

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for increase in wastewater rates in Monroe County by K W Resort Utilities Corp.

DOCKET NO. 150071-SU
ORDER NO. PSC-16-0414-PCO-SU
ISSUED: September 28, 2016

ORDER GRANTING IN PART DENYING IN PART K W RESORT UTILITIES CORP.'S
MOTION TO COMPEL PRODUCTION OF DOCUMENTS AND INTERROGATORIES
FROM THE OFFICE OF PUBLIC COUNSEL

Background

On July 1, 2016, K W Resort Utilities Corp. (KWRU or Utility) filed its petition for an increase in rates for its wastewater system located in Monroe County. Monroe County, the Office of Public Counsel (OPC), and Ann M. Aktabowski, on behalf of Harbor Shores Condominium Unit Owners Association, Inc. filed a request for a formal hearing and a protest of all or substantially all portions of the Proposed Agency Action (PAA Order) Order No. PSC-16-0123-PAA-SU issued on March 23, 2016. A hearing is set for November 7-9, 2016.

On May 5, 2016, KWRU issued its First Set of Interrogatories (1-44) and First Request for Production of Document (1-44) (collectively "discovery requests") to OPC. On June 9 and 27, 2016, OPC responded to the Utility's First Set of Interrogatories and First Request for Production of Documents, respectively. On July 1, 2016, KWRU filed its Motion to Compel Production of Documents and Interrogatories from [The] Office of Public Counsel (Motion). KWRU seeks to compel a response from OPC regarding Interrogatory Nos. 6-44, and Request for Production of Document Nos. 8-44, as described within Attachment A and Attachment B to this Order. On July 8, 2016, OPC filed its response in opposition to KWRU's Motion.

KWRU's Motion to Compel

Within its Motion, KWRU states that OPC's objections to KWRU's First Set of Interrogatories (Interrogatories) and First Request for Production of Documents (Requests) should be overruled, and that OPC should be ordered to fully respond to interrogatories or produce any documents within its possession, dominion, and/or control. KWRU asserts that OPC must be responsive to its discovery request in order to be compliant with Section 120.569, Florida Statutes (F.S.). KWRU cites Dodson v. Persell, 390 So. 2d 704, 706 (Fla. 1980), and Rule 1.350, Florida Rules of Civil Procedure, to support its contention that discovery may be used in the early stages of a proceeding so that issues may be resolved, and to provide all parties with all available sources of proof in an effort to remove the element of surprise from the proceedings.

KWRU contends that OPC has had access and control of all documents utilized by the Florida Public Service Commission (Commission) to issue its PAA Order. KWRU states that OPC's "unwillingness to provide simple answers as to the basis for which OPC's protests are

lodged leads to the assumption that these protests were made in bad faith without any basis for protesting the PSC's PAA Order." KWRU concludes by requesting that the Commission compel OPC to respond to its discovery request or provide a reasonable explanation as to why OPC is unable to respond.

OPC's Response to the Motion

OPC asserts that the Motion should be denied because its objections and responses to the discovery requests at issue are sufficient both factually and as a matter of law. OPC contends that the Motion fails to adequately explain how OPC's objections or responses to KWRU's discovery requests were inadequate under the applicable statutes and rules governing the Commission's PAA process following the timely protest of a PAA Order. OPC relies on the Florida Supreme Court's decision in Florida Power Corp. v. Cresse, 412 So. 2d 1187 (Fla. 1982), to advance its position that the utility seeking a rate increase bears the burden of proof, and that KWRU must show by a preponderance of the evidence that its present rates have failed or will fail to compensate it for its prudently incurred expenses or produce a reasonable return on KWRU's investment.

OPC also cites to Balzebre v. Anderson, 294 So. 2d 701 (Fla. 3d DCA 1974) and several Commission orders to support its position that a party cannot be required to produce documents which it does not possess and/or which have not been shown to exist. In response to KWRU's statement that OPC had not complied with Section 120.569, OPC contends it has fully satisfied its statutory obligations as required by statute and rule. Additionally, OPC argues that while KWRU's discovery requests may be routinely served within proceedings before the Division of Administrative Hearings, "such broadly drafted discovery, seeking to know the factual basis for an intervenor's position on every potential issue prior to the filing of intervenor testimony, is simply not done in Section 120.57(1), F.S. proceedings before the Commission." OPC asserts that it "is under no legal obligation to fully and completely share the factual basis for each and every issue OPC protested in the PAA Order." OPC concludes by stating that KWRU's Motion is frivolous and that any associated rate case expense should be denied.

