

# ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

RECEIVED-FLPSC

FEB 12 AM 9:31

IN RE: APPLICATION FOR AMENDMENT  
OF CERTIFICATES NOS. 340-W AND  
297-S TO ADD TERRITORY IN PASCO  
COUNTY BY MAD HATTER UTILITY, INC.

DOCKET NO. 021215-WS  
COMMISSION  
CLERK

## PASCO COUNTY'S MOTION TO COMPEL DISCOVERY

Pasco County, through its undersigned counsel, moves the Commission for an order compelling the Mad Hatter Utility, Inc. ("Mad Hatter"), to produce documents in response to Pasco County's second request for production. The grounds for this motion are as follows:

1. On July 9, 2003, Pasco County, served its second request for production upon Mad Hatter, a copy of which is attached here as Exhibit A.

2. On August 12, 2003, Mad Hatter served its written response to Pasco County's second request for production, a copy of which is attached here as Exhibit B.

3. Mad Hatter's responses to each of the nine requests state "The documents will be produced to the extent they exist."

4. By letter dated August 13, 2003, the undersigned requested that Mad Hatter provide the volume of documents so that arrangements for the document production could be made. A copy of this correspondence is attached as Exhibit C.

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CAF \_\_\_\_\_  
CMP \_\_\_\_\_  
COM 3 \_\_\_\_\_  
CTR \_\_\_\_\_  
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OPC \_\_\_\_\_  
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SEC 1 \_\_\_\_\_  
OTH \_\_\_\_\_

DOCUMENT NUMBER-DAT

02004 FEB 12 2

FLPSC-COMMISSION CLERK

5. Mad Hatter failed to respond to the undersigned's letter and on October 13, 2003 the undersigned sent another letter to Mad Hatter's counsel again attempting to make arrangements for the production of documents. A copy of this correspondence is attached here as Exhibit D.

6. Despite Pasco County's attempts to resolve this discovery dispute, no response has been received and as of the date of filing this motion no responsive documents have been produced.

7. The records requested directly relate to the claims and issues raised in this dispute.


WHEREFORE, Pasco County moves the Commission for an order compelling Mad Hatter to produce all requested and responsive records and for such other relief as the Commission deems appropriate.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true copy hereof has been served by regular U.S. mail upon Jennifer Rodan, Esq., Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399, and F. Marshall Deterding,

Rose Sundstrum & Bentley, 2548 Blainstone Pines Drive,  
Tallahassee, Florida 32301, this 9<sup>th</sup> day of February, 2004.

JOHNSON, POPE, BOKOR,  
RUPPEL & BURNS, LLP

By: 

MARION HALE  
FBN 441351  
Post Office Box 1368  
Clearwater, FL 33757  
(727) 461-1818  
(727) 441-8617 (fax)  
Attorneys for Pasco  
County

311144

95525

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: APPLICATION FOR AMENDMENT  
OF CERTIFICATES NOS. 340-W AND  
297-S TO ADD TERRITORY IN PASCO  
COUNTY BY MAD HATTER UTILITY, INC.

DOCKET NO. 021215-WS

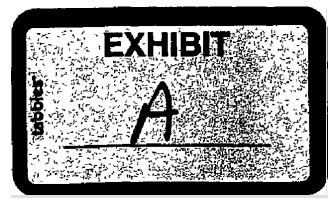
PASCO COUNTY'S SECOND REQUEST FOR PRODUCTION

Pasco County, through its undersigned attorney, hereby requests Mad Hatter Utility, Inc. (Mad Hatter), to produce for inspection and/or copying by counsel the following documents and things in its possession, custody or subject to its control. Pasco County requests that the production be made at the offices of Johnson, Pope, Bokor, Ruppel & Burns, PA, 911 Chestnut Street, Clearwater, Florida, or at such times and places as may be agreed upon between the respective parties, or in default thereof, specified by order of the court. Inspection of the documents and things will be made by the undersigned attorneys, who may make copies of documents and things at their own expense.

INSTRUCTIONS

1. The documents requested shall be produced as they are maintained in the usual course of business or shall be organized and labeled to correspond to the categories specified in this request.

2. If any document requested is withheld on the basis of any claim of privilege, that document shall be identified by title, author, addressee, date, subject matter, number of



pages, attachments or appendices, and the nature of the privilege asserted with respect to each such document shall be specifically stated.

3. These requests are continuing in nature and effect to the extent provided in the applicable rules and require supplementary production concerning any documents falling within the scope of the request that may come into the knowledge, custody, control or possession of defendant subsequent to its response hereto.

**DOCUMENTS AND THINGS TO BE PRODUCED**

1. All documents relating to the amount of water currently pumped from the plants which Mad Hatter may use to provide service to the proposed territory.

2. All documents relating to the commitments Mad Hatter has made to provide water from the water plants which Mad Hatter may use to provide service to the proposed territory.

3. All documents relating to Mad Hatter water and wastewater systems that would be used to serve the proposed territory including construction, record, or as-built drawings.

4. All documents relating to planned or proposed improvements to the Mad Hatter water and wastewater systems that may be used to serve the proposed territory.

5. All documents relating to the design and/or construction details and specifications which may be used by Mad Hatter Utility as standard construction or installation procedures required of developers for extensions to Mad Hatter's water, sewer or irrigation systems.

6. All documents relating to the negotiation of utility service agreements with developers of the commercial properties in the proposed territory.

7. All documents relating to the commitments Mad Hatter has made to provide wastewater treatment service in the future for flow to Pasco County.

8. All documents relating to the rates Mad Hatter seeks to charge in the proposed territory.

9. All applications to renew and/or expand permits issued by the Southwest Florida Water Management District (SWFWMD) including but not limited to all service area maps provided to SWFWMD in support of the applications.

