

**Diamond Williams**

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**Sent:** Monday, September 19, 2011 3:52 PM  
**To:** Filings@psc.state.fl.us  
**Cc:** D. Bruce May, Jr.; dbussey@hotmail.com; Kelly Sullivan, Esquire; KELLY.JR@leg.state.fl.us; kajoyce@aquaamerica.com; Patty Christensen (Christensen.patty@leg.state.fl.us); Robert Lloyd; William Coakley; David Bernstein; Kenneth Curtin  
**Subject:** Aqua Utilities Florida, Inc. Rate Action (Dkt. No. 100330-WS) - RESPONSE TO REQUEST TO PRODUCE

**Attachments:** Yes-Interog Final.pdf

Electronic Filing

a. Person Responsible for this electronic filing:

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b. Docket No. 100330-WS

In Re: Application for increase in water/wastewater rates in Alachua, Brevard, DeSoto, Hardee, 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 YES Companies, LLC d/b/a Arredondo Farms

d. There are a total of 20 pages

e. The document attached for electronic filing is YES Companies, LLC d/b/a Arredondo Farms', Objections and Responses to Applicant, Aqua Utilities Florida, Inc.'s, First Request to Produce.

Thank you for your cooperation and attention to this matter.

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for increase in water/wastewater Rates DOCKET NO. 100330-WS  
in Alachua, Brevard, DeSoto, Hardee, Highlands, Lake,  
Lee Marion, Orange, Palm Beach, Pasco, Polk, Putnam, Filed: Sept 19, 2011  
Seminole, Sumter, Volusia, and Washington Counties by  
Aqua Utilities Florida, Inc.

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**INTERVENER, YES COMMUNITIES, INC. D/B/A  
ARREDONDO FARMS', OBJECTIONS AND RESPONSES TO APPLICANT, AQUA  
UTILITIES FLORIDA, INC.'S, FIRST SET OF INTERROGATORIES**

Intervener, Yes Communities, Inc. d/b/a Arredondo Farms ("Yes"), by and through its undersigned counsel files this its Objections and Responses to Applicant, Aqua Utilities of Florida, Inc.'s ("Aqua"), First Set of Interrogatories dated August 19, 2011 and states:

**GENERAL OBJECTIONS**

1. Yes will answer the interrogatories without admitting relevancy, materiality, or admissibility of any document and all objections to the use of these documents at the final evidentiary hearing in this matter or otherwise in accordance with the Rules of Evidence and Rule 1.340(b), Fla.R.Civ.P., are hereby expressly preserved.

2. Yes objects to each definition and instruction contained in the interrogatories to the extent that the documents or information are not required to be provided under Florida Rules of Civil Procedure, the Florida Rules of Evidence, the Local Rules of the Public Service Commission, and any other applicable rules or regulations, and to the extent that they vary from those rules and regulations..

**SPECIFIC RESPONSES AND OBJECTIONS**

1. Identify all persons you believe to have knowledge of facts material to this proceeding and, for each person identified, describe in detail the specific facts within the person's knowledge.

**ANSWER:** Yes objects to this interrogatory due to the fact that the interrogatory requests information that is irrelevant and immaterial or are

not likely to lead to relevant and admissible evidence at this time. Moreover, the interrogatory is overbroad and burdensome. Subject to the foregoing objections, Yes answers that Yes employees Kim Kurz, Mallory Starling, Jeremy Gray, Shawn Harpin, and Mike Green each have knowledge of the effect that Aqua's substandard water quality, service, and exorbitant rates has on Yes and Arredondo Farms (the "Property"). Additionally, the residents of the Property, many of whom testified at the September 12, 2011 public hearing in this case at the Public Health Department Auditorium in Gainesville, Florida pursuant to that certain notice propounded by the Public Service Commission on or about August 22, 2011 (the "Gainesville Hearing"), have knowledge of the foregoing and may testify at further hearings in this matter.

**2. Identify each person(s) answering or assisting in answering these Interrogatories and identify each person with whom you consulted, upon whom you relied, or who otherwise constituted a source of information for you in connection with the preparation of your answers to these Interrogatories, and with respect to each such person, list the number(s) of each Interrogatory which he or she helped answer or with respect to which he or she was consulted relied upon, or otherwise constituted a source of information.**

**ANSWER:** Yes objects to this interrogatory due to the fact that the interrogatory requests information that is irrelevant and immaterial or are not likely to lead to relevant and admissible evidence at this time. Moreover, the interrogatory is overbroad and burdensome. However, without waiving these objections, Yes answers that Director of Special Projects of Yes, Kim Kurz, assisted in the answering of each of these Interrogatories.

**3. Identify all documents referred to, consulted, relied upon or examined in preparing the answers to these Interrogatories, or which relate to, support or conflict with an answer to these Interrogatories.**

**ANSWER:** Yes objects to this request on the basis of the attorney-client and work product privileges in that identifying those documents which Yes believes relates to or tends to support or conflict with an answer to these interrogatories will reveal the mental impressions and beliefs of counsel for Yes as to what documents may or may not support or conflict with relevant and germane issues in this case. However, without waiving these objections, Yes states that all such documents except correspondence by and between counsel and Yes have or will be produced in response to Yes' Objections and Responses to Aqua's First Request to Produce and Yes, pursuant to Rule 1.340(c), Fla.R.Civ.P., elects to produce records in response to this Interrogatory in that the answer to this Interrogatory may be

derived or ascertained from the records of Yes without revealing the mental impressions and beliefs of counsel for yes and the burden of deriving or ascertaining the answer from these records is substantially the same for Aqua as it is for Yes.

**4. Please state the name, profession and professional address of each person who you or your attorneys will, or may, call to testify as expert witnesses at the formal hearing in this matter, and as to each such person, state the following:**

- a. The expert's address and telephone number.
- b. The state in which the expert legally resides.
- c. The expert's educational background, giving the names and educational institutions attended, with dates of attendance and the degrees earned with dates hereof.
- d. The expert's specialty within his or her profession, if any.
- e. The expert's current employment.
- f. The expert's experience within his or her field giving the dates, names and addresses of employers, if any; dates, names and addresses of institutions associated with, if any; any other experience, indicating dates and places; and a list of all awards or honors conferred upon the expert, which are related to his or her field of experience.
- g. Whether the expert is retired, and the names and addresses of employers from whom the expert receives retirement income.
- h. Names of all professional associates or societies with which the expert is related or a member of, stating his or her status.
- i. The title, name of publication, name of publisher and date of any publication of any published articles, books, etc., authorized by each such person.
- j. Whether he or she has ever been a witness in any other legal proceeding and, if so, for each such lawsuit, give the name of the proceeding, the kind of proceeding involved, the name of the tribunal, the approximate date of the testimony, and the name and address of the parties or attorneys from whom he or she gave evidence.

