

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

FILE COPY

IN RE: APPLICATION OF MAD HATTER  
UTILITY, INC. FOR AMENDMENT OF  
WATER AND WASTEWATER CERTIFICATES  
IN PASCO COUNTY, FLORIDA

DOCKET NO. 960576-WS

**PASCO COUNTY'S RESPONSE TO  
MAD HATTER'S OBJECTION TO  
REQUEST FOR PRODUCTION**

Pasco County, through its undersigned counsel, hereby  
responds to Mad Hatter's objection to the request for  
production as follows:

1. If Mad Hatter objects to the definitions stated in  
the request to produce, Pasco County suggests that it ignore  
the definitions and merely respond to the request for  
production in a timely fashion rather than stonewalling the  
County's attempts to obtain discovery in this matter.

2. If any of the documents sought are privileged, Mad  
Hatter obviously has the right to withhold privileged  
documents and that is not sufficient grounds to object to  
producing a single document to date.

3. If Mad Hatter objects to producing the documents at  
the undersigned's office, it may produce them anywhere it

- ACK \_\_\_\_\_
- AFA \_\_\_\_\_
- APP \_\_\_\_\_
- CAF \_\_\_\_\_
- CMU \_\_\_\_\_
- CTR \_\_\_\_\_
- EAG \_\_\_\_\_
- LEG \_\_\_\_\_
- LIN 3 \_\_\_\_\_
- OPC \_\_\_\_\_
- RCH \_\_\_\_\_
- SEC 1 \_\_\_\_\_
- WAS 1 \_\_\_\_\_
- OTH \_\_\_\_\_

DOCUMENT NO.  
0035097  
03/31/97

desires in Pasco County. Again, Mad Hatter's objection to the location for the production of documents is not grounds to object to producing a single document to date.

4. As to the specific objections, Pasco County hereby responds:

a) In the first request, the County sought all documents relating to Mad Hatter's present ability to serve both water and sewer service to the areas for which it seeks a PSC certificate (the extended territory). Mad Hatter found that that request was overbroad, vague, seeks information which is irrelevant and not reasonably calculated to lead to discovery of admissible evidence. Pursuant to the Florida Administrative Code, Mad Hatter must prove it has the ability to provide service. That objection should be stricken as it is without merit. Mad Hatter's present ability to serve the extended territory is relevant to its request to extend its territory;

b) In request number two, Pasco County sought all documents which Mad Hatter may seek to introduce into evidence at the PSC hearing scheduled for May 13-14, 1997. Mad Hatter had no specific objection to this request;

c) In the third request, Pasco County sought all documents relating to how it is in the public interest for Mad Hatter to serve the extended territory. Mad Hatter had the same objection that the request was overbroad. The issue of whether it is in the public interest for Mad Hatter to serve the extended territory is one of the issues in this matter;

d) In request number four, Pasco County sought copies of all active and valid permits for Mad Hatter to treat water and wastewater issued by the Florida Department of Environmental Regulation, the Florida Department of Environmental Protection and the Southwest Florida Water Management District. Mad Hatter's response was the documents are public and thus Pasco County should be forced to seek such documents from each of the agencies. That response is without merit. Mad Hatter has these documents and it should be ordered to produce them;

e) In request number five, Pasco County sought all documents relating to any plans Mad Hatter has to increase its capacity to provide water and wastewater treatment to serve the extended territory. Mr. DeLucenay testified in his pre-filed testimony that Mad Hatter had

such plans. Obviously, any documents relating to those plans would be highly relevant to the matters in this docket. Accordingly, Mad Hatter's objection should be overruled.

5. Pasco County requests that the hearing officer overrule all of Mad Hatter's objections to the request for production of documents served by Pasco County on March 4, 1997. The hearing is scheduled for May 13-14 and the County needs these documents to prepare for the hearing. As Mad Hatter has failed to raise a single valid objection to the request to produce, the County requests that the hearing officer require Mad Hatter to produce the documents within five days of the date of the order.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy hereof has been served upon Roseanne Capeless, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399, and F. Marshall Deterding, Rose Sundstrum & Bentley,

2548 Blirstone Pines Drive, Tallahassee, Florida 32301, by  
regular U.S. mail and facsimile this 25<sup>th</sup> day of March.

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

By: 

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