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February 4, 2000

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BY HAND DELIVERY

Blanca L. Bayó
Director, Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399

RECEIVED
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RECORDS AND REPORTING

Re: Docket Nos. 990696-WS and 992040-WS

Dear Ms. Bayó:

Enclosed for filing on behalf of Nocatee Utility Corporation and DDI, Inc. are the original and fifteen copies of their Preliminary Objections to Intercoastal Utilities, Inc's First and Second Requests for Production of Documents.

By copy of this letter, this document has been furnished to the parties on the service list. If you have any questions regarding this filing, please call.

Very truly yours,

RECEIVED & FILED
Mont R.
FPSC-BUREAU OF RECORDS

R.D.M.

Richard D. Melson

RDM/mee

Enclosures

cc: Mr. O'Steen
Ms. Pappas

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DOCUMENT NUMBER-DATE

01596 FEB-48

FPSC-RECORDS/REPORTING

ORIGINAL

In re: Application for original)
certificates to operate water)
and wastewater utility in Duval)
and St. Johns Counties by)
Nocatee Utility Corporation)

Docket No. 990696-WS

In re: Application for)
certificates to operate water)
and wastewater utility in Duval)
and St. Johns Counties by)
Intercoastal Utilities, Inc.)

Docket No. 992040-WS

Filed: February 4, 2000

**PRELIMINARY OBJECTIONS OF NOCATEE UTILITY CORPORATION
AND DDI, INC. TO INTERCOASTAL UTILITIES, INC'S
FIRST AND SECOND REQUESTS FOR PRODUCTION OF DOCUMENTS**

Nocatee Utility Corporation ("NUC") and DDI, Inc. and Estuary Corporation (collectively "DDI") hereby file their preliminary objections to (a) Intercoastal Utilities, Inc.'s ("Intercoastal's") First Request for Production of Documents to DDI in Docket No. 992040-WS, (b) Intercoastal's First Request for Production of Documents to NUC in Docket No. 992040-WS, and (c) Intercoastal's Second Request for Production of Documents to NUC in Docket No. 990696-WS. With minor wording differences to tailor the requests to the particular party to whom they are directed, all three requests for production are virtually identical. Because their objections are also identical, NUC and DDI are filing a single response to the three pending requests.

DOCUMENT NUMBER-DATE
01596 FEB-48 338
FPSC-RECORDS/REPORTING

GENERAL OBJECTIONS

1. On October 28, 1999, NUC responded to Intercoastal's First Request for Production of Documents to NUC in Docket No. 990696-WS. That First Request was virtually identical to the three pending requests. NUC and DDI object to being called on to produce again any documents that were previously provided to Intercoastal in response to that First Request.

2. NUC and DDI object to providing any documents which qualify as work product or are covered by the attorney-client privilege. Nocatee will furnish counsel for Intercoastal a privilege log to identify these documents. Pursuant to agreement with counsel, the log will not be required to list documents prepared by an attorney.

3. The following documents, which NUC and DDI believe are already in the possession of Intercoastal (or will be by the date the responses are due), are partially responsive to one or more of the requests. NUC and DDI do not intend to produce these documents without a further specific request:

a. NUC's Application for Certificates to the Public Service Commission.

b. The record of the proceedings before the St. Johns County Water and Sewer Authority with regard to Intercoastal's certificate extension application.

c. NUC and DDI's prefiled direct testimony and exhibits in Docket No. 990696-WS.

SPECIFIC OBJECTIONS

In addition to the general objections set forth above, NUC and DDI make the following objections to the specific requests identified below:

Request 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.

NUC and DDI object to this request on the grounds that (a) as to direct exhibits, it calls for documents which will have been served on Intercoastal by the time the response to these requests are due, and (b) as to intervenor, rebuttal or cross-examination exhibits, it seeks documents which NUC and DDI are not required to produce at this time under Commission practice or the Order on Procedure in these cases. Pursuant to the Order on Procedure, NUC and DDI will make their intervenor and rebuttal exhibits available at the time their intervenor and rebuttal testimony are filed. NUC and DDI are under no obligation to identify documents that they intend to use for purposes of cross-examination.

Request 2. Any and all correspondence, analyses, memorandums, or similar or analogous documents either transmitted to JEA or received from JEA regarding the possible or potential service by JEA (whether as a bulk, wholesale, or retail provider) to any of that area for which NUC has filed an application at the Public Service Commission. Your response should include, but should not be limited to, documents to or from JEA whether JEA intends to provide bulk service to a separate utility which will provide service to any of these areas or whether JEA will provide such service directly itself.

To the extent this request calls for documents the disclosure of which could impair NUC's ability to obtain bulk service on the most advantageous terms, NUC and DDI object on the grounds that such documents contain confidential, proprietary business information and are subject to the trade secret privilege. NUC and

DDI will provide a confidentiality log identifying any documents which are withheld on the basis of this claim of confidentiality.

Request 6. Please provide any documents which support, reference, discuss, or analyze any of the information, statements, or contentions contained in either NUC's application to the Florida Public Service Commission or NUC's Petition for Temporary Variance filed before the Public Service Commission.

NUC and DDI object to this request on the grounds that it is overly broad.

Without waiving this objection, NUC and DDI state that many of the documents to be produced in response to other items would also appear to be responsive to this request.

Request 10. Please provide any documents analyzing, concerning, referencing, or discussing available or potentially available alternatives for the provision of water service, wastewater service, or reuse service (by any water or wastewater utility) to those areas which are the subject of your application before the Florida Public Service Commission.

To the extent this request calls for documents the disclosure of which could impair NUC's ability to obtain bulk service on the most advantageous terms, NUC and DDI object on the grounds that such documents contain confidential, proprietary business information and are subject to the trade secret privilege. NUC and DDI will provide a confidentiality log identifying any documents which are withheld on the basis of this claim of confidentiality.

Request 23. Please provide documents which discuss, reference, concern, project or calculate projected impervious areas; retention areas (both in terms of acres and capacities); run-off volumes and rates; major drainage paths, drainage area outlets; and any maps, schematics or plans which reveal any of the above-referenced information.

NUC and DDI object to this request on the grounds that it is not relevant to the subject matter of these proceedings and is not reasonably calculated to lead to the discovery of admissible evidence.

Request 28. [DDI ONLY] Please provide any documents discussing, referencing, analyzing, considering or pertaining to the anticipated, potential, or expected water and/or wastewater service to any portion of the Nocatee development. Your response should include, but not be limited to, any documents pertaining to or relating to, referencing, discussing, analyzing, or comparing alternative utility providers and/or the provision of such utility service from alternative entities.

To the extent this request calls for documents the disclosure of which could impair NUC's ability to obtain bulk service on the most advantageous terms, DDI objects on the grounds that such documents contain confidential, proprietary business information and are subject to the trade secret privilege. NUC and DDI will provide a confidentiality log identifying any documents which are withheld on the basis of this claim of confidentiality.

RESPECTFULLY SUBMITTED this 4th day of February, 2000.

HOPPING GREEN SAMS & SMITH, P.A.

By: Richard D. Melson
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Tallahassee, FL 32314
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Attorneys for Nocatee Utility
Corporation, DDI, Inc., and
Estuary Corporation

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing was served this 4th day of February, 2000, on the following:

Samantha Cibula
Division of Legal Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399

By U.S. Mail

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