

Matilda Sanders

**ORIGINAL**

**From:** Linda Strumski [lstrumski@pascocountyfl.net]  
**Sent:** Thursday, July 06, 2006 1:42 PM  
**To:** Filings@psc.state.fl.us  
**Cc:** Joseph Richards; Katherine Fleming; barmstrong@ngn-tally.com  
**Subject:** Docket No 030458-WU  
**Attachments:** Motion to Compel.pdf

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 Pasco County Attorney's Office  
 7530 Little Road, Suite 340  
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Docket No. 030458-WU

Motion to Compel Discovery with Exhibits A and B.

Filed on behalf of Pasco County.

Total number of pages of document = 10 pages

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 OTH Kim P.

DOCUMENT NUMBER-DATE  
 05991 JUL-6 06  
 FPSC-COMMISSION CLERK

**ORIGINAL**

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Application for transfer of majority  
organizational control of Holiday Utility  
Company, Inc. in Pasco County to Holiday  
Waterworks Corporation and amendment of  
Certificate No. 224-W

DOCKET NO. 030458-WU  
ORDER NO. PSC-06-0198-PCO-WU  
ISSUED: MARCH 13, 2006

**MOTION TO COMPEL DISCOVERY**

COMES NOW, Pasco County, by and through the undersigned attorney and files this Motion to Compel Discovery pursuant to Fla.R.Civ.P.1.380 and as grounds therefore alleges that:

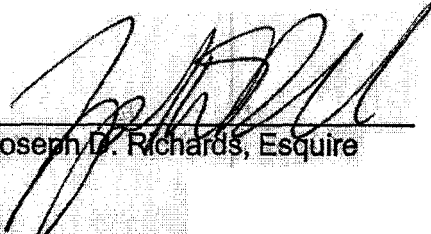
1. Holiday Utilities was served with a First Set of Interrogatories on May 19, 2006, a copy of which is attached as Exhibit A.
2. Holiday Utilities was also served with a First Request for Production of Documents on May 19, 2006, a copy of which is attached as Exhibit B.
3. Holiday Utilities failed to answer the First Set of Interrogatories and the First Request for Production of Documents and did not provide adequate excuse for failing to respond.
4. Holiday Utilities' Answers to Interrogatories and response to Request for Production of Documents are relevant to the pending action and Holiday Utilities should be required to provide the answers.
5. After the time to respond had run, as a courtesy Pasco County contacted Holiday Utilities as to the status of its response, but the Utility still has not complied.

DOCUMENT NUMBER-DATE

05991 JUL -6 8

FPSC-COMMISSION CLERK

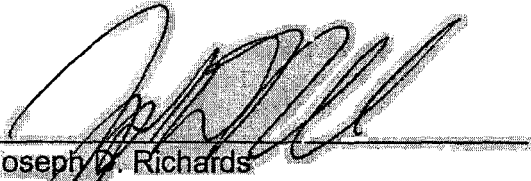
WHEREFORE, Pasco County, respectfully requests the Commission to enter an Order compelling Holiday Utilities, to respond to Pasco County's First Set of Interrogatories and First Request for Production of Documents.



Joseph D. Richards, Esquire

**Certificate of Service**

I HEREBY CERTIFY that a true and correct copy of the foregoing Motion to compel was served via regular U.S. Mail and electronic mail upon Holiday Utility Company, Inc., c/o Brian P. Armstrong, Esquire, Nabors, Giblin & Nickerson, The Pointe, Suite 1060, 2502 Rocky Point Drive, Tampa, FL 33607 and Katherine E. Fleming, Senior Attorney, Office of General Counsel, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399 this 6th day of July, 2006.



Joseph D. Richards

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Florida Bar No.: 0777404  
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7530 Little Road, Suite 340  
New Port Richey, FL 34654  
Telephone: (727) 847-8120  
Facsimile: (727) 847-8021  
Attorney for Pasco County, Florida

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Application for transfer of majority organizational control of Holiday Utility Company, Inc. in Pasco County to Holiday Waterworks Corporation and amendment of Certificate No. 224-W

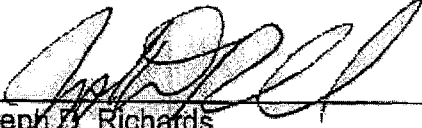
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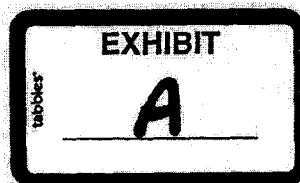
**PASCO COUNTY'S**  
**NOTICE OF SERVICE OF FIRST INTERROGATORIES**  
**TO HOLIDAY UTILITY COMPANY, INC.**

PASCO COUNTY, a political subdivision of the State of Florida, by and through its undersigned attorney, hereby propounds the following set of First Interrogatories numbered 1 through 2 to Holiday Utility Company, Inc. Holiday Utility Company, Inc. must answer or object to each Interrogatory in writing within thirty (30) days after the date of service of said Interrogatories.

