sadlowski as referenced on pages 4-6 of the prefiled rebuttal testimony.
21. Please provide any documents explaining, referencing, discussing or analyzing any other information exchanged between Mr. Sadlowski and Mr. Hartman.

b) Jeff Gann

1. Please provide any documents explaining, referencing, discussing or analyzing the Marion County Water Resource Protection and Utilities Plan including, but not limited to, any memoranda or documents interpreting, analyzing, or discussing said Plan as referenced on page 3 of the prefiled testimony.
2. Please provide the Marion County/Barrett Family/Zacco Subregional Water and Wastewater Utilities Agreement, as referenced on page 4 of your prefiled testimony.
3. Please provide Contract Nos. 96-2 and 96-5, referenced on page 4 of your prefiled testimony.

c) Randy Harris

1. Please provide any documents explaining, referencing, discussing or analyzing negotiations between Marion County and J.B.

Ranch as referred to on pages 3 and 4 of the prefiled testimony.

2. Please provide any documents explaining, referencing, containing, discussing or analyzing Windstream's representations to the Board of County Commissioners and staff as referenced on page 3 of the prefiled testimony.
3. Please provide any documents containing, explaining, referencing, discussing or analyzing that certain information and data which was presented by the Marion County Utility counsel and Mr. Gerald Hartman as referenced on page 4 of the prefiled testimony.

d) Terese Manning

1. Please provide any documents explaining, referencing, discussing or analyzing your conclusion that the Windstream application is inconsistent with the County's Comprehensive Plan.
2. Please provide any documents explaining, referencing, discussing or analyzing the central strategy of the County's comprehensive planning strategy, as referenced on page 13 and 14 of the prefiled testimony.
3. Please provide any documents explaining, referencing, discussing or analyzing the alleged undermining of the County's ability to achieve various goals and policies in its Comprehensive Plan as referenced on page 14 of the prefiled testimony.
4. Please provide any documents explaining, referencing, discussing or analyzing the alleged undermining and increased difficulty to the County's comprehensive planning strategy to provide the most cost-effective utility facilities to residents in Marion County as referenced on page 14 of the prefiled testimony.
5. Please provide any documents explaining, referencing, discussing or analyzing the alleged increased difficulty for the County to efficiently and economically provide water and wastewater services for its rejected service area because of its inability to realize the

benefits of economies of scale of its facilities as referenced on page 14 of the prefiled testimony.

f) Andrew Woodcock

1. Please provide any documents comprising, explaining, referencing, discussing or analyzing, whether in draft or final form, the two studies regarding utilities, referenced on page 4 of the prefiled testimony.
2. Please provide any documents comprising, explaining, referencing, discussing or analyzing as to HIA's performance of "design and permitting activities" relative to the provision of potable water, fire protection, wastewater, and reclaimed water service to two future developments in the area, as referenced on page 6 of the prefiled testimony.
3. Please provide any documents explaining, referencing, discussing or analyzing discussions between J.B. Ranch and/or Cherrywood and the County, as to the possibility of providing water and wastewater services as referenced on page 7 of the prefiled testimony.
4. Please provide any documents regarding the meeting between Mr. Dlouhy and Commissioner Randy Harris and numerous County staff and consultants as referenced on page 9 of the prefiled testimony.

3. Please provide any correspondence, documents, memoranda, or analyses which relate to this proceeding exchanged, transmitted or conveyed by any of the County's witnesses in this proceeding to any other of the County's witnesses in this proceeding.


4. Please provide any document you intend to use for the purposes of impeachment, or otherwise intend to rely upon, refer to, utilize, or reference, in your cross-examination of any witness representing Windstream.

5. Please provide any documents which set forth, establish or discuss either the County's current water and wastewater capacity or any proposed increases or supplementations to the County's current water and wastewater capacity.

6. Please provide any and all documents which set forth, reference, establish or contain any policies, procedures, guidelines or criteria for seeking or obtaining a waiver of, variance from, or exception to the County's Comprehensive Plan.

7. Please provide all documents identified, referred to, or relied upon in your answers to Windstream's First Set of Interrogatories.

DATED this 9th day of May, 1997.


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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. Mail to the following parties this 9th of May, 1997.

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