

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: MARTY FRIEDMAN, Esquire**  
**Rose, Sundstrom & Bentley**  
**2548 Blairstone Pines Drive**  
**Tallahassee, Florida 32301**

PLEASE TAKE NOTICE that on the **6<sup>th</sup> Day of January, 1999** at the hour of **9 a.m.**, at the **Charlotte County Administrative Building**, 18500 Murdock Circle, 5<sup>th</sup> Floor in the Board of County Commissioners Conference Room, Port Charlotte, Florida 33948, counsel for Florida Water Services Corporation will take the deposition of **DALLAS SHEPHARD**. 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  
**14717 DEC 31 88**  
FPSC-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**

**Information Request**

1. 1997 Florida Public Service Commission Annual Report, or drafts thereof, if any.
2. Year-to-date Balance Sheet and Income Statements for Lake Suzy Utilities, Inc. through October 1998. (If not available through October 1998, then most current year-to-date financial information available.)
3. 1997 Balance Sheet and Income Statement for Lake Suzy Utilities, Inc.
4. 1997 Tax Returns for Lake Suzy Utilities, Inc.
5. Dallas Shephard's personal tax returns for the years 1996 and 1997 (unless Lake Suzy Utilities, Inc. stipulates that its operations will not be supported by Mr. Shephard's net worth.)
6. All documents supporting related party advances of \$345,000 referenced in Lake Suzy Utilities, Inc.'s last rate order and the \$227,812 referenced in the 1996 Florida Public Service Commission annual report as a source of capital.
7. Copies of developer agreements.
8. All documents supporting all advances for construction.
9. All communications with and all documents exchanged between representatives of Haus Development, Inc. and Lake Suzy Utilities, Inc. since 1994.
10. All communications with and all documents exchanged between the owners of Lot 18 in the Links Subdivision and representatives of Lake Suzy Utilities, Inc. since 1994.
11. All communications with and all documents exchanged between Charlotte County/Charlotte County Utilities and Lake Suzy Utilities, Inc. since 1994.
12. Copies of all plans for the proposed lines to the Links Subdivision.
13. Any submissions to FDEP requesting approval to extend lines to the Links Subdivision.
14. Copies of all receipts for any fees paid by the developer/land owners in the Links Subdivision for service.
15. Tariff rates.

16. Any written requests for service in the Links Subdivision.
17. All economic studies done which justify extension of service to customers in the Links Subdivision.
18. All documents pertaining to any alleged or acknowledged Florida Department of Environmental Protection regulatory violations since 1992.

**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.