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June 19, 2003

HAND DELIVERY

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

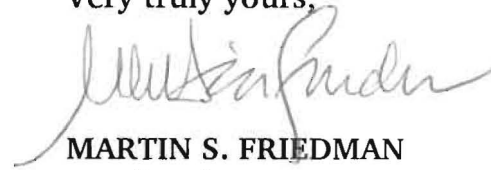
RECEIVED-FPSC
JUN 20 PM 3:48
COMMISSION
CLERK

Re: Docket No. 020071-WS; Application of Utilities, Inc. of Florida for a rate increase
Our File No.: 30057.40

Dear Ms. Bayo:

Enclosed please find for filing in the above-referenced docket an original and seven (7) copies of Utilities, Inc. of Florida's Objections to and Motion to Strike Citizens' Fifteenth Set of Interrogatories (Nos. 190-199) and Fifteenth Request for Production of Documents (Nos. 105-109).

Very truly yours,



MARTIN S. FRIEDMAN
For the Firm

AUS
CAF
CMP
COM 3
CTR
ECR
GCL
OPC
MMS
SEC 1
OTH

MSF/dmp
Enclosures
cc: H. F. Mann, Esquire (w/enclosure)(via facsimile)
Rosanne Gervasi, Esquire (w/enclosure) (via facsimile)
Mr. Steven M. Lubertozi (w/enclosure)
Mr. Patrick Flynn (w/enclosure)
Mr. David L. Orr (w/enclosure)

DOCUMENT NUMBER-DATE
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FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Application of)
UTILITIES, INC. OF FLORIDA)
for a rate increase in Marion, Orange,) Docket No. 020071-WS
Pasco, Pinellas and Seminole Counties)
_____)

**UTILITIES, INC. OF FLORIDA'S OBJECTIONS TO AND MOTION TO STRIKE
CITIZENS' FIFTEENTH SET OF INTERROGATORIES (NOS. 190-199) AND
FIFTEENTH REQUESTS FOR PRODUCTION OF DOCUMENTS (NOS. 105-109)**

UTILITIES, INC. OF FLORIDA (hereinafter "UIF"), by and through its undersigned counsel, hereby files its Objection to and Motion to Strike Citizens' Fifteenth Set of Interrogatories (Nos. 190-199) and Fifteenth Requests for Production of Documents (Nos. 105-09), and in support thereof states:

1. The Order Establishing Procedure dated October 31, 2002 (Order No. PSC-02-1495-PCO-WS) (the "Order") limited the number of interrogatories and requests for production, including subparts, that a party could propound to 250.
2. The Citizens of the State of Florida, by and through the Office of Public Counsel ("OPC"), have served 14 sets of Interrogatories and 14 sets of requests for production on UIF. The number of interrogatories served to date, including subparts, is in excess of 400, well over the limit mandated by the Order.
3. In the spirit of cooperation, UIF has not objected previously to the excessive number of interrogatories. UIF withdrew its Objections to Citizens' Thirteenth Set of Interrogatories as part of an agreement to assist Citizens in their evaluation of the huge amount of data supplied by UIF in this case in response to discovery requests propounded by Citizens and Staff of the Commission.

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FPSC-COMMISSION CLERK

4. OPC has not sought a modification of the Order authorizing the service of interrogatories or requests for production of documents in excess of the prescribed limit.

5. UIF objects to Citizens' Fifteenth Set of Interrogatories in their entirety as being in excess of the limit prescribed by the Order and because OPC has not sought a modification of the Order.

6. UIF also objects to Citizens' Fifteenth Set of Interrogatories because most, if not all, of the information sought, could have been requested and provided last year. The information solicited appears to be based on data provided pursuant to discovery requests to which UIF responded before March, of this year. For instance, Interrogatory No. 198 requests information concerning the job descriptions of the personnel at Water Services Corp. who provide services to UIF. Citizens have had the Water Services Corp. allocation manuals since November, 2002.

7. Furthermore, many of the discovery requests are duplicative of requests to which UIF has responded. For example, Request for Production No. 106 requests all documentation on which UIF will rely to support the amount of rate case expense. These documents were supplied in connection with Staff Interrogatory Nos 78-80. UIF responded to Citizens' Interrogatory No. 167 in its response to Citizens' Requests for Production Nos. 67 and 70.

8. Request for Production of Documents No. 107 requires UIF to provide "all contracts between WSC or its affiliates and the systems that are provided contract services". UIF objects to Request for Production No. 107 on two grounds: (a) the information sought is not relevant to this matter and not reasonably calculated to lead to the discovery of admissible evidence; and (b) the scope of the request is overly broad.

9. Interrogatory No. 196 requires UIF to explain why it used only water customers to allocate WSC rate base amounts in this case. UIF objects to this interrogatory as the interrogatory is unclear

and does not refer to a document or other reference point. Accordingly, it does not understand the question and is therefore uncertain as to how to respond.


10. Citizens would not be prejudiced by the Commission's refusal to require further discovery in this case as most of the information sought by Citizens has already been provided. In addition, because the information is not material to the issues, therefore not necessary to prepare their case.

11. UIF is in the process of evaluating and preparing a response to Citizens' testimony. In addition, the Commission Staff's testimony is due on June 16, 2003, and UIF must review and evaluate it as well. UIF's rebuttal testimony, based on Staff's and Citizens' testimony, must be submitted on or before June 30, 2003. In addition, UIF's Prehearing Statement is due on June 30, 2003. Discovery propounded to UIF at this stage is not only prejudicial and disruptive, it cannot be seen to elicit information that is material to Citizens or their case.

WHEREFORE, Utilities, Inc. of Florida requests that the Commission strike Citizens' Fifteenth Set of Interrogatories and Fifteenth Request for Production to Utilities, Inc. of Florida and enter an order prohibiting the Citizens of the State of Florida from propounding further discovery to Utilities, Inc. of Florida.

Respectfully submitted on this
20th day of June, 2003, by:

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By: 
MARTIN S. FRIEDMAN
Florida Bar No.: 199060

CERTIFICATE OF SERVICE
DOCKET NO.: 020071-WS

I HEREBY CERTIFY that a true and correct copy of the foregoing Utilities, Inc. Of Florida's Objections to and Motion to Strike Citizens' Fifteenth Set of Interrogatories (Nos. 190-199) and Fifteenth Requests for Production of Documents (Nos. 105-109) has been served upon the following parties by facsimile and U.S. Mail this 13 day of June, 2003:

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