

**Ruth Nettles**

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**From:** ROBERTS.BRENDA [ROBERTS.BRENDA@leg.state.fl.us]  
**Sent:** Tuesday, August 04, 2009 12:55 PM  
**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-EI  
**Attachments:** 080121 Motion to Compel and for Other Relief.sversion.doc

Electronic Filing

a. Person responsible for this electronic filing:

Charlie Beck, Deputy Public Counsel  
Office of Public Counsel  
c/o The Florida Legislature  
111 West Madison Street, Room 812  
Tallahassee, FL 32399-1400  
(850) 488-9330  
Beck.charles@leg.state.fl.us

b. Docket No. 080121-WS

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.

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

d. There are a total of 29 pages.

e. The document attached for electronic filing is the Citizens' Motion to Compel and for Other Relief.

(See attached file: 080121 Motion to Compel and for Other Relief.sversion.doc)

Thank you for your attention and cooperation to this request.

Brenda S. Roberts  
Office of Public Counsel  
Telephone: (850) 488-9330  
Fax: (850) 488-4491

8/4/2009

DOCUMENT NUMBER-DATE

07972 AUG-4 8

FPSC-COMMISSION CLERK

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In Re: Application for increase in water and	)	
wastewater rates in Alachua, Brevard, DeSoto,	)	Docket No. 080121-WS
Highlands, Lake, Lee, Marion, Orange,	)	
Palm Beach, Pasco, Polk, Putnam,	)	August 4, 2009
Seminole, Sumter, Volusia, and Washington	)	
Counties by Aqua Utilities Florida, Inc.	)	
_____	)	

**MOTION TO COMPEL AND FOR OTHER RELIEF**

The Citizens of Florida ("Citizens"), through the Office of Public Counsel ("OPC"), file this motion requesting the Prehearing Officer to issue an order: (1) requiring Aqua Utilities Florida, Inc. ("Aqua") to promptly produce all documents requested by Citizens' Tenth Set of Requests for Production of Documents served on July 1, 2009, Eleventh Set of Requests for Production of Documents served on July 21, 2009, and Twelfth Set of Requests for production of Documents served on July 27, 2009 (copies of the requests are attached to this motion as attachment 1); (2) allowing additional discovery in this proceeding relevant to the Quality of Service Monitoring Plan ordered by the Commission in Order No. PSC-09-0385-FOF-WS issued May 29, 2009; and (3) requiring Aqua to provide unredacted copies to OPC of all future submissions to the Commission related to the Quality of Service Monitoring Plan. In support of this motion Citizens submit the following:

Order No. PSC-09-0385-FOF-WS issued May 29, 2009, observed that customer satisfaction with the service provided by Aqua falls short of what the Commission expects. Specifically, the Commission stated:

"Water quality, in the opinion of many customers, remains unacceptable. OPC and customers cited numerous instances where service issues took

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a long time to resolve, including billing corrections. While improvements were made at the Call Center as explained by AUF witness Franklin, it remains that Call Center representatives failed to return calls to many customers. Supervisors have not been available to take calls from customers when the customer service representative was unable to resolve a complaint to the satisfaction of a customer. There were numerous instances where customers complained of disconnected customer calls by the Call Center. The follow-up by OPC witness Poucher shows that even when AUF made the effort to send letters to many of the customers who attended the customer service hearings, those customers remain dissatisfied with the handling of their complaints filed with AUF. Based on our review of the record, it appears that customer satisfaction falls short of what is expected." Order No. PSC-09-0385-FOF-WS issued May 29, 2009 at 21.

The quality of service provided by Aqua was so poor that it affected the authorized mid-point return on equity set by the Commission for Aqua. *Id.*

To follow up on these concerns, the Commission created an "AUF Quality of Service Monitoring Plan" to gather additional evidence about the quality of service provided by Aqua. Upon completion of the gathering of evidence and analysis of that evidence, the Commission will decide whether to initiate show cause proceedings against Aqua or to take other action. The pertinent portion of the Commission's Order follows:

"D. AUF Quality Of Service Monitoring Plan

Because of our concerns with AUF's customer service, we shall closely monitor the service provided by AUF for the next six months. We have three major areas of concern: (1) AUF's failure to handle customer complaints properly; (2) the Call Centers' process for handling complaints; and (3) incorrect meter readings and resulting improper bills.