**ANSWER:** None presently.

**5. Please state, in detail, the subject matter on which each person named in the answer to the foregoing Interrogatory No. 4 is expected to testify.**

**ANSWER:** See response to Interrogatory No. 4.

6. State the opinions that each such person named in the answer to the foregoing Interrogatory No. 4 will testify to at the formal hearing.

**ANSWER:** See response to Interrogatory No. 4.

7. State, in detail, the facts upon which each opinion set forth in answer to the foregoing Interrogatory No. 4 is based, and as to each fact that is in any way relied upon by such person on arriving at his or her opinion, state:

- a. The name and address of the person supplying such facts.
- b. The form in which such facts were supplied to him or her.
- c. Any documents relied upon by each expert in reaching an opinion.
- d. The legal authorities, if any, relied upon by each expert in reaching an opinion.

**ANSWER:** See response to Interrogatory No. 4.

8. If any person named in the answer to the foregoing Interrogatories has submitted a written report or opinion to the subject matter of this case, state:

- a. The name of the person submitting such written report or opinion.
- b. The date (or dates if more than one) such written report or opinion.
- c. The name and address of the person to whom such written report or opinion was submitted.
- d. The identity and address of the person who presently has custody of such written report or opinion. Alternatively, a copy of the identified report may be produced.

**ANSWER:** See response to Interrogatory No. 4.

9. As to each expert consulted by you or your attorneys relative to the subject matter of this case, but whom you do not expect to call to testify at the formal hearing, state:

- a. His or her name, profession and professional address.
- b. The subject matter about which he or she was consulted.
- c. If he or she has submitted any written reports or opinions relative to the subject matter about which he or she was consulted, indicate the date (or

dates) of such report, and the name and address of the person to whom submitted.

**ANSWER:** Yes objects to this interrogatory in that the disclosure of non-testifying expert witnesses is protected pursuant to Rule 1.280(b)(4)(B), Fla.R.Civ.P., unless Aqua can demonstrate exceptional circumstances under which it is impracticable for the Aqua to obtain facts or opinions on the same subject by other means. Aqua has not alleged and cannot allege nor prove such exceptional circumstances. *See also Carrero v. Engle Homes, Inc.*, 667 So.2d 1011, 1012 (Fla. 4<sup>th</sup> DCA 1996); *Myron by and through Brock v. Doctors General, Ltd.*, 573 So.2d 34 (Fla. 4<sup>th</sup> DCA 1990).

**10. Identify all documents, depositions, exhibits and/or tangible items supplied to each expert in connection with this action.**

**ANSWER:** To the extent that this interrogatory is directed to experts expected to testify at trial, such interrogatory is presently inapplicable (see response to Interrogatory No. 4). To the extent that this interrogatory may be directed to experts not expected to testify at trial, Yes repeats and realleges its objections to any interrogatory directed to non-testifying experts as more fully alleged in Yes' response to Interrogatory No. 9.

**11. Identify all documents, depositions, exhibits, and tangible items reviewed by each expert in connection with this action, and to the extent not reviewed in their entirety, identify the portion or portions of the document, deposition, exhibit and/or tangible thing actually reviewed.**

**ANSWER:** To the extent that this interrogatory is directed to experts expected to testify at trial, such interrogatory is presently inapplicable (see response to Interrogatory No. 4). To the extent that this interrogatory may be directed to experts not expected to testify at trial, Yes repeats and realleges its objections to any interrogatory directed to non-testifying experts as more fully alleged in Yes' response to Interrogatory No. 9.

**12. Identify all documents, depositions, exhibits, and tangible items used by each expert in reaching any opinion in connection with this action, and to the extent not used in their entirety, identify the portion or portions of the document, deposition, exhibit and/or tangible thing actually used in reaching any opinion.**

**ANSWER:** To the extent that this interrogatory is directed to experts expected to testify at trial, such interrogatory is presently inapplicable (see response to Interrogatory No. 4). To the extent that this interrogatory may be directed to experts not expected to testify at trial, Yes repeats and realleges its objections to any interrogatory directed to non-testifying experts as more fully alleged in Yes' response to Interrogatory No. 9.

**13. Identify all regulations, statutes, and/or other legal authorities or materials supplied to each expert in connection with this action.**



**ANSWER:** To the extent that this interrogatory is directed to experts expected to testify at trial, such interrogatory is presently inapplicable (see response to Interrogatory No. 4). To the extent that this interrogatory may be directed to experts not expected to testify at trial, Yes repeats and realleges its objections to any interrogatory directed to non-testifying experts as more fully alleged in Yes' response to Interrogatory No. 9.

**14. Identify all regulations, statutes, and/or other legal authorities or materials reviewed by each expert in connection with this action, and to the extent not reviewed in their entirety, identify the portion of the regulation, statute and/or legal authority or material actually reviewed.**

**ANSWER:** To the extent that this interrogatory is directed to experts expected to testify at trial, such interrogatory is presently inapplicable (see response to Interrogatory No. 4). To the extent that this interrogatory may be directed to experts not expected to testify at trial, Yes repeats and realleges its objections to any interrogatory directed to non-testifying experts as more fully alleged in Yes' response to Interrogatory No. 9.

**15. Identify all regulations, statutes, and/or other legal authorities or materials used by each expert in reaching an opinion in connection with this action, and to the extent not reviewed in their entirety, identify the portions of the regulation, statute and/or legal authority or material actually used in reaching any opinion.**

**ANSWER:** To the extent that this interrogatory is directed to experts expected to testify at trial, such interrogatory is presently inapplicable (see response to Interrogatory No. 4). To the extent that this interrogatory may be directed to experts not expected to testify at trial, Yes repeats and realleges its objections to any interrogatory directed to non-testifying experts as more fully alleged in Yes' response to Interrogatory No. 9.

**16. Identify all contracts or other agreements, and all other documents and records relative to such contracts or agreements entered into by YES and each expert or expert's company identified in Interrogatory No. 4.**

**ANSWER:** To the extent that this interrogatory is directed to experts expected to testify at trial, such interrogatory is presently inapplicable (see response to Interrogatory No. 4). To the extent that this interrogatory may be directed to experts not expected to testify at trial, Yes repeats and realleges its objections to any interrogatory directed to non-testifying experts as more fully alleged in Yes' response to Interrogatory No. 9.

**17. For each contract or other agreement identified in Interrogatory No. 15, provide the amounts spent by YES to date on each contract and/or consultant working on FPSC Docket No. 100330-WS.**

**ANSWER:** To the extent that this interrogatory is directed to experts expected to testify at trial, such interrogatory is presently inapplicable (see



response to Interrogatory No. 4). To the extent that this interrogatory may be directed to experts not expected to testify at trial, Yes repeats and realleges its objections to any interrogatory directed to non-testifying experts as more fully alleged in Yes' response to Interrogatory No. 9.

**18. For each expert identified in Interrogatory No. 4, provide:**

- a. The basis upon which the expert will be compensated.
- b. Whether such basis for compensation differs for document review, deposition testimony and hearing testimony.
- c. The amount of compensation received by the expert to date, relative to this action.

