



JACK SHREVE  
PUBLIC COUNSEL

STATE OF FLORIDA  
OFFICE OF THE PUBLIC COUNSEL

c/o The Florida Legislature  
111 West Madison St.  
Room 812  
Tallahassee, Florida 32399-1400  
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99 JUL -2 PM 4:57  
RECORDS AND  
REPORTING

July 2, 1999

Ms. Blanca S. Bayó, Director  
Division of Records and Reporting  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0870

RE: Docket No. 960545-WS

Dear Ms. Bayó:

Enclosed are an original and fifteen copies of Citizens' Request for Entry on to Land, for the Purpose of Inspection, and Taking of Samples for filing in the above-referenced docket.

Please indicate receipt of filing by date-stamping the attached copy of this letter and returning it to this office. Thank you for your assistance in this matter.

Sincerely,

Harold McLean  
Associate Public Counsel

- \_\_\_ AFA
  - \_\_\_ APP
  - \_\_\_ CAP
  - \_\_\_ CMAI
  - \_\_\_ CTR
  - \_\_\_ EAG
  - \_\_\_ LEO
  - \_\_\_ MAS
  - \_\_\_ PSC
  - \_\_\_ RRR
  - \_\_\_ YUM
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- HM/dsb  
Enclosures
- 1  
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RECEIVED & FILED  
  
FPSC - BUREAU OF RECORDS

DOCUMENT NUMBER - DATE  
08034 JUL -2 99  
FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

*In Re* Investigation of Utility )  
rates of Aloha Utilities, Inc. )  
In Pasco County, Florida. )  
\_\_\_\_\_ /

DOCKET NO. 960545-WS

FILED: July 2, 1999

CITIZENS' REQUEST FOR ENTRY ON TO LAND, FOR THE  
PURPOSE OF INSPECTION, AND TAKING OF SAMPLES

Pursuant to Rule 1.350, Florida Rule of Civil Procedure, the Citizens of the State of Florida, by and through JACK SHREVE, Public Counsel, (Citizens) request of Aloha Utilities, Inc. (Aloha) that the Citizens (by representative(s)) be permitted to enter upon the lands of Aloha, to inspect certain facilities thereon, and to take samples of raw and or treated water, and say:

1. Rule 1.350, Fla. R.Civ. P. permits any party to request any other party to permit entry upon designated land or other property in the possession or control of the party upon whom the request is served for the purpose of inspection, testing, or sampling;

2. The Citizens request that their representative(s) be permitted to enter upon the lands of each and every water production and/or treatment facility from which water served to the customers of Aloha's Seven Springs Water System is either produced or treated; to thoroughly inspect each of those facilities, and to extract such samples of water, both treated and raw, as may appear reasonable to the Citizens' representative(s);

3. The Citizens request that such entry upon land, attending inspections, and sampling be permitted by Aloha Utilities, Inc, on August 4, 1999, and to continue until such inspections and sampling are complete; or at such other time upon which counsel may agree in writing.

DOCUMENT NUMBER-DATE

08034 JUL-28

FPSC-RECORDS/REPORTING

4. Rule 1.350, Fla. R.Civ. P. further provides:

The party to whom the request is directed shall serve a written response within 30 days after service of the request,

For each item or category the response shall state that inspection and related activities will be permitted as requested unless the request is objected to, in which event the reasons for the objection shall be stated.

Order No. PSC-96-0772-PCO-WS, the Commission's most recent order establishing procedure in this docket, provides in part:

Discovery

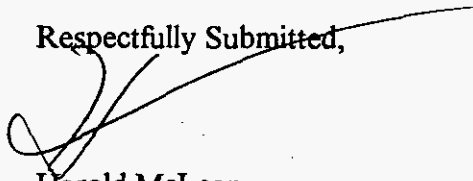
When discovery requests are served and the respondent intends to object to or ask for clarification of the discovery request, the objection or request for clarification shall be made within ten days of service of the discovery request. This procedure is intended to reduce delay in resolving discovery disputes.

The Citizens hereby request a response on or before August 2, 1999, specifically and unequivocally permitting the requested entry, inspection, and sampling; or if there be any objections raised to the requested entry, inspection, and sampling, that such objections be furnished to the Citizens on or before July 13, 1999, setting forth each objection with specificity.

In the spirit of facilitating this discovery and lessening the likelihood of disputes related thereto, the Citizens will advance no objection to any condition directly relating to security and safety issues advanced by Aloha, but will contest any condition relating to the selection of the Citizens'

representative(s) and/or any condition relating to sampling methods, their adequacy, or any other matter relating to the quality of evidence which the Citizens' representative(s) may acquire.

Respectfully Submitted,



Harold McLean  
Associate Public Counsel

111 West Madison Street  
Room 812  
Tallahassee, Florida 32399-1400  
(850) 488-9330

Attorney for the Citizens  
of the State of Florida

**CERTIFICATE OF SERVICE**

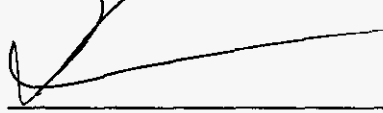
I HEREBY CERTIFY that a true copy of the foregoing CITIZENS' REQUEST FOR ENTRY ON TO LAND, FOR THE PURPOSE OF INSPECTION, AND TAKING OF SAMPLES has been served by United States Mail, (\*) by hand delivery or by (\*\*) facsimile transmission upon the following parties on this the 2nd day of July, 1999:

Ralph Jaeger, Esquire(\*)  
Division of Legal Services  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

James Goldberg, Esquire  
1251 Trafalger Drive  
New Port Richey, FL 34655

F. Marshall Deterding, Esquire(\*\*)  
John L. Wharton, Esquire  
Rose, Sundstrom & Bentley, LLP  
2548 Blairstone Pines Drive  
Tallahassee, FL 32301

Mike Fasano, Esquire  
8217 Massachusetts Avenue  
New Port Richey, FL 34653

  
\_\_\_\_\_  
Harold McLean  
Assistant Public Counsel