To allow us to closely monitor AUF's customer service, AUF shall submit the following:

1. AUF shall submit a monthly report to this Commission for the first six months after this order is issued. The report will list all customer complaints for each system for the month. The report shall include the

customer name, address, phone number, account number, a description of the complaint, and how the complaint was resolved. We will audit a sample (sample will be chosen to determine with a 90 percent confidence level and a maximum error rate of 5 percent) of the reported customer complaints to determine whether the complaints were resolved appropriately ("appropriately" will be defined as any errors made by AUF are corrected and all issues in the complaint are addressed).

2. AUF shall submit to this Commission on a monthly basis all sound recordings of customer complaints from customers to this Commission for the first six months after this order is issued. Our staff will listen to a sample of these to determine if the customer complaints are handled in a professional and courteous manner.

3. AUF will provide our staff with route schedules that identify the day that meters will be read for AUF's regulated systems for the six months after this order is issued. The route schedules will be due to our staff by May 1, 2009. AUF shall also provide staff with the meter reading logs for the same six-month period. Based on the meter reading schedule, our staff will manually read a sample of AUF's meters on the same day that the Utility is scheduled to read them to verify the accuracy of the meter readings and resulting customer bills.

Upon the completion of these reporting requirements, our staff will present their conclusions regarding AUF's performance to us. If AUF is not performing adequately, we may initiate show cause proceedings, or take such other action as we may deem appropriate." *Id.* at 22

On June 22, Aqua made its first filing of evidence with the Commission in response to the requirements of Order No. PSC-09-0385-FOF-WS. Although the Commission received full, unredacted copies of the evidence submitted, copies provided to the parties excluded all sound recordings of customer complaints and excluded all names and addresses of persons complaining about service to Aqua. Aqua failed to provide it to the parties because it claimed such information was confidential. Subsequent filings on July 20 and July 23 contained similar claims, and the information claimed as confidential in those filings was not provided to other parties in this proceeding.

Citizens served requests for production of documents on Aqua seeking the same evidence provided to the Commission. Aqua, however, refuses to respond to the discovery requests based upon a provision in the Order Establishing Procedure setting forth a discovery deadline of December 1, 2008 – one week before the beginning of the rate case hearings. The Order Establishing Procedure does indeed contain such a provision. Provisions such as these are routinely included in orders establishing procedure in order to require discovery to be completed before the beginning of evidentiary proceedings. However, in this proceeding, after the completion of the rate case hearings, the Commission decided to gather additional evidence about the quality of service provided by Aqua to its customers. The Commission plans to make further decisions based on an analysis of that evidence.

In view of the fact that the Commission decided to gather additional evidence concerning Aqua's quality of service, Citizens request the Prehearing Officer to issue an order allowing the parties to engage in discovery related to quality of service. Aqua's position, if upheld, would make the Commission's Service Quality Monitoring Plan essentially a private proceeding between staff and the company, to the exclusion of all parties to the docket. Citizens do not believe the Commission intended this result. Citizens' substantial interests will be affected by staff's analysis of this evidence and the subsequent decisions to be made by the Commission based on staff's analysis.

In addition, Citizens request the Prehearing Officer to order Aqua to provide full, unredacted copies of future filings to Citizens simultaneously with the filing of this information to the Commission. Aqua's claims of confidentiality can be addressed by the issuance of a protective order addressing those claims. Finally, Citizens request the

Prehearing Officer to order Aqua to promptly provide Citizens all of the documents requested in Citizens tenth, eleventh, and twelfth set of requests for production of documents to Aqua.

The Office of Attorney General supports this motion. At the time this motion was drafted, Aqua had not responded to OPC's inquiry about their position on the motion.

Respectfully submitted,

s/ Charlie Beck

Charlie Beck  
Deputy Public Counsel

Office of Public Counsel  
c/o The Florida Legislature  
111 West Madison Street  
Room 812  
Tallahassee, FL 32399-1400

Attorney for the Citizens  
of the State of Florida

CERTIFICATE OF SERVICE  
DOCKET NO. 080121-WS

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. Mail to the following parties on this 4th day of August, 2008.

