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98 DEC 31 AM 9:43
MAIL ROOM

December 30, 1998

by Federal Express



Ms. Blanca Bayo
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Re: Docket No. 970657-WS; Application for certificates to operate a water and wastewater utility in Charlotte and DeSoto Counties by Lake Suzy Utilities, Inc.

Docket No. 980261-WS; Application for Amendment of Certificate Nos. 570-W and 496-S in Charlotte County by Florida Water Services Corporation.

Dear Ms. Bayo:

Enclosed for filing in the above-referenced consolidated dockets, please find an original and fifteen copies of the following: (1) Notice of Taking Deposition Duces Tecum of Dallas Shephard, and (2) Notice of Taking Deposition Duces Tecum of Richard Howell. Please acknowledge filing of these items by date stamping the enclosed extra copy of this letter and returning it in the postage paid envelope provided.

- ACK _____
- AFA _____ If you have any questions, please contact me at (407) 880-0058, ext. 260.
- APP _____
- CAF _____ Sincerely yours,
- CMU _____ *Matthew J. Feil*
- CTR _____
- EAG _____ Matthew J. Feil
Staff Attorney
- LEG _____
- LIN _____ Enclosures
- CPC _____
- RCH _____
- SEC 1
- WAS _____
- OTH Leach dkt

DOCUMENT NUMBER-DATE
14716 DEC 31 98

Florida Water Services Corporation / P.O. Box 609520 / Orlando, Florida 32860-9520 / Phone 407/880-0058

Water For Florida's Future

FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In. Re: Application for)
and certificates to operate a)
water and wastewater utility)
in Charlotte and DeSoto Counties)
by Lake Suzy Utilities, Inc.)
_____)

Docket No. 970657-WS

and

In Re: Application for)
Amendment of Certificate Nos.)
570-W and 496-S in Charlotte)
County by Florida Water Services)
Corporation.)
_____)

Docket No. 980261-WS

NOTICE OF TAKING DEPOSITION DUCES TECUM

TO: JOHN MARKS, Esquire
Knowles, Marks & Randolph
215 South Monroe Street
Tallahassee, Florida 32301

PLEASE TAKE NOTICE that on the **6th Day of January, 1999** at the hour of **11 a.m.**, at the **Charlotte County Administrative Building**, 18500 Murdock Circle, 5th Floor in the Board of County Commissioners Conference Room, Port Charlotte, Florida 33948, counsel for Florida Water Services Corporation will take the deposition of RICHARD HOWELL. The deponent is to have with him the following items at the time and place indicated above:

SEE ATTACHED EXHIBIT "A."

The deponent will appear upon oral examination, before an Official Court Reporter, a Notary Public in and for the State of Florida or some other officer duly authorized by law to take depositions in the State of Florida. The oral examination will continue from day to day pursuant to adjournments, if any, until completed. The deposition is being taken for the purpose of discovery, for use at trial, or for such other purposes as are permitted under the applicable and governing rules. Further Definitions and Instructions for this Notice are attached hereto as Exhibit "B."

DOCUMENT NUMBER-DATE

14716 DEC 31 88

FPSG-RECORDS/REPORTING

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished via Facsimile and U.S. Mail to Marty Friedman, Rose, Sundstrom & Bentley, 2548 Blairstone Pines Drive, Tallahassee, Florida 32301; John Marks, Knowles, Marks & Randolph, 215 South Monroe Street, Tallahassee, Florida 32301; and Bobbie Reyes, Florida Public Service Commission, Legal Division, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850; Abel, Band Russell, Collier, Pitchford & Gorden, 240 S. Pineapple Avenue, Sarasota, Florida 34230; and Charlotte L. Sopko, Haus Development, Inc., Post Office Box 3024, Port Charlotte, Florida 33949 on this 30th day of December, 1998.



