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June 26, 1991

**ORIGINAL  
FILE COPY**

Steven Tribble,  
Director of Division of  
Records and Reporting  
Florida Public Service Commission  
101 East Gaines Street  
Tallahassee, FL 32399

**RE: Application for Sailfish Point Utility Corp. for a rate  
increase in Martin County; Document No: 900816-WS;  
Submitted for Filing: June 25, 1991**

Dear Mr. Tribble:

Enclosed please find original and twelve (12) copies of  
Intervenors' Motion to Compel Utility to Produce the Documents  
Sought by Citizen's Motion to Compel Filed June 25, 1991 and Motion  
to Keep Record Open For Further Testimony Relating to the Facts  
Raised by Those Documents.

- ACK
- AFA 1
- APP \_\_\_\_\_
- CAF \_\_\_\_\_
- CMU \_\_\_\_\_
- CTR WRK/lsh  
Enclosures
- EAG \_\_\_\_\_
- LEG 1 w/m
- LIN 5
- OPC \_\_\_\_\_
- RCH \_\_\_\_\_
- SEC 1
- WAS
- OTH \_\_\_\_\_

Sincerely yours,

*Wm Reeves King*  
WM. REEVES KING  
For the Firm

cc: Association by Hand  
Catherine Bedell, Esquire by Hand  
Steve Reilly, Esquire by Hand  
Ben E. Girtman, Esquire by Hand  
31170106.26

RECEIVED & FILED

FPSC BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

06509 JUN 28 1991

PSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Petition for Rate Increase ) Docket No.: 900816-WS  
in Martin County by SAILFISH POINT ) Submitted for filing:  
UTILITY CORPORATION ) June 25, 1991  
\_\_\_\_\_ )

**INTERVENORS MOTION TO COMPEL  
UTILITY TO PRODUCE THE DOCUMENTS SOUGHT  
BY CITIZENS MOTION TO COMPEL FILED JUNE 25, 1991  
AND MOTION TO KEEP RECORD OPEN FOR FURTHER TESTIMONY  
RELATING TO THE FACTS RAISED BY THOSE DOCUMENTS**

Intervenors filed their Petition for Leave to Intervene on March 15, 1991.

Citizens filed their first request for production of documents on March 22, 1991.

An inspection of documents was schedule at Mobil Land's office in Palm Beach Gardens on April 1st through 3rd.

Although counsel for Intervenors was invited to participate in that review, neither he nor the accountant retained by Intervenors did so because no order allowing intervention had been issued. After intervention was permitted, Intervenors inquired about the status of document production relating to the manner in which the Utility and its parent accounted for the costs of the utility facilities at Sailfish Point. Counsel for Intervenors understood that the documents produced on April 1 through 3 were not complete and additional documents had been requested from Mobil's Dallas accounting office. Intervenors were advised that Citizens and its expert Mr. DeWard were following up on those accounting issues. To avoid duplication of effort and associated expense, Intervenors did not seek production and inspection of

those documents by its accountant and did not offer any testimony from its accountant.

Later, Intervenors were informed that counsel for Citizens and Mr. DeWard had been unable to obtain sufficient documents from the Utility but the Utility had agreed to make their tax records available for inspection. Intervenors stated then and state now that information was and is considered very important to the issues on which Intervenors have offered testimony. In part because of the importance to Intervenors' issue, Citizen's representatives travelled to Dallas to review the documents made available by Mobil.

On June 24, Intervenors received copies of Utility's Response to OPC's Third Request for Production which contained parts of documents apparently produced in Dallas.

Those documents show only information relative to SPUC. Comments and references relating to SPI have been deleted.

How SPI treated the cost of the Utility facilities at Sailfish Point is very relevant to Intervenors contentions that they were contributed assets and should be treated as CIAC. Public Counsel has been attempting to obtain that information since at least April 1st. It still has not been produced in a form which allows the viewers to reach their own judgments as to how those matters were treated by Mobil. All parties and this Commission are entitled to see that information.

Notes dated 12/23/80 contained in that production state that Sailfish Point, Inc. will contribute to SPUC. SPI will recover

costs of plant (\$5-7 million) by increasing development costs on land to be sold.

Intervenors contend that plan is consistent with what is reflected in development documents. This whole area is the crux of Intervenors position. The Utility should not be allowed to thwart a full and complete review of the information relating to the facts exposed in their partial production by delaying production until the eve of trial and then producing only those portions of the documents they choose to produce.

Intervenors request that the Utility be required to produce unexpurgated copies of the documents and that, the record be held open for deposition testimony exploring the facts raised by the documents produced.

Intervenors also join in and support Citizens' Motion to Compel.

I HEREBY CERTIFY that a true and correct copy of the foregoing has been hand delivered to Ben E. Girtman, Esquire, Counsel for Utility; Stephen C. Reilly, Esquire, Office of Public Counsel, and Catherine Bedell, Esquire, Staff Counsel, this 26th day of June, 1991.

Respectfully submitted,  
ST. JOHN & KING  
Attorneys for Intervenors  
Clearlake Plaza, Suite 600  
500 Australian Avenue South  
West Palm Beach, Florida 33401  
Telephone: (407) 655-8994

By: 

Wm. Reeves King  
Florida Bar No.: 747319