10. The most recent water facility permits issued by the Florida Department of Environmental Protection for water supply and water treatment facilities.

#### CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy hereof has been served by regular U.S. mail upon Jennifer Rodan, Esq., Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399, and F. Marshall Deterding,

Rose Sundstrum & Bentley, 2548 Blairstone Pines Drive,  
Tallahassee, Florida 32301, this 9<sup>th</sup> day of July, 2003.

JOHNSON, POPE, BOKOR,  
RUPPEL & BURNS, P.A.

By: 

MARION HALE  
FBN 441351  
Post Office Box 1368  
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Attorneys for Pasco  
County

293300

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Application for amendment of )  
Certificates Nos. 340-W and 397-S to ) Docket No. 021215-WS  
add territory in Pasco County by )  
MAD HATTER UTILITY, INC. )

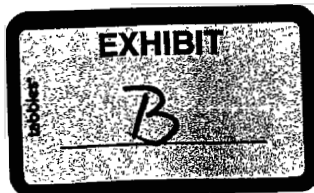
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RESPONSE TO PASCO COUNTY'S  
SECOND REQUEST FOR PRODUCTION

Mad Hatter Utility, Inc. ("Mad Hatter"), by and through its undersigned attorneys, hereby files its responses to Pasco County's Second Request for Production of Documents pursuant to Rule 1.350, Fla.R.Civ.P. To the extent that documents are to be produced pursuant to this Response, the documents will be produced at a mutually agreeable time and place as required by the applicable rules.

RESPONSES

1. The documents will be produced to the extent they exist.
2. The documents will be produced to the extent they exist.
3. The documents will be produced to the extent they exist.
4. The documents will be produced to the extent they exist.
5. The documents will be produced to the extent they exist.
6. The documents will be produced to the extent they exist.
7. The documents will be produced to the extent they exist.
8. The documents will be produced to the extent they exist.
9. The documents will be produced to the extent they exist.





10. The documents will be produced to the extent they exist.

Respectfully submitted this 12<sup>th</sup>  
day of August, 2003 by:

ROSE, SUNDSTROM & BENTLEY  
2548 Blairstone Pines Drive  
Tallahassee, FL 32301  
(850) 877-6555

By: 

John L. Wharton  
Florida Bar #563099  
F. Marshall Deterding  
Florida Bar #515876

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and accurate copy of the foregoing was provided via U.S. Mail and facsimile this 12<sup>th</sup> day of August, 2003, to:

Jennifer Rodan, Esq.  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399

Marion Hale, Esquire  
Johnson, Blakely, Pope,  
Bokor, Ruppel & Burns, PA  
Post Office Box 1368  
Clearwater, FL 34617

  
John L. Wharton

JOHNSON, POPE, BOKOR, RUPPEL & BUKACINSKI, P.A.  
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JOSEPH J. WEISSMAN

\*OF COUNSEL

PLEASE REPLY TO CLEARWATER

FILE NO. 095525

August 13, 2003

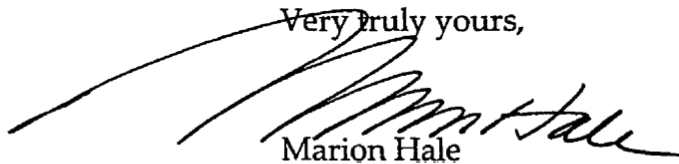
John Wharton, Esquire  
Rose, Sundstrom & Bentley, LLP  
2548 Blairstone Pines Drive  
Tallahassee, FL 32301

Re: Mad Hatter Utility, Inc. / Pasco – Application for Amendment  
PSC Docket No. 021215-WS

Dear Mr. Wharton:

I have received Mad Hatter's response to our request for production of documents. Please let me know the volume of documents as it may be more cost effective to have your client copy and send them to us rather than have me review the documents at their offices. We shall pay any reasonable photocopying charge. Please call me at your convenience to discuss this matter.

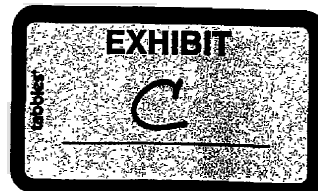
Very truly yours,



Marion Hale

MH/jr

cc: Mr. Douglas Bramlett  
Mr. Bruce Kennedy  
Jennifer Rodan, Esq.  
296952v2



CLEARWATER OFFICE  
911 CHESTNUT ST.  
POST OFFICE BOX 1368  
CLEARWATER, FLORIDA 33757-1368  
TELEPHONE: (727) 461-1818  
TELECOPIER: (727) 462-0365

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100 N. TAMPA ST.  
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\*OF COUNSEL

PLEASE REPLY TO CLEARWATER

FILE NO. 095525

October 13, 2003

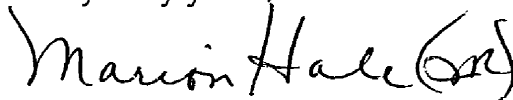
John Wharton, Esquire  
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2548 Blairstone Pines Drive  
Tallahassee, FL 32301

Re: Mad Hatter Utility, Inc. / Pasco – Application for Amendment  
PSC Docket No. 021215-WS

Dear Mr. Wharton:

I have not received any reply to my correspondence to you of August 14 regarding the documents Mad Hatter agreed to produce in response to Pasco County's second request for production. Please call me upon your receipt of this letter so that we may make arrangements for production depending on the volume.

Very truly yours,

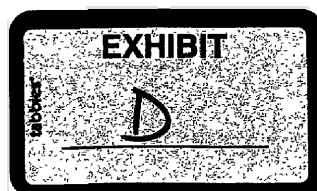


Marion Hale

MH/sw

cc: Mr. Douglas Bramlett  
Mr. Bruce Kennedy  
Jennifer Rodan, Esq.  
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