

Ruth Nettles

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Sent: Monday, October 27, 2008 9:17 AM
To: Filings@psc.state.fl.us
Cc: Bruce May; Caroline Klancke; cecilia_bradley@oag.state.fl.us; Erik Sayler; Katherine Fleming; Kimberly A. Joyce; Ralph Jaeger; Tim Devlin
Subject: e-filing (Dkt. No. 080121-WS)
Attachments: CITIZENS' INITIAL OBJECTIONS TO AND REQUEST FOR CLARIFICATION 10-27-08.sversion.doc

Electronic Filing

a. Person responsible for this electronic filing:

Charlie Beck, Deputy Public Counsel
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b. Docket No. 080121-WS

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

c. Document being filed on behalf of Office of Public Counsel

d. There are a total of 5 pages.

e. The document attached for electronic filing is a Citizens' Initial Objections and Request for Clarification of Aqua's Second Set of Interrogatories (Nos. 19-27) and Second Request for Production of Documents (Nos. 11-37) to Citizens.

(See attached file:CITIZENS' INITIAL OBJECTIONS TO AND REQUEST FOR CLARIFICATION 10-27-08.sversion.doc)

Thank you for your attention and cooperation to this request.

Brenda S. Roberts

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DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

DOCKET NO. 080121-WS

FILED: October 27, 2008

**CITIZENS' INITIAL OBJECTIONS AND REQUEST FOR CLARIFICATION
OF AQUA'S SECOND SET OF INTERROGATORIES (NOS. 19-27) AND SECOND
REQUEST FOR PRODUCTION OF DOCUMENTS (NOS. 11-37)
TO CITIZENS**

Pursuant to the requirements set forth in the Order Establishing Procedure (Order PSC-08-0429-PCO-WS issued June 27, 2008) and the First Order Revising Order Establishing Procedure (Order PSC-08-0536-PCO-WS issued August 18, 2008), Citizens submit the following initial objections to Aqua's Second Set of Interrogatories and Second Request for Production of Documents from the Citizens.

GENERAL OBJECTIONS

With respect to the "Definitions" and "Instructions" in the requests, Citizens object to any definitions or instructions that are inconsistent with Citizens' discovery obligations under applicable rules. If some question arises as to Citizens' discovery obligations, Citizens will comply with applicable rules and not with any of Aqua's definitions or instructions that are inconsistent with those rules.

Citizens object to each and every request to the extent it is vague, ambiguous, overly broad, imprecise, or utilizes terms that are subject to multiple interpretations or are not properly

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defined or explained for purposes of such discovery requests. Any responses provided by Citizens are provided subject to, and without waiver of, the forgoing objections.

Citizens also object to any request that purports to require Citizens or its experts to prepare studies, analyses, or to do work for OPC that has not been done for the Citizens.

Citizens generally object to any request that calls for information prepared in anticipation of litigation or hearing, for data or information protected by the attorney-client privilege, the work product doctrine, the accountant-client privilege, the trade secret privilege, or any other applicable privilege or protection afforded by law.

Citizens reserve the right to supplement any of its responses if Citizens cannot locate the answers immediately due to their magnitude and the work required to aggregate them, or if Citizens later discover additional responsive information in the course of this proceeding. By making these general objections at this time, Citizens do not waive or relinquish its right to assert additional general and specific objections to Aqua's discovery.

By tendering the responses when due, Citizens do not concede that any request is relevant to this action or is reasonably calculated to lead to the discovery of admissible evidence. Citizens expressly reserve the right to object to further discovery into the subject matter of any of these requests, to the introduction of evidence of any response or portion thereof, and to supplement its responses should further investigation disclose responsive information.

In responding to these Requests, Citizens have made a reasonable inquiry of those persons likely to possess information responsive thereto and has conducted a reasonable search of those records in Citizens' possession, custody, or control where the requested information would likely be maintained in the ordinary course of business. To the extent that Aqua's

requests ask Citizens to go to greater lengths, Citizens object because such requests are overly broad, unduly burdensome, and unreasonable.

Citizens object to providing information to the extent that such information is already in the public record before the Florida Public Service Commission and available to Aqua through normal procedures.

In responding to these Requests, Citizens do not waive the foregoing objections, or the specific objections that are set forth in the responses to particular requests.

ADDITIONAL SPECIFIC OBJECTIONS OR REQUESTS FOR CLARIFICATION

In addition to the general objections which apply to every request, Citizens provide the following objections or requests for clarification to specific requests for documents:

Requests for Documents No. 11:

Please provide all workpapers and source documents for all schedules and exhibits attached to, and all tables and number calculations included in, the prefiled direct testimony of Kimberly H. Dismukes, Patricia W. Merchant, Earl Poucher, James A. Rothschild, and Andrew T. Woodcock who filed on behalf of the Citizens. Provide the requested documents in electronic (i.e. Excel spreadsheet) spreadsheet format (if applicable with all formulas and links intact). If the workpapers and source documents do not support the amounts included in witnesses testimony, schedules and exhibits, please explain why.

Initial Specific Objection or Request for Clarification:

With regard to the request for all source documents for all schedules and exhibits attached to, and all tables and number calculations included in, the prefiled direct testimony of James A. Rothschild, the Citizens object to the request because it is overly broad and would be unduly burdensome, because it requires a substantial effort to produce documents that Aqua or its consultants may already have. Citizens request Aqua to list each specific source document it desires, but does not have a copy of, which is referenced in any of Mr. Rothschild's exhibits,

schedules, tables or number calculations. To the extent such source documents are available in a form that can be copied, the Citizens will provide the specifically requested material.

Request for Documents No. 26:

For the purposes of this request, please refer to the direct testimony of James Rothschild, Exhibit No. ___ (JAR-1) Schedule 2. Please provide both a hard copy and electronic spreadsheet copy with all formulas intact used to develop the 0.04% value shown in the footnote [E]. Please provide all source documents and references that were used in the development of this value.

Initial Specific Objection or Request for Clarification:

The Citizens will provide the computer output from the analysis. However, providing a copy of all of the primary source documents would be overly burdensome as it would require making copies of somewhere between 600 and 1,000 pages, and as with Request No. 11, Aqua's consultants probably have copies of many of the source documents. Citizens will discuss this request with Aqua and attempt to reach an agreement concerning the scope of the request.

s/ Charlie Beck
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CERTIFICATE OF SERVICE
DOCKET NO. 080121-WS

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by electronic mail and U.S. Mail to the following parties on this 27th day of October, 2008.

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s/ Charlie Beck
Charlie Beck
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