Ralph Jaeger  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

Ms. Kimberly A. Joyce  
Aqua Utilities Florida, Inc.  
762 West Lancaster Avenue  
Bryn Mawr, PA 19010-3402

Bruce May, Esq.  
Gigi Rollini, Esq.  
c/o Holland & Knight Law Firm  
P.O. Drawer 810  
Tallahassee, FL 32302-0810

Cecilia Bradley  
Office of the Attorney General  
The Capitol-PL101  
Tallahassee, FL 32399-1050

s/ Charlie Beck  
Charlie Beck  
Deputy Public Counsel

**ATTACHMENT 1**

DOCUMENT NUMBER - DATE  
07972 AUG -4 8  
FPSC-COMMISSION CI TR 1



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  
)  
) July 1, 2009  
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**CITIZENS' TENTH REQUEST FOR PRODUCTION OF DOCUMENTS  
TO AQUA UTILITIES FLORIDA, INC. (NOS. 245-246)**

Pursuant to § 350.0611 (1), Florida Statutes, Rule 28-106.206, Florida Administrative Code and Rule 1.350, Florida Rules of Civil Procedure, the Citizens of the State of Florida ("Citizens"), by and through their undersigned attorney with the Office of Public Counsel ("OPC"), hereby request Aqua Utilities Florida, Inc., ("AUF," "Aqua," "Utility," or "Company") to produce copies of the following documents to OPC at their office in Room 812, 111 West Madison Street, Tallahassee, Florida 32399-1400, or at such other mutually agreed place, within thirty (30) days of this request.

**DEFINITIONS**

As used herein, the following words shall have the meanings indicated:

1. "Aqua Utilities Florida, Inc.," shall mean Aqua Utilities Florida, Inc., including but not limited to any of its directors, officers, employees, consultants, agents, representatives, attorneys (concerning nonprivileged matters, which privilege must be expressly identified and justified) and any other person or entity acting or purporting to act on behalf of the Company.

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2. "You" or "Your" means Aqua Utilities Florida, Inc., as defined above.
3. "Affiliate" means any entity that directly or indirectly through one or more intermediaries, controls, is controlled by, or is under common control with Aqua Utility Florida, Inc., or shares a 5% or greater common ownership.
4. The terms "document" or "documents" are meant to have the broadest possible meaning under applicable law and include, but are not necessarily limited to, any written, recorded, filed, or graphic matter, whether produced, reproduced, or on paper, e-mail, cards, tapes, film, electronic facsimile, computer storage device or any other media, including, but not limited to, memoranda, notes, minutes, records, photographs, correspondence, telegrams, diaries, bookkeeping entries, financial statements, tax returns, checks, check stubs, reports, studies, charts, graphs, statements, notebooks, handwritten notes, applications, agreements, books, pamphlets, periodicals, appointment calendars, records and recordings of oral conversations, work papers, and notes, any of which are in your possession, custody, or control.
5. Words in the past tense include the present, and words in the present tense include the past. Use of the singular includes the plural, and use of the masculine includes the feminine where appropriate, and vice versa.

6. If there is any document or other tangible item described by this request which is no longer in your possession, custody, or control or is no longer in existence or accessible to you, please indicate:

(a) the date and nature of disposition of such document or other tangible item, including, but not limited to, whether such: (i) is missing or lost, (ii) has been destroyed, or (iii) has been transferred to another person;

(b) the circumstances surrounding such disposition, including any authorization thereof; and

(c) where applicable, the person currently in possession, custody, or control of such document or item.

## INSTRUCTIONS

- A. If any document is withheld under any claim to privilege, please furnish a list identifying each document for which privilege is claimed, together with the following information: date, sender, recipients, recipients of copies, subject matter of the document, and the basis upon which such privilege is claimed.
  
- B. If the Company has possession, custody, or control of the original of the documents requested, please produce the originals or a complete copy of the originals and all copies that are different in any way from the original, whether by interlineation, receipt stamp or notation. If the Company does not have possession, custody, or control of the originals of the documents requested please produce any copies in the possession, custody, or control of the Company, however, made.
  
- C. Please construe "and" as well as "or" either disjunctively or conjunctively as necessary to bring within the scope of this production of documents any document which might otherwise be constructed to be outside the scope.
  
- D. If the respondent intends to seek clarification of any portion of the discovery request, the respondent shall request such clarification within 10 days of service of the discovery request. Further, any specific objection to a discovery request shall be made within 10 days of service of the discovery request.

- E. Each page of every document produced pursuant to the request for production of documents shall be identified individually through the use of a Bates stamp or other equivalent method of sequential identification. All produced documents shall be numbered in an unbroken sequence through the final hearing.
  
