

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application for a limited proceeding  
increase in water rates in Pasco County  
by Aloha Utilities, Inc.

Docket No. 060122-WU

Filed: May 15, 2008

COMMISSION  
CLERK

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**ALOHA UTILITIES, INC.'S RESPONSES AND OBJECTIONS  
TO CITIZENS OF THE STATE OF FLORIDA'S  
AMENDED SECOND REQUEST FOR PRODUCTION OF DOCUMENTS  
(NO. 27-44)**

ALOHA UTILITIES, INC. ("Aloha"), by and through its undersigned attorneys, hereby  
files its responses and objections to Citizens of the State of Florida's Amended Second Request  
for Production of Documents and would state and allege as follows:

**Place of Production**

The documents will be produced, consistent with the Uniform Rules and the applicable  
Florida Rules of Civil Procedure, at a mutually agreed upon place, within a reasonable time after  
inspection is requested.

**Objections to Definitions**

Aloha objects to definition (vii), which in fact is no "definition" at all, but rather

CMP \_\_\_\_\_ apparently an orphaned interrogatory disguised as a definition within a Request for Production of  
COM \_\_\_\_\_  
CTR \_\_\_\_\_ Documents. To the extent that "definition" (vii) purports to require Aloha to respond with any  
ECR \_\_\_\_\_ information in a way that is inconsistent with the authority to serve discovery created under the  
GCL \_\_\_\_\_ Uniform Rules or the applicable Florida Rules of Civil Procedure, Aloha objects.  
OPC \_\_\_\_\_  
RCA \_\_\_\_\_  
SCR \_\_\_\_\_  
SSA \_\_\_\_\_  
SEC \_\_\_\_\_  
CTH \_\_\_\_\_

## Objections to Instructions

The following letters correlate to the letters behind which OPC has labeled the following "instructions":

- A. If any document is withheld under any claim to privilege, Aloha will follow the applicable Uniform Rules and Florida Rules of Civil Procedure as to the same. To the extent this "instruction" purports to require Aloha to do more than that, Aloha objects.
- B. Aloha will produce, if so indicated, true and accurate copies and/or originals (as appropriate or available) of those documents which are responsive to OPC's proper requests. To the extent this "instruction" requires Aloha to produce copies which are redundant, which have small or irrelevant changes from other copies of the same document (or which "are different in any way from the original") or to produce documents in any form or fashion above and beyond what is required by the Uniform Rules or the Florida Rules of Civil Procedure, Aloha objects.
- D. The reference to the "Commission's practice" is a nullity. If the Commission has such a practice and it is not encompassed in a rule or Order, and yet it is a practice of general applicability, it is an illegal rule under the Administrative Procedure Act. A proponent of discovery cannot through "so-called" instructions, placed in front of that discovery, shorten the response time as to that discovery.
- E. The Order on Prehearing Procedure has not yet been produced in this case, and to the extent that this instruction purports to require Aloha to do anything other than what is required by the Uniform Rules, the applicable rules of the Florida Rules of Civil Procedure, or any Commission Order, Aloha objects.

27. **Please provide all workpapers and source documents supporting the Special Report of Aloha Utilities, Inc., Seven Springs Water Limited Proceeding attached to the Company's application as Exhibit B. Please provide all workpapers in electronic spreadsheet format with all formulas and links intact.**

Responsive documents shall be produced as indicated herein.

28. **For purposes of this request, please refer to the Company's response to Staff's 4th Set of Data Requests, Question 5. In response to Staff's Data Request 4-5, the Company gave the following answer concerning the quantity of water that would be purchased from the County.**

**Staff Question: At the November 7, 2007 meeting with all the parties, Aloha stated that its purchased water from Pasco County will still be done in two phases. Please state the total gallons of purchased water for each phase and explain, in detail, how the amount for each phase was determined by the utility.**

**Company Response: "The two-phase implementation of purchased water was dictated [by] Pasco County. The first phase will provide for 2.4 MGD of bulk water which will be made available to Aloha after all the rates are in place to pay for it and all the necessary infrastructure is in place to allow Aloha to take this quantity of water and effectively use it. The second phase will increase the availability of bulk water to 3.1 MGD when Pasco's water**