**ANSWER:** See response to Interrogatory No. 4.

**19. Provide a list of all litigation- related matters on which the expert has served as an expert witness and, for each listed matter, state:**

- a. The style of the case, the court or agency in which it was filed and the names and addresses of the attorneys involved.
- b. The party on whose behalf the expert was retained.
- c. The area or field in which the expert claimed an expertise.

**ANSWER:** To the extent that this interrogatory is directed to experts expected to testify at trial, such interrogatory is presently inapplicable (see response to Interrogatory No. 4). To the extent that this interrogatory may be directed to experts not expected to testify at trial, Yes repeats and realleges its objections to any interrogatory directed to non-testifying experts as more fully alleged in Yes' response to Interrogatory No. 9.

**20. Please state the name, profession, and professional address of each person who you or your attorneys will, or may, call to testify as fact witnesses at the formal hearing in this matter, and as to each such person, state the following:**

- a. The witness' address and telephone number, including any second or additional residences.
- b. The state in which the witness legally resides.
- c. The witness' current employment.
- d. If the witness is retired, and the names and addresses of employers from whom the witness receives retirement income.

- e. Whether he or she has ever been a witness in any other legal proceeding and, if so, for each such lawsuit, give the name of the proceeding, the kind of proceeding involved, the name of the tribunal, the approximate date of the testimony, and the name and address of the parties or attorneys for whom he or she gave such testimony.

**ANSWER:** The witnesses that may testify at the formal hearing include, but are not limited to, the following:

Kim Kurz, Director of Special Projects, Yes, Phone: 303-483-7314; 2401 15th Street, Suite 350 Denver, CO 80202.

Mallory Starling, Community Manager for the Property, Phone: 352-373-3500; 7117 SW Archer Road, Gainesville, Florida 32608.

Shawn Harpin, Sr. Regional Manager for Yes; 9101 W. Normandy Blvd., Jacksonville, FL 32221; Phone: 720-206-7842.

Jeremy Gray, Florida Manager for Yes. Mr. Gray's phone number and address were both provided to Aqua at the Gainesville Hearing.

Mike Green, Maintenance Manager for the Property, Phone: 352-373-3500; 7117 SW Archer Road, Gainesville, Florida 32608.

Additionally, Yes reserves the right to call all of the customer witnesses who testified at the Gainesville Hearing and other customer witnesses. These witnesses include, but are not limited to:

Lot 3	Twila Taylor	352-375-2657/ 904-868-1086
12	Mercedes Fragoso	352-371-0507
68	Mathew Koleck	352-328-0985
76	Gwendolyn Lechner	352-378-6908
92	Michael Parks	352-260-1368
95	Mary Denmark	352-371-4423
97	Justin F Houlker	352-494-7935
112	Freddie Lucas	352-246-1624
123	John Fryer III	386-983-7170
144	Susan Enos	352-514-4117
151	Willard Conrad	352-374-1443
2009	Bruce Williams	352-226-9106
2011	John Smoak	352-377-1835
2106	Norma Bradley	352-376-2271
2119	Laura Denmark	352-575-7842
2126	KhanhHung D. Chu	352-367-9998
2129	Clifton Pridgen	352-284-1898

2205	Willard Miller	352-339-4702
2421	Regina Genzel	352-284-1535
2502	Corey Evans	352-284-0021
2506	Roland Willits	352-231-3177
2512	Howard King	321-914-5059
2614	Roniese Wright	352-231-6408
2617	Melissa Bednar	352-345-9415
2630	Hector Bermudez	352-375-3988
131	Michael J Burke	352-672-7865

15	Betty Woodard
20	Jr Archie Hampton
26	Raymond Garone
28	Teresa Goolsby
40	Brenda L Dangler
41	Alex L. Trapp
46	Eugene L Davis
74	Ronald Bolton
75	Tamika T. Hicks
86	Jessica Rievley
89	Jack C Waters
111	Linda Mickle
115	Derrick Harwood
122	Kimberly Brownell
135	Blanche Clyatt
137	Earl McKeever
148	Lori A. Portor
2010	Lola Ferguson
2014	Herbert Brown
2017	Eula Cohen
2104	Donald Hainley Jr
2112	Jean Nanez
2207	Daffney Gordon
2208	Phillip Pitts
2233	Valeria Blake
2300	Michael Bourdreau
2324	Cora Williams
2331	Randy Andersen
2402	Antwon Brown
2507	Linda Rose
2511	Debra Fair
2613	Clarence Taylor
2615	John/Barbara Sacks
2618	Ozella Simmons
2629	Benjamin Anderson
2706	Shirah L Rosenek
	Linda Miller
	Scott Rony
2425	Evans
2330	Moore/Horner
2629	Derek Boles
2639	Regina Lewis

2621	Joy Helms
2016	Annette Filer
	Kimberly Smith
	Paul Lee
113	Patricia Copeland
110	Mary Washington
37/45	Gloria Sheppard
23	James Bowers
2417	Mitchell Young
2330	Charles Milton
2407	Judy Donovan
4/34	Susan Beir

This is a preliminary list. Yes reserves the right to call additional witnesses.

**21. Please state, in detail, the subject matter on which each person named in the answer to the foregoing Interrogatory No. 19 is expected to testify.**

**ANSWER:** To the extent that this interrogatory is directed to experts expected to testify at trial, such interrogatory is inapplicable (see response to Interrogatory No. 4). To the extent that this interrogatory may be directed to experts not expected to testify at trial, Yes repeats and realleges its objections to any interrogatory directed to non-testifying experts as more fully alleged in Yes' response to Interrogatory No. 9.

To the extent this interrogatory is directed at the answer to interrogatory 20, not 19, Yes states that Ms. Kurz, Ms. Starling, Mr. Gray, Mr. Harpin, and Mr. Green will testify to the poor quality of water and service provided by Aqua to residents in the Property, the exorbitant rates and improper billing practices of Aqua, and the effect that the foregoing has had on Yes's ability to provide affordable housing to Property residents. As to the other witnesses, Yes believes the scope of their testimony shall be consistent with that put in evidence at the Gainesville Hearing.

**22. Identify all documents, depositions, exhibits and/or tangible items supplied to each fact witness in connection with this action.**

**ANSWER:** Ms. Kurz, Ms. Starling, Mr. Gray, Mr. Harpin, and Mr. Green each reviewed or were permitted to review all such documents which have or will be produced in response to Yes' Objections and Responses to Aqua's First Request to Produce. Additionally, certain documents and exhibits introduced and filed at the Gainesville Hearing, or documents that were referenced at the Gainesville Hearing but will be filed once copies are obtained, may be germane to this interrogatory.

As to the other witnesses, Yes is not able to determine which documents they reviewed or did not review as they are not agents of or employed by Yes, but it is believed they reviewed documents referenced in the Gainesville Hearing and consistent with their testimony at the Gainesville Hearing.

