

STATE OF FLORIDA
PUBLIC SERVICE COMMISSION

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DOCKET NO. 090459-WS

COMMISSION
CLERK

In re: Application of BLUEFIELD UTILITIES,
LLC, to operate a water and wastewater utility
in Martin and St. Lucie Counties, Florida

**MARTIN COUNTY'S RESPONSES AND OBJECTIONS
TO APPLICANT'S FIRST REQUEST FOR PRODUCTION**

Martin County, by and through the undersigned attorney, hereby responds and states its objections to the First Request for Production of Documents served upon it by the Applicant, Bluefield Utilities, LLC, as follows:

1. Martin County will produce a copy of Martin County Resolution No. 09-10.17 (see copy attached). Petitioner may access a full copy of the Martin County Comprehensive Growth Management Plan, free of charge, at www.municode.com, and click in succession on <Municode Library>, <Florida>, <Martin County>, and <Martin County Comprehensive Plan>.
2. Objection - the request violates the attorney work product privilege. Nevertheless, without waiving that objection, Martin County references the documents already produced in response to Production Request No. 1, *supra*, and the Board of County Commissioners Agenda Item Summary for the resolution, a copy of which will be produced.
3. There are no responsive documents to be produced because Martin County has no intention of providing potable water or wastewater treatment services to such properties.
4. Martin County will produce copies of maps showing the service areas of potable water and wastewater treatment utilities within Martin County other than Martin County itself.
5. Martin County will produce a copy of the two volumes of its current Master Plan Update, upon payment of the duplicating cost by Petitioner.
6. See response to Production Request No. 1, *supra*.
7. Martin County will produce a copy of its current Service Area Map.
8. There are no responsive documents to be produced.

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9. There are no responsive documents to be produced.
10. There are no responsive documents to be produced.
11. There are no responsive documents to be produced.
12. There are no responsive documents to be produced.
13. See response to Production Request No. 7, *supra*.
14. See response to Production Request No. 1, *supra*.
15. See response to Production Request Nos. 1 & 2, *supra*. In addition, Martin County will produce copies of relevant e-mails.
16. See response to Production Request No. 1, *supra*. In addition, Martin County will produce the most recent population technical bulletin prepared by the Growth Management Department.
17. Objection - the request is overbroad and burdensome, and is unlikely to lead to the discovery of any relevant evidence since this matter is solely about Bluefield Utilities' desire and/or ability to provide potable water and/or wastewater treatment services, not about Martin County's desire or ability to do so.
18. See responses to Production Request Nos. 1, 2, & 15, *supra*.
19. See response to Production Request No. 1, *supra*.
20. Objection - the request is overbroad and burdensome, and is unlikely to lead to the discovery of any relevant evidence since this matter is solely about Bluefield Utilities' desire and/or ability to provide potable water and/or wastewater treatment services, not about Martin County's desire or ability to do so.
21. Objection - the request violates the attorney work product privilege.

Certificate of Service

It is hereby certified by the undersigned attorney that a true and correct copy of this document has been furnished by prepaid first class United States mail to each person named below, this 15th day of March, 2010.

Respectfully submitted,

STEPHEN FRY, COUNTY ATTORNEY
Martin County Administrative Center
2401 SE Monterey Road
Stuart, FL 34996-3397
Telephone: (772) 288-5438
Facsimile: (772) 288-5439

By: 
DAVID A. ACTON
Senior Assistant County Attorney
(Florida Bar No. 246859)

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2548 Blairstone Pines Dr.
Tallahassee, FL 32301

WP11:/litigation/Misc/Bluefield.ProdReqResp.wpd

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
MARTIN COUNTY, FLORIDA**

RESOLUTION NUMBER 09-10.17

**A RESOLUTION OPPOSING THE APPLICATION FILED BY
BLUEFIELD UTILITIES WITH THE PUBLIC SERVICE
COMMISSION
TO ESTABLISH A WATER/WASTEWATER UTILITY ON LANDS
WITHIN ST. LUCIE AND MARTIN COUNTIES**

WHEREAS, the Board of County Commissioners of Martin County, Florida adopted the Comprehensive Growth Management Plan ("Plan") on February 20, 1990;

WHEREAS, policy 4.4.G.1.i. of the Future Land Use Element of the Plan prohibits the extension of potable water and sanitary sewer service outside the urban service districts established by the Plan;

WHEREAS, policy 4.4.G.1.c. of the Future Land Use Element of the Plan prohibits the development of land located outside the urban service districts established by the Plan if such development would require the provision of potable water or sanitary sewer service from a utility service provider;

WHEREAS, policy 10.4. A.1.f. of the Sanitary Sewer Services Element of the Plan prohibits the extension of public sanitary sewer service outside the urban service districts established by the Plan;

WHEREAS, policy 11.5. A.3. of the Potable Water Element of the Plan prohibits the extension of public potable water service outside the urban service districts established by the Plan;

WHEREAS, on September 29, 2009 Martin County received notice of an application filed with the Public Service Commission on September 25, 2009 to establish a water and wastewater utility system for lands within St. Lucie and Martin Counties;

WHEREAS, the Florida Public Service Commission is requesting public comment to be submitted by October 25, 2009;

WHEREAS, the property within Martin County that is included in the application is located outside the urban service districts established by the Plan, as documented in exhibit "A" attached;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MARTIN COUNTY, FLORIDA, THAT:

The Martin County Board of County Commissioners hereby objects to the application submitted by Bluefield Utilities to the Public Service Commission dated September 25, 2009, as inconsistent with the goals, objectives, and policies of the Martin County Comprehensive Growth Management Plan.

The Martin County Board of County Commissioners hereby requests that the Public Service Commission deny the application submitted by Bluefield Utilities.

DULY PASSED AND ADOPTED THIS 13th DAY OF OCTOBER, 2009.

ATTEST:

**BOARD OF COUNTY COMMISSIONERS
MARTIN COUNTY, FLORIDA**

BY: 
MARSHA EWING, CLERK

BY: 
SUSAN L. VALLIERE, CHAIR

**APPROVED AS TO LEGAL FORM AND
CORRECTNESS:**

BY: 
**DAVID A. ACTON
SENIOR ASSISTANT COUNTY ATTORNEY**



EXHIBIT A