**Certificate of Service**

I HEREBY CERTIFY that a true and correct copy of the foregoing Notice of Service of Interrogatories was served via regular U.S. Mail upon Holiday Utility Company, Inc., c/o Brian Armstrong, Esquire, Nabors, Giblin & Nickerson, The Pointe, Suite 1060, 2502 Rocky Point Drive, Tampa, FL 33607 this 19 day of May, 2006.

  
\_\_\_\_\_  
Joseph B. Richards  
Assistant County Attorney  
Florida Bar No.: 0777404  
Office of the County Attorney  
West Pasco Government Center  
7530 Little Road, Suite 340  
New Port Richey, FL 34654  
Telephone: (727) 847-8120  
Facsimile: (727) 847-8021  
Attorney for Pasco County, Florida



## INSTRUCTIONS

1. In accordance with the provisions of Chapter 120, Florida Statutes, and the relevant provisions of Chapter 367, Florida Statutes, Rules 25-22 and 28-106, Florida Administrative Code and the Florida Rules of Civil Procedure (as applicable), Holiday Utility Company, Inc. is required to serve answers, in writing and under oath, to the attached interrogatories within thirty (30) days from service.

2. Holiday Utility Company, Inc. is required to serve separate and individual responses as indicated to these interrogatories.

3. In answering these interrogatories, Holiday Utility Company, is required to furnish all information, including hearsay, in its possession and in the possession of its attorneys, agents, representatives, employees, and all other persons acting on behalf of Holiday Utility Company, Inc.

4. Information supplied in the answers to these interrogatories shall reflect all information available to Holiday Utility Company, Inc., up to and including the date of service of Holiday Utility Company, Inc.'s answers to these interrogatories.

5. The term "you" or "your" means the party or parties to whom these interrogatories are addressed, including its divisions, departments, subsidiaries, affiliates, predecessors, present or former officers, directors, owners, agents, attorneys, and all other persons acting or purporting to act on its behalf, as well as each partnership in which it is a partner.

6. The term "witness" means any natural person, individual, proprietorship, partnership, corporation, association, organization, joint venture, firm, other business enterprise, governmental body, group of natural persons or other entity, including its divisions, departments, subsidiaries, affiliates, predecessors, present or former officers, directors, owners, agents, attorneys, and all other persons acting or purporting to act on its behalf, as well as each partnership in which it is a partner.

7. To "identify" a document means to state its date, its author, the type of document (e.g. letter, memorandum, telegram, chart, photograph, sound reproduction, video tape, etc.), or, if the preceding information is not available, some other means of identifying it, its present location, and the name of any present custodian of it. In lieu of identifying any document, a complete and accurate copy may be attached to the answers to these interrogatories.

8. The term "identify" when used with reference to a natural person means:
- a. The full name and address (or, if the current address is not known, the last known address) of the person.
  - b. The full name and address of each employer, each corporation of

which the person is an officer or director, and each business in which the person is a principal.

- c. The person's present (or, if the present is not known, the last known) position and the position or positions at the time of the act to which the interrogatory answer relates.
- d. Each position the person has ever held with you and the date such positions were held.
- e. Such other information sufficient to provide full identification of the person.

9. The term "identify" when used with reference to any entity other than a natural person means:

- a. The full name of the entity, the type of entity (e.g., corporation, partnership, etc.), the address of its principal place of business, its principal business activity and, if it is a corporation, the jurisdiction under the laws of which it has been organized and the date of such organization.
- b. Each of the entity's officers, directors, shareholder or other principals, along with the information to identify such natural persons.
- c. For a governmental body, the identity of all natural persons acting on behalf of the governmental body, along with the information to identify such natural persons.
- d. Any other available information concerning the existence or identity of the entity.

10. The term "document" means the original and copies, regardless of origin or location, of any writing or records of any type or description, including, but not limited to, the original and any copy of any letter, memorandum, telegram, report, record, interoffice, intraoffice, intercompany, or intracompany communication, handwritten or other note, tape recording, telephone call, video tape, or any other written, recorded, transcribed, filed, or graphic matter whether produced or reproduced to which you or any of your agents, attorneys, investigators, employees, independent contractors, or any other persons acting on your behalf, have or have had access.

11. If all the information furnished in answer to all or part of an interrogatory is not within the personal knowledge of the affiant, identify each person to whom all or part of

the information furnished is a matter of personal knowledge and each person who communicated to the affiant any part of the information furnished.

12. If the answer to all or any part of the interrogatory is not presently known or available include a statement to that effect, furnish the information known or available, and respond to the entire interrogatory by supplemental answer, in writing, under oath, within ten (10) days from the time the entire answer becomes known or available, and in no event, less than five (5) days prior to trial.

13. Whenever, in any answer to any interrogatory, a reference is made to one or more persons, specify by name, the particular person to whom reference is intended.

**FIRST INTERROGATORIES TO HOLIDAY COMPANY UTILITY, INC.**

1. Please provide the parcel identification number, owner name and address of all property owned by the Bartley L. Mickler Estate ("Mickler Estate") or any entities owned or controlled by the Mickler Estate or the family of Bartley L. Mickler located within the requested service territory.
  