**system is capable of supplying this quantity of water (presently Pasco estimates that this will be in late 2009 or 2010)".**

**a. Please provide all documents supporting the statement that "the two-phase implementation of purchased water was dictated [by] Pasco County".**

**b. Please provide all documents supporting the statement that "the first phase will provide for 2.4 MGD of bulk water. . . "**

**c. Please provide all documents supporting the statement that "the second phase will increase the availability of bulk water to 3.1 MGD . . . "**

**d. Please provide all documents supporting the statement that Pasco presently estimates that it will be able to supply 3.1 MGD in 2009 or 2010.**

As to 28 a, b, c, and d, Aloha objects to the request for "all documents supporting" because an absurd, unduly expensive, and oppressive amount of documents could conceivably be construed to fall within such request. Aloha will provide to OPC documentation which supports the referenced statements.

**29. For purposes of this request, please refer to the Company's response to OPC POD 15 where the Company provided correspondence with Pasco County regarding the construction of the interconnection. Please provide a copy of the following correspondence which was included in the original response:**

**a. In the letter dated April 17, 2006, from Dale D. Ernsberger, P.E. to Glenn Greer, P.E., Mr. Ernsberger states:**

**After reviewing your email, we were left with the impression that Pasco County cannot meet its obligation to supply water to Aloha at the rates**

**specified in the agreement, at any pressure whatsoever, no matter where the connection point or points are located.**

**Please provide a copy of the email referenced above.**

Responsive documents shall be produced as indicated herein.

**b. The letter dated August 14, 2006, from Aloha to Bruce Kennedy, P.E., Assistant County Administrator, contains the following reference: "Email of Friday, August 4th From Glen Greer, P.E., Pasco County Utilities". Please provide a copy of the email from Mr. Greer.**

Responsive documents shall be produced as indicated herein.

**c. In the letter from John L. Wharton to Pasco County, dated September 1, 2006, Mr. Wharton states, "We are in receipt of Bruce Kennedy's August 25, 2006 letter." Please provide a copy of the letter from Bruce Kennedy dated August 25, 2006.**

Responsive documents shall be produced as indicated herein.

**d. In the letter from Pasco County to Aloha, dated September 27, 2006, Mr. Kennedy states, "We are in receipt of the letter dated September 25, 2006, from John Wharton, providing the total water quantity Aloha Utilities, Inc. (Aloha), needs from the County." Please provide a copy of the letter from John Wharton to Pasco County dated September 25, 2006.**

Responsive documents shall be produced as indicated herein.

**e. In the letter from King Engineering, Inc. to Aloha, dated February 23, 2007, Mr. O'Conner states, "Pasco County has directed King Engineering**

**Associates, Inc. to respond to the balance of your questions and issues of Aloha Utilities letter dated January 30th." Please provide a copy of the Aloha letter dated January 30, 2007.**

Responsive documents shall be produced as indicated herein.

**f. In the letter from King Engineering, Inc. to Aloha, dated February 23, 2007, Mr. O'Conner states, "We have provided by correspondence dated February 2, 2007, the additional analysis for the single point of delivery at Marthon." Please provide a copy of the King Engineering Associates, Inc., letter to Aloha dated February 2, 2007.**

Responsive documents shall be produced as indicated herein.

**g. In the letter from F. Marshall Deterding to Mr. Bruce E. Kennedy, P.E., dated October 3, 2007, he states, "On October 1, 2007, Aloha received two letters from Ms. Annamarie O'Dell of your office, informing the Utility of the County's proposed utility services increases for bulk water and wastewater customers, for the next four years." Please provide a copy of the two letters received on October 1, 2007 from Annamarie O'Dell.**

Responsive documents shall be produced as indicated herein.

**30. For purposes of this request, please refer to Schedule 12, page 1 of Exhibit B to the Company's Application. Please provide all supporting documentation and workpapers for the Company's estimated hard and soft costs for the Pasco County tie-in. Please provide supporting documentation and**

**workpapers for any updates to the Company's plans to interconnect with Pasco County.**

Responsive documents shall be produced as indicated herein. Included in the production will be documentation of additional costs not included in the application but related to the purchase of bulk water from Pasco County for which Aloha believes recovery should be granted in this proceeding.

