

RUTLEDGE, ECENIA, PURNELL & HOFFMAN

PROFESSIONAL ASSOCIATION
ATTORNEYS AND COUNSELORS AT LAW

ORIGINAL

STEPHEN A. ECENIA
RICHARD M. ELLIS
KENNETH A. HOFFMAN
THOMAS W. KONRAD
MICHAEL G. MAIDA
MARTIN P. McDONNELL
J. STEPHEN MENTON

POST OFFICE BOX 551, 32302-0551
215 SOUTH MONROE STREET, SUITE 420
TALLAHASSEE, FLORIDA 32301-1841

TELEPHONE (850) 681-6788
TELECOPIER (850) 681-6515

November 15, 2002

R. DAVID PRESCOTT
HAROLD F. X. PURNELL
MARSHA E. RULE
GARY R. RUTLEDGE
GOVERNMENTAL CONSULTANTS
MARGARET A. MENDONÇA
M. L. STEPHENS

RECEIVED FPSC
NOV 15 PM 3:49
COMMISSION CLERK

HAND DELIVERY

Ms. Blanca Bayo, Director
Commission Clerk and Administrative Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Re: Docket No. 021066-WS

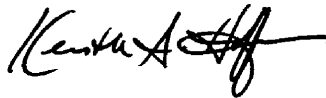
Dear Ms. Bayo:

Enclosed with this letter on behalf of Florida Services Corporation ("Florida Water") are the original and fifteen copies of Florida Water's Response to Office of Public Counsel's Motion for Expedited Response to Office of Public Counsel's First Set of Requests for Production of Documents.

Please acknowledge receipt of these documents by stamping the extra copy of this letter "filed" and returning the copy to me.

Thank you for your assistance with this filing.

Sincerely,



Kenneth A. Hoffman

KAH/rl
AUS Enclosures
CAF cc: All Parties of Record
CMP 021066/Bayo.1115
COM _____
CTR _____
ECR _____
GCL _____
OPC _____
MMS _____
SEC 1
OTH _____

RECEIVED & FILED

Mos
FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER - DATE

12573 NOV 15 02

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Investigation into proposed sale of)
Florida Water Services Corporation)
_____)

Docket No. 021066-WS
Filed: November 15, 2002

**FLORIDA WATER SERVICES CORPORATION'S
RESPONSE TO OFFICE OF PUBLIC COUNSEL'S
MOTION FOR EXPEDITED RESPONSE TO
OFFICE OF PUBLIC COUNSEL'S FIRST SET
OF REQUESTS FOR PRODUCTION OF DOCUMENTS**

Florida Water Services Corporation ("Florida Water"), by and through its undersigned counsel, and pursuant to Rule 28-106.204(1), Florida Administrative Code, hereby files this Response to the Office of Public Counsel's ("OPC") Motion to Require Response by Florida Water to OPC's First Set of Requests for Production of Documents by no later than Monday, November 18, 2002, and states as follows:

1. As stated by OPC, the Commission opened this docket on October 22, 2002. As also noted by OPC, the terms of the Asset Purchase Agreement was executed on September 19, 2002 between Florida Water and the Florida Water Services Authority ("Authority") and contemplates a closing date of December 15, 2002.

2. As of this date, Florida Water has not filed an application with the Commission for acknowledgment of the sale of its facilities to the Authority pursuant to Section 367.071(4)(a), Florida Statutes. Accordingly, there is no critical date for Commission action on matters within the Commission's jurisdiction associated with this transaction.

3. On November 8, 2002, OPC served its First Set of Requests for Production of Documents on Florida Water. Under the current circumstances as outlined above, there is no

DOCUMENT NUMBER-DATE

12573 NOV 15 02

FPSC-COMMISSION CLERK

apparent good cause or justification to order expedited responses to OPC's document requests.

4. The Authority is a governmental entity and, under statutory law and established Commission precedent, the sale of facilities by Florida Water to the Authority must be approved as a matter of right under Section 367.071(4)(a), Florida Statutes. Accordingly, many of the documents requested by OPC are outside the scope of discovery in a proceeding of this nature, i.e., a sale of assets to a governmental authority.

5. The parties to the transaction are actively involved in an extensive due diligence process for the sale of utility assets in 26 counties throughout the state. The Authority has scheduled a public hearing in Orlando for November 18, 2002, which necessitates extensive input and participation from all parties involved in the transaction.

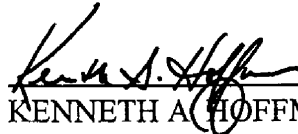
6. Requiring Florida Water to provide expedited responses to OPC's discovery, much of which is irrelevant due to the required statutory approval attendant to this transaction, is both unnecessary and inequitable. Nonetheless, in an effort to cooperate with OPC, Florida Water is prepared to file and serve a response, including its objections, to OPC's First Set of Requests for Production of Documents by Monday, November 25, 2002 and will produce extensive documents to OPC prior to November 25, 2002.¹

WHEREFORE, Florida Water respectfully requests that the Prehearing Officer enter an Order denying the Office of Public Counsel's Motion to Require Response by Florida Water to

¹Under Rule 28-106.206, Florida Administrative Code, and Rule 1.351, Florida Rules of Civil Procedure, Florida Water would be required to respond to OPC's First Set of Requests for Production of Documents within thirty days of service by OPC. By offering to provide expedited responses to OPC's First Set of Requests for Production of Documents, Florida Water does not waive its right to provide responses, including objections, to future discovery in this docket pursuant to the normal thirty day response time provided by the aforesaid rules.

OPC's First Set of Requests for Production of Documents by no later than Monday, November 18, 2002, and order Florida Water to respond to OPC's First Set of Requests for Production of Documents by Monday, November 25, 2002.

Respectfully submitted,



KENNETH A. HOFFMAN, ESQUIRE
J. STEPHEN MENTION, ESQUIRE
RUTLEDGE, ECENIA, PURNELL & HOFFMAN, P.A.
P.O. BOX 551
TALLAHASSEE, FLORIDA
(850) 681-6788 (Telephone)
(850) 681-6515 (Telecopier)

Attorneys for Florida Water Services Corporation

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of Florida Water Services Corporation's Notice of Service of Responses to Staff's Information Request was furnished by United States Mail, this 15th day of November, 2002, to the following:

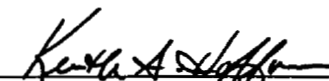
John R. Marks, III, Knowles
Marks & Randolph, P.A.
215 S. Monroe Street, Suite 130
Tallahassee, Florida 32301

Lorena Holley, Esquire
Office of General Counsel
Florida Public Service Commission
2540 Shumard Oak Boulevard, 1st Floor
Gunter Building
Tallahassee, Florida 32399-0850

Charles J. Beck
Deputy Public Counsel
Office of Public Counsel
c/o the Florida Legislature
111 West Madison Street, Room 812
Tallahassee, Florida 32399-1400

Thomas C. Palmer, Esquire
Collier County Board of Commissioner
3301 East Tamiami Trail
Administrative Building, 8th Floor
Naples, Florida 34112

Mr. Chuck Lewis
Hernando County Board of County Commissioners
20 North Main Street, Room 461
Brooksville, Florida 34601-2849



Kenneth A. Hoffman, Esq.