

Diamond Williams

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Sent: Monday, October 24, 2011 4:04 PM
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Subject: AQUA UTILITIES FLORIDA, INC. RATE ACTION (Docket. No. 100330-WS): YES OBJECTIONS AND RESPONSES TO AUF'S SECOND REQUEST TO PRODUCE (NOS. 44-56).
Attachments: YES RESPONSE TO AUF 2ND RQUEST TO PRODUCE.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 6 pages

e. The document attached for electronic filing is: INTERVENER, YES COMPANIES, LLC D/B/A ARREDONDO FARMS', OBJECTIONS AND RESPONSES TO APPLICANT, AQUA UTILITIES FLORIDA, INC.'S SECOND REQUEST TO PRODUCE (NOS. 44-56).

Thank you for your cooperation and attention to this matter.

Susan G. Sherman, CP, FRP
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DOCUMENT NUMBER-DATE

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for increase in water/wastewater Rates in DOCKET NO. 100330-WS
Alachua, Brevard, DeSoto, Hardee, Highlands, Lake, Lee Marion,
Orange, Palm Beach, Pasco, Polk, Putnam, Seminole, Sumter, Filed: October 24, 2011
Volusia, and Washington Counties by Aqua Utilities Florida, Inc.

**INTERVENER, YES COMPANIES, LLC D/B/A
ARREDONDO FARMS', OBJECTIONS AND RESPONSES TO APPLICANT, AQUA
UTILITIES FLORIDA, INC.'S, SECOND REQUEST TO PRODUCE (NOS. 44-56)**

Intervener, Yes Companies, LLC d/b/a Arredondo Farms ("Yes"), by and through its undersigned counsel files this its Objections and Responses to Applicant, Aqua Utilities Florida, Inc.'s ("Aqua"), First Request to Produce dated September 23, 2011 and states:

GENERAL OBJECTIONS

1. Yes objects to the Request for Production to the extent that it may be read to seek documents that are immune from discovery under the attorney/client privilege, the attorney work product doctrine, or otherwise privileged and protected from disclosure.

2. Yes will answer the Request for Production without admitting relevancy, materiality, or admissibility of any document and all objections to the use of these documents at the Final Hearing in this matter or otherwise in accordance with the Rules of Evidence, Rule 1.340(b), Fla.R.Civ.P., and Local Rules, and any other rules and regulations are hereby expressly preserved.

3. Yes objects to each definition and instruction contained in the Request for Production 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 this Court, any other applicable rules or regulations, and to the extent that they vary from those rules.

SPECIFIC RESPONSES AND OBJECTIONS

44. All documents in the possession of YES that indicate that YES receives compensation from the provision of water and/or wastewater service, including but not limited to where YES receives compensation for such services through a lease or a rent charge.

RESPONSE: Yes objects to this request due to the fact that the request requests information that is irrelevant and immaterial or is not likely to lead to relevant and admissible evidence at this time. The request is not limited to Arredondo Farms specifically or the State of Florida generally. Any compensation provided to Yes for the operation of water and wastewater service has no affect on and does not relieve Aqua of its duty to provide high quality and affordable water and wastewater service in a non-predatory manner to Arredondo Farms as required by Florida Statute, the Florida Administrative Code, and the Monitoring Program imposed by the Public Service Commission in Order No. PSC-09-0385-FOF-WS, Order No. PSC-10-0218-PAA-WS, and Order No. PSC-10-0297-PAA-WS. Moreover, the request is overbroad and burdensome. However, without waiving said objections, Yes states that sample bills from certain communities in Florida responsive to this request are being produced simultaneously with these Responses and Objections to Aqua's Second Request to Produce.

45. All documents in the possession of YES that relate to any complaint filed with the Better Business Bureau within the past 48 months concerning any community development in Florida owned and/or operated by YES.

RESPONSE: Yes objects to this request due to the fact that the request requests information that is irrelevant and immaterial or is not likely to lead to relevant and admissible evidence at this time. The request is not limited to Arredondo Farms specifically. Further, any complaints made against Yes have no affect on and do not relieve Aqua of its duty to provide high quality and affordable water and wastewater service in a non-predatory manner to Arredondo Farms as required by Florida Statute, the Florida Administrative Code, and the Monitoring Program imposed by the Public Service Commission in Order No. PSC-09-0385-FOF-WS, Order No. PSC-10-0218-PAA-WS, and Order No. PSC-10-0297-PAA-WS. Moreover, the request is overbroad and burdensome. However, without waiving said objections, Yes states that all documents responsive to this request within the custody, care, and control of Yes related to Arredondo Farms are being produced simultaneously with these Responses and Objections to Aqua's Second Request to Produce.

46. All documents in the possession of YES that relate to any complaint or request for mediation filed with the Florida Division of Condominiums, Timeshares, and Mobile Homes or the Florida Department of Business and Professional Regulation concerning any renter, tenant, owner or other person at a community development owned and/or operated by YES.

