

Eric Fryson

From: Michele Parks [mparks@sfflaw.com]
Sent: Monday, October 15, 2012 3:33 PM
To: Filings@psc.state.fl.us
Cc: Martha Barrera; Saylor, Erik; gdb5@comcast.net; sandymchase@comcast.net; Martin Friedman
Subject: Docket No.: 110200-WU; Application for Increase in Water Rates in Franklin County by Water Management Services, Inc.

Attachments: Objection to OPC Request to Produce.pdf; Objection to OPC Interrogatories.pdf

- a. Martin S. Friedman, Esquire
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- b. Docket No.: 110200-WU; Application for Increase in Water Rates in Franklin County by Water Management Services, Inc.
- c. Water Management Services, Inc.
- d. 2 documents – 7 pages each
- e. WMSI's Objections to Citizens' First Set of Interrogatories and WMSI's Objections to Citizens' First Request to Produce

DOCUMENT NUMBER-DATE

06998 OCT 15 2012

FPSC-COMMISSION CLERK

10/15/2012

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

Application for Increase in Water Rates in
Franklin County by Water Management
Services, Inc.

Docket No.: 110200-WU

WATER MANAGEMENT SERVICES, INC.'S
OBJECTIONS TO CITIZENS' FIRST REQUEST TO PRODUCE

WATER MANAGEMENT SERVICES, INC. ("WMSI"), by and through its undersigned attorneys, files this objection to Citizens' First Request to Produce which was unprofessionally served at 4:48 p.m., on Friday afternoon, October 5, 2012, and states as follows:

At the outset, WMSI would point out that the "Instructions" will be ignored to the extent they exceed the requirements of Fla. R. Civ. P. 1.350. WMSI objects to providing electronic data responses with formulae, links, and cells, formatting, metadata and other original features intact. Production in such format would result in the disclosure of attorney work product, and would tempt OPC's counsel to be unethical and unprofessional (again) by obtaining confidential information including metadata. Further, it is a breach of duty to a client for the undersigned to provide documents containing metadata. See, Professional Ethics of The Florida Bar, Opinion 06-2 (Sept. 15, 2006). Unfortunately, as is made clear in OPC's discovery, this case has taken on a personal aspect with OPC.

7. Please provide a copy of all bank statements for each of WMSI's bank accounts for the period January 1, 2010 through the most recent date available.

Objection. This request is overly broad, onerous and made solely for harassment.

Further, this request seeks documents that are neither relevant to the issues in dispute in

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this action nor reasonably calculated to lead to the discovery of admissible evidence. There certainly can be no relevance to post-test year bank statements.

8. Please provide a copy of any bank reconciliations done by or for WMSI for the period January 1, 2010 through the most recent date available.

Objection. This request is overly broad, onerous, and made solely for harassment. Further, this request seeks documents that are neither relevant to the issues in dispute in this action nor reasonably calculated to lead to the discovery of admissible evidence. There certainly can be no relevance to post-test year bank reconciliations.

11. Capital Resources. Please refer to page 5 of withdrawn testimony provided by Mr. Brown where he that he has liquidated personal resources and personally endorsed substantial loans to keep the Utility in operation and provide water service to St. George Island. Please provide an itemized listing of all loans Mr. Brown has personally endorsed in order to keep the Utility in operation and provide water service to St. George Island. For each of these loans, please provide a copy of the debt agreement.

Objection. By its specific terms, the documents requested refer to testimony that has been withdrawn and therefore is not relevant to this proceeding. This request is made solely for the purpose of harassment and to pry into the personal finances of Mr. Brown which are not relevant to this proceeding. Further, this request seeks documents that are neither relevant to the issues in dispute in this action nor reasonably calculated to lead to the discovery of admissible evidence.

12. Account 123. Please refer to page 5 of withdrawn testimony provided by Mr. Brown where he asserts that the value of the 100% ownership of Brown Management Group, Inc. (BMG) is in excess of the balance in Account 123. Please provide a copy of the following:

- a. all journal entries made on both WMSI's and Brown Management Group, Inc.'s books at the time the ownership of Brown Management Group, Inc. was transferred to WMSI,

- b. any business appraisals and/or valuations conducted by or for WMSI regarding the value of Brown Management Group, Inc. at the time of transfer,
- c. any *independent* business appraisals and/or valuations conducted by or for WMSI regarding the value of Brown Management Group, Inc. at the time of transfer,
- d. copies of any documents including the minutes of meetings where the transfer of Brown Management Group, Inc. to WMSI was approved,
- e. copies of any documents including the minutes of meetings with St. George Island Utility Co., Ltd. where the transfer of Brown Management Group, Inc. to WMSI was approved,
- f. copies of any documents including the minutes of meetings with T.E. Bronson where the transfer of Brown Management Group, Inc. to WMSI was approved,
- g. copies of any documents submitted to St. George Island Utility Co., Ltd. or T.E. Bronson explaining or describing the reason or purpose of transfer of Brown Management Group, Inc. to WMSI,
- h. a copy of the report attached to WMSI's cash flow audit attached as Exhibit A to Mr. Brown's withdrawn testimony.

