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July 22, 2003

Ms. Blanca Bayo
Commission Clerk and Administrative Services Director
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399

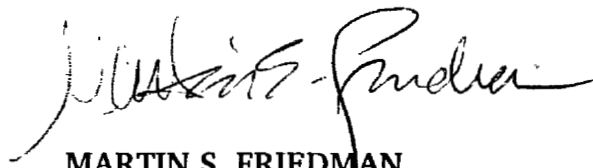
Re: Docket No. 020071-WS
Application of Utilities, Inc. of Florida for a Rate Increase
Our File No.: 30057.40

Dear Ms. Bayo:

Enclosed please find for filing in the above-referenced docket an original and one (7) copy's of Utilities, Inc. of Florida's Response to Citizen's Motion For Finding that Citizen's Current Outstanding Discovery is within the limits and an original and (7) copy's of Utilities, Inc. of Florida's Response to Citizen's Motion to Compel Responses to Citizens Fifteenth Set of Interrogatories.

If you have any questions or concerns please give me a call.

Very truly yours,


MARTIN S. FRIEDMAN
For the Firm

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Stephen Burgess, Esquire (w/enclosure)
Rosanne Gervasi, Esquire, (w/enclosure)
Mr. Steven M. Lubertozzi (w/enclosure)
Mr. Patrick Flynn (w/enclosure)
Mr. David L. Orr (w/enclosure)

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Application of Utilities, Inc.
of Florida for a rate increase in Marion,
Orange, Pasco, Pinellas and Seminole
Counties

Docket No.020071-WS

UTILITIES, INC. OF FLORIDA'S RESPONSE TO CITIZEN'S MOTION
FOR FINDING THAT CITIZENS' CURRENT OUTSTANDING DISCOVERY
IS WITHIN THE LIMITS SET BY ORDER NO. PSC-1495-PCO-WS, OR IN THE
ALTERNATIVE, MOTION FOR MODIFICATION OF ORDER NO. PSC-1495-PCO-WS

UTILITIES, INC. OF FLORIDA. (*UIF*) by and through its undersigned attorneys and responds to the Motion for Finding that Citizens' Current Outstanding Discovery is Within the Limits Set by Order No. PSC-1495-PCO-WS, or in the Alternative, Modification of Order No. PSC-1495-PCO-WS, made by and through the Office of Public Counsel (*OPC*) as follows:

1. UIF has properly and timely filed objections to OPC's Fifteenth Set of Interrogatories and Fifteenth Requests for Production of Documents for a number of reasons. Those reasons are set out in its Objections filed with this Commission.
2. OPC served these discovery requests on UIF on June 10, 2003, and UIF served its objections on OPC on June 19, 2003. OPC failed to file or serve this Motion until almost a month later, July 17, 2003. Any prejudice that may occur to OPC or UIF will be due to the inaction of OPC.
3. OPC's interrogatories may only number 199, but they are composed of numerous subparts. Some are simple and straightforward as in the examples cited by OPC. Many, however, require the assimilation of information from different and diverse sources, and must be counted as different interrogatories. For instance, Interrogatory No. 37 reads:
 37. The A-4 through A-7 schedules of the MFR's and the data presented in Utility's Annual Reports to the PSC present cost of Plant in Service for the overall utility plant, which is then separated into total water plant in service and total wastewater plant in service. These amounts of plant in service for water and wastewater are then broken down for the respective amounts of water and wastewater plant in service for

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each county. However, no further breakdown of plant in service is given for each individual system in the county, except for Marion and Pinellas Counties which have only one system. Please provide the following schedules and supporting data in connection with the amount of plant in service for each individual system in each county:

- a) Provide schedules A-4 through A-7 for each individual system within each county, except for Marion and Pinellas Counties. Provide these schedules for the years 1997, 1998, 1999, 2000 and 2001.
- b) For any item of additional plant in service of \$10,000 or more shown in the schedules, including Marion and Pinellas Counties, explain by footnote or additional schedule with specificity the exact nature and cost details of the improvement, including any Florida Department of Environmental Protection (FDEP) permit number authorizing the plant improvement.

Interrogatory No. 51 reads:

51. For the combined "Golden Hills Quadravillas" and "Golden Hills" as shown on the system maps furnished, please confirm the following counts taken from the color coded maps or revise as necessary to match Utilities, Inc. records.