- F. The Citizens specifically request the Company to make a review of the files of employees reasonably expected to have information responsive to these document requests. Correspondence and notes of meetings, whether typed or handwritten, are specifically requested. If a particular employee is in charge of an area related to a document request, the Citizens request the Company to search the files both of the employee in charge of the area as well as each employee reporting directly or indirectly to such person if their areas of responsibility also include matters reasonably likely to be responsive to the document request.
  
- G. Please provide a copy of all written responses and attachments (where available) to these PODs in electronic format. Please provide spreadsheets with all formulas and links intact.

## DOCUMENTS REQUESTED

245. Please produce all documents in your possession, custody or control related to the billing disputes of Helen Jones and Edna Bonnell, described in the following report:

Dead woman sent sky\_high water bill

WPTV TV Tampa Bay  
July 1, 2009  
Reported by: Jamie Holmes  
Email: jholmes@wptv.com

LAKE WORTH, FL \_\_ Helen Jones wants to know why her water bill has skyrocketed over the past few months. The house next door is having the same problem, even though Jones says the home is vacant and the homeowner died months ago.

Helen Jones won't tell you her age. She's an active senior though, who lives alone. And for someone who says she's rarely home, she has a pretty interesting water bill.

"I'm all by myself," Jones says. "I don't know how they could do this."

Her water bill used to be around \$40 a month.

In the last year though, the bill has skyrocketed. In May, it was more than \$200. In June, the bill was for \$343.

According to her bill, that means this widowed woman is going through roughly 1,000 gallons of water a day. Her May bill indicates she used more than 29,000 gallons of water for the month.

"I did not! No way!" said Jones.

Right next door, in the same Lake Osbourne Estates neighborhood, Edna Bonnell's water bill is the same story.

Her bill reads that the 101\_year\_old bed\_ridden woman was going though four\_thousand gallons of water a day, totalling more than 124,000 gallons a month.

That's pretty amazing, says Jones, considering Bonnell's bill kept going up and she continued to get billed, months after she died. Jones says her deceased friend was billed more than \$200 a month for three months after her death.

"Yeah," says Jones. "No one lives in the house."

Jones was heir to Bonnell's estate. She paid the bills for both houses on time, so the amounts aren't rolling over month to month. She also had two plumbers check out both properties, and they didn't find any leaks.

Jones has fought the water company, Aqua Utilities, for months. The national company buys water from Lake Worth Utilities and then sells it back to customers.

We contacted Aqua Utilities media office and gave them details about this story. A media spokesperson told us they would call us back. They did not.

Jones was finally able to get a \$1300 dollar refund for Bonnell's estate, but says Aqua Utilities would not give her an explanation for the refund. She's still fighting to get her money back.

"We think they're scamming the widows," she says.

246. Please produce the unredacted customer complaints, unredacted meter logs, and the twenty unedited disks filed with the Florida Public Service Commission on June 22, 2009.

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Charlie Beck  
Deputy Public Counsel

CERTIFICATE OF SERVICE  
DOCKET NO. 080121-WS

I HEREBY CERTIFY that a true and correct copy of the foregoing Citizen's Tenth Request for Production of Documents to Aqua Utilities Florida, Inc. has been furnished by electronic mail and U.S. Mail to the following parties on this 1st day of July, 2009.

Ralph Jaeger  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

Bruce May  
Gigi Rollini  
Holland & Knight Law Firm  
P.O. Drawer 810  
Tallahassee, FL 32302-0810

Ms. Kimberly A. Joyce  
Aqua Utilities Florida, Inc.  
762 West Lancaster Avenue  
Bryn Mawr, PA 19010-3402

Cecilia Bradley  
Office of the Attorney General  
The Capitol-PL101  
Tallahassee, FL 32399-1050

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Charlie Beck  
Deputy Public Counsel



**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**  
**DOCKET NO. 080121-WS**

I HEREBY CERTIFY that a true and correct copy of the foregoing Citizen's Tenth Request for Production of Documents to Aqua Utilities Florida, Inc. has been furnished by electronic mail and U.S. Mail to the following parties on this 1st day of July, 2009.

Ralph Jaeger  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

Bruce May  
Gigi Rollini  
Holland & Knight Law Firm  
P.O. Drawer 810  
Tallahassee, FL 32302-0810

Ms. Kimberly A. Joyce  
Aqua Utilities Florida, Inc.  
762 West Lancaster Avenue  
Bryn Mawr, PA 19010-3402

Cecilia Bradley  
Office of the Attorney General  
The Capitol-PL101  
Tallahassee, FL 32399-1050

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Charlie Beck  
Deputy Public Counsel

must be expressly identified and justified) and any other person or entity acting or purporting to act on behalf of the Company.