RESPONSE: Yes objects to this request due to the fact that the request requests information that is irrelevant and immaterial or is not to Arredondo Farms specifically. Nothing contained in this request relieves Aqua of its duty to provide high quality and affordable water and wastewater service in a non-predatory manner to Arredondo Farms as required by Florida Statute, the Florida Administrative Code, and the Monitoring Program imposed by the Public Service Commission in Order No. PSC-09-0385-FOF-WS, Order No. PSC-10-0218-PAA-WS, and Order No. PSC-10-0297-PAA-WS. Moreover, the request is overbroad and burdensome. However, without waiving said objections, Yes states that as to Arredondo Farms, Yes is aware of none.

47. All Consumer Confidence Reports issued by YES within the past 36 months to residents of community developments owned and/or operated by Yes that relates to water service provided by YES to such residents.

RESPONSE: Yes objects to this request due to the fact that the request requests information that is irrelevant and immaterial or is not likely to lead to relevant and admissible evidence at this time. The request is not limited to Arredondo Farms specifically or the State of Florida generally. Nothing contained in this request relieves Aqua of its duty to provide high quality and affordable water and wastewater service in a non-predatory manner to Arredondo Farms as required by Florida Statute, the Florida Administrative Code, and the Monitoring Program imposed by the Public Service Commission in Order No. PSC-09-0385-FOF-WS, Order No. PSC-10-0218-PAA-WS, and Order No. PSC-10-0297-PAA-WS. Moreover, the request is overbroad and burdensome.

48. All documents received by YES from the FDEP within the past 36 months that relate to water or wastewater service provided by or on behalf of YES to residents of YES' community developments (including but not limited to inspection reports, warning letters, notices, and consent orders).

RESPONSE: Yes objects to this request due to the fact that the request requests information that is irrelevant and immaterial or is not likely to lead to relevant and admissible evidence at this time. The request is not limited to Arredondo Farms specifically. Nothing contained in this request relieves Aqua of its duty to provide high quality and affordable water and wastewater service in a non-predatory manner to Arredondo Farms as required by Florida Statute, the Florida Administrative Code, and the Monitoring Program imposed by the Public Service Commission in Order No. PSC-09-0385-FOF-WS, Order No. PSC-10-0218-PAA-WS, and Order No. PSC-10-0297-PAA-WS. Moreover, the request is overbroad and burdensome.

49. All documents relating to water testing results submitted to FDEP within the past 36 months for each water system owned and/or operated by YES.

RESPONSE: Yes objects to this request due to the fact that the request requests information that is irrelevant and immaterial or is not likely to lead to relevant and admissible evidence at this time. The request is not limited to Arredondo Farms specifically. Nothing contained in this request relieves Aqua of its duty to provide high

quality and affordable water and wastewater service in a non-predatory manner to Arredondo Farms as required by Florida Statute, the Florida Administrative Code, and the Monitoring Program imposed by the Public Service Commission in Order No. PSC-09-0385-FOF-WS, Order No. PSC-10-0218-PAA-WS, and Order No. PSC-10-0297-PAA-WS. Moreover, the request is overbroad and burdensome.

50. All fee schedules and rent schedules (including but not limited to any promotional or special offerings) that YES charges or has charged renters at YES' Arredondo Farms community development over the past 5 years.

RESPONSE: Yes objects to this request due to the fact that the request requests information that is irrelevant and immaterial or is not likely to lead to relevant and admissible evidence at this time. Nothing contained in this request relieves Aqua of its duty to provide high quality and affordable water and wastewater service in a non-predatory manner to Arredondo Farms as required by Florida Statute, the Florida Administrative Code, and the Monitoring Program imposed by the Public Service Commission in Order No. PSC-09-0385-FOF-WS, Order No. PSC-10-0218-PAA-WS, and Order No. PSC-10-0297-PAA-WS. Moreover, the request is overbroad and burdensome. However, without waiving said objections, Yes states that all documents responsive to this request within the custody, care, and control of Yes are being produced simultaneously with these Responses and Objections to Aqua's Second Request to Produce.

51. All documents that relate to the "GOLD STANDARD" service that YES provides to renters, tenants, owners and other persons at YES' Arredondo Farms community development over the past 5 years.

RESPONSE: Yes states that all documents responsive to this request within the custody, care, and control of Yes are being produced simultaneously with these Responses and Objections to Aqua's Second Request to Produce.

52. All documents that relate to any survey or questionnaire that YES has distributed or provided to renters, tenants, owners or other persons at YES' Arredondo Farms community development over the past 5 years.

RESPONSE: Yes states that all documents responsive to this request within the custody, care, and control of Yes are being produced simultaneously with these Responses and Objections to Aqua's Second Request to Produce.

53. All documents that YES distributed or furnished to renters, tenants, owners, or other persons at YES' Arredondo Farms community development that relate to this docket, including but not limited to FPSC's customer service hearing held on September 12, 2011, in Gainesville, Florida.

