

ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

RECEIVED  
FLORIDA PUBLIC  
SERVICE COMMISSION

99 SEP 13 AM 9:09

In Re: Investigation of utility )  
rates of Aloha Utilities, Inc. in )  
Pasco County, Florida )  
\_\_\_\_\_ )

MAIL ROOM  
DOCKET NO. 960546-WS

**ALOHA UTILITIES, INC.'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS TO THE OFFICE OF PUBLIC COUNSEL**

Aloha Utilities, Inc. requests pursuant to Rule 28-106.206, Fla. Admin. Code, that the Office of Public Counsel produce the documents described below for inspection and/or copying within thirty (30) days at such place as may be agreed upon between the respective parties, or in default thereof, specified by order of the Commission.

This Request For Production shall also be considered a public records request pursuant to Florida law.

**DEFINITIONS AND INSTRUCTIONS**

1. "OPC," "you" or "your" refer to the Office of Public Counsel, its employees, agents, engineers, accountants, or attorneys.

2. "Document" and "documents" refer to any written, printed, graphic, digital, aural, or photographic means of recording or preserving thought, expression, information, data, or images. This shall include all papers or other tangible things from which such information can be read, processed, or transcribed; graphic, schematic, and cartographic representations; film, video, digital, or still photographic images or reproductions (including aerial, satellite, infrared and computer-generated

AFA \_\_\_\_\_  
APP \_\_\_\_\_  
CAF \_\_\_\_\_  
CMU \_\_\_\_\_  
CTR \_\_\_\_\_  
EAG \_\_\_\_\_  
LEG   I    
MAS \_\_\_\_\_  
OPC \_\_\_\_\_  
PAI \_\_\_\_\_  
SEC   I    
WAW   I    
OTH \_\_\_\_\_

DOCUMENT NUMBER-DATE

11014 SEP 13 99

FPSC-RECORDS/REPORTING

images); and any other information which is stored or processed by means of computer or data processing equipment and can be retrieved in printed or graphic form. The word "document" includes the plural as well as the singular and shall mean all originals (including an original by means of a marginal notation) and copies or reproduction of originals (whether handwritten, printed, photocopied, or otherwise recorded) if the original is unavailable.

3. All terms not defined in this request and not having ordinary, nontechnical definitions are used in accordance with their meanings in the Florida Rules of Civil Procedure, Florida Statutes, and Florida Administrative Code.

4. If any document called for in this request is withheld on the basis of any privilege, statute, regulation, or for any other reason, you shall include in your response a list of such documents by type of document, date, the name and address of the actual and intended recipients of the document or copies thereof, author, title, summary of description of subject matter, and the location of any existing copies of such document. You must also state the grounds upon which each such document is considered privileged or upon which production is withheld, including the specific privilege, statute or regulation relied upon.

5. "Relating to" means discussing, describing, referring to, reflecting, containing, analyzing, studying, reporting on, commenting on, evidencing, constituting, setting forth, considering, recommending, regarding, concerning, or pertaining to, in whole or in part.

## **DOCUMENTS AND OTHER THINGS TO BE PRODUCED**

1. Please provide copies of all documents, reports, compilations of data, exhibits, summaries, analyses and treatises which you expect to offer into evidence or rely upon at the final hearing in this proceeding.

2. Please provide copies of all documents, reports, analyses, memoranda, correspondence or similar or analogous writings which any person who has or may testify on your behalf or in opposition to Aloha has reviewed, relied upon, consulted, or referenced with regard to or related to this case or the issues in this case.

3. Please provide any and all documents which support, reference, analyze, relate to, discuss or otherwise concern the direct testimony, and the issues addressed therein, of Ted L. Bidy filed with the PSC on August 30, 1999.

4. Please provide any and all documents discussing, referencing, analyzing, relating to, summarizing, setting forth or otherwise concerning the issues in this case which were drafted, created, authored, reviewed or relied upon by Ted L. Bidy.

5. Please provide any and all documents which Ted L. Bidy relied upon, consulted, reviewed, or referenced with regard to his direct testimony in this case filed on August 30, 1999 and/or any opinions he has formed relating to this case.

6. Please provide any documents, letters, writings, reports, analyses, testing results, or similar or analogous documents exchanged between either Ted L. Bidy, or any individual or entity acting on behalf of the Office of Public Counsel, and/or any representative of the Office of Public Counsel and Savana Laboratory and Environ-

mental Services, Inc., or any person or entity acting on behalf of Savana Laboratory and Environmental Services, Inc. relating to this case or the issues in this case.

