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COMMISSION
CLERK

August 27, 2002

Blanca S. Bayo, Director
Division of the Commission Clerk
and Administrative Services
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

Re: Docket No. 992015-WU

Dear Ms. Bayo:

Enclosed for filing in the above-referenced docket is the original and 15 copies of
Citizens' Motion to Compel.

Please indicate the time and date of receipt on the enclosed duplicate of this letter.

Sincerely,

Stephen C. Reilly
Associate Public Counsel

- AUS _____
- CAF _____
- CMP _____
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- CTR _____
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- GCL _____
- OPC _____
- MMS _____
- SEC 1
- OTH _____

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FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

09065 AUG 27 02

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for Limited)
Proceeding to Recover Costs of)
Water System Improvements in)
Marion County by Sunshine)
Utilities of Central Florida, Inc.)

Docket No. 992015-GU

Filed: August 27, 2002

CITIZENS' MOTION TO COMPEL

Pursuant to Chapter 28-106.206, Florida Administrative Code, and Rule 1.380, Florida Rules of Civil Procedure, the Citizens of the State of Florida ("Citizens"), by and through their undersigned attorney, respectfully request the Prehearing Officer to issue an order compelling Sunshine Utilities of Central Florida, Inc. ("Sunshine", "Utility", or "Company") to provide responsive answers to the Citizens' third and fourth Interrogatories propounded upon Sunshine, and state:

1. On August 2, 2002, the Citizens propounded their First Set of Interrogatories upon Sunshine.
2. Counsel for the Citizens and Sunshine discussed the Citizens' First Set of Discovery and Sunshine's objections and requests for clarification. As a result of these discussions all of the disputes were resolved except for Sunshine's refusal to respond to Interrogatories Nos. 3 and 4. For these two Interrogatories the Citizens and Sunshine agreed to disagree.
3. Interrogatories Nos. 3 and 4 provide:
 3. Please provide a job description of each employee and officer of

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

Sunshine Utilities, Inc.

4. Please provide the total salary and/or wages of each employee and officer of Sunshine Utilities, Inc. Please indicate separately all monies paid (or other compensation, i.e., company car) to employees that is not salary, but represent bonuses and/or other perks paid to employees. Please provide the requested information for the years 1990 and 1994-2001 and to date 2002.

4. On August 9, 2002, Sunshine filed its Objections to and Requests for Clarification of Citizens' First Set of Interrogatories. Sunshine's specific objections to Interrogatories Nos. 3 and 4 were stated as follows:

Interrogatory No. 3 Sunshine objects to this interrogatory as irrelevant to any issue in this case to the extent that it seeks information relating to any employee or officer of Sunshine other than James H. Hodges. No timely objections were raised to the Commission's proposed agency action relating to any employees or officers of Sunshine other than James H. Hodges. Accordingly, the Commission's proposed agency action as it relates to all employees or officers of Sunshine other than Mr. Hodges is deemed stipulated pursuant to Section 120.80(13)(b), Florida Statutes.

Interrogatory No. 4 Sunshine objects to this interrogatory as irrelevant to any issue in this case to the extent that it seeks information relating to any employee or officer of Sunshine other than James H. Hodges. No timely objections were raised to the Commission's proposed agency action relating to any employees or officers of Sunshine other than James H. Hodges. Accordingly, the Commission's proposed

agency action as it relates to all employees or officers of Sunshine other than Mr. Hodges is deemed stipulated pursuant to Section 120.80(13)(b), Florida Statutes.

5. It may be that the salaries of the other officers and employees of Sunshine are deemed stipulated for the purposes of this limited proceeding. However, the salary level of James H. Hodges is the primary issue of this proceeding. All information which will help the Commission determine the proper level of compensation for Mr. James H. Hodges is relevant, discoverable information for the purposes of this limited proceeding.

6. Only after the discovery of the job descriptions of each and every officer and employee of Sunshine, and the discovery of all compensation, of any kind (including salaries, wages, fees, company cars, bonuses, perks, benefits, etc.) paid to each and every officer and employee of Sunshine, can the level of compensation to be paid to Mr. James H. Hodges be fairly determined.

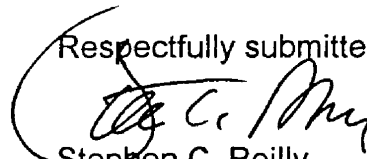
7. The decision of how much compensation the ratepayers must pay Mr. James H. Hodges for his services to the Utility can not be made in a vacuum. Information about how much compensation the ratepayers are paying to others and the duties and responsibilities of the other people must be discovered before the Commission can properly determine the amount of compensation that the ratepayers must pay Mr. James H. Hodges for his services. The ratepayers can not be expected to pay a person to provide services that are already adequately being provided by

another paid officer or employee.

8. With Interrogatory No. 4 the Citizens not only seek "all monies paid", of any kind whatsoever, to officers and employees other than Mr. James H. Hodges, we also seek to discover all monies paid by Sunshine to James H. Hodges or his wife, of any kind whatsoever, including monies paid by Sunshine to any entity owned by James H. Hodges. Only after discovering and analyzing all of the monies paid to Mr. James H. Hodges, however characterized, can we determine the total cost to the ratepayers for Mr. Hodges' stewardship of Sunshine, and the level of salary that should be paid to him as President.

WHEREFORE, the Citizens respectfully request the Prehearing Officer to order Sunshine to fully respond to the Citizens' third and fourth interrogatories by fully and completely disclosing the detailed job descriptions of each and every officer and employee of Sunshine and fully disclosing all compensation or benefits, of any kind whatsoever, which is paid by Sunshine to each and every officer and employee of Sunshine.

Respectfully submitted,

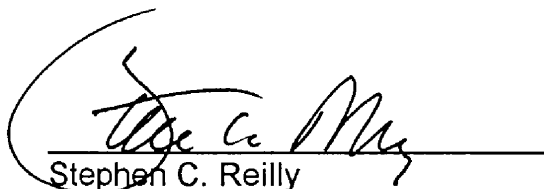


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Attorney for the Citizens
of the State of Florida

**DOCKET NO. 992015-WU
CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of the foregoing Citizens' Motion to Compel has been furnished by hand-delivery to the following parties on this 27th day August, 2002.


Stephen C. Reilly

Ralph Jaeger, Esquire
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