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RECORDS AND REPORTING  
ROBERT M. C. ROSE  
OF COUNSEL

November 5, 1999  
VIA FACSIMILE AND U.S. MAIL

Steve Reilly, Esquire  
Office Of Public Counsel  
111 West Madison Street  
Suite 812  
Tallahassee, FL 32301-1906

Re: North Fort Myers Utility, Inc.; PSC Docket No. 971179-SU  
Disposition of Gross-up Funds  
Our File No. 16319.29

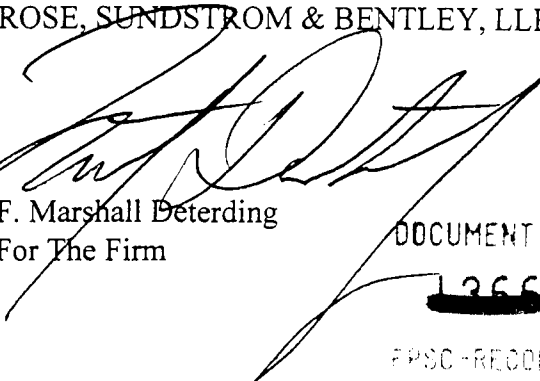
Dear Steve:

I am submitting to you the attache Objection "just to be on the safe side" even though I do not believe we have a responsibility to assert that privilege now in any case, I believe your Request for Production specifically recognizes that some of the documents requested may be privileged and a privilege will be asserted. In accordance with the Commission's recent decision in the Aloha water quality case (PSC Docket No. 960545-WS), we will be providing a listing of such documents as outlined in your Instruction No. 1 to the Request for Production of Documents at the appropriate time.

Should you have any questions in this regard, please let me know.

Sincerely,

ROSE, SUNDBSTROM & BENTLEY, LLP

  
F. Marshall Deterding  
For The Firm

DOCUMENT NUMBER-DATE

~~12660~~ NOV-5 99

FPSC-RECORDS/REPORTING

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FPSC-BUREAU OF RECORDS

*EMD/tmg*

*Blanca Bayo*  
Blanca Bayo, Director  
Ralph Jaeger, Esquire

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Disposition of CIAC gross-up funds )  
collected by North Fort Myers Utility, Inc. )  
in Lee County, Florida )  
\_\_\_\_\_ )

DOCKET NO. 97117

RECORDS AND REPORTING

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NORTH FORT MYERS UTILITY, INC.'S OBJECTIONS TO CITIZENS' FIRST REQUEST FOR PRODUCTION OF DOCUMENTS

North Fort Myers Utility, Inc. (hereinafter referred to as "NFMU" or "Utility"), pursuant to Rule 28-106.206, Fla. Admin. Code, and the Order No. PSC-99-0514-PCO-WS, hereby files this North Fort Myers Utility, Inc.'s Objections To Citizens' First Request For Production Of Documents, and would object to the Citizens' First Request For Production Of Documents as follows:

As to instructions:

1. Any claim of privilege will be made according to the Florida Rules of Civil Procedure. To the extent the instructions require a process which would deviate from that required by the Florida Rules of Civil Procedure, NFMU objects.

As to "definitions":

1. To the extent definition no. 1 defines "document" or "documents" in a manner broader than those definitions in the Florida Rules of Civil Procedure, NFMU objects.

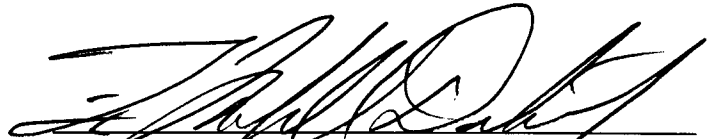
2. As to definition no. 4, this "definition" is actually an improper interrogatory. To the extent "definition" no. 4 purports to require NFMU to provide information not contained within any responsive document, NFMU objects.

As to document requests:

DOCUMENT NUMBER-DATE  
13660 NOV-5 2009  
FPSC-RECORDS/REPORTING

Request For Production No. 3, 4, 8 and 9: Objection. To the extent these requests address documents which are entitled to work product or privileged protection, NFMU objects. Any letters written by counsel for NFMU on this issue represent such work product and/or privileged material as do any written by the Utility's Accountants.

DATED this 5<sup>th</sup> day of November, 1999.

A handwritten signature in black ink, appearing to read 'F. Marshall Deterding', written over a horizontal line.

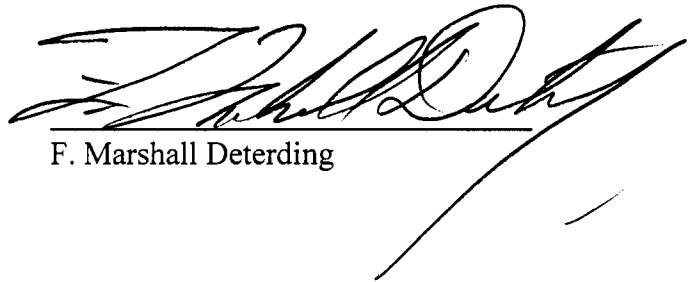
F. Marshall Deterding, Esq.  
ROSE, SUNDSTROM & BENTLEY, LLP  
2548 Blirstone Pines Drive  
Tallahassee, FL 32301  
(850) 877-6555

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and accurate copy of the foregoing has been furnished via Hand Delivery (denoted by \*) and via Telecopy (denoted by \*\*) and via Regular U.S. Mail to the following on this 5<sup>th</sup> day of November, 1999:

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

Steve Reilly, Esquire\*\*  
Office Of Public Counsel  
111 West Madison Street  
Suite 812  
Tallahassee, FL 32301-1906



F. Marshall Deterding

NFMU\rfp.obj