**23. Identify all documents, depositions, exhibits, and tangible items reviewed by each fact witness in connection with this action, and to the extent not reviewed in their entirety, identify the portion or portions of the document, deposition, exhibit and/or tangible thing actually reviewed.**

**ANSWER:** Ms. Kurz, Ms. Starling, Mr. Gray, Mr. Harpin, and Mr. Green each reviewed or were permitted to review all such documents which have or will be produced in response to Yes' Objections and Responses to Aqua's First Request to Produce. Additionally, certain documents and exhibits introduced and filed at the Gainesville Hearing, or documents that were referenced at the Gainesville Hearing but will be filed once copies are obtained, may be germane to this interrogatory.

As to the other witnesses, Yes is not able to determine which documents they reviewed or did not review as they are not agents of or employed by Yes, but it is believed they reviewed documents referenced in the Gainesville Hearing and consistent with their testimony at the Gainesville Hearing.

**24. Please state the name, profession and professional address of each person that YES has hired or retained for this proceeding, and as to each such person, state the following:**

- a. The outside consultant's address and telephone number.
- b. The state in which the outside consultant legally resides.
- c. The outside consultant's specific responsibilities related to this proceeding.
- d. The outside consultant's educational background, giving the names and educational institutions attended, with dates of attendance and the degrees earned with dates hereof.
- e. The outside consultant's specialty within his or her profession, if any.
- f. The outside consultant's current employment.
- g. The outside consultant's experience within his or her field, giving the dates, names and addresses of employers, if any; dates, names and addresses of institutions associates with, if any; any other experience, indicating dates and places; and a list of all awards or honors conferred upon the expert, which are related to his or her field of experience.

- h. Whether the outside consultant is retired, and the names and address of employers from whom the expert receives retirement income.
- i. Names of all professional associations or societies with which the outside consultant is related or a member of, stating his or her status.
- j. The title, name of publication, name of publisher and date of publication of any published articles, books, etc., authorized by each such person.
- k. Whether he or she has ever been a witness in any other legal proceeding and, if so, for each such lawsuit, give the name of the proceeding, the kind of proceeding involved, the name of the tribunal, the approximate date of the testimony, and the name and address of the parties or attorneys for whom he or she gave evidence.

**ANSWER:** To the extent that this interrogatory may be directed to experts not expected to testify at trial, Yes repeats and realleges its objections to any interrogatory directed to non-testifying experts as more fully alleged in Yes' response to Interrogatory No. 9. To the extent this interrogatory is directed towards any testifying expert or any other testifying outside consultant or person, Yes would state that no such outside consultants or persons have been presently retained by Yes.

**25. Identify all documents on which YES relied to support the allegation in its Cross-Petition that AUF's "quality of service should be downgraded to unsatisfactory."**

**ANSWER:** Yes objects to this request on the basis of the attorney-client and work product privileges in that identifying those documents which Yes believes relates to or tends to support or conflict with an answer to these interrogatories will reveal the mental impressions and beliefs of counsel for Yes as to what documents may or may not support or conflict with relevant and germane issues in this case. However, without waiving these objections, Yes states that all such documents except correspondence by and between counsel and Yes have or will be produced in response to Yes' Objections and Responses to Aqua's First Request to Produce and Yes, pursuant to Rule 1.340(c), Fla.R.Civ.P., elects to produce records in response to this Interrogatory in that the answer to this Interrogatory may be derived or ascertained from the records of Yes without revealing the mental impressions and beliefs of counsel for yes and the burden of deriving or ascertaining the answer from these records is substantially the same for Aqua as it is for Yes. Additionally, certain documents and exhibits introduced and filed at the Gainesville Hearing, or documents that were referenced at the Gainesville Hearing but will be filed once copies are obtained, may be germane to this interrogatory.



26. Identify all documents on which YES relied to support the allegation in the Cross-Petition that AUF's "return on equity ('ROE') should be diminished by 100 basis points, rather than merely 25 basis points, regardless of whether the finding of quality is reduced from marginal to unsatisfactory."

**ANSWER:** Yes objects to this request on the basis of the attorney-client and work product privileges in that identifying those documents which Yes believes relates to or tends to support or conflict with an answer to these interrogatories will reveal the mental impressions and beliefs of counsel for Yes as to what documents may or may not support or conflict with relevant and germane issues in this case. However, without waiving these objections, Yes states that all such documents except correspondence by and between counsel and Yes have or will be produced in response to Yes' Objections and Responses to Aqua's First Request to Produce and Yes, pursuant to Rule 1.340(c), Fla.R.Civ.P., elects to produce records in response to this Interrogatory in that the answer to this Interrogatory may be derived or ascertained from the records of Yes without revealing the mental impressions and beliefs of counsel for yes and the burden of deriving or ascertaining the answer from these records is substantially the same for Aqua as it is for Yes. Additionally, certain documents and exhibits introduced and filed at the Gainesville Hearing, or documents that were referenced at the Gainesville Hearing but will be filed once copies are obtained, may be germane to this interrogatory.

27. In its Cross-Petition, YES alleges that AUF has "poor service and product."

- a. Identify all documents on which YES relied to support its allegations that AUF has "poor service and product."
- b. Describe in detail the definition of "poor service and product" as that phrase is use by YES in its Cross-Petition.

**ANSWER:** Yes objects to this request on the basis of the attorney-client and work product privileges in that identifying those documents which Yes believes relates to or tends to support or conflict with an answer to these interrogatories will reveal the mental impressions and beliefs of counsel for Yes as to what documents may or may not support or conflict with relevant and germane issues in this case. However, without waiving these objections, Yes states that all such documents except correspondence by and between counsel and Yes have or will be produced in response to Yes' Objections and Responses to Aqua's First Request to Produce and Yes, pursuant to Rule 1.340(c), Fla.R.Civ.P., elects to produce records in response to this Interrogatory in that the answer to this Interrogatory may be derived or ascertained from the records of Yes without revealing the mental impressions and beliefs of counsel for yes and the burden of deriving or

ascertaining the answer from these records is substantially the same for Aqua as it is for Yes. Additionally, certain documents and exhibits introduced and filed at the Gainesville Hearing, or documents that were referenced at the Gainesville Hearing but will be filed once copies are obtained, may be germane to this interrogatory.

As to (b), Yes responds that the term "poor service and product" should be defined in light of the overwhelming testimony of Aqua customers at the Gainesville Hearing which elucidated the many defects with Aqua's customer service and the quality of water provided by Aqua.

