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COMMISSION  
CLERK

REPLY TO ALTAMONTE SPRINGS

July 22, 2003

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

Re: **Docket No. 020071-WS**  
Application of Utilities, Inc. of Florida for a Rate Increase  
Our File No.: 30057.40

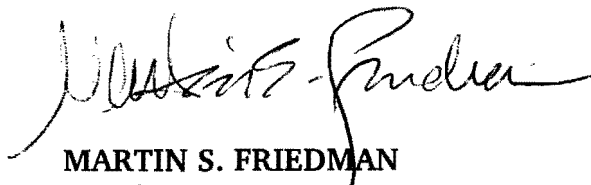
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Dear Ms. Bayo:

Enclosed please find for filing in the above-referenced docket an original and one (7) copy's of Utilities, Inc. of Florida's Response to Citizen's Motion For Finding that Citizen's Current Outstanding Discovery is within the limits and an original and (7) copy's of Utilities, Inc. of Florida's Response to Citizen's Motion to Compel Responses to Citizens Fifteenth Set of Interrogatories.

If you have any questions or concerns please give me a call.

Very truly yours,



MARTIN S. FRIEDMAN  
For the Firm

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06652 JUL 24 03  
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Enclosures

- AUS \_\_\_\_\_
- CAF \_\_\_\_\_
- CMP \_\_\_\_\_
- COM 3 cc: \_\_\_\_\_
- CTR \_\_\_\_\_
- ECR \_\_\_\_\_
- GCL \_\_\_\_\_
- OPC \_\_\_\_\_
- MMS \_\_\_\_\_
- SEC 1 \_\_\_\_\_
- OTH \_\_\_\_\_

- Stephen Burgess, Esquire (w/enclosure)
- Rosanne Gervasi, Esquire, (w/enclosure)
- Mr. Steven M. Lubertozzi (w/enclosure)
- Mr. Patrick Flynn (w/enclosure)
- Mr. David L. Orr (w/enclosure)

**ORIGINAL**

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Application of Utilities, Inc.  
of Florida for a rate increase in Marion,  
Orange, Pasco, Pinellas and Seminole  
Counties

Docket No.020071-WS

**UTILITIES, INC. OF FLORIDA'S RESPONSE TO CITIZEN'S MOTION TO  
COMPEL RESPONSES TO CITIZENS FIFTEENTH SET OF INTERROGATORIES  
AND FIFTEENTH SET OF DOCUMENT PRODUCTION REQUESTS**

UTILITIES, INC. OF FLORIDA. (*UIF*) by and through its undersigned attorneys and responds to the Motion to Compel of the Citizens of the State of Florida made by and through the Office of Public Counsel (*OPC*) as follows:

1. In this Motion to Compel, the OPC seeks to compel responses to its Fifteenth Set of Interrogatories and Fifteenth Request for Production of Documents. UIF has objected to this discovery for the reasons set out in its Objections filed with this Commission.
2. OPC served these discovery requests on UIF on June 10, 2003, and UIF served its objections on OPC on June 19, 2003. OPC failed to file or serve its Motion to Compel until almost a month later, July 17, 2003. Any prejudice that may occur to OPC or UIF will be due to the inaction of OPC.
3. Many of the recent discovery requests of OPC are duplicative of discovery already asked and answered. UIF, in its objection to OPC Request No. 106, stated that it has already provided this information to Commission Staff in response to Staff Interrogatory Nos. 78-80. In this Motion, OPC asserts that it is entitled to the "most current documentation at the time of its production". UIF provided this information to Staff on or about June 24, 2003. At the time of OPC's discovery request, this was the most current documentation available. In fact, if OPC had reviewed the information provided to Staff, it would have found that the documentation not only provided copies

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of rate case expense incurred, but estimates of rate case expense to be incurred through the resolution of this case.

4. UIF could provide this Commission with numerous examples of OPC asking for information that has already been supplied in response to previous discovery requests by OPC and Staff. It would be a waste of time and effort, and an unwarranted increase in rate case expense, to conduct such a study and report to this Commission.

5. UIF objected to one discovery request, Interrogatory No. 196, propounded by OPC on the grounds that it is unclear and UIF is not certain what information OPC is requesting. OPC, in its Motion, states that UIF, rather than object, should answer the Interrogatory by saying that it cannot answer and explain why. If this is the type of answer that would satisfy OPC, then it is clear that OPC is not seeking information to support its case, but for some other motive which is not expressed in the Rules of Procedure relating to discovery.

6. OPC's claim that UIF's earlier responses were "inadequate and required Citizens to seek further information and clarification" raises another issue: If the responses were inadequate, why didn't OPC object and require more complete responses at the time? Discovery has been in progress since September, 2003. Many of these discovery requests could, and should, have been made long ago, if they are merely requests for clarification of what has already been provided. If OPC did not understand the response when it was made, why would it understand the response now? It is inappropriate to be searching for information to make one's case when one's testimony has been filed and the relevant issues for one's case should have been decided.

7. OPC's assertion that it requires the information sought to support its case "and for our witnesses to rely on while testifying live before the Commission" is not a valid basis for compelling this discovery. OPC should already have the information it requires to make its case. If it does not,

it, in good faith, should withdraw its opposition.

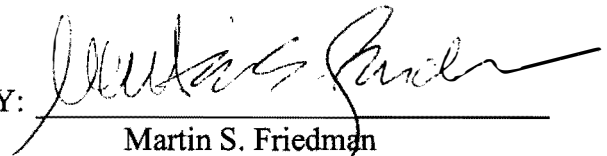
8. As states in its Objections, OPC's discovery requests are numerous and require multiple answers from multiple sources. They far exceed the limit set by this Commission. It is too late now for OPC to be searching for information to make its case.

UTILITIES, INC. OF FLORIDA respectfully requests this Commission to deny OPC's Motion to Compel.

Respectfully submitted on this 22<sup>ND</sup> day of July, 2003 by:

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BY:

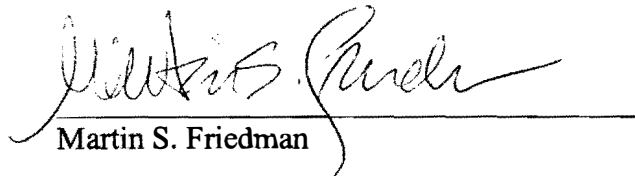
  
\_\_\_\_\_  
Martin S. Friedman

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

I HEREBY CERTIFY that a true and correct copy of the foregoing UTILITIES, INC. OF FLORIDA'S RESPONSE TO CITIZEN'S MOTION TO COMPEL RESPONSES TO CITIZENS FIFTEENTH SET OF INTERROGATORIES AND FIFTEENTH SET OF DOCUMENT PRODUCTION REQUESTS has been furnished by U.S. Mail to the following parties on this \_\_\_\_\_ day of July, 2003:

Stephen C. Burgess, Deputy Public Counsel  
Office of Public Counsel  
C/o The Florida Legislature  
111 W. Madison Street  
Room 812  
Tallahassee, FL 32399-1400

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\_\_\_\_\_  
Martin S. Friedman