CARLYN H. KOWALSKY

Florida Bar Number: 0558672

Florida Water Services Corporation

1000 Color Place

Apopka, Florida 32703

407/880-0058

Facsimile: 407/880-1395

EXHIBIT "A"
DOCUMENTS TO BE PRODUCED

Requested from Charlotte County Board of County Commissioners:

All documents and records in any way relating to **Florida Water Services or GDU**, including, but not limited to:

- A. Correspondence between board members from 1994 until the present.
- B. Correspondence between board members and Charlotte County Utilities from 1994 until the present.
- C. All staff recommendations, memoranda, and correspondence from 1994 until the present.

Requested from Charlotte County Utilities Department:

1. Richard Howell's correspondence files, including e-mails, relating to Lake Suzy.
2. Richard Howell's correspondence files, including e-mails, relating to the GDU acquisition and the subsequent litigation.
3. Richard Howell's correspondence files, including e-mails, to all Board members and staff.
4. Drafts and correspondence files relating to rate studies dating back to 1991, and the resulting recommendations to the Board.
5. All documents in any way relating to past rate studies, including support work papers used to design wastewater rates (1991 to date).
6. Field operator's monthly meter reading reports, including meter serial numbers, for the Deep Creek wastewater master meter(s) and the water master meter(s) through which water and wastewater flows to/from Florida Water's Deep Creek service area.
7. Billing records for Charlotte County Utilities' bulk customers other than Florida Water.
8. Documents in any way relating to Charlotte County Utilities' agreements with other bulk customers.
9. Any documents or permits which reflect the water and wastewater plant capacity of Charlotte County Utilities' plants.
10. Monthly operating reports, including flow reports, for Charlotte County Utilities' water

• and wastewater plants.

11. Charlotte County Utilities' master planning documents.
12. Any documents in any way relating to bulk water and wastewater agreements between Charlotte County Utilities and other utilities/developers.
13. Any documents in any way relating to developer agreements between Charlotte County Utilities and developers.
14. Any documents in any way relating to current tariffs of other bulk customers of Charlotte County Utilities.

EXHIBIT "B"
Definitions and Instructions

When relevant or when used in the following schedule, refer to the following definitions or instructions:

"Document" means any written or graphic matter or other means of preserving thought or expression, and all tangible things from which information can be processed or transcribed, including the originals and all non-identical copies, whether different from the original by reason of any notation made on such copy or otherwise, including, but not limited to, correspondence, memoranda, notes, messages, or other communications, inter-office and intra-office telephone calls, diaries, chronological data, minutes, books, reports, computer print-outs, prospectuses, financial statements, schedules, affidavits, contracts, canceled checks, transcripts, statistics, surveys, magazine or newspaper articles, releases (any and all drafts, alterations and modifications, changes and amendments of any of the foregoing), graphs and aural records or representations of any kind, including without limitations, photographs, charts, graphs, microfiche, microfilm, videotape, recordings, motion pictures and electronic mechanical or electric recordings or representations of any kind (including, without limitations, tapes, cassettes, discs and recordings), and including the file and file cover.

The term "all documents" means every document or group of documents for communication as above defined known to you and every such document or communication, which can be located or discovered by reasonably diligent efforts.

The term "you" and "your" means the party to whom these document requests are addressed, including the party's employees and agents and all other persons acting or purporting to act on the party's behalf.

As used herein, the singular and masculine forms of noun and pronouns shall embrace, and be read and applied as, the plural or feminine or neuter, as circumstances may make appropriate.

Any document as to which a claim of privilege is or will be asserted should be identified by author, signatory, description (e.g., letter, memorandum, telex, recording, etc.), title (if any), date, addresses (if any), general subject matter, present location and custodian and a complete statement of the ground for the claim of privilege should be set forth.

If you assert that any document which is requested has been destroyed, set forth the contents of the document, the date of such destruction and the name of the person who authorized or directed such destruction.

If any of the documents cannot be produced in full, produce to the extent possible, and specify the reason for your inability to produce the remainder.

As used herein, "work" refers to work performed, maintenance performed and materials supplied for use therewith.