**28. Identify all documents on which YES relied to support the allegation in the Cross-Petition that AUF has "poor and unsatisfactory potable water quality."**

**ANSWER:** Yes objects to this request on the basis of the attorney-client and work product privileges in that identifying those documents which Yes believes relates to or tends to support or conflict with an answer to these interrogatories will reveal the mental impressions and beliefs of counsel for Yes as to what documents may or may not support or conflict with relevant and germane issues in this case. However, without waiving these objections, Yes states that all such documents except correspondence by and between counsel and Yes have or will be produced in response to Yes' Objections and Responses to Aqua's First Request to Produce and Yes, pursuant to Rule 1.340(c), Fla.R.Civ.P., elects to produce records in response to this Interrogatory in that the answer to this Interrogatory may be derived or ascertained from the records of Yes without revealing the mental impressions and beliefs of counsel for yes and the burden of deriving or ascertaining the answer from these records is substantially the same for Aqua as it is for Yes. Additionally, certain documents and exhibits introduced and filed at the Gainesville Hearing, or documents that were referenced at the Gainesville Hearing but will be filed once copies are obtained, may be germane to this interrogatory.

**29. Identify all documents on which YES relied to support the allegation in the Cross-Petition that AUF has "excessive leaks."**

**ANSWER:** Yes objects to this request on the basis of the attorney-client and work product privileges in that identifying those documents which Yes believes relates to or tends to support or conflict with an answer to these interrogatories will reveal the mental impressions and beliefs of counsel for Yes as to what documents may or may not support or conflict with relevant and germane issues in this case. However, without waiving these objections, Yes states that all such documents except correspondence

by and between counsel and Yes have or will be produced in response to Yes' Objections and Responses to Aqua's First Request to Produce and Yes, pursuant to Rule 1.340(c), Fla.R.Civ.P., elects to produce records in response to this Interrogatory in that the answer to this Interrogatory may be derived or ascertained from the records of Yes without revealing the mental impressions and beliefs of counsel for yes and the burden of deriving or ascertaining the answer from these records is substantially the same for Aqua as it is for Yes. Additionally, certain documents and exhibits introduced and filed at the Gainesville Hearing, or documents that were referenced at the Gainesville Hearing but will be filed once copies are obtained, may be germane to this interrogatory.

**30. Identify all documents on which YES relied to support the allegation in the Cross-Petition that AUF has had a "failure to adequately address" such "excessive Leaks."**

**ANSWER:** Yes objects to this request on the basis of the attorney-client and work product privileges in that identifying those documents which Yes believes relates to or tends to support or conflict with an answer to these interrogatories will reveal the mental impressions and beliefs of counsel for Yes as to what documents may or may not support or conflict with relevant and germane issues in this case. However, without waiving these objections, Yes states that all such documents except correspondence by and between counsel and Yes have or will be produced in response to Yes' Objections and Responses to Aqua's First Request to Produce and Yes, pursuant to Rule 1.340(c), Fla.R.Civ.P., elects to produce records in response to this Interrogatory in that the answer to this Interrogatory may be derived or ascertained from the records of Yes without revealing the mental impressions and beliefs of counsel for yes and the burden of deriving or ascertaining the answer from these records is substantially the same for Aqua as it is for Yes. Additionally, certain documents and exhibits introduced and filed at the Gainesville Hearing, or documents that were referenced at the Gainesville Hearing but will be filed once copies are obtained, may be germane to this interrogatory.

**31. Identify all documents on which YES relied to support the allegation in the Cross- Petition that AUF has "excessive billing errors."**

**ANSWER:** Yes objects to this request on the basis of the attorney-client and work product privileges in that identifying those documents which Yes believes relates to or tends to support or conflict with an answer to these interrogatories will reveal the mental impressions and beliefs of counsel for Yes as to what documents may or may not support or conflict

with relevant and germane issues in this case. However, without waiving these objections, Yes states that all such documents except correspondence by and between counsel and Yes have or will be produced in response to Yes' Objections and Responses to Aqua's First Request to Produce and Yes, pursuant to Rule 1.340(c), Fla.R.Civ.P., elects to produce records in response to this Interrogatory in that the answer to this Interrogatory may be derived or ascertained from the records of Yes without revealing the mental impressions and beliefs of counsel for yes and the burden of deriving or ascertaining the answer from these records is substantially the same for Aqua as it is for Yes. Additionally, certain documents and exhibits introduced and filed at the Gainesville Hearing, or documents that were referenced at the Gainesville Hearing but will be filed once copies are obtained, may be germane to this interrogatory.

**32. Identify all documents on which YES relied to support the allegation in the Cross-Petition that AUF has had a "failure to adequately address" such "excessive billing errors."**

**ANSWER:** Yes objects to this request on the basis of the attorney-client and work product privileges in that identifying those documents which Yes believes relates to or tends to support or conflict with an answer to these interrogatories will reveal the mental impressions and beliefs of counsel for Yes as to what documents may or may not support or conflict with relevant and germane issues in this case. However, without waiving these objections, Yes states that all such documents except correspondence by and between counsel and Yes have or will be produced in response to Yes' Objections and Responses to Aqua's First Request to Produce and Yes, pursuant to Rule 1.340(c), Fla.R.Civ.P., elects to produce records in response to this Interrogatory in that the answer to this Interrogatory may be derived or ascertained from the records of Yes without revealing the mental impressions and beliefs of counsel for yes and the burden of deriving or ascertaining the answer from these records is substantially the same for Aqua as it is for Yes. Additionally, certain documents and exhibits introduced and filed at the Gainesville Hearing, or documents that were referenced at the Gainesville Hearing but will be filed once copies are obtained, may be germane to this interrogatory.

**33. Identify all documents on which YES relied to support the allegation in the Cross-Petition that AUF has had a "general overall failure of quality service such as flushing of wells."**

**ANSWER:** Yes objects to this request on the basis of the attorney-client and work product privileges in that identifying those documents which Yes believes relates to or tends to support or conflict with an answer to these interrogatories will reveal the mental impressions and beliefs of counsel for Yes as to what documents may or may not support or conflict with relevant and germane issues in this case. However, without waiving these objections, Yes states that all such documents except correspondence by and between counsel and Yes have or will be produced in response to Yes' Objections and Responses to Aqua's First Request to Produce and Yes, pursuant to Rule 1.340(c), Fla.R.Civ.P., elects to produce records in response to this Interrogatory in that the answer to this Interrogatory may be derived or ascertained from the records of Yes without revealing the mental impressions and beliefs of counsel for yes and the burden of deriving or ascertaining the answer from these records is substantially the same for Aqua as it is for Yes. Additionally, certain documents and exhibits introduced and filed at the Gainesville Hearing, or documents that were referenced at the Gainesville Hearing but will be filed once copies are obtained, may be germane to this interrogatory.

**34. Identify all documents on which YES relied to support the allegation in the Cross-Petition that AUF has had a "general overall failure of quality service such as . . . water shut offs without notice."**

**ANSWER:** Yes objects to this request on the basis of the attorney-client and work product privileges in that identifying those documents which Yes believes relates to or tends to support or conflict with an answer to these interrogatories will reveal the mental impressions and beliefs of counsel for Yes as to what documents may or may not support or conflict with relevant and germane issues in this case. However, without waiving these objections, Yes states that all such documents except correspondence by and between counsel and Yes have or will be produced in response to Yes' Objections and Responses to Aqua's First Request to Produce and Yes, pursuant to Rule 1.340(c), Fla.R.Civ.P., elects to produce records in response to this Interrogatory in that the answer to this Interrogatory may be derived or ascertained from the records of Yes without revealing the mental impressions and beliefs of counsel for yes and the burden of deriving or ascertaining the answer from these records is substantially the same for Aqua as it is for Yes. Additionally, certain documents and exhibits introduced and filed at the Gainesville Hearing, or documents that were referenced at the Gainesville Hearing but will be filed once copies are obtained, may be germane to this interrogatory.

