

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

**ORIGINAL**

In re: Application for increase )  
in water rates in Orange County )  
by Wedgefield Utilities, Inc. )

DOCKET NO. 991437 WU

Filed: October 20,

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RECORDS AND REPORTING

RESPONSE AND OBJECTIONS  
BY WEDGEFIELD UTILITIES, INC.  
TO CITIZEN'S FIRST SET OF INTERROGATORIES TO WEDGEFIELD  
AND  
TO CITIZENS FIRST REQUEST FOR  
PRODUCTION OF DOCUMENTS TO WEDGEFIELD

Wedgefield Utilities, Inc. (Wedgefield) hereby files its response and objections to the Interrogatories and the Requests for Production served by the Office of Public Counsel (OPC).

Introduction and General Objections

1. On October 12, 2000, OPC served by hand delivery the Citizens First Set of Interrogatories to Wedgefield (containing 10 interrogatories) and the Citizens First Set of Requests for Production of Documents to Wedgefield (containing 11 requests for production). The Order Establishing Procedure, Order No. PSC-00-1895-PCO-WU issued October 16, 2000, requires that objections to discovery shall be made within ten (10) days of service of the discovery request (Order, page 1) and that responses to discovery be served within twenty (20) days of receipt of the discovery request (Order, page 2).

2. Wedgefield objects to Interrogatories numbered 1 through 10 and objects to Requests for Production numbered 1 through 8, and 11.

3. Subject to the reservation of objections stated herein, Wedgefield will

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- CAF \_\_\_\_\_
- CMP \_\_\_\_\_
- COM \_\_\_\_\_
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- ECR \_\_\_\_\_
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provide a response to Requests for Production No. 9 and No. 10. Wedgefield objects to the other Interrogatories and Requests for Production on the grounds that they are premature. A final determination has not been made on Wedgefield Utilities Inc.'s Motion to Strike and Dismiss the Office of Public Counsel's Petition Requesting Section 120.57 Hearing and Protest of Proposed Agency Action. As shown by Wedgefield's Motion, the Office of Public Counsel (OPC) has previously raised and fully litigated the issue of negative acquisition adjustment as to this same utility in Commission Docket No. 971220-WS. OPC's demand for imposition of a negative acquisition adjustment for this utility was rejected by the Commission in its Order No. PSC-00-0264-FOF-WS issued on February 8, 2000. In the current case, the only matter protested by OPC was negative acquisition adjustment. Therefore, the utility should not properly be required to be responded again to that matter. It is not a valid issue before this Commission.

4. Having to re-litigate the same issue, on negative acquisition adjustment, and having to respond again to OPC on that same issue, would be unreasonable, duplicative, oppressive, time consuming, and unnecessarily expensive. Furthermore, re-litigating the same issue as to the same utility is prohibited by the legal principals of res judicata, collateral estoppel, stare decisis, and administrative finality. Wedgefield hereby adopts its Motion, as if set forth verbatim herein, as further objection to OPC's Interrogatories and Requests for Production.

5. Objection is also raised on the grounds that the Interrogatories and Requests for Production seek information which is not otherwise relevant to the issues and subject matter of the action and/or seek information which is not reasonably calculated to lead to

the discovery of admissible evidence.

6. Upon final resolution of Wedgefield's Motion, if it is determined that the Office of Public Counsel may validly raise the issue of acquisition adjustment again in this case, then in that event Wedgefield hereby reserves the right to make such other and additional objections as it might deem appropriate at that time, including but not limited to the other objections raised herein.

7. Objection is also made to the Interrogatories and the Requests for Production on the grounds that they are overly broad, unduly burdensome, oppressive, time-consuming, harassing, vexatious, and/or unnecessarily expensive, they lack particularity, are vague and ambiguous, and they call for an unwarranted opinion, conclusion, contention or inference.

8. Objection is also made to the Interrogatories and the Requests for Production on the grounds that information sought is as readily available to OPC as it is to Wedgefield, and therefore Wedgefield should not be burdened with obtaining information which OPC should just as easily obtain on its own.

9. Objection is also made to the extent the Interrogatories and Requests for Production assume the truth of matters not accepted as fact. Furthermore, this case applies only to Wedgefield's water utility system, not to its sewer utility system.

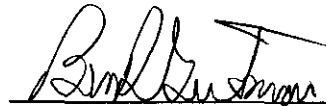
10. Objection is also made to the Interrogatories and Requests for Production to the extent that they seek privileged information, proprietary information, or other information or materials which have been gathered or prepared in the course of the litigation or which is otherwise subject to the attorney-client privilege, the work-product

privilege, or any other applicable privilege.

11. These objections by Wedgefield Utilities, Inc. apply to each and every interrogatory (1 through 10) and the other portions of the Citizens First Set of Interrogatories to Wedgefield and to each and every Request for Production (1 through 8 and 11, but not Request No. 9 and Request No. 10) and to each and every other portion of the Citizens First Set of Requests for Production of Documents to Wedgefield. Subject to the reservation of objections stated herein, Wedgefield is preparing a response to Request No. 9 and Request No. 10 and expects to serve those responses on or before the deadline required by the Order Establishing Procedure.

WHEREFORE, Wedgefield Utilities, Inc. objects to Interrogatories numbered 1 through 10 and objects to Requests for Production numbered 1 through 8, and 11 on the grounds set forth above.

Respectfully submitted,



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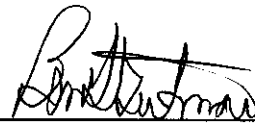
Attorney for  
Wedgefield Utilities, Inc.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing has been sent to the following by U.S. mail (or by hand delivery\*) this 20<sup>th</sup> day of October, 2000.

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