

**ORIGINAL****Timolyn Henry**

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**From:** Marsha Rule [Marsha@reuphlaw.com]  
**Sent:** Monday, May 14, 2007 4:23 PM  
**To:** Filings@psc.state.fl.us  
**Cc:** klpape@aquaamerica.com; kmburns@aquaamerica.com; BURGESS.STEVE@leg.state.fl.us; REILLY.STEVE@leg.state.fl.us; Katherine Fleming; Rosanne Gervasi; Ralph Jaeger; Ken Hoffman; ROXANNE LEVINGSTON  
**Subject:** Docket No. 060368-WS  
**Attachments:** AUF Obj to Staff's 5th ROGs & 6th PODs 05 14 2007.pdf

The full name, address, telephone number, and e-mail address of the person responsible for the electronic filing:

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The docket number and title of docket:

Docket No. 060368-WS

In re: Application for increase in water and wastewater rates in Alachua, Brevard, Highlands, Lake, Lee, Marion, Orange, Palm Beach, Pasco, Polk, Putnam, Seminole, Sumter, Volusia, and Washington Counties by Aqua Utilities Florida, Inc.

The name of the parties on whose behalf the document is filed:

Aqua Utilities Florida, Inc.

The total number of pages in the attached document: 7

A brief but complete description of each attached document.

Cover letter and

Aqua Utilities, Florida, Inc.'s Objections to Staff's Fifth Set of Interrogatories (Nos. 17-18) and Sixth Request for Production of Documents (Nos.21-22)

DOCUMENT NUMBER-DATE

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5/14/2007

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**ORIGINAL**

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May 14, 2007

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GOVERNMENTAL CONSULTANTS  
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Ms. Ann Cole, Director  
Office of Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Betty Easley Conference Center, Room 110  
Tallahassee, Florida 32399-0850

Re: Docket No. 060368-WS  
In re: Application for increase in water and wastewater rates in Alachua,  
Brevard, Highlands, Lake, Lee, Marion, Orange, Palm Beach, Pasco, Polk,  
Putnam, Seminole, Sumter, Volusia, and Washington Counties by Aqua  
Utilities Florida, Inc.

Dear Ms. Cole:

Attached to this electronic transmission please find the following documents for  
filing on behalf of Aqua Utilities, Florida, Inc., in the above-referenced docket:

Aqua Utilities, Florida, Inc.'s Objections to Staff's Fifth Set of Interrogatories  
(Nos. 17-18) and Sixth Request for Production of Documents (Nos. 21-22)

Parties to this docket are being served by email and U.S. Mail as indicated on the  
certificate of service. As always, thank you for your assistance with this filing and please  
do not hesitate to contact me if you have any questions.

Sincerely,

  
Marsha E. Rule

MER/tc

DOCUMENT NUMBER-DATE

03999 MAY 14 5

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May 14, 2007

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Cc:

Rosanne Gervasi, Esq.

Ralph Jaeger, Esq.

Katherine Fleming, Esq.

Stephen C. Reilly, Esq.

Steve Burgess, Esq.

Kathy L. Pape, Esq.

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In Re: Application for increase in water and )  
wastewater rates in Alachua, Brevard, )  
Highlands, Lake, Lee, Marion, Orange, )  
Palm Beach, Pasco, Polk, Putnam, )  
Seminole, Sumter, Volusia, and Washington )  
Counties by Aqua Utilities Florida, Inc. )  
\_\_\_\_\_)

Docket No. 060368-WS

Filed: May 14, 2007

**AQUA UTILITIES FLORIDA, INC.'S OBJECTIONS  
TO STAFF'S FIFTH SET OF INTERROGATORIES  
(NOS. 17-18) AND SIXTH REQUEST FOR  
PRODUCTION OF DOCUMENTS (NOS. 21-22)**

Aqua Utilities Florida, Inc. ("AUF"), by and through its undersigned counsel, and pursuant to Order No. PSC-07-0219-PCO-WS, hereby files its Objections to and Requests for Clarification of the Staff's Fifth Set of Interrogatories and Sixth Request for Production of Documents.

**I. Preliminary Nature of These Objections**

AUF's objections stated herein are preliminary in nature. AUF is furnishing its objections consistent with the time frames set forth in the Commission's Order Establishing Procedure, Order No. PSC-07-0219-PCO-WS, dated March 9, 2007, and Rule 1.190(e), Florida Rules of Civil Procedure. Should additional grounds for objection be discovered as AUF develops its responses, AUF reserves the right to supplement or modify its objections up to the time it serves its responses. Should AUF determine that a protective order is necessary regarding any of the information requested of AUF, AUF reserves the right to file a motion with the Commission seeking such an order at the time its responses are due.

