

ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Application of Lake Utility
Services, Inc. for extension of water
and wastewater service in
Lake County, Florida

Docket No. 020907-WS

LAKE UTILITY SERVICES' FIRST REQUEST FOR PRODUCTION OF DOCUMENTS
TO AMES HOLDINGS, LLC, AMES TRADING, LLC, BAKER HERITAGE, LLC, AND
BAKER TURF, LLC

Pursuant to Rule 28-106.206 of the Florida Administrative Code and Rule 1.340 of the Florida Rules of Civil Procedure, Lake Utility Services, Inc. (*Lake Utility*), by and through its undersigned attorney, requests Ames Holdings, LLC, Ames Trading, LLC, Baker Heritage, LLC, and Baker Turf, LLC (individually, the *Company*, and collectively, the *Companies*) to produce the following documents for inspection and copying at the offices of Rose, Sundstrom & Bentley, LLP, 650 S. North Lake Boulevard, Suite 420, Altamonte Springs, Florida 32701, or at such other place as may be mutually agreed upon by counsel, within the time frame allowed by the rule.

INSTRUCTIONS

1. If any document is withheld under any claim of privilege, please furnish a list identifying each document for which privilege is claimed, together with the following information: date, sender, recipients, recipient of copies, subject matter of the document and the basis on which such privilege is claimed.
2. If any Company has possession, custody or control of the originals of the documents requested, please produce the originals or a complete copy of the originals and all copies which are different in any way from the original, whether by interlineation, receipt stamp or notation. If any Company does not have possession, custody or control of the originals of the documents requested, please produce any copies in the possession, custody or control,

DOCUMENT NUMBER DATE

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however made, of such Company.

3. Please construe “and” as well as “or” either disjunctively or conjunctively as necessary to bring within the scope of this production of documents any document which might otherwise be construed to be outside the scope.
4. If you object to any discovery requests, in whole or in part, on the basis of confidentiality, please strictly follow the provisions of the Florida Public Service Commission Rule 25-222.006 requiring a motion for protective order no later than the date the response is otherwise due and urging all parties to seek mutual agreement before bringing a controversy to the Commission.
5. Unless otherwise indicated in the discovery request, or if the context of the request otherwise requires, only documents created on or after January 1, 1994 are requested.

DEFINITIONS

1. “Document” or “documents” is meant to have the broadest possible meaning under applicable law and includes, but is not necessarily limited to any written, recorded, filmed or graphic matter, whether produced, reproduced or on paper, cards, tapes, film, electronic facsimile, computer storage device or any other media, including, but not limited to, memoranda, notes, minutes, records, photographs, correspondence, telegrams, diaries, bookkeeping entries, financial statements, tax returns, checks, check stubs, reports, studies, charts, graphs, statements, notebooks, handwritten notes, applications, agreements, books, pamphlets, periodicals, appointment calendars, records and recordings of oral conversations, work papers and notes, any of which are in your possession, custody or control.
2. As used herein, “Application” means the Application of Lake Utility for extension of water and wastewater service in Lake County, Florida, filed with the Commission under Docket

No. 020907-WS.

3. As used herein: “you” and “your” means each Company or the Companies, as appropriate, together with its or their officers, employees, consultants, agents, representatives, attorneys (unless privileged) and any other person or entity acting on behalf of a Company.
4. Words in the past tense include the present, and words in the present tense include the past. Use of the singular includes the plural, and use of the masculine includes the feminine where appropriate, and vice versa.
5. If there is any document or other tangible item described by this request which is no longer in your possession, custody or control, or is no longer in existence or accessible to you, please indicate:
 - a. The date and nature of the disposition of such document or other tangible item, including, but not limited to whether such (i) is missing or lost; (ii) has been destroyed, or (iii) has been transferred to another person;
 - b. The circumstances surrounding such disposition, including any authorization thereof; and
 - c. Where applicable, the person currently in possession, custody or control of such document or item.
6. Usage of acronyms, abbreviations or other symbolic terms are to be taken as having the same meanings as common usage of those terms in the regulation of utilities in the State of Florida have assigned to them.

DOCUMENTS REQUESTED

1. For each Company, please provide a copy of its certificate of incorporation or other authorizing document.
2. For each Company that is not organized under the laws of the State of Florida, please provide a copy of the applicable certificate of authority issued by the State of Florida authorizing it to conduct business in the State of Florida.
3. Please provide a copy of all deeds, contracts, instruments and other documents by which a Company claims an ownership interest or other right in the area which Lake Utility seeks to serve pursuant to the Application.
4. Please provide a copy of all documents relating to the development by a Company of the area which Lake Utility seeks to serve pursuant to the Application, including all agreements for the construction, maintenance or operation of facilities for utility services.
5. Please provide a copy of all documents on which each Company has based its decision to object to the Application.
6. Please provide a copy of all correspondence between a Company and any other party to this proceeding relating to a Company's or such party's objection to the Application.
7. Please provide a copy of all documents relating to all other objections filed by the Companies to an application by a water and/or wastewater service provider to provide water and/or wastewater service or extend its service area.
8. Please provide a copy of all documents relating to each Company's present or future plans to provide or obtain water and/or wastewater service for the area owned and/or developed by such Company or in which such Company may have an interest.
9. Please provide a copy of all documents relating to every party who has approached a

Company for the purpose of, or who has entered into negotiations for the purpose of, or who has entered into an agreement for the purpose of, providing water and/or wastewater service to any part of the area owned and/or developed by such Company or in which such Company may have an interest.

10. Please provide a copy of all documents on which you base your statement that Lake Utility does not have the financial and technical ability to provide service to the area it has applied to serve.
11. Please provide a copy of all documents on which you base your statement that there is no need for service to the area, now or in the foreseeable future.
12. Please provide a copy of all documents on which you base your statement that the Application by Lake Utility is premature and “seeks to pre-empt other, more cost effective and efficient providers.”
13. Please provide a copy of all documents relating to each “more cost effective and efficient providers”.
14. Please provide a map or other description of the service area in the State of Florida of each such service provider.
15. Please provide a copy of all documents explaining why such provider is more cost effective and efficient.
16. Please provide a copy of all documents on which you base your statement that Lake Utility is not capable of serving the area it is seeking to serve with its existing water and wastewater treatment plants.
17. Please provide a copy of all documents on which you base your statement that Lake Utility is unable to provide timely and cost effective service in the future.

18. Please provide a copy of all documents on which you base your statement that “Lake Utility’s failure to consider proposed growth demonstrates the current lack of need”.
19. Please provide a copy of all documents on which you base your statement that the Application of Lake Utility does not meet the provisions of Rule 25-30.036 of the Florida Administrative Code.

CERTIFICATE OF SERVICE
DOCKET NO. 020907-WS

I HEREBY CERTIFY that a true and correct copy of the foregoing Lake Utility's First Request for Production of Documents to Ames Holdings, LLC, Ames Trading, LLC, Baker Heritage, LLC, and Baker Turf, LLC has been furnished by U.S. Mail to the following parties on this 25th day of November 2002:

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