

**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

**FARMTON'S' FIRST REQUEST FOR PRODUCTION OF DOCUMENTS  
TO BREVARD COUNTY, FLORIDA**

TO: Scott L. Knox, Esquire  
Brevard County Attorney  
2725 Judge Fran Jamieson Way  
Viera, Florida 32940

Please take notice that FARMTON WATER RESOURCES, LLC ("Farmton"), by and through its undersigned attorneys, request, pursuant to Rule 1.350, Fla.R.Civ.P., that Brevard County, Florida produce and permit Farmton to inspect and copy the things enumerated herein at ROSE, SUNDSTROM & BENTLEY, 2548 Blairstone Pines Drive, Tallahassee, Florida, 32301 on or before 30 days after service of this request, or at a time mutually agreed upon, or by mailing a copy of same to the undersigned attorneys.

**I. DEFINITIONS**

1. "Document" means any document in your custody, possession or control, including, but not limited to, any printed, written, recorded, taped, electronic, graphic, or other tangible matter from whatever source, however produced or reproduced, whether in draft or otherwise, whether sent or received or neither, including the original, all amendments and addenda and any non-identical copy (whether different from the original because of notes made on or attached to such copy or otherwise) of any and all writings, correspondence, letters, e-mails, telegrams, telex communications, cables, notes, notations, papers, newsletters, memoranda, inter-office communications, releases, agreements, contracts, books, pamphlets, studies, minutes of meetings, recordings or other memorials of any type of personal telephone conversations, meetings or conferences, reports analyses, evaluations, estimates, projections, forecasts, receipts, statements, accounts, books of account, diaries, calendars, desk pads, appointment books, stenographer's notebooks, transcripts, ledgers, registers, worksheets, journals, statistical records, cost sheets, summaries, lists, tabulations, digests, canceled or uncanceled checks

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or drafts, vouchers, charge slips, invoices, purchase orders, accountant's reports, financial statements, and any material underlying supporting or used in the preparation of any documents.

2. "Person(s)" means any natural person or any legal entity, including but not limited to, a corporation, partnership and unincorporated association, and any officer, director, employee, agent or other person acting or purporting to act on its behalf.

3. "And" and "or" shall be construed disjunctively or conjunctively as necessary in order to bring within the scope of each request all documents that might otherwise be construed to be outside its scope.

## II. INSTRUCTIONS

1. Any document as to which a claim of privilege is or will be asserted should be identified by author, signatory, description (e.g., letter, memorandum, telex, recording, etc.), title (if any), date, addresses (if any), general subject matter, present depository and present custodian, and a complete statement of the ground for any claim of privilege should be set forth.

2. If it is maintained that any document which is requested has been destroyed, set forth the contents of the document, the date of such destruction, and the name of the person who authorized or directed such destruction.

3. If any of the documents cannot be produced in full, produce to the extent possible, specifying the reasons for the inability to produce the remainder.

4. You should also consider this Request for Production of Documents a public records request under Section 119, Florida Statutes.

## PRODUCTION

1. Any and all documents identified, referenced, relied upon, or referred to in responding to Farmton's First Set of Interrogatories which accompanied this request.
2. Any and all documents, including any data stored or generated by computer, that you have provided or intend to provide to any of your witnesses, prospective witnesses or potential witnesses in this case for the purpose of that witness reviewing those documents or relying upon those documents in any fashion in preparation for presenting possible testimony in this case.
3. Any and all documents, reports, compilations of data, exhibits, summaries, analysis and treatises which you expect to offer into evidence or rely upon at the hearing in this case.

4. Any and all photographs, drawings, sketches, or video tapes you have regarding the issues in this case.
5. Please provide a copy of the Water Resources Department Budget, projected or otherwise, for fiscal years 2003 - 2004.
6. Please provide documents establishing, enabling, creating, or otherwise defining the powers, authority, service area, and conditions of service of the Barefoot Bay Water And Sewer District.
7. Please provide a copy of the Management Agreement in effect between the County and the Barefoot Bay Water And Sewer District.
8. Please provide any documents that set forth, establish, explain, or reveal any planned, projected or anticipated, future expansion of the Brevard County water and sewer system.
9. Please provide documents which reflect, explain, analyze or discuss any instance in which either Brevard County or "applicable agencies", as that term is used in Policy 3.4 of the Potable Water Element of the County Comprehensive Plan, either reviewed or approved any newly proposed service areas or expanding of restricted service areas or PSC regulated service areas by any utility.
10. Please provide any and all documents which explain, set forth, analyze, discuss or otherwise interpret the ordinance requiring any water provider or supplier to obtain the consent of the County Commission.
11. Please provide any and all documents which set forth, explain, analyze or otherwise establish either the necessity, viability or legal authority for the passage of the aforementioned Ordinance.
12. Please provide any and all documents which reflect, refer to, discuss, analyze or reflect the consideration and review of the draft ordinance (as referred to by Mr. Richard Martens) by the Brevard County Water Supply Board.
13. Please provide any and all documents which reflect, establish, explain, or set forth the powers, duties, authority, and rules and regulations of the Brevard County Water Supply Board.
14. Please provide a copy of any and all comments as referred to on line 22 of page 5 of Mr. Richard Martens' prefiled direct testimony.
15. Please provide any and all documents which reveal, set forth, establish, analyze or reflect anticipated or projected expansions or extensions of any county water distribution and supply lines connected to the North Brevard Water System.