Decision

First, OPC's request within its response to the Motion to disallow any rate case expense associated with KWRU's Motion is inappropriate. The appropriate rate case expense amount will be determined at the conclusion of the hearing, and not at this time.

Having reviewed KWRU's discovery requests, OPC's responses thereto, and KWRU's Motion and OPC's response to the Motion, I hereby grant KWRU's motion in part and deny it in part. Rule 1.280, Florida Rules of Civil Procedure allows a broad range of discovery limited merely by relevance or privilege. It appears that KWRU's discovery requests fall within the range of discoverable material; therefore, KWRU's Motion is granted in part and denied in part as discussed below.

KWRU's Interrogatory No. 6, states:

Please state with specificity the basis for your statement that there are issues of material fact with regard to “the test year,” as stated in page 2 of your Petition, and identify all documents, information and/or other evidence, which support your contention.

OPC responded:

The determination of the appropriate test year will be made after all the evidence has been adduced at the hearing, thus this interrogatory is premature. OPC is awaiting responses to discovery and review of the utility’s direct testimony. The documents and information OPC will rely upon are in the online docket file, and/or the utility has either access to or actual possession of these documents. OPC is awaiting responses to discovery and review of the utility’s direct testimony and will, upon receipt, review and analysis, only then be able to formulate with formalized specificity the complete basis for its contention.

In its Interrogatories at issue, KWRU asks the same form of question for each discrete topic area with the exception of Interrogatory Nos. 15-17 in which KWRU asks OPC about specific contentions raised within OPC’s protest. Similarly, OPC provides the same basic response for all Interrogatories at issue within this order (6-44), with slight variations to account for the subject matter of each question. OPC also argues in each response that the discovery question is premature.

I disagree with OPC’s assertion that KWRU’s discovery questions are premature, and that a response cannot be formulated until all evidence is adduced at the hearing. The hearing will be convened to address several protests lodged against the Commission’s PAA Order. This docket was opened on March 3, 2015 with KWRU’s initial request for approval of the test year. Minimum filing requirements (MFRs) were filed during the PAA process on July 1, 2015. By July 19, 2015, KWRU’s MFRs had already been reviewed by OPC as OPC filed a letter with the Commission regarding information it believed to be missing from KWRU’s filing. On September 9, 2015, OPC filed another letter with the Commission addressing several concerns within KWRU’s updated MFR filing. On September 25, 2015, Commission staff filed a letter that deemed KWRU’s MFRs to be complete. A customer meeting took place on December 10, 2015, during which OPC, Commission staff, and KWRU were present.

Commission staff filed its recommendation on February 18, 2016, OPC filed a Notice of Intervention on February 24, 2016,¹ and the Commission Agenda Conference was held on March 1, 2016, during which OPC addressed the Commission regarding its concerns with KWRU’s filings and Commission staff’s recommendation. However, prior to the Commission Conference, but after Commission staff filed its recommendation, OPC filed another letter, this time addressed to the Commission’s Executive Director, addressing several concerns that OPC had with KWRU’s rate case filing. The PAA Order was issued on March 23, 2016, and OPC

¹ Order No. PSC-16-0114-PCO-SU was issued on March 18, 2016 acknowledging OPC’s intervention.

filed its protest and request for a formal hearing on April 13, 2016. Within its protest statement, OPC detailed several reasons as to why the PAA Order should be modified. KWRU served its discovery requests on OPC on May 5, 2016, to which OPC responded on June 9 and 27, 2016.

Given this timeline of events, I find that OPC has had more than enough time to formulate a response to KWRU's Interrogatories beyond stating that the question was premature and that a response could not be formulated until all evidence had been adduced at the hearing. OPC does not have to divulge its trial strategies; however, I find that KWRU's request for OPC to "state with particularity" its basis for objecting to various issues to be reasonable. Therefore, KWRU's Motion is granted as to Interrogatory Nos. 6-44. OPC shall fully respond to KWRU's Interrogatories Nos. 6-44 within 10 days of the issuance of this Order.