8. "You" or "Your" means Aqua Utilities Florida, Inc., as defined above.
9. "Affiliate" means any entity that directly or indirectly through one or more intermediaries, controls, is controlled by, or is under common control with Aqua Utility Florida, Inc., or shares a 5% or greater common ownership.
10. The terms "document" or "documents" are meant to have the broadest possible meaning under applicable law and include, but are not necessarily limited to, any written, recorded, filed, or graphic matter, whether produced, reproduced, or on paper, e-mail, cards, tapes, film, electronic facsimile, computer storage device or any other media, including, but not limited to, memoranda, notes, minutes, records, photographs, correspondence, telegrams, diaries, bookkeeping entries, financial statements, tax returns, checks, check stubs, reports, studies, charts, graphs, statements, notebooks, handwritten notes, applications, agreements, books, pamphlets, periodicals, appointment calendars, records and recordings of oral conversations, work papers, and notes, any of which are in your possession, custody, or control.

11. Words in the past tense include the present, and words in the present tense include the past. Use of the singular includes the plural, and use of the masculine includes the feminine where appropriate, and vice versa.
12. If there is any document or other tangible item described by this request which is no longer in your possession, custody, or control or is no longer in existence or accessible to you, please indicate:
- (a) the date and nature of disposition of such document or other tangible item, including, but not limited to, whether such: (i) is missing or lost, (ii) has been destroyed, or (iii) has been transferred to another person;
  - (b) the circumstances surrounding such disposition, including any authorization thereof; and
  - (c) where applicable, the person currently in possession, custody, or control of such document or item.

## INSTRUCTIONS

- H. If any document is withheld under any claim to privilege, please furnish a list identifying each document for which privilege is claimed, together with the following information: date, sender, recipients, recipients of copies, subject matter of the document, and the basis upon which such privilege is claimed.
  
- I. If the Company has possession, custody, or control of the original of the documents requested, please produce the originals or a complete copy of the originals and all copies that are different in any way from the original, whether by interlineation, receipt stamp or notation. If the Company does not have possession, custody, or control of the originals of the documents requested please produce any copies in the possession, custody, or control of the Company, however, made.
  
- J. Please construe "and" as well as "or" either disjunctively or conjunctively as necessary to bring within the scope of this production of documents any document which might otherwise be constructed to be outside the scope.
  
- K. If the respondent intends to seek clarification of any portion of the discovery request, the respondent shall request such clarification within 10 days of service of the discovery request. Further, any specific objection to a discovery request shall be made within 10 days of service of the discovery request.

- L. Each page of every document produced pursuant to the request for production of documents shall be identified individually through the use of a Bates stamp or other equivalent method of sequential identification. All produced documents shall be numbered in an unbroken sequence through the final hearing.
  
- M. The Citizens specifically request the Company to make a review of the files of employees reasonably expected to have information responsive to these document requests. Correspondence and notes of meetings, whether typed or handwritten, are specifically requested. If a particular employee is in charge of an area related to a document request, the Citizens request the Company to search the files both of the employee in charge of the area as well as each employee reporting directly or indirectly to such person if their areas of responsibility also include matters reasonably likely to be responsive to the document request.
  
- N. Please provide a copy of all written responses and attachments (where available) to these PODs in electronic format. Please provide spreadsheets with all formulas and links intact.

## DOCUMENTS REQUESTED

247. Please produce the unredacted customer complaints, unredacted meter logs, and the twenty-two unedited disks filed with the Florida Public Service Commission on July 20, 2009.

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Charlie Beck  
Deputy Public Counsel

CERTIFICATE OF SERVICE  
DOCKET NO. 080121-WS

I HEREBY CERTIFY that a true and correct copy of the foregoing Citizen's Eleventh Set of Requests for Production of Documents to Aqua Utilities Florida, Inc. has been furnished by electronic mail and U.S. Mail to the following parties on this 21st day of July, 2009.