16. Please provide any and all documents which reveal, relate to, analyze the need for, or otherwise explain any current, anticipated or projected request for either additional consumptive use permits or for increases in water withdrawal allocations in existing consumptive use permits held by any water system operated by, affiliated with, related to, or managed by Brevard County.
17. Please provide any and all documents which discuss, analyze, refer to, or otherwise reveal any future developments which are likely to have a demand of greater than 50 ERCS (as defined by Mr. Martens) which are anticipated or projected to occur in the county other than those referred to in the county's prefiled testimony.
18. Please provide any and all documents which explain, interpret, analyze, extrapolate on, or clarify any of the provisions, policies, or portions of the comprehensive plan referred to in the prefiled testimony of Brevard County.
19. Please provide any and all documents which set forth, reveal, establish, explain or show the water and/or service areas of any utility owned, operated, affiliated with, or managed by the County.
20. Please provide any and all documents explaining, discussing, setting forth, analyzing, revealing, or otherwise referring to any MSBU, either existing, planned, anticipated, or projected in Brevard County.
21. Please provide any and all documents explaining, discussing, setting forth, analyzing, revealing, or otherwise referring to any MSTU, either existing, planned, anticipated, or projected in Brevard County.
22. Please provide any and all documents explaining, setting forth, referencing, or establishing how the service areas referred to on page 13 of Mr. Marten's prefiled testimony could be amended.
23. Please provide any and all documents reflecting, explaining, comprising, analyzing, or discussing the study Mr. Marten is currently engaged in regarding the possible transfer or lease of the North Brevard County Water System assets by the county to the Brevard County Water And Sewer District.
24. Please provide any and all documents which either Mr. Marten or Mr. Mel Scott referred to, relied upon, referenced, or reviewed in preparation of either their prefiled testimony or the exhibits to their prefiled testimony.
25. Please provide any and all documents which reveal, establish, set forth, or otherwise reference that the Mims was either built, designed, or sized to serve the proposed certificated area of Farmton or any portion thereof.

26. Please provide any and all documents which set forth, reveal, discuss, analyze, or suggest that public facilities and services cannot be provided efficiently in the proposed certificated territory of Farmton.
27. Please provide any and all documents explaining, discussing, setting forth, or establishing how the Comprehensive Plan can be either modified, changed or waived in the form of the granting of a variance or similar action.
28. Please provide any and all documents which reveal, set forth, establish, or show “leap frog development” which resulted from the grant of a certificated area to provide water services in an agricultural area.
29. Please provide any and all documents which reveal, set forth, analyze, discuss or refer to the projected, anticipated, or future needs for water service in Brevard County, including, but not limited to, the area which Farmton proposes to certificate.
30. Please provide any and all documents which explain, set forth, analyze, or discuss the ability or inability of Farmton to provide the water service within the proposed territory which is the subject of this application.
31. Please provide any and all documents which reveal, set forth, establish or show the locations of any permitted water supply wells in Brevard County which are owned, controlled, managed or otherwise utilized by any system owned, managed, affiliated with, or controlled by the county.
32. Please provide any and all documents which reveal, discuss, set forth, establish or explain what policies, procedures, standards, and bench marks Brevard County would apply, utilize or consider when determining whether or not to approve or consent to the creation of a proposed water service territory.
33. Please provide any and all documents which explain, set forth, reference, or otherwise reveal any instances in which areas either previously or presently designated as rural or agricultural under the Comprehensive Plan as now existing (or as previously existing prior to alteration or modification), if any, or allowed to develop at density’s greater than contemplated on the face of the comprehensive plan at the time the development was planned or constructed.
34. Please produce all documents in which the potential provision of water service by the District to any portion of the water service area proposed by Farmton, including planning therefor, is discussed.
35. Please produce all documents in which the potential provision of water service by the County to any portion of the water service area proposed by Farmton, including planning therefore, is discussed.

36. Please produce (using Township, Range, Section) all portions of the water service area proposed by Farmton that is located within an area to which another local government entity or private company has rights as set out in Ordinance No. 03-032.
37. Please produce (using Township, Range, Section) all portions of the water service area proposed by Farmton that is located within the service area of another local governmental entity whose service area has been established by Ordinance No. 03-032, an interlocal agreement or special act.
38. Please produce the specific section and subsection of all ordinances, special acts, or interlocal agreements which support the contention that any portion of the water service area proposed by Farmton is located within the service area of a local governmental entity whose service area has been established by such ordinance, act or agreement.
39. Please produce all documents in which the potential provision of water service by any such local governmental entity, including planning therefor, is discussed.
40. Please produce any water suppliers other than those specifically identified in the County's prefiled testimony which provided input in the adoption of Ordinance No. 03-032.
41. Please produce all prior drafts of the current Comprehensive Plan.
42. Please produce with reasonable particularity all requests for Amendments to the Comprehensive Plan affecting property included on the Future Land Use Map either considered by the County, pending for such consideration. Or otherwise reasonably anticipated to be submitted.
43. Please produce with particularity all documents related to the current financing of the Mims Plant (a/k/a the North Brevard Water System) which discuss its capacity and/or customer growth.

#### CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via Facsimile and U.S. Mail this 16<sup>th</sup> day of January, 2004, to:

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Respectfully submitted on this  
16th day of January, 2004, by:

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