KWRU's Motion also seeks to compel responses for certain Requests for Production of Documents (Request). In response to KWRU's Request Nos. 13-14 and 16-43, OPC stated that "[w]ithout waiver of OPC's objection, there are no responsive documents other than those already in the utility's possession." I find that this statement is not responsive to KWRU's Request. Just because OPC believes that KWRU is in possession of all documents responsive to the Request does not absolve OPC of its obligation to identify which specific documents it has relied upon. Therefore, KWRU's Motion is granted as to Request for Production of Documents Nos. 13-14 and 16-43. OPC shall identify the documents it relied upon for each Request and state with specificity why OPC believes that the Utility already has these documents within its possession.

In response to Request Nos. 8-12 and 15, OPC states in part that the documents it relies upon can be found within the docket file, Docket No. 150071-SU. I do not find this to be an adequate response to KWRU's request. As I stated above, this docket was opened on March 3, 2015, and since that time, the number and type of documents filed within the docket has grown extensively. Additionally, several documents filed within the docket file are quite lengthy and cover several of the topics at issue within this protest.

Therefore, KWRU's Motion is granted as to Request for Production of Documents Nos. 8-12 and 15. To the extent that OPC relied on documents within the docket file, it shall respond to each of the identified Requests with the specific document number assigned to document within the docket file. Additionally, to the extent that the identified documents are over 25 pages, and cover multiple topic areas, OPC shall also identify the specific page numbers within each document responsive to the Requests granted above. OPC shall provide responses to the above granted Requests within 10 days of the issuance of this Order.

The last request at issue within KWRU's Motion addresses Request for Production of Documents No. 44, which is hereby denied. Within this Request, KWRU asked OPC to produce all documents which OPC intends to introduce into evidence at the hearing. OPC responded that it was unknown which documents it would seek to introduce into evidence at the hearing. I find this answer to be responsive to the Request, therefore, KWRU's Motion is denied as to Request for Production of Documents No. 44.

Based on the foregoing, it is

ORDERED by Commissioner Jimmy Patronis, as Prehearing Officer, that K W Resort Utilities Corp.'s Motion to Compel Production of Documents and Interrogatories from the Office of Public Counsel is granted in part and denied in part as set forth within the body of this Order. It is further

ORDERED that OPC shall provide responses to KWRU's discovery requests, as detailed herein, within 10 days of the issuance of this Order.

By ORDER of Commissioner Jimmy Patronis, as Prehearing Officer, this 28th day of September, 2016.



JIMMY PATRONIS
Commissioner and Prehearing Officer
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Copies furnished: A copy of this document is provided to the parties of record at the time of issuance and, if applicable, interested persons.

KRM

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, Florida Administrative Code; or (2) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Office of Commission Clerk, in the form prescribed by Rule 25-22.0376, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.

K W Resort Utilities Corp.'s First Set Of Interrogatories To Petitioner Citizens Of
The State Of Florida

6. Please state with specificity the basis for your statement that there are issues of material fact with regard to “the test year,” as stated in page 2 of your Petition, and identify all documents, information and/or other evidence, which support your contention.
7. Please state with specificity the basis for your statement that there are issues of material fact with regard to “rate base,” as stated in page 2 of your Petition, and identify all documents, information and/or other evidence, which support your contention.
8. Please state with specificity the basis for your statement that there are issues of material fact with regard to “cost of capital,” as stated in page 2 of your Petition, and identify all documents, information and/or other evidence, which support your contention.
9. Please state with specificity the basis for your statement that there are issues of material fact with regard to “net operating income (NOI),” as stated in page 2 of your Petition, and identify all documents, information and/or other evidence, which support your contention.
10. Please state with specificity the basis for your statement that there are issues of material fact with regard to “revenue requirement,” as stated in page 2 of your Petition, and identify all documents, information and/or other evidence, which support your contention.
11. Please state with specificity the basis for your statement that there are issues of material fact with regard to “rates and rate structure,” as stated in page 2 of your Petition, and identify all documents, information and/or other evidence, which support your contention.
12. Please state with specificity the basis for your statement that there are issues of material fact with regard to “service availability policy,” as stated in page 2 of your Petition, and identify all documents, information and/or other evidence, which support your contention.
13. Please state with specificity the basis for your statement that there are issues of material fact with regard to “the procedure for implementing Phase II rates,” as stated in page 2 of your Petition, and identify all documents, information and/or other evidence, which support your contention.
14. Please state with specificity the basis for your statement that the “the PAA Order’s rates and charges are unfair, unjust, unreasonable, excessive, and unfairly discriminatory,” as stated in page 2 of your Petition, and identify all documents, information and/or other evidence, which support your contention.
15. Is it your contention that it is not appropriate to establish rates for a growth-related plant expansion that will almost double the capacity of the existing plant using historical 2014 customers, consumption, and billing determinants? If so, please state with specificity how it is