2. Please provide a description of all efforts, including but not limited to discussions or correspondence with the Southwest Florida Water Management District, the City of Tarpon Springs or other entities, to plan for or secure additional sources or supplies of water needed to serve the requested service territory or your current service area.



HOLIDAY UTILITY COMPANY, INC.

By: \_\_\_\_\_

Print Name

Its: \_\_\_\_\_

Title

STATE OF )  
COUNTY OF )

On this \_\_\_\_\_ day of \_\_\_\_\_,  
personally appeared before me, the undersigned \_\_\_\_\_ authority,  
\_\_\_\_\_ as \_\_\_\_\_ of HOLIDAY  
UTILITY COMPANY, INC., who is  personally known to me, or;  who produced  
\_\_\_\_\_ as identification who executed the  
foregoing instrument and acknowledged that he/she has read the foregoing Answers to  
First Interrogatories; that they are true and correct to the best of his/her knowledge and  
belief; that he/she is authorized to execute said interrogatories on behalf of Plaintiff, and  
that he/she executed same as his/her free act and deed.

\_\_\_\_\_  
Notary Public  
My commission expires:

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Application for transfer of majority organizational control of Holiday Utility Company, Inc. in Pasco County to Holiday Waterworks Corporation and amendment of Certificate No. 224-W

DOCKET NO. 030458-WU  
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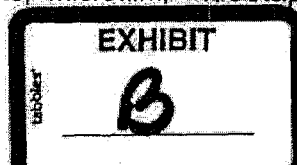
**FIRST REQUEST FOR PRODUCTION  
OF DOCUMENTS TO HOLIDAY UTILITY COMPANY, INC.**

PASCO COUNTY, a political subdivision of the State of Florida, by and through its undersigned attorney, hereby requests that Holiday Utility Company, Inc. produce all of the following items within thirty (30) days after service of this Request at the office of the undersigned attorney:

**DEFINITIONS**

As used throughout this First Request for Production (these "Requests"), the following terms will have the following corresponding meanings:

1. The terms "Holiday Utility Company, Inc." and "You" will mean Holiday Utility Company, Inc., and will include your present or former officers, directors, owners, employees and agents when referring to actions taken by you.
2. The term "your" will mean pertaining or belonging to you
3. The term "document" refers to and will include, without limitation and in the singular as well as in the plural, any handwritten, sketched, painted, drawn, traced, illustrated, typed, printed, recorded, graphical, electronic, digital, analog, optical, and/or other depiction, delineation, portrayal, reflection, projection, description, reproduction, representation or presentation of information of any kind whatsoever, however created, depicted or stored (e.g., on computer, disk, diskette, CD, CDROM, DVD, tape, Zip<sup>®</sup>, Jaz<sup>®</sup>, hard, network or other drive; and/or by photographic, mechanical, digital, optical, electronic, or any other means), of any type or description, including all drafts, originals, identical and non-identical copies (in whole or in part), and includes, without limitation: all memoranda, letters, postcards, facsimile messages, telex messages, telegrams, intra-office and interoffice communications, electronic mail, correspondence, notes, pamphlets, diaries, records of every kind, tapes and other sound recordings, transcripts, contracts, agreements, books, reports, catalogs, financial statements, books of account, journals, ledgers, data processing cards, other data processing materials, data sheets, photographs, photostats, microfilm, videotapes, maps, directives, bulletins,



circulars, notices, messages, tabulations, economic or statistical studies, surveys, statements, summaries, opinions, analyses, evaluations, diaries, lists, polls, transcripts, minutes, agendas, instructions, requests, cancelled checks, calendars, desk pads, appointment books, scrapbooks, notebooks, specifications, drawings, diagrams, sketches and writings, documents, and evidences of other Communications of every kind and character. This request includes any meta-data related to a Document.


4. All other words not specifically defined herein will have the meaning given to them in the Pasco County Land Development Code, Pasco County Code of Ordinances, or if not defined therein, such meaning as common usage would prescribe.

### REQUESTS

1. Please provide documentation showing the parcel identification number, owner name and address of all property owned by the Bartley L. Mickler Estate ("Mickler Estate") or any entities owned or controlled by the Mickler Estate or the family of Bartley L. Mickler located within the requested service territory.
2. Please provide documentation including but not limited to correspondence with the Southwest Florida Water Management District, the City of Tarpon Springs or other entities, relating to your efforts to plan for or secure additional sources or supplies of water needed to serve the requested service territory or your current service area.

### Certificate of Service

I HEREBY CERTIFY that a true and correct copy of the foregoing Notice of Service of Interrogatories was served via regular U.S. Mail upon Holiday Utility Company, Inc., c/o Brian Armstrong, Esquire, Nabors, Giblin & Nickerson, The Pointe, Suite 1060, 2502 Rocky Point Drive, Tampa, FL 33607 this 19 day of May, 2006.

  
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