

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for Certificate to)
provide water service in Volusia)
and Brevard Counties by Farmton)
Water Resources, LLC)

Docket No. 021256-WU

Filed: July 7, 2003

OBJECTIONS TO CITY OF TITUSVILLE’S FIRST REQUEST FOR PRODUCTION
AND REQUEST FOR EXTENSION OF TIME

Pursuant to Order No. PSC-03-0370-PCO-WU (the “Order”), Farmton Water Resources, LLC (“Farmton”), by and through its undersigned attorneys, hereby provides its objections to the City of Titusville’s First Request for Production.

General Objection

To the extent that any Request for Production calls for documents which are privileged, work product, or afforded similar or analogous protections under Florida law, Farmton objects. This general objection is applicable to each and every Request for Production as if set forth therein.

Objections to Definitions in First Request for Production

A. Farmton objects to Titusville’s “definition” of “its” as overbroad, vague, and confusing. (Titusville purports to also define the term “it” in its definitions but thereafter never uses the term in the First Request for Production).

Titusville defines “its” (and “it”) to “refer to Farmton or such other entity operating under *its* direct or indirect control, and any other person acting on *its* behalf, including agents, servants, employees, or prior employees.” (emphasis supplied) Farmton respectfully submits that such definition is singularly circular, overbroad and unhelpful. In addition, it attempts to obtain discovery from entities and persons who are not parties to these proceedings and from whom discovery is not permissible under the Civil Rules.

The sole other usage of the defined term “its” is in Requests for Production No. 3, 7, 9, 10 and 11, where Titusville refers to various aspects of Farmton’s certificate application. Farmton respectfully submits that applying Titusville’s definition of “its” to those requests for production results in a meaningless discovery request.

B. Titusville’s definition of “documents” begins as “all items within the scope of Florida Rules of Civil Procedure 1.350(a), without limitation....” Farmton respectfully submits that given the broad scope of said rule , including (in addition to documents) the production of tangible things and permitting entry upon land, this aspect of the definition is overbroad, unduly burdensome, and not reasonably calculated to discovery of admissible evidence.

DOCUMENT NUMBER DATE

05994 JUL-7-03

FPSC-COMMISSION CLERK

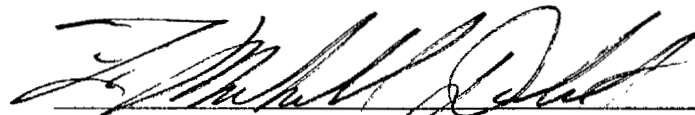
Titusville's "definition" of "documents" goes on to extend (while not being limited to) well in excess of **one hundred** subcategories of "writings" and "data compilations", including "computer input", "computer output", and "accountants", and "each draft and nonidentical copies thereof, however produced or reproduced and regardless of location or origin."

Accordingly, Farmton objects to this purportedly "catch-all" definition of "documents" as overbroad, vague, confusing, unduly burdensome, and not reasonably calculated to discovery of admissible evidence. These general objections are applicable to each and every Request for production as if set forth therein. insofar as such discovery requests purport to apply Titusville's definition of the term "documents."

C. Further, these requests for production cannot violate privileges which Farmton enjoys with regard to its relations with its attorneys, accountants, or other professionals. Farmton objects to the extent the definitions require responses which exceed the proper scope of such discovery under the Florida Rules of Civil Procedure, including but not limited to the above-referenced provisions of F.R.Civ. P. 1.280 regarding trial preparation materials.

D. Subject to the general and specific objections stated herein, it is Farmton's intent, as will be reflected in its responses to the Request for Production, to produce responsive documents, as that term may be reasonably defined, which were or are relied upon, referenced, or utilized in the filing of the application in this docket, or in the forthcoming prefiled direct testimony, which testimony is currently due on the date such responses are due.

DATED: July 7, 2003



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Objections to the City of Titusville's First Set of Interrogatories has been furnished by Facsimile* and by U.S. Mail this 7th day of July, 2003, to the following:

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