not appropriate, and identify all documents, information, and/or other evidence which support your contention.

16. Is it your contention that it is not appropriate to allow a true-up plant, CIAC and legal costs absent a true-up of rate base, cost of capital, revenues, expenses, billing determinants for a growth-related plant expansion compared to non-growth related plant improvement? If so, please state with specificity how it is not appropriate, and identify all documents, information, and/or other evidence which support your contention.

17. Is it your contention that the quality of service provided by K W Resort is no satisfactory? If so, please state with specificity how it is not satisfactory, and identify all documents, information, and/or other evidence which support your contention.

18. Please state with specificity what you believe the appropriate test year for establishing Phase II rates should be, and identify all documents, information and/or other evidence, which support your contention.

19. Please state with specificity what you believe the appropriate balance of plant in service for Phase II rates should be, and identify all documents, information and/or other evidence, which support your contention.

20. Please state with specificity what you believe the appropriate balance of accumulated depreciation for Phase II rates should be, and identify all documents, information and/or other evidence, which support your contention.

21. Please state with specificity what you believe the appropriate balance of CIAC for Phase II rates should be, and identify all documents, information and/or other evidence, which support your contention.

22. Please state with specificity what you believe the appropriate balance of Accumulated Amortization of CIAC for Phase II rates should be, and identify all documents, information and/or other evidence, which support your contention.

23. Please state with specificity what you believe the appropriate used and useful percentage for the wastewater treatment plant for Phase II rates should be, and identify all documents, information and/or other evidence, which support your contention.

24. Please state with specificity what you believe the appropriate balance of miscellaneous deferred debits for Phase I and II rates should be, and identify all documents, information and/or other evidence, which support your contention.

25. Please state with specificity what you believe the appropriate rate base for Phase I and Phase II rates should be, and identify all documents, information and/or other evidence, which support your contention.

26. Please state with specificity what you believe the appropriate capital structure, including the amount of debt and equity for Phase II rates should be, and identify all documents, information and/or other evidence, which support your contention.
27. Please state with specificity what you believe the appropriate return on equity using the commission's current leverage formula for Phase II rates should be, and identify all documents, information and/or other evidence, which support your contention.
28. Please state with specificity what you believe the appropriate amount of test year revenues to be use for Phase II rates should be, and identify all documents, information and/or other evidence, which support your contention.
29. Please state with specificity what you believe the amount of test year salaries and benefits for Phase I and Phase II rates should be, and identify all documents, information and/or other evidence, which support your contention.
30. Please state with specificity what you believe the appropriate amount of pro forma expenses related to the implementation of advance wastewater treatment (AWT) as of December 31, 2015 to include in the Phase I rates should be, and identify all documents, information and/or other evidence, which support your contention.
31. Please state with specificity what you believe the appropriate amount of pro forma expenses related to the expansion of the wastewater treatment plant for Phase II rates should be, and identify all documents, information and/or other evidence, which support your contention.
32. Please state with specificity what you believe the appropriate amount of fees associated with the legal challenge of the Utility's construction permit for the expansion of the wastewater treatment plant to be allowed for rate setting purposes should be, and identify all documents, information and/or other evidence, which support your contention.
33. Please state with specificity what you believe the appropriate amount of amortization expense for fees associated with the legal challenge of the Utility's construction permit related to the expansion of the wastewater treatment plant to be included in Phase I rates should be, and identify all documents, information and/or other evidence, which support your contention.
34. Please state with specificity what you believe the appropriate accounting treatment for the reasonable and prudent determined expenses associated with the legal challenge of the Utility's construction permit related to the expansion of the wastewater treatment plant to be included in Phase II rates should be, and identify all documents, information and/or other evidence, which support your contention.
35. Please state with specificity what you believe the appropriate amount of test year accounting fees for Phase I and Phase II rates should be, and identify all documents, information and/or other evidence, which support your contention.

