

**BEFORE THE PUBLIC SERVICE COMMISSION**

In re: Initiation of show cause proceedings  
Against Aloha Utilities, Inc. in Pasco  
County for failure to charge approved  
Service availability charges, in violation  
Of Order No. PSC-01-0326-FOF-SU and  
Section 367.091, Florida Statutes

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Docket No. 020413-SU

Filed: November 4, 2002

**OBJECTIONS OF ADAM SMITH ENTERPRISES, INC. TO  
ALOHA UTILITIES, INC.'S FIRST SET OF INTERROGATORIES (NOS. 1-7)**

Adam Smith Enterprises, Inc. (Adam Smith) files its objections to Aloha Utilities, Inc.'s First Set of Interrogatories (No. 1 - 7).

**INTERROGATORY NO. 2:** For the period from May 23, 2001 until April 16, 2002, please provide the total number of lots, identified by subdivision and lot number, tax identification number or street address, owned by Adam Smith and its affiliated companies that were connected to Aloha's water and wastewater system.

**OBJECTION:** Adam Smith interprets Interrogatory No. 2 to refer to those lots that were owned by Adam Smith at the time they were connected to Aloha's water and wastewater systems. Adams Smith will answer accordingly.

In the event the intent of Interrogatory No. 2 is to request Adam Smith to identify lots by subdivision and lot number, tax identification number or street address that were owned by Adam Smith and its affiliate companies during the period May 23, 2001 until April 16, 2002, *prior to* the time they were connected to Aloha's water and wastewater systems, Adam Smith objects on the basis that the Interrogatory is unduly burdensome. The universe of lots for which Adam Smith has such records is far greater than the specific lots impacted by the issues in this case. In order to refine the request to a manageable number, Adam Smith needs from Aloha information in Aloha's possession regarding the lots that were connected during the pertinent

time frame. Adam Smith is willing to identify, from a list of connections furnished to Adam Smith by Aloha and based on information already in Aloha's records, lots that were transferred by Adam Smith during the period May 23, 2001 until April 16, 2002. Aloha has provided a preliminary list to Adam Smith, but, as Adam Smith has communicated to Aloha, its list appears to be replete with errors.

**INTERROGATORY NO. 3:** For the time period from April 16, 2001 to date, please provide the total number of lots, identified by subdivision and lot number, tax identification number or street address, owned by Adam Smith and its affiliated companies that were connected to Aloha's water and wastewater systems.

**OBJECTION:** Adam Smith interprets Interrogatory No. 3 refer to those lots that were owned by Adam Smith at the time they were connected to Aloha's water and wastewater systems. Adams Smith will answer accordingly.

In the event the intent of Interrogatory No. 3 is to request Adam Smith to identify lots by subdivision and lot number, tax identification number or street address that were owned by Adam Smith and its affiliate companies during the period April 16, 2002, to date *prior to* the time they were connected to Aloha's water and wastewater systems, Adam Smith objects on the basis that the Interrogatory requests information that is not in Adams Smith's possession or control. Adam Smith is willing to identify, from a list of connections furnished to Adam Smith by Aloha and based on information already in Aloha's records, those lots that were transferred by Adam Smith during the period April 16, 2002 to date. Aloha has provided a preliminary list to Adam Smith, but, as Adam Smith has communicated to Aloha, that list appears to be replete with errors.

**INTERROGATORY NO. 4:** For each of the lots which Adam Smith alleges in its Petition for Formal Hearing were sold and the title transferred to other entities prior to connection to Aloha's wastewater system during the period May 23, 2001 through April 16, 2002, please provide the following information:

- a. The tax identification number, subdivision and lot number and street address, if available, of each lot.
- b. The entity to which each lot was sold and to whom title was transferred and its affiliation with Adam Smith, if any.
- c. The price at which each lot was sold and the net profit or loss realized on each lot.
- d. The date of each sale and the date at which title was transferred if not at the time of sale.
- e. The amount of service availability charges paid, if any, by Adam Smith to Aloha for each lot.

**OBJECTION:** Adam Smith objects to Interrogatory 4(c) on the following grounds:

- a. The price at which each lot sold and the net profit or loss realized on each lot is irrelevant to any issue in this case, and further is not reasonably calculated to lead to the discovery of admissible evidence. While this consideration is dispositive, Adam Smith also objects as follows:
- b. The information sought in Interrogatory 4(c) constitutes confidential proprietary business information that Aloha does not need in order to prepare its case.
- c. The information sought in interrogatory 4(c) is so irrelevant and so sensitive as to render the Interrogatory oppressive and harassing in nature.
- d. The request is unduly burdensome.

Adam Smith further objects to Interrogatory 4 on the basis that the Interrogatory requests information that Adam Smith cannot provide unless and until Adam Smith receives a new, verified list of connected lots from Aloha. Once Adam Smith sells a lot and transfers title to a builder or homeowner, it is up to the builder or homeowner to then arrange with Aloha to pull a meter and connect to the system. Therefore, the information which is necessary to answer this interrogatory accurately and completely, is in the possession of Aloha, not Adam Smith.

**INTERROGATORY NO. 5:** Has Adam Smith sold lots and transferred title to other entities from April 16, 2002, to date? If so, please provide the following information regarding those lots:

- a. The tax identification number, subdivision and lot number and street address, if available, of each lot.
- b. The entity to which each lot was sold and to whom title was transferred and its affiliation with Adam Smith, if any.
- c. The price at which each lot was sold and the net profit or loss realized on each lot.
- d. The date of each sale and the date at which title was transferred if not at the time of sale.
- e. Whether each lot was connected to Aloha's water and wastewater systems prior to sale, and if so, the amount of service availability charges paid to Aloha for each lot by Adam Smith.

**OBJECTION:** Adam Smith objects to Interrogatory 5(c) on the following grounds:

- a. The price at which each lot sold and the net profit or loss realized on each lot is irrelevant to any issue in this case, and further is not reasonably calculated to lead to the discovery of admissible evidence.

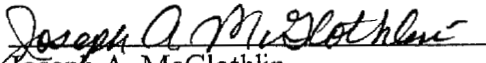
b. The information sought in Interrogatory 5(c) constitutes confidential proprietary business information.

c. The information sought in interrogatory 5(c) is so irrelevant and so sensitive as to render the Interrogatory oppressive and harassing in nature.

d. The request is unduly burdensome.

Adam Smith further objects to Interrogatory 5 on the basis that the Interrogatory requests information that Adam Smith cannot provide unless and until Adam Smith receives a new, verified list of connected lots from Aloha. Once Adam Smith sells a lot and transfer title to a builder or homeowner, it is up to the builder or homeowner to then arrange with Aloha to pull a meter and connect to the system. Therefore, the information which is necessary to answer this interrogatory accurately and completely, is in the possession of Aloha, not Adam Smith.

Further, Adam Smith interprets Interrogatory 5 as relating to lots sold by Adam Smith within Aloha's service area. If the intent is to refer to all of Adam Smith's operations, then Adam Smith objects to Interrogatory 5 on the basis that is overbroad, and seeks information that is neither relevant to any issue in the case nor reasonably calculated to lead to the discovery of admissible evidence.

  
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## CERTIFICATE OF SERVICE

**I HEREBY CERTIFY** that a true and correct copy of the foregoing Objections of Adam Smith Enterprises, Inc. to Aloha Utilities, Inc.'s First Set of Interrogatories (Nos. 1-7) was sent via (\*)Hand Delivery or U.S. Mail on this 4<sup>th</sup> day of November, 2002 to the following:

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