RESPONSE: Yes objects to this request due to the fact that the request requests information that is irrelevant and immaterial or is not likely to lead to relevant and admissible evidence at this time. Moreover, the request is overbroad and burdensome. Nothing contained in this request relieves Aqua of its duty to provide high quality and

affordable water and wastewater service in a non-predatory manner to Arredondo Farms as required by Florida Statute, the Florida Administrative Code, and the Monitoring Program imposed by the Public Service Commission in Order No. PSC-09-0385-FOF-WS, Order No. PSC-10-0218-PAA-WS, and Order No. PSC-10-0297-PAA-WS. However, without waiving said objections, Yes states that all documents responsive to this request within the custody, care, and control of Yes are being produced simultaneously with these Responses and Objections to Aqua's Second Request to Produce.

54. All documents that relate to any due diligence review performed by or on behalf of YES that relate to YES' acquisition of the Arredondo Farms community development.

RESPONSE: Yes objects to this request due to the fact that the request requests information that is irrelevant and immaterial or is not likely to lead to relevant and admissible evidence at this time. The nature of the acquisition by which Yes acquired Arredondo Farms has absolutely no probative value in this matter. Further, the level of due diligence performed by Yes in acquiring Arredondo Farms has no affect on and does not relieve Aqua of its duty to provide high quality and affordable water and wastewater service in a non-predatory manner to Arredondo Farms as required by Florida Statute, the Florida Administrative Code, and the Monitoring Program imposed by the Public Service Commission in Order No. PSC-09-0385-FOF-WS, Order No. PSC-10-0218-PAA-WS, and Order No. PSC-10-0297-PAA-WS. Moreover, the request is overbroad and burdensome.

55. All documents that related to the transaction whereby YES acquired the Arredondo Farms community development.

RESPONSE: Yes objects to this request due to the fact that the request requests information that is irrelevant and immaterial or is not likely to lead to relevant and admissible evidence at this time. The nature of the acquisition by which Yes acquired Arredondo Farms has absolutely no probative value in this matter and has no affect on and does not relieve Aqua of its duty to provide high quality and affordable water and wastewater service in a non-predatory manner to Arredondo Farms as required by Florida Statute, the Florida Administrative Code, and the Monitoring Program imposed by the Public Service Commission in Order No. PSC-09-0385-FOF-WS, Order No. PSC-10-0218-PAA-WS, and Order No. PSC-10-0297-PAA-WS. Moreover, the request is overbroad and burdensome.

56. All documents related to any business plan or policy prepared by or on behalf of YES concerning YES' ownership and/or operation of water and wastewater systems.

RESPONSE: Yes objects to this request due to the fact that the request requests information that is irrelevant and immaterial or are not likely to lead to relevant and admissible evidence at this time. Nothing contained in this request relieves Aqua of its duty to provide high quality and affordable water and wastewater service in a non-

predatory manner to Arredondo Farms as required by Florida Statute, the Florida Administrative Code, and the Monitoring Program imposed by the Public Service Commission in Order No. PSC-09-0385-FOF-WS, Order No. PSC-10-0218-PAA-WS, and Order No. PSC-10-0297-PAA-WS. Moreover, the request is overbroad and burdensome. However, without waiving said objections, Yes states that any ownership of water and wastewater systems by Yes is incidental and tangential to Yes's primary business objective: ownership and operation of affordable housing communities. Therefore, Yes answers that it has no documents responsive to this request.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY a true and correct copy of the foregoing has been furnished via email (where provided below) and U.S. Mail on October 24, 2011 to: **Kimberley A. Joyce, Esq.**, Aqua American, Inc., 762 West Lancaster Avenue, Bryn Mawr, PA 19010 (kajoyce@aquaamerica.com); **D. Bruce May, Jr., Esq.**, P.O. Box 810, Tallahassee, Florida 32302-0810 (bruce.may@hklaw.com); **J.R. Kelly, Esq. and Patty Christensen, Esq.**, Office of Public Counsel, c/o Florida Legislature, 111 W. Madison Street, Room 812, Tallahassee, Florida 32399-1400 (KELLY.JR@leg.state.fl.us) and CHRISTENSEN.PATTY@leg.state.fl.us ; **Robert Lloyd**, P.O. Box 63, Captiva, Florida 33924 (Rlloyd1@aol.com); **William Coakley**, 5934 Lake Osborne Drive, Lantana, Florida 33461 (wco@comcast.net); **David L. Bussey**, 4948 Britni Way, Zephyrhills, Florida 33541 (dbussey@hotmail.com); **Kelly Sullivan, Esquire**, 570 Osprey Lakes Circle, Chuluota, Florida 32766-6658 (Kelly.Sullivan.Woods@gmail.com); **Ralph Jaeger**, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, Florida 32399-0850 (RJaeger@Psc.State.fl.us); **Joseph D. Richards, Esquire**, Pasco County Attorney's Office, 8731 Citizens Drive, Suite 340, New Port Richey, Florida 34654 (jrichards@pascocountyfl.net); **Cecilia Bradley**, Office of the Attorney General, The Capitol – PL101, Tallahassee, Florida 32399-1050 (cecilia_bradley@oag.state.fl.us).

s/ Andrew J. McBride