36. Please state with specificity what you believe the appropriate amount of rate case expense for Phase I and Phase II rates should be, and identify all documents, information and/or other evidence, which support your contention.

37. Please state with specificity what you believe the appropriate amount of depreciation expense for Phase II rates should be, and identify all documents, information and/or other evidence, which support your contention.

38. Please state with specificity what you believe the appropriate amount of taxes other than income for Phase I and II rates should be, and identify all documents, information and/or other evidence, which support your contention.

39. Please state with specificity what you believe the appropriate revenue requirement for Phase I and Phase II rates should be, and identify all documents, information and/or other evidence, which support your contention.

40. Please state with specificity what you believe the appropriate billing determinants (bills and gallons) to use for Phase II rates should be, and identify all documents, information and/or other evidence, which support your contention.

41. Please state with specificity what you believe the appropriate Phase I and Phase II rates should be, and identify all documents, information and/or other evidence, which support your contention.

42. Please state with specificity what you believe the appropriate service availability policy and resulting charges should be, and identify all documents, information and/or other evidence, which support your contention.

43. Please state with specificity what you believe the appropriate Phase II rate increase implementation process, i.e., what process should the Utility utilize when seeking to implement Phase II rates, what type of true-ups should be required, what is the appropriate point of entry for customers or other intervenors into that process should be and what you believe the appropriate timeframe constraints, if any, for a decision on the Utility's request should be, and identify all documents, information and/or other evidence, which support your contention.

44. Please state with specificity what you believe the appropriate action, if any, the Commission should take regarding the charging of non-tariffed rates by the Utility, and what refunds, if any, should be made to those customers, and identify all documents, information and/or other evidence, which support your contention.

K W Resort Utilities Corp.'s First Request For Production To
Petitioner Citizens Of The State Of Florida

8. Any and all documents supporting, negating, related to, or identified in your response to Interrogatory No. 10 in KWRU's First Set of Interrogatories to Petitioner Citizens of the State of Florida.

9. Any and all documents supporting, negating, related to, or identified in your response to Interrogatory No. 11 in KWRU's First Set of Interrogatories to Petitioner Citizens of the State of Florida.

10. Any and all documents supporting, negating, related to, or identified in your response to Interrogatory No. 12 in KWRU's First Set of Interrogatories to Petitioner Citizens of the State of Florida.

11. Any and all documents supporting, negating, related to, or identified in your response to Interrogatory No. 13 in KWRU's First Set of Interrogatories to Petitioner Citizens of the State of Florida.

12. Any and all documents supporting, negating, related to, or identified in your response to Interrogatory No. 14 in KWRU's First Set of Interrogatories to Petitioner Citizens of the State of Florida.

13. Any and all documents supporting, negating, related to, or identified in your response to Interrogatory No. 15 in KWRU's First Set of Interrogatories to Petitioner Citizens of the State of Florida.

14. Any and all documents supporting, negating, related to, or identified in your response to Interrogatory No. 16 in KWRU's First Set of Interrogatories to Petitioner Citizens of the State of Florida.

15. Any and all documents supporting, negating, related to, or identified in your response to Interrogatory No. 17 in KWRU's First Set of Interrogatories to Petitioner Citizens of the State of Florida.

16. Any and all documents supporting, negating, related to, or identified in your response to Interrogatory No. 18 in KWRU's First Set of Interrogatories to Petitioner Citizens of the State of Florida.

17. Any and all documents supporting, negating, related to, or identified in your response to Interrogatory No. 19 in KWRU's First Set of Interrogatories to Petitioner Citizens of the State of Florida.

18. Any and all documents supporting, negating, related to, or identified in your response to Interrogatory No. 20 in KWRU's First Set of Interrogatories to Petitioner Citizens of the State of Florida.

19. Any and all documents supporting, negating, related to, or identified in your response to Interrogatory No. 21 in KWRU's First Set of Interrogatories to Petitioner Citizens of the State of Florida.

20. Any and all documents supporting, negating, related to, or identified in your response to Interrogatory No. 22 in KWRU's First Set of Interrogatories to Petitioner Citizens of the State of Florida.