**II. General Objections and Reservation of Rights**

1. Any response to an Interrogatory or Document Request is made without waiving or intending to waive, but on the contrary intending to preserve and preserving: (a) the right to object, on the grounds of competency, relevancy, materiality, privilege or admissibility as

evidence for any purpose, or any other ground, to the use of the Response or the subject thereof, in this or any subsequent or other proceeding; and (b) the right to object on any ground to other interrogatories, document requests, or other discovery proceedings involving or relating to the subject matter of the interrogatory.

2. AUF will make a reasonable effort to respond to each and every individual Interrogatory and Document Request that is not subject to a Specific Objection as AUF understands and interprets such Interrogatory. If Staff should assert an interpretation of any Interrogatory or Document Request that differs from AUF's, AUF reserves the right to supplement or amend its Specific Objections.

3. AUF objects to each and every one of the Interrogatories and Document Requests that calls for information protected by the attorney-client privilege, the work product doctrine, the accountant-client privilege, the trade secret privilege, the consulting expert privilege, third-party confidentiality agreements or protective order, or any other applicable privilege or protection afforded by law, whether such privilege or protection appears at the time the response is first made or is later determined to be applicable for any reasons. AUF in no way intends to waive such privilege or protection.

4. In certain circumstances, AUF may determine upon investigation and analysis that information responsive to certain interrogatories or document requests to which objections are not otherwise asserted are confidential and proprietary and should not be produced without provisions in place to protect the confidentiality of the information, if at all. By agreeing to provide such information in response to such request, AUF is not waiving its right to insist upon appropriate protection of confidentiality by means of a protective order or other action to protect the confidential information requested. AUF asserts its right to require such protection of any and all information and documents that may qualify for protection under the Florida Rules of Civil Procedure and other applicable statutes, rules and legal principles.

5. AUF objects to providing information that is proprietary, confidential business information without provisions in place to protect the confidentiality of the information. AUF in no way intends to waive claims of confidentiality.

6. AUF objects to providing information to the extent such information is already in the public record.

7. AUF objects to each Interrogatory and Document Request to the extent it is not limited to any stated period of time or a stated period of time that is longer than is relevant for purposes of the issues in this proceeding.

8. AUF expressly reserves and does not waive any and all objections it may have to the admissibility, authenticity or relevancy of the information provided pursuant to the Interrogatories and Document Requests.

9. AUF also objects to these discovery requests to the extent they call for AUF to prepare information in a particular format or perform calculations, studies or analyses not previously prepared or performed as purporting to expand AUF's objections under applicable law. Further, AUF objects to these interrogatories to the extent they purport to require AUF to conduct an analysis or create information not prepared by AUF in the normal course of business. AUF will comply with its obligations under the applicable rules of procedure.

10. AUF reserves the right to supplement any of its responses to the Interrogatories and Document Requests if AUF cannot locate the answers immediately due to their magnitude and the work required to aggregate them, or if AUF later discovers additional responsive information in the course of this proceeding.

11. By making these General Objections at this time, AUF does not waive or relinquish its right to assert additional general and specific objections to the Interrogatories and Document Requests at the time AUF's response is due.

12. AUF objects to each Interrogatory and Document Request and to any and all "Definitions" and "Instructions" to the extent they exceed the requirements of the Florida Rules

of Civil Procedure or purport to expand AUF's obligations under applicable law or rules of procedure.

**III. Objections to Specific Document Requests:**

Document Request No. 21:

21. For each system contained in this filing, please provide in hardcopy and electronic format (e.g. Excel spreadsheet), the following monthly data for the period January 2000 through March 2007:
- A. the number of bills rendered,
  - B. the number of gallons sold, and;
  - C. the amount of revenues billed.


This data should be provided by customer class, meter size, and where applicable, by usage block. Please provide the data in the format shown below:

System Name: \_\_\_\_\_  
Cust. Class    Meter Size    # Bills            Usage Block    # Kgals            Revenues

Objection:

AUF objects on the grounds that this document request calls for AUF to prepare information in a particular format and to conduct an analysis or create information not prepared by AUF in the normal course of business. Notwithstanding this objection, AUF will comply with its obligations under the applicable rules of procedure by providing documents kept in the normal course of business that include the requested information.

Respectfully submitted this 14<sup>th</sup> day of May, 2007.

  
\_\_\_\_\_  
Kenneth A . Hoffman, Esquire  
Marsha E. Rule, Esquire  
Rutledge, Ecenia, Purnell & Hoffman, P.A.  
P.O. Box 551  
Tallahassee, Florida 32302 -0551  
(850) 681- 6788 (Telephone)  
(850 ) 681 - 6515 (Facsimile)

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of the foregoing was furnished by email and U. S. Mail this 15<sup>th</sup> day of May, 2007 to the following:

Stephen C. Reilly, Esq.  
Steve Burgess, Esq.  
Office of Public Counsel  
111 West Madison Street  
Room 812  
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Rosanne Gervasi, Esq.  
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Kenneth A. Hoffman, Esq.