**35. Identify all documents on which YES relied to support the allegation in the Cross-Petition that AUF has had a "general overall failure of quality services such as . . . inadequate customer service."**



**ANSWER:** Yes objects to this request on the basis of the attorney-client and work product privileges in that identifying those documents which Yes believes relates to or tends to support or conflict with an answer to these interrogatories will reveal the mental impressions and beliefs of counsel for Yes as to what documents may or may not support or conflict with relevant and germane issues in this case. However, without waiving these objections, Yes states that all such documents except correspondence by and between counsel and Yes have or will be produced in response to Yes' Objections and Responses to Aqua's First Request to Produce and Yes, pursuant to Rule 1.340(c), Fla.R.Civ.P., elects to produce records in response to this Interrogatory in that the answer to this Interrogatory may be derived or ascertained from the records of Yes without revealing the mental impressions and beliefs of counsel for yes and the burden of deriving or ascertaining the answer from these records is substantially the same for Aqua as it is for Yes. Additionally, certain documents and exhibits introduced and filed at the Gainesville Hearing, or documents that were referenced at the Gainesville Hearing but will be filed once copies are obtained, may be germane to this interrogatory.

**36. Identify all documents on which YES relied to support the allegation in the Cross-Petition that AUF has "high cost" rates.**

**ANSWER:** Yes objects to this request on the basis of the attorney-client and work product privileges in that identifying those documents which Yes believes relates to or tends to support or conflict with an answer to these interrogatories will reveal the mental impressions and beliefs of counsel for Yes as to what documents may or may not support or conflict with relevant and germane issues in this case. However, without waiving these objections, Yes states that all such documents except correspondence by and between counsel and Yes have or will be produced in response to Yes' Objections and Responses to Aqua's First Request to Produce and Yes, pursuant to Rule 1.340(c), Fla.R.Civ.P., elects to produce records in response to this Interrogatory in that the answer to this Interrogatory may be derived or ascertained from the records of Yes without revealing the mental impressions and beliefs of counsel for yes and the burden of deriving or ascertaining the answer from these records is substantially the same for Aqua as it is for Yes. Additionally, certain documents and exhibits introduced and filed at the Gainesville Hearing, or documents that were referenced at the Gainesville Hearing but will be filed once copies are obtained, may be germane to this interrogatory.

**37. Identify all documents on which YES relied to support the allegations in the Cross-Petition that AUF has "low water quality."**



**ANSWER:** Yes objects to this request on the basis of the attorney-client and work product privileges in that identifying those documents which Yes believes relates to or tends to support or conflict with an answer to these interrogatories will reveal the mental impressions and beliefs of counsel for Yes as to what documents may or may not support or conflict with relevant and germane issues in this case. However, without waiving these objections, Yes states that all such documents except correspondence by and between counsel and Yes have or will be produced in response to Yes' Objections and Responses to Aqua's First Request to Produce and Yes, pursuant to Rule 1.340(c), Fla.R.Civ.P., elects to produce records in response to this Interrogatory in that the answer to this Interrogatory may be derived or ascertained from the records of Yes without revealing the mental impressions and beliefs of counsel for yes and the burden of deriving or ascertaining the answer from these records is substantially the same for Aqua as it is for Yes. Additionally, certain documents and exhibits introduced and filed at the Gainesville Hearing, or documents that were referenced at the Gainesville Hearing but will be filed once copies are obtained, may be germane to this interrogatory.

**38. Identify all documents on which YES relied to support the allegation in the Cross-Petition that AUF has "inferior service."**

**ANSWER:** Yes objects to this request on the basis of the attorney-client and work product privileges in that identifying those documents which Yes believes relates to or tends to support or conflict with an answer to these interrogatories will reveal the mental impressions and beliefs of counsel for Yes as to what documents may or may not support or conflict with relevant and germane issues in this case. However, without waiving these objections, Yes states that all such documents except correspondence by and between counsel and Yes have or will be produced in response to Yes' Objections and Responses to Aqua's First Request to Produce and Yes, pursuant to Rule 1.340(c), Fla.R.Civ.P., elects to produce records in response to this Interrogatory in that the answer to this Interrogatory may be derived or ascertained from the records of Yes without revealing the mental impressions and beliefs of counsel for yes and the burden of deriving or ascertaining the answer from these records is substantially the same for Aqua as it is for Yes. Additionally, certain documents and exhibits introduced and filed at the Gainesville Hearing, or documents that were referenced at the Gainesville Hearing but will be filed once copies are obtained, may be germane to this interrogatory.

**39. In its Cross-Petition, YES alleges that “the quality of service and product provided by Aqua at the Community is not similar to either the local community or to other water and wastewater systems maintained by Aqua.”**

- a. Please state the basis for this allegation by YES.
- b. Please identify all documents on which YES relied on to support his allegation.

**ANSWER:** Yes objects to this request on the basis of the attorney-client and work product privileges in that identifying those documents which Yes believes relates to or tends to support or conflict with an answer to these interrogatories will reveal the mental impressions and beliefs of counsel for Yes as to what documents may or may not support or conflict with relevant and germane issues in this case. However, without waiving these objections, Yes states that all such documents except correspondence by and between counsel and Yes have or will be produced in response to Yes’ Objections and Responses to Aqua’s First Request to Produce and Yes, pursuant to Rule 1.340(c), Fla.R.Civ.P., elects to produce records in response to this Interrogatory in that the answer to this Interrogatory may be derived or ascertained from the records of Yes without revealing the mental impressions and beliefs of counsel for yes and the burden of deriving or ascertaining the answer from these records is substantially the same for Aqua as it is for Yes. Additionally, certain documents and exhibits introduced and filed at the Gainesville Hearing, or documents that were referenced at the Gainesville Hearing but will be filed once copies are obtained, may be germane to this interrogatory.

As to (a), the basis for this allegation is the testimony and experiences of Yes’s tenants in the Property. The overwhelming testimony at the Gainesville Hearing demonstrates that the level of quality and service provided by Aqua to tenants in the Property falls well below Gainesville Regional Utilities and their past experience with previous utility providers.

**40. In its Cross-Petition, YES alleges that the rate charges approved by the PAA Order are “unaffordable.”**

- a. Identify all documents on which YES relied to support its allegation that the rates approved by the PAA Order are “unaffordable.”
- b. Describe in detail the definition of the term “unaffordable” as that term is used by YES in its Cross-Petition.

