

**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. )  
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Docket No. 060368-WS

Filed: August 6, 2007

**AQUA UTILITIES FLORIDA, INC.’S OBJECTIONS  
TO OPC’S NINTH SETS OF INTERROGATORIES  
AND REQUESTS FOR PRODUCTION OF DOCUMENTS  
AND SUPPLEMENTAL OBJECTIONS TO OPC’S EIGHTH SETS OF  
INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS**

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 OPC’s Ninth Sets of Interrogatories and Requests for Production of Documents and its Supplemental Objections to OPC’s Eighth Sets of Interrogatories and Requests 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 OPC 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. Supplemental Specific Objection to OPC's Eighth Interrogatories**

#### 220. Salaries

- a. State the salary and all benefits, including but not limited to: pensions, bonuses, stock options and other non cash financial remuneration for each to the 10 highest paid individuals employed by Aqua America. Please separate the salary from benefits and other remuneration and itemize all benefits and other remuneration. Provide the requested information for each of the years 2003, 2004, 2005, and as projected for 2006 and 2007.
- b. Provide the amount allocated or charged to each system in the instant rate case for each individual identified in (a) for each of the years 2005, 2006, and 2007 and provide the account where the amounts reside.
- c. Please provide the calculations for the derivation of all bonuses paid in 2005, 2006, and 2007.
- d. State the salary and all benefits, including but not limited to: pensions, bonuses, stock options and other non cash financial remuneration for each to the 10 highest paid individuals employed by Aqua Services. Please separate the salary from benefits and other remuneration and itemize all benefits and other remuneration. Provide the requested information for each of the years 2003, 2004, 2005, and as projected for 2006 and 2007.
- e. Provide the amount allocated or charged to each system in the instant rate case for each individual identified in (d) for each of the years 2005, 2006, and 2007 and provide the account where the amounts reside.
- f. Please provide the calculations for the derivation of all bonuses paid in 2005, 2006, and 2007.
- g. State the salary and all benefits, including but not limited to: pensions, bonuses, stock options and other non cash financial remuneration for each to the 10 highest paid individuals employed by Aqua Utilities Florida, Inc. Please separate the salary from benefits and other remuneration and itemize all benefits and other remuneration. Provide the requested information for each of the years 2003, 2004, 2005, and as projected for 2006 and 2007.
- h. Provide the amount allocated or charged to each system in the instant rate case for each individual identified in (g) for each of the years 2005, 2006, and 2007 and provide the account where the amounts reside.

- i. Please provide the calculations for the derivation of all bonuses paid in 2005, 2006, and 2007.
- j. For each of the individuals identified in (a), (d), and (g), please provide the persons title and a job description.

**AUF's objection:**

AUF objects that this request is overly broad and burdensome, and would impose undue burden and expense on AUF, particularly considering the level of detail sought, the number of years covered by the request, and the fact that the identity of the highest paid employees may change over time. Aqua America reports compensation information for its five highest paid employees in its proxy statement and therefore can readily provide information as to them, but such information is not readily available for the next five highest paid employees and AUF would have to research the numerous subparts of this discovery request. In an effort to be responsive, AUF will provide the requested information for the five highest paid employees for each of the entities requested for the time periods requested in order to mirror the information in its proxy statement.

**IV. Supplemental Specific Objection to OPC's Eighth Document Requests**

216. Please provide all electronic spreadsheets provided to the Staff of the FPSC during their rate case audit.

**AUF's objection:**

AUF will provide all electronic spreadsheets provided to Staff in response to formal audit document requests. However, AUF objects that this interrogatory is vague and overly broad, and any additional response would be unreasonably burdensome and impose undue and unjust expense on AUF.

Staff's audit continued over a period of several months. In addition to a large number of formal requests for documentation, Staff made numerous informal requests. Such informal requests were made directly to various AUF personnel, who interacted with Staff on a daily basis. In an effort to respond quickly and to provide Staff with as much information as possible, AUF personnel responded informally to Staff's informal requests but providing information directly from the AUF staff member to the specific FPSC Staff member who requested such information. While AUF tracked and maintained copies of its formal responses to Staff's formal requests, it did not maintain a log or file library of informal responses, nor was such information segregated or labeled as having been informally provided. OPC's POD No. 216 does not identify any spreadsheet with sufficient specificity to enable AUF to readily locate responsive documents, and it would be unduly burdensome and expensive for each AUF staff member who interacted informally with the Commission's Audit Staff to research the response. Further, such information would be of little value since Staff's audit findings are set forth in its Audit Report, which fully identifies the information upon which Staff relied, and AUF has provided OPC with similar information throughout the discovery process.

**V. Specific Objections to and Requests for Clarification of OPC's Ninth Document Requests**

228. Provide copies of all e-mail, spreadsheets, workpapers, and formal written responses to audit requests provided to the FPSC auditors during their rate case audit. Please provide all workpapers in electronic spreadsheet format with all formulas and links intact.

**AUF's objection:**

AUF will provide documents provided to Staff in response to formal audit document requests. However, AUF objects that this interrogatory is vague and overly broad, and any additional response would be unreasonably burdensome and impose undue and unjust expense on AUF.

Staff's audit continued over a period of several months. In addition to a large number of formal requests for documentation, Staff made numerous informal requests. Such informal requests were made directly to various AUF personnel, who interacted with Staff on a daily basis. In an effort to respond quickly and to provide Staff with as much information as possible, AUF personnel responded informally to Staff's informal requests but providing information directly from the AUF staff member to the specific FPSC Staff member who requested such information. While AUF tracked and maintained copies of its formal responses to Staff's formal requests, it did not maintain a log or file library of informal responses, nor was such information segregated or labeled as having been informally provided. OPC's POD No. 216 does not identify any document with sufficient specificity to enable AUF to readily locate responsive documents, and it would be unduly burdensome and expensive for each AUF staff member who interacted informally with the Commission's Audit Staff to research the response. Further, such information would be of little value since Staff's audit findings are set forth in its Audit Report, which fully identifies the information upon which Staff relied, and AUF has provided OPC with similar information throughout the discovery process.

Respectfully submitted this 6<sup>th</sup> day of August, 2007.

*/s/ Marsha E. Rule*

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of the foregoing was furnished by email and hand delivery this 6<sup>th</sup> day of August, 2007 to the following:

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*/s/ Marsha E. Rule*

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Attorney