7. Please provide any documents which relate to, reference, support, discuss, analyze, reference, or which were relied upon in connection with Ted L. Biddy's opinion that "Aloha Utilities (may have) intentionally tried to rig the test results" as discussed in Biddy's Prefiled Testimony which was filed on August 30, 1999.

8. Please provide any documentation, letters, reports, analyses, memoranda, or similar or analogous writings or documents exchanged between the Office of Public Counsel and Representative Mike Fasano, relating to, in connection with or which refer to Aloha Utilities, since January 1, 1998.

9. Please provide any documents which reference, discuss, analyze, refer to, relate to, comprise, or concern any testing, conclusions, analyses, or review of the water taken from well sites as referenced in Mr. Biddy's Prefiled Testimony.

10. Please provide any and all correspondence, documents, memoranda, or similar or analogous writing either transmitted to Savana Laboratories or received from Savana Laboratories which concern, relate to, reference, refer to or involve any of the issues in this case.

11. Please provide any and all documentations, reports, writings, memoranda, analyses, or similar or analogous documentation which either OPC received from any customer of Aloha or which OPC transmitted to any customer of Aloha which references, concerns, relates to or involves any issue in this case.

12. Please provide any reports, memoranda, writings, correspondence, or similar or analogous documentation regarding or relating to Bidy's visit to six different residents in the southwest portion of Aloha's service area for the purposes of taking water samples. Your response should include, but not be limited to, any reports or documentation involving interviews of homeowners and any reports, documentation or analyses of water samples.

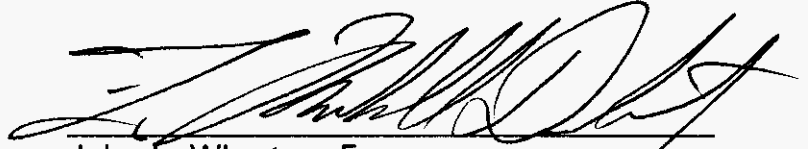
13. Please produce each and every photograph taken at the residences during that trip including, but not limited to, those attached as exhibits to Bidy's testimony.

14. Please provide any documents which reference, concern, comprise or set forth the chain of custody of any and all water samples referenced within Bidy's testimony and all laboratory records concerning these samples, including all laboratory bench sheets, a complete list of test methodology utilized for each parameter tested by USEPA, method number, a copy of the laboratory's FDOH certifications including Analyte sheets and a copy of the laboratory's approved QA/QC plan..

15. Please provide any and all documents which reveal, establish, set forth, or reference what individuals at Savana Labs were involved in the testing of the water samples referenced in Bidy's testimony.

16. Please provide all calculations or other reports, notes or documents generated by Mr. Bidy or relied on by him in determining that a "pressure filter" would be a solution to the alleged water quality problems at Aloha and the detailed information which resulted in the estimated cost of adding such "pressure filters."

DATED this \_\_\_ day of September, 1999.



John L. Wharton, Esq.  
F. Marshall Deterding, Esq.  
ROSE, SUNDSTROM & BENTLEY, LLP  
2548 Blairstone Pines Drive  
Tallahassee, FL 32301  
(850) 877-6555

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and accurate copy of the foregoing has been furnished via Hand Delivery (denoted by \*) and by Regular U.S. Mail to the following on this 10<sup>th</sup> day of September, 1999:

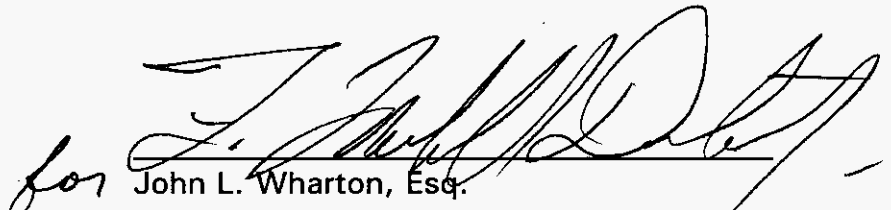
Ralph Jaeger, Esq.  
Division of Legal Services  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

James Goldberg, Esq.  
1251 Trafalger Drive  
New Port Richey, FL 34655

Mike Fasano  
8217 Massachusetts Avenue  
New Port Richey, FL 34653

Harold McLean, Esq.\*  
Office of Public Counsel  
111 Madison Street, Room 812  
Tallahassee, FL 32399-1400

aloha\17\opc.rfp

for   
John L. Wharton, Esq.