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Room 812  
Tallahassee, Florida 32399-1400  
850-488-9330

January 29, 2003

COMMISSION  
CLERK

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Blanca S. Bayo, Director  
Division of Records and Reporting  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

Re: Docket No. 020071-WS

Dear Ms. Bayo:

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

Please indicate the time and date of receipt on the enclosed duplicate of this letter and return it to our office.

Sincerely,

Charles J. Beck  
Deputy Public Counsel

CJB:bsr

Enclosures

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CAF \_\_\_\_\_  
CMP \_\_\_\_\_  
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DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application of Utilities, Inc. of ) Docket no. 020071-WS  
Florida for a rate increase in Marion, Orange )  
Pasco, Pinellas and Seminole Counties ) Dated January 29, 2003

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**CITIZENS' FOURTH MOTION TO COMPEL**

The Citizens of Florida (Citizens), through their attorney, pursuant to Rules 28-106.204, and 28-106.205, Florida Administrative Code, request the Prehearing Officer issue an order compelling Utilities, Inc. of Florida (Utilities, Inc.) to immediately produce all of the documents and answer all of the interrogatories described in the following paragraphs.

**Citizens' Sixth Set of Interrogatories dated November 19, 2002**

Citizens served our sixth set of interrogatories on November 19, 2002. The response and answer by Utilities, Inc., was due on December 19, 2002.

Utilities, Inc. never answered, objected to, or responded in any way to these interrogatories. Instead, it has simply ignored the discovery request. The Prehearing Officer should order Utilities, Inc. to immediately answer all of these interrogatories.

**Citizens' Seventh Set of Interrogatories dated November 20, 2002**

Citizens served our seventh set of interrogatories on November 20, 2002. The response and answer by Utilities, Inc., was due on December 20, 2002.

Utilities, Inc. never answered, objected to, or responded in any way to these interrogatories. Instead, it has simply ignored the discovery request. The Prehearing Officer should order Utilities, Inc. to immediately answer all of these interrogatories.

Citizens' Sixth Set of Requests for Production of Documents dated November 20, 2002

Citizens served our sixth set of requests for production of documents on November 20, 2002. The response and answer by Utilities, Inc., was due on December 20, 2002.

Utilities, Inc. never answered, objected to, or responded in any way to these requests for production of documents. Instead, it has simply ignored the discovery request. The Prehearing Officer should order Utilities, Inc. to immediately produce all of the documents.

Requests number 44-48 of Citizens' Fifth Set of Requests for Production of Documents dated November 19, 2002

Citizens served our fifth set of requests for production of documents, consisting of requests numbered 44 through 55, on November 19, 2002. The response and answer by utilities, Inc. was due on December 19, 2002.

Utilities, Inc., filed objections to requests numbered 49 through 55 in a document dated November 25, 2002, which was received by Citizens on December 2, 2002. We filed our second motion to compel on December 4, 2002, in response to these objections. However, Utilities, Inc. never filed any objections to requests numbered 44 through 48, and the company has never answered the requests or

provided the documents. The Prehearing Officer should order Utilities, Inc. to immediately produce all of the documents responsive to request numbered 44 through 48 of Citizens' fifth set of requests for production of documents.

Request number 38 of Citizens' Second Set of Requests for Production of Documents dated August 9, 2002

Request number 38 of Citizens' second set of requests for production of documents asked for an electronic copy of the MFRs filed in the instant rate proceeding. This is a fundamental request used to garner the data filed by the company in a form useful for analysis.

On or about October 31, 2002, the company provided electronic files, but it turned out that the files provided by the company did not match the company's filing. Efforts to obtain electronic files from the company matching the company's filing have been futile. The Prehearing Officer should order the company to immediately produce electronic files of their MFRs that match what they have filed in this case, as we requested on August 9, 2002.

Conclusion

The company continues to act as if it does not have to comply with the rules of procedure in a rate case that apply to every other company before the Commission. Utilities, Inc. simply ignores discovery properly served on it and responds to discovery and pleadings only to the extent it wishes, while ignoring required time frames. These actions continue to severely affect our ability to prepare our case.

The Commission must not allow the company to seek large increases in customers' rates, but at the same time ignore its obligations in discovery.

**WHEREFORE**, Citizens respectfully request the Prehearing Officer issue an order compelling Utilities, Inc. to immediately produce all of the documents and answer all of the interrogatories described in this fourth motion to compel.

Respectfully submitted,



Charles J. Beck  
Deputy Public Counsel

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c/o The Florida Legislature  
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(850) 488-9330

Attorney for Florida's Citizens

**CERTIFICATE OF SERVICE**  
**DOCKET NO. 020071-WS**

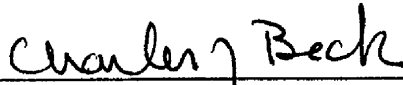
I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by hand delivery, facsimile and/or U.S. Mail to the following parties on this 29th day of January, 2003.

By U.S. Mail & Facsimile:

Martin S. Friedman, Esquire  
Rose, Sundstrom & Bentley, LLP  
650 S. North Lake Blvd.  
Suite 420  
Altamonte Springs, FL 32701

By Hand Delivery:

Rosanne Gervasi, Esquire  
Lorena Holley, Esquire  
Division of Legal Services  
Fla. Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

  
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Charles J. Beck  
Deputy Public Counsel