- c. Describe in detail all assumptions, calculations, and evidence on which YES relied to assert that the rates approved by the PAA Order are “unaffordable.”

**ANSWER:** Yes objects to this request on the basis of the attorney-client and work product privileges in that identifying those documents which Yes believes relates to or tends to support or conflict with an answer to these interrogatories will reveal the mental impressions and beliefs of counsel for Yes as to what documents may or may not support or conflict with relevant and germane issues in this case. However, without waiving these objections, Yes states that all such documents except correspondence by and between counsel and Yes have or will be produced in response to Yes’ Objections and Responses to Aqua’s First Request to Produce and Yes, pursuant to Rule 1.340(c), Fla.R.Civ.P., elects to produce records in response to this Interrogatory in that the answer to this Interrogatory may be derived or ascertained from the records of Yes without revealing the mental impressions and beliefs of counsel for yes and the burden of deriving or ascertaining the answer from these records is substantially the same for Aqua as it is for Yes. Additionally, certain documents and exhibits introduced and filed at the Gainesville Hearing, or documents that were referenced at the Gainesville Hearing but will be filed once copies are obtained, may be germane to this interrogatory.

As to (b) and (c), the basis for this allegation is the testimony and experiences of Yes’s tenants in the Property. The overwhelming testimony at the Gainesville Hearing demonstrates that tenants in the Property cannot afford to pay Aqua’s exorbitant rates. The term “unaffordable” was described in great detail by these residents at that time.

**41. In the Cross-Petition, YES states that “the net operating income (‘NOI’), rate base, and revenue requirements approved in the PAA Order are overstated.”**

- a. Please identify all documents on which YES relied in deciding to protest these portions of the PAA Order.
- b. Please describe all assumptions, calculations, and evidence on which YES relied in deciding to protest these portions of the PAA Order.
- c. Please state the basis of Yes’s contention that AUF’s net operating income, rate base and revenue requirements are “overstated.”
- d. Please identify all documents on which YES relied to support its allegation that AUF’s net operating income, rate base and revenue requirements are “overstated.”

**ANSWER:** Yes objects to this request on the basis of the attorney-client and work product privileges in that identifying those documents which Yes believes relates to or tends to support or conflict with an answer to these interrogatories will reveal the mental impressions and beliefs of counsel for Yes as to what documents may or may not support or conflict with relevant and germane issues in this case. However, without waiving these objections, Yes states that all such documents except correspondence by and between counsel and Yes have or will be produced in response to Yes' Objections and Responses to Aqua's First Request to Produce and Yes, pursuant to Rule 1.340(c), Fla.R.Civ.P., elects to produce records in response to this Interrogatory in that the answer to this Interrogatory may be derived or ascertained from the records of Yes without revealing the mental impressions and beliefs of counsel for yes and the burden of deriving or ascertaining the answer from these records is substantially the same for Aqua as it is for Yes. Additionally, certain documents and exhibits introduced and filed at the Gainesville Hearing, or documents that were referenced at the Gainesville Hearing but will be filed once copies are obtained, may be germane to this interrogatory.

As to (b) – (d), Yes will also rely upon the Office of Public Counsel with regard to the issues identified in this interrogatory.

**42. In its Cross-Petition, YES states that “the NOI, rate base, and revenue requirements set in the PAA Order are based, in part, on income lost and expenses which are overstated and inflated due to [AUF]’s own failures . . . .”**

- a. Please identify all documents on which YES relied in deciding to protest this portion of the PAA Order.
- b. Please describe in detail all assumptions, calculations, and evidence on which YES relied in deciding to protest this portion of the PAA Order.
- c. Please state the basis of YES’s contention that AUF’s NOI, rate base and revenue requirements are “based

**ANSWER:** Yes objects to this request on the basis of the attorney-client and work product privileges in that identifying those documents which Yes believes relates to or tends to support or conflict with an answer to these interrogatories will reveal the mental impressions and beliefs of counsel for Yes as to what documents may or may not support or conflict with relevant and germane issues in this case. However, without waiving these objections, Yes states that all such documents except correspondence by and between counsel and Yes have or will be produced in response to Yes' Objections and Responses to Aqua's First Request to Produce and Yes,

pursuant to Rule 1.340(c), Fla.R.Civ.P., elects to produce records in response to this Interrogatory in that the answer to this Interrogatory may be derived or ascertained from the records of Yes without revealing the mental impressions and beliefs of counsel for yes and the burden of deriving or ascertaining the answer from these records is substantially the same for Aqua as it is for Yes. Additionally, certain documents and exhibits introduced and filed at the Gainesville Hearing, or documents that were referenced at the Gainesville Hearing but will be filed once copies are obtained, may be germane to this interrogatory.

As to (b) – (c), Yes will also rely upon the Office of Public Counsel with regard to the issues identified in this interrogatory.

**43. In its Cross-Petition, YES states that “failures” to address “such issues as excessive leaks, billing errors, and . . . quality [of] customer service” “cause [AUF] to loose [sic] income and increase its bad debt due to rate payers.”**

- a. Please state the basis of YES’s contention that such “failures” “cause [AUF] to loose [sic] income and increase its bad debt due to rate payers.”
- b. Please identify all documents on which YES relied to support its allegation that such “failures” “cause [AUF] to loose [sic] income and increase its bad debt due to rate payers.”

**ANSWER:** Yes objects to this request on the basis of the attorney-client and work product privileges in that identifying those documents which Yes believes relates to or tends to support or conflict with an answer to these interrogatories will reveal the mental impressions and beliefs of counsel for Yes as to what documents may or may not support or conflict with relevant and germane issues in this case. However, without waiving these objections, Yes states that all such documents except correspondence by and between counsel and Yes have or will be produced in response to Yes’ Objections and Responses to Aqua’s First Request to Produce and Yes, pursuant to Rule 1.340(c), Fla.R.Civ.P., elects to produce records in response to this Interrogatory in that the answer to this Interrogatory may be derived or ascertained from the records of Yes without revealing the mental impressions and beliefs of counsel for yes and the burden of deriving or ascertaining the answer from these records is substantially the same for Aqua as it is for Yes. Additionally, certain documents and exhibits introduced and filed at the Gainesville Hearing, or documents that were referenced at the Gainesville Hearing but will be filed once copies are obtained, may be germane to this interrogatory.

As to (a), the basis for this allegation is the testimony and experiences of Yes’s tenants in the Property as well as the testimony of Yes employees. The overwhelming testimony at

the Gainesville Hearing demonstrates that tenants in the Property suffer poor service and predatory billing practices including unauthorized water shut off by Aqua. Yes will also rely upon Office of Public Counsel with regard to the other issues identified in this interrogatory.

