

Eric Fryson

From: Dana Rudolf [drudolf@sfflaw.com]
Sent: Monday, October 22, 2012 4:19 PM
To: Filings@psc.state.fl.us
Cc: Martin Friedman; SAYLER.ERIK@leg.state.fl.us; Martha Barrera
Subject: Docket No. 110200-WU; Application for increase in water rates in Franklin County by Water Management Services, Inc.

Attachments: Objection to Citizens' 2nd RFP.pdf

- a) Martin S. Friedman, Esquire
Sundstrom, Friedman & Fumero, LLP
766 North Sun Drive, Suite 4030
Lake Mary, FL 32746
(407) 830-6331
mfriedman@sfflaw.com
- 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) 5 pages
- e) Objections to Citizens' Second Request to Produce

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' SECOND REQUEST TO PRODUCE

WATER MANAGEMENT SERVICES, INC. ("WMSI"), by and through its undersigned attorneys, files this objection to Citizens' Second Request to Produce (Nos. 37-42) 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.

37. Adjustments. Please provide all calculations, basis, work papers, and support documentation for each of the adjustments reflected on Schedule B-3, pages 2 and 3, for each of the protested expense accounts. (These accounts include: Salaries and Wages, Accounting Services Expense, Transportation Expense, Miscellaneous Expenses.) Please provide all electronic versions of any of the calculations, basis, and/or work papers. Please provide the following documents that support these adjustments.

- a. Invoices supporting 2011 amounts used as a basis for the adjustment,

DOCUMENT NUMBER-DATE

07185 OCT 22 09

FPSC-COMMISSION CLERK

Objection. The Utility did not use any 2011 amounts as adjustments, thus, 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.

c. Invoices or other documents supporting fuel cost,

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. Fuel cost is not an issue protested by either party.

d. Invoices supporting 2011 employee benefits amounts used as a basis for the adjustments,

Objection. The Utility did not use any 2011 amounts as adjustments, thus, 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.

e. Invoice to support annual report preparation charge,

Objection. Annual report preparation charge is not an issue protested by either party, thus, 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.

38. Miscellaneous Expense. Please provide a copy of any and all invoices, work orders, and other supporting documentation that support the charge to Miscellaneous Expense for \$8,404.92 for a purchase from Barney's Pumps dated March 15, 2010.

Objection. The charge from Barney's Pumps is not an issue protested by either party, thus, 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.

39. Rate Case Expense. Please provide copies of all engagement letters, payment arrangements, and payments made to date with the various law firms the Utility engaged for the current rate case from the date the test-year letter was filed through October 31, 2012.

Objection. The PAA rate case expense is not an issue protested by either party, thus, 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. The Utility will produce documents from the date of OPC's protest of the PAA order.

40. Rate Case Expense. Please provide copies of all engagement letters, payment arrangements, and payments made to date with the