Ralph Jaeger  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

Bruce May  
Gigi Rollini  
Holland & Knight Law Firm  
P.O. Drawer 810  
Tallahassee, FL 32302-0810

Ms. Kimberly A. Joyce  
Aqua Utilities Florida, Inc.  
762 West Lancaster Avenue  
Bryn Mawr, PA 19010-3402

Cecilia Bradley  
Office of the Attorney General  
The Capitol-PL101  
Tallahassee, FL 32399-1050

---

Charlie Beck  
Deputy Public Counsel





14. "You" or "Your" means Aqua Utilities Florida, Inc., as defined above.
15. "Affiliate" means any entity that directly or indirectly through one or more intermediaries, controls, is controlled by, or is under common control with Aqua Utility Florida, Inc., or shares a 5% or greater common ownership.
16. The terms "document" or "documents" are meant to have the broadest possible meaning under applicable law and include, but are not necessarily limited to, any written, recorded, filed, or graphic matter, whether produced, reproduced, or on paper, e-mail, cards, tapes, film, electronic facsimile, computer storage device or any other media, including, but not limited to, memoranda, notes, minutes, records, photographs, correspondence, telegrams, diaries, bookkeeping entries, financial statements, tax returns, checks, check stubs, reports, studies, charts, graphs, statements, notebooks, handwritten notes, applications, agreements, books, pamphlets, periodicals, appointment calendars, records and recordings of oral conversations, work papers, and notes, any of which are in your possession, custody, or control.
17. Words in the past tense include the present, and words in the present tense include the past. Use of the singular includes the plural, and use of the masculine includes the feminine where appropriate, and vice versa.

18. If there is any document or other tangible item described by this request which is no longer in your possession, custody, or control or is no longer in existence or accessible to you, please indicate:

(a) the date and nature of disposition of such document or other tangible item, including, but not limited to, whether such: (i) is missing or lost, (ii) has been destroyed, or (iii) has been transferred to another person;

(b) the circumstances surrounding such disposition, including any authorization thereof; and

(c) where applicable, the person currently in possession, custody, or control of such document or item.

## INSTRUCTIONS

- O. If any document is withheld under any claim to privilege, please furnish a list identifying each document for which privilege is claimed, together with the following information: date, sender, recipients, recipients of copies, subject matter of the document, and the basis upon which such privilege is claimed.
  
- P. If the Company has possession, custody, or control of the original of the documents requested, please produce the originals or a complete copy of the originals and all copies that are different in any way from the original, whether by interlineation, receipt stamp or notation. If the Company does not have possession, custody, or control of the originals of the documents requested please produce any copies in the possession, custody, or control of the Company, however, made.
  
- Q. Please construe "and" as well as "or" either disjunctively or conjunctively as necessary to bring within the scope of this production of documents any document which might otherwise be constructed to be outside the scope.
  
- R. If the respondent intends to seek clarification of any portion of the discovery request, the respondent shall request such clarification within 10 days of service of the discovery request. Further, any specific objection to a discovery request shall be made within 10 days of service of the discovery request.

- S. Each page of every document produced pursuant to the request for production of documents shall be identified individually through the use of a Bates stamp or other equivalent method of sequential identification. All produced documents shall be numbered in an unbroken sequence through the final hearing.
  
- T. The Citizens specifically request the Company to make a review of the files of employees reasonably expected to have information responsive to these document requests. Correspondence and notes of meetings, whether typed or handwritten, are specifically requested. If a particular employee is in charge of an area related to a document request, the Citizens request the Company to search the files both of the employee in charge of the area as well as each employee reporting directly or indirectly to such person if their areas of responsibility also include matters reasonably likely to be responsive to the document request.
  
- U. Please provide a copy of all written responses and attachments (where available) to these PODs in electronic format. Please provide spreadsheets with all formulas and links intact.

**DOCUMENTS REQUESTED**

248. Please produce the unredacted CD containing the report of customer complaints for the month of June, 2009, filed with the Florida Public Service Commission on July 23, 2009.

---

Charlie Beck  
Deputy Public Counsel

CERTIFICATE OF SERVICE  
DOCKET NO. 080121-WS

I HEREBY CERTIFY that a true and correct copy of the foregoing Citizens' Twelfth Set of Requests for Production of Documents to Aqua Utilities Florida, Inc. has been furnished by electronic mail and U.S. Mail to the following parties on this 27th day of July, 2009.

Ralph Jaeger  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

Bruce May  
Gigi Rollini  
Holland & Knight Law Firm  
P.O. Drawer 810  
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Tallahassee, FL 32399-1050

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Charlie Beck  
Deputy Public Counsel