**44. In its Cross-Petition, YES states that “failures” to address “such issues as excessive leaks, billing errors, and . . . quality [of] customer service” have “disenfranchised” customers, causing them to “leave the communities serviced by [AUF], including but not limited to the [YES] Community.”**

- a. Please state the basis of YES’s contention that such “failures” have cause customers to “leave the communities serviced by [AUF].”
- b. Please identify all documents on which YES relied to support its allegation that such “failures” have caused customers to “leave the communities serviced by [AUF].”
- c. Please state the basis of YES’s contention that such “failures” have caused customers to leave the YES community.
- d. Please identify all documents on which YES relied to support its allegation that such “failures” have caused customers to leave the YES community.

**ANSWER:** Yes objects to this request on the basis of the attorney-client and work product privileges in that identifying those documents which Yes believes relates to or tends to support or conflict with an answer to these interrogatories will reveal the mental impressions and beliefs of counsel for Yes as to what documents may or may not support or conflict with relevant and germane issues in this case. However, without waiving these objections, Yes states that all such documents except correspondence by and between counsel and Yes have or will be produced in response to Yes’ Objections and Responses to Aqua’s First Request to Produce and Yes, pursuant to Rule 1.340(c), Fla.R.Civ.P., elects to produce records in response to this Interrogatory in that the answer to this Interrogatory may be derived or ascertained from the records of Yes without revealing the mental impressions and beliefs of counsel for yes and the burden of deriving or ascertaining the answer from these records is substantially the same for Aqua as it is for Yes. Additionally, certain documents and exhibits



introduced and filed at the Gainesville Hearing, or documents that were referenced at the Gainesville Hearing but will be filed once copies are obtained, may be germane to this interrogatory.

As to (a) and (c), the basis for this allegation is the testimony and experiences of Yes's tenants in the Property as well as the testimony of Yes employees. The overwhelming testimony at the Gainesville Hearing demonstrates that tenants in the Property suffer poor service and predatory billing practices including unauthorized water shut off by Aqua. Yes will also rely upon Office of Public Counsel with regard to the other issues identified in this interrogatory.

**45. Identify all documents on which YES relied to support the allegation in the Cross-Petition that AUF has "inadequate business performance."**

**ANSWER:** Yes objects to this request on the basis of the attorney-client and work product privileges in that identifying those documents which Yes believes relates to or tends to support or conflict with an answer to these interrogatories will reveal the mental impressions and beliefs of counsel for Yes as to what documents may or may not support or conflict with relevant and germane issues in this case. However, without waiving these objections, Yes states that all such documents except correspondence by and between counsel and Yes have or will be produced in response to Yes' Objections and Responses to Aqua's First Request to Produce and Yes, pursuant to Rule 1.340(c), Fla.R.Civ.P., elects to produce records in response to this Interrogatory in that the answer to this Interrogatory may be derived or ascertained from the records of Yes without revealing the mental impressions and beliefs of counsel for yes and the burden of deriving or ascertaining the answer from these records is substantially the same for Aqua as it is for Yes. Additionally, certain documents and exhibits introduced and filed at the Gainesville Hearing, or documents that were referenced at the Gainesville Hearing but will be filed once copies are obtained, may be germane to this interrogatory.

**46. Please refer to page 5 of YES's Cross-Petition:**

- a. Describe in detail all assumptions, calculations, and evidence on which YES relied to assert the used and useful ("U&U") percentages for the

water treatment plant for Arrendondo Estates and Arrendondo Farms were inappropriately determined by the FPSC.

- b. Describe in detail all assumptions, calculations, and evidence on which YES relied to assert the U&U percentages for the water distribution systems at Arrendondo Estates and Arrendondo Farms were inappropriately determined by FPSC.
- c. Describe in detail all assumptions calculations, and evidence on which YES relied to assert the U&U percentages for the wastewater treatment plant for Arrendondo Estates and Arrendondo Farms were inappropriately determined by the FPSC.
- d. Describe in detail any comparisons that YES has made of its proposed U&U calculations to the U&U percentages approved in Order No. PSC-09-0385-FOF-WS.
- e. Describe in detail any comparisons that YES has made of its proposed U&U calculations to the U&U percentages approved in the PAA Order.
- f. Describe in detail any comparisons that YES has made of its proposed U&U calculations to the U&U percentages approved in Order No. PSC-96-0782-FOF-WS.
- g. Describe in detail any comparisons that YES has made of its proposed U&U calculations to the U&U percentages approved in Order NO. PSC-93-0509-FOF-WS.
- h. Describe in detail the dollar effect that YES's U&U proposals would have on AUF's revenues based on the rate base and revenue requirements approved in the PAA Order.

**ANSWER:** Yes will rely upon Office of Public Counsel with regard to the issues identified in this interrogatory.

**47. Describe in detail the analysis and due diligence which YES performed on the Arrendondo Farms Mobile Home Park ("Arrendondo Farms") prior to acquiring Arrendondo Farms.**

**ANSWER:** Yes objects to this interrogatory due to the fact that the interrogatory requests information that is irrelevant and immaterial or are not likely to lead to relevant and admissible evidence at this time.


Furthermore, the Interrogatory request information that is protected by the attorney-client, work product privilege, and trade secret privileges. Moreover, the interrogatory is overbroad and burdensome.

**48. Please Identify all documents which Yes reviewed during the course of its due diligence and analysis of Arrendondo Farms prior to acquiring Arrendondo Farms.**

**ANSWER:** Yes objects to this interrogatory due to the fact that the interrogatory requests information that is irrelevant and immaterial or are not likely to lead to relevant and admissible evidence at this time. Furthermore, the Interrogatory request information that is protected by the attorney-client, work product privilege, and trade secret privileges. Moreover, the interrogatory is overbroad and burdensome.

**VERIFICATION**

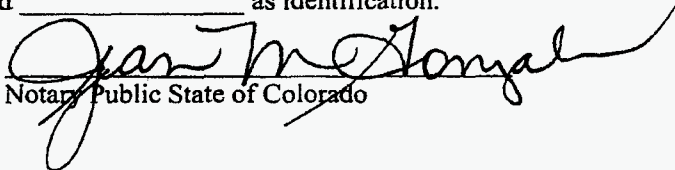
I have read the foregoing Answers to Interrogatories and do swear they are true and correct to the best of my knowledge and belief.

By:   
Printed Name: Kim Kurz  
As: Director of Special Projects, Yes Communities, Inc. d/b/a Arrendondo Farms

STATE OF COLORADO    )  
                                          )  
COUNTY OF THOMAS    )

Before me, the undersigned authority, personally appeared, Kim Kurz as Director of Special Projects, Yes Communities, Inc. d/b/a Arrendondo Farms, who being duly sworn, deposes and states that the foregoing answers to AUF's First set of Interrogatories to Yes Communities, Inc. are true and correct to the best of her knowledge, information and belief.

SWORN AND SUBSCRIBED before me this 19<sup>th</sup> day of September, 2011, by Kim Kurz as Director of Special Projects, Yes Communities, Inc. d/b/a Arrendondo Farms, who is personally known to me, or who provided \_\_\_\_\_ as identification.

  
Notary Public State of Colorado