- a. Golden Hills Quadravillas
 - Quad units connected = 18
 - Quad units platted but not built = 16
 - 1 - large commercial site connected
- (b) Golden Hills
 - SFR connected = 313
 - SFR vacant = 16
 - Multifamily Areas
 - 6 small areas @ about 5 units/area = 30 connections
 - 1 medium area @ about 10 units/area = 10 connections
 - 1 large area @ about 20 units/area = 20 connections
 - Vacant Multifamily areas = approx. 60 connections
 - Commercial = 2 large areas, 1 small area = approx. 12 connections
 - Irrigation connections = 6

Interrogatory No. 55 reads:

55. Two system maps were shown for the Oakland Shores Water system. These interconnected systems are labeled as Oakland Shores Water Distribution System and Druid Hills Estates Water Distribution System. Answer the following questions in connection with these two system maps.

- (a) Do the two system maps represent one overall system referred to as Oakland Shores Water System in the documents filed in this case?

- (b) Frank Siedman's (sic) Exhibit FS-2, page 8 of 11 shows a fire flow of 600 gpm. How could this system provide fire flow when most of the lines are 4", 3" or 2" and the only fire hydrants shown are three hydrants on a 6" line in the Northeast side of the Oakland Shores system map?
- (c) A count of the connected lots on the Oakland Hills system map yield 179 SFR and 5 commercial connections for a total of 184 connections. One vacant lot was shown on this system map. The Druid Hills system map has a count of 47 SFR. The Druid Hills system also has a total of 101 vacant lots with water lines in the streets in front of the lots. Therefore, the overall system has 231 connections and 102 vacant lots. For these system maps, answer the following questions.
- Does the count recited above match the Utility's records?
 - Are all of the water distribution lines on Druid Hills included in the Plant in Service as shown for Oakland Shores in the MFRs?
 - Is the automatically operated interconnection with the City of Altamonte Springs located at the Southwest corner of the Druid Hills system map?

These are interrogatories from OPC's Third and Fourth Set of Interrogatories. Most, if not all, of its discovery requests, including its Requests for Production of Documents, have the same sort of complex, multi-part questions. OPC is now up to its Fifteenth Set and shows no sign of stopping.

4. OPC's examples set out in its Motion are deceptive. The examples quoted above are the rule rather than the exception.

5. OPC's claim that the discovery it seeks is follow-up and clarification of earlier responses. If UIF's earlier responses required Citizens to seek further clarification, why didn't OPC object and require more complete responses at the time? Discovery has been in progress since September, 2003. Many of these discovery requests could, and should, have been made long ago, if they are merely requests for clarification of what has already been provided. If OPC did not understand the response when it was made, why would it understand the response now? It is inappropriate to be searching for information to make one's case when one's testimony has been filed and the relevant issues for one's case should have been decided.

6. OPC has not stated that it needs this information to make its case. UIF does not know why it requires the information. It would be prejudicial to UIF to be surprised now that the issue are ripe for the hearing.

7. OPC's assertion that it is providing the information for the benefit of this Commission is invalid. If the Commission required the information it would have sought the information itself. The Commission Staff have been provided with all of the documents and discovery responses given to OPC and vice versa. The Commission Staff is in a superior position to know and understand what the Commission "needs to make informed decisions on issues relevant to the hearing".

8. As states in its Objections, OPC's discovery requests are numerous and require multiple answers from multiple sources. They far exceed the limit set by this Commission. It is too late now for OPC to be searching for information to make its case. It is unreasonable for OPC to continue to require further discovery now.

UTILITIES, INC. OF FLORIDA respectfully requests this Commission to deny OPC's Motion for for Finding that Citizens' Current Outstanding Discovery is Within the Limits Set by Order No. PSC-1495-PCO-WS, or in the Alternative, Modification of Order No. PSC-1495-PCO-WS.

Respectfully submitted on this 22ND day of
July, 2003

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BY:



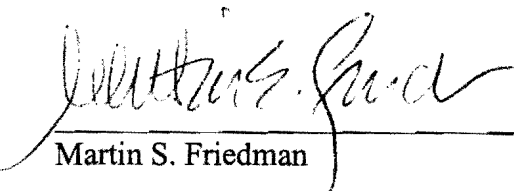
Martin S. Friedman

CERTIFICATE OF SERVICE
DOCKET NO. 020071-WS

I HEREBY CERTIFY that a true and correct copy of the foregoing Utilities, Inc. of Florida's Response to Citizen's Motion for Finding that Citizens' Current Outstanding Discovery is Within the Limits Set by Order No. PSC-1495-PCO-WS, or in the Alternative, Modification of Order No. PSC-1495-PCO-WS has been furnished by U.S. Mail to the following this ____ day of July, 2003:

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