Objection. By its specific terms, the documents requested refer to testimony that has been withdrawn and therefore is not relevant to this proceeding. This request is made solely for the purpose of harassment. Further, this request seeks documents that are neither relevant to the issues in dispute in this action nor reasonably calculated to lead to the discovery of admissible evidence.

19. Account 123. Please provide a copy of all bank statements for each of Brown Management Group, Inc.'s bank accounts for the period January 1, 2008 through the most recent date available.

Objection. This request is overly broad, onerous, and made solely for harassment. Further, this request seeks documents that are neither relevant to the issues in dispute in this action nor reasonably calculated to lead to the discovery of admissible evidence. There certainly can be no relevance to post-test year bank statements.

20. Account 123. Please provide a copy of any bank reconciliations done by or for Brown Management Group, Inc. for the period January 1, 2008 through the most recent date available.

Objection. This request is overly broad, onerous, and made solely for harassment. Further, this request seeks documents that are neither relevant to the issues in dispute in this action nor reasonably calculated to lead to the discovery of admissible evidence. There certainly can be no relevance to post-test year bank reconciliations.

22. Account 123. Please provide a complete copy of all federal personal income tax returns filed by Gene Brown for the 2008, 2009, 2010 and 2011 tax years.

Objection. This request is made solely for the purpose of harassment and to pry into the personal finances of Mr. Brown which are not relevant to this proceeding. Further, this request seeks documents that are neither relevant to the issues in dispute in this action nor reasonably calculated to lead to the discovery of admissible evidence.

23. Account 123. Please provide a copy of all bank statements for each of Gene Brown's personal bank accounts for the period January 1, 2008 through the most recent date available.

Objection. This request is made solely for the purpose of harassment and to pry into the personal finances of Mr. Brown which are not relevant to this proceeding.

Further, this request seeks documents that are neither relevant to the issues in dispute in this action nor reasonably calculated to lead to the discovery of admissible evidence.

24. Account 123. Please provide a copy of any bank reconciliations done by or for Gene Brown for the period January 1, 2008 through the most recent date available.

Objection. This request is made solely for the purpose of harassment and to pry into the personal finances of Mr. Brown which are not relevant to this proceeding. Further, this request seeks documents that are neither relevant to the issues in dispute in this action nor reasonably calculated to lead to the discovery of admissible evidence.

25. Lease Agreements and Contracts for Utility Facilities Leased to Others. Please provide a copy of all lease agreements or contracts between WMSI (or affiliate, or other entity or person acting on WMSI's behalf) and entities that utilize facilities located on utility property, including but not limited to the water tower, the St. George Island office, and the source of supply land in East Point.

Objection. This request seeks documents that are neither relevant to the issues in dispute in this action nor reasonably calculated to lead to the discovery of admissible evidence.

26. Lease Agreements and Contracts for Brown Management Group, Inc. Facilities Leased to Others. Please provide a copy of all lease agreements or contracts between Brown Management Group, Inc. (or affiliate, or other entity or person acting on Brown Management Group, Inc.'s behalf) and other entities.

Objection. This request seeks documents that are neither relevant to the issues in dispute in this action nor reasonably calculated to lead to the discovery of admissible evidence.

31. Prior Rate Case Expense Being Collected in Rates. Starting November 1, 2010, please provide all copies of correspondence, including letters, emails, invoices, etc., between WMSI (including Mr. Gene Brown, and Ms. Sandra Chase) and the law firm Radey, Thomas, Yon, and Clark relating to the amount due for services rendered by the law firm to WMSI in the last rate case.

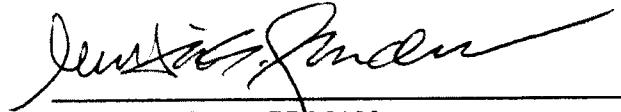
Objection. Such documents are subject to the attorney-client privilege.

36. General Ledger. Please provide the detailed ledger for each of WMSI's cash accounts for each year, 2005 through 2007.

Objection. This request seeks documents that are neither relevant to the issues in dispute in this action nor reasonably calculated to lead to the discovery of admissible evidence.

Respectfully submitted this 15th day of October, 2012, by:

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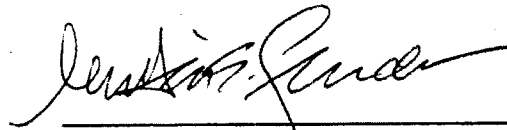
MARTIN S. FRIEDMAN
Florida Bar No.: 0199060
For the Firm

CERTIFICATE OF SERVICE
DOCKET NO. 110200-WU

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. Mail and E-Mail to the following parties this 15th day of October, 2012:

Erik Sayler, Associate Public Counsel
Office of Public Counsel
c/o The Florida Legislature
111 W. Madison Street, Room 812
Tallahassee, FL 32399-1400

Martha Barrera, Counsel
Office of General Counsel
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850



MARTIN S. FRIEDMAN
For the Firm