21. Any and all documents supporting, negating, related to, or identified in your response to Interrogatory No. 23 in KWRU's First Set of Interrogatories to Petitioner Citizens of the State of Florida.

22. Any and all documents supporting, negating, related to, or identified in your response to Interrogatory No. 24 in KWRU's First Set of Interrogatories to Petitioner Citizens of the State of Florida.

23. Any and all documents supporting, negating, related to, or identified in your response to Interrogatory No. 25 in KWRU's First Set of Interrogatories to Petitioner Citizens of the State of Florida.

24. Any and all documents supporting, negating, related to, or identified in your response to Interrogatory No. 26 in KWRU's First Set of Interrogatories to Petitioner Citizens of the State of Florida.

25. Any and all documents supporting, negating, related to, or identified in your response to Interrogatory No. 27 in KWRU's First Set of Interrogatories to Petitioner Citizens of the State of Florida.

26. Any and all documents supporting, negating, related to, or identified in your response to Interrogatory No. 28 in KWRU's First Set of Interrogatories to Petitioner Citizens of the State of Florida.

27. Any and all documents supporting, negating, related to, or identified in your response to Interrogatory No. 29 in KWRU's First Set of Interrogatories to Petitioner Citizens of the State of Florida.

28. Any and all documents supporting, negating, related to, or identified in your response to Interrogatory No. 30 in KWRU's First Set of Interrogatories to Petitioner Citizens of the State of Florida.

29. Any and all documents supporting, negating, related to, or identified in your response to Interrogatory No. 31 in KWRU's First Set of Interrogatories to Petitioner Citizens of the State of Florida.

30. Any and all documents supporting, negating, related to, or identified in your response to Interrogatory No. 32 in KWRU's First Set of Interrogatories to Petitioner Citizens of the State of Florida.

31. Any and all documents supporting, negating, related to, or identified in your response to Interrogatory No. 33 in KWRU's First Set of Interrogatories to Petitioner Citizens of the State of Florida.

32. Any and all documents supporting, negating, related to, or identified in your response to Interrogatory No. 34 in KWRU's First Set of Interrogatories to Petitioner Citizens of the State of Florida.

33. Any and all documents supporting, negating, related to, or identified in your response to Interrogatory No. 35 in KWRU's First Set of Interrogatories to Petitioner Citizens of the State of Florida.

34. Any and all documents supporting, negating, related to, or identified in your response to Interrogatory No. 36 in KWRU's First Set of Interrogatories to Petitioner Citizens of the State of Florida.

35. Any and all documents supporting, negating, related to, or identified in your response to Interrogatory No. 37 in KWRU's First Set of Interrogatories to Petitioner Citizens of the State of Florida.

36. Any and all documents supporting, negating, related to, or identified in your response to Interrogatory No. 38 in KWRU's First Set of Interrogatories to Petitioner Citizens of the State of Florida.

37. Any and all documents supporting, negating, related to, or identified in your response to Interrogatory No. 39 in KWRU's First Set of Interrogatories to Petitioner Citizens of the State of Florida.

38. Any and all documents supporting, negating, related to, or identified in your response to Interrogatory No. 40 in KWRU's First Set of Interrogatories to Petitioner Citizens of the State of Florida.

39. Any and all documents supporting, negating, related to, or identified in your response to Interrogatory No. 41 in KWRU's First Set of Interrogatories to Petitioner Citizens of the State of Florida.

40. Any and all documents supporting, negating, related to, or identified in your response to Interrogatory No. 42 in KWRU's First Set of Interrogatories to Petitioner Citizens of the State of Florida.

41. Any and all documents supporting, negating, related to, or identified in your response to Interrogatory No. 43 in KWRU's First Set of Interrogatories to Petitioner Citizens of the State of Florida.

42. Any and all documents supporting, negating, related to, or identified in your response to Interrogatory No. 44 in KWRU's First Set of Interrogatories to Petitioner Citizens of the State of Florida.

43. Any additional documents identified in Citizens of the State of Florida' Answers to KWRU's First Set of Interrogatories to Petitioner Citizens of the State of Florida not produced above.

44. All documents which Petitioner Citizens of the State of Florida intends to introduce into evidence at hearing on this action.