- 31. Please provide all of the Company's monthly operating reports filed with the DEP for each month of 2008 to the present.**

Responsive documents shall be produced as indicated herein.

- 32. For purposes of this request, please refer to the Company's Exhibit B attached to its application, Schedule No. 3. Please provide the calculations and workpapers used to arrive at the Company's projected 2009 operating income before decrease depicted on Line 19.**

Responsive documents shall be produced as indicated herein.

- 33. Please provide a copy of the attachments provided by the Company in response to Staff's Third Set of Data Requests, question 3, "Please provide a copy of the most recent construction drawings of the Pasco County tie-in facilities".**

*These documents may be obtained from the files of the PSC.*

- 34. Please provide a copy of the permitting documents submitted to Pasco County on October 9, 2007.**

Responsive documents shall be produced as indicated herein.

- 35. Please provide all source documents used by Mr. Porter to determine the blended labor rates used in his projected incremental labor costs associated with the tie-in. Please provide this information for 2006 and 2007 as well. Please provide all workpapers in electronic spreadsheet format with all formulas and links intact, if available.**

The question calls for the production of some documents that do not exist. To the extent the request calls for documents that do exist, they will be provided.

If the work papers exist in electronic spreadsheet format with all formulas and links intact, they will be provided.

The work papers of Mr. Porter related to the projected labor for the tie-in are found in Diskette 3 which will be provided in Response for Production of Documents Request No. 27. In addition, certain work papers unavailable in electronic format will be provided.

- 36. Please provide all supporting documentation for the burdened percentage for pension and benefits used by the Company. Also please provide this information for 2006 and 2007. Please provide all workpapers in electronic spreadsheet format with all formulas and links intact, if available.**

The question calls for the production of some documents that do not exist. To the extent the request calls for documents that do exist, they will be provided.

- 37. Please provide all supporting documentation for the incremental increase in purchased power calculated by the engineer. Please provide this information**



**for 2006 and 2007. Please provide all workpapers in electronic spreadsheet format with all formulas and links intact, if available.**

Responsive documents shall be produced as indicated herein.

If the work papers exist in electronic spreadsheet format with all formulas and links intact, they will be provided.

Please see Diskette 3 which will be provided in Response to Production of Documents Request No. 27. No other information exists except as contained on those work sheets.

- 38. Please provide an update to the Company's response to the Staff's Second Data Request, Question 18, regarding the Utility's requested rate case expense, to include expenses to-date.**

No such documents exist.

- 39. Please provide an accurate, to scale, up to date, system map, which depicts all water transmission and distribution pipes which connect each of the wells, water treatment plants and all of the connections that make up the service territory of Aloha. The system map should provide the exact diameter and length of all water pipes serving the Aloha service territory.**

No such documents exist.

- 40. Please provide all water analyses, tests or reports in the possession of Aloha that measure or analyze the concentrations of hydrogen sulfide or sulfates in the raw water provided by each of Aloha's wells that serve the Aloha service territory.**

Aloha objects. This request is not reasonably calculated to lead to the discovery of admissible evidence, is overbroad, burdensome, and not related to any issues in this case. This request is nothing more than a fishing expedition apparently related to either water quality issues which are not part of this docket; anion exchange which is not a part of this docket; or some other matter as to which OPC seeks information for some other undisclosed agenda.

- 41. Please provide all copies of all hydraulic analyses of Aloha's Seven Springs system in the last ten years. Please furnish electronic version of input data used for each of these analyses.**

No such documents exist.

- 42. Please provide pump curves for pumps at the Mitchell plant.**

Responsive documents shall be produced as indicated herein.

- 43. Please provide static levels at each well and the pump curves for each well serving the Aloha service territory.**

Responsive documents shall be produced as indicated herein.

- 44. Please provide a copy of all written responses and attachments (where available) to these PODs in electronic format.**

The written responses and attachments to these requests do not, for the most part, exist in electronic format. To the extent they do, that information will be provided.


CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via hand delivery or \* US Mail to the following parties on this 15th day of May, 2008:

Customer Petitioners\*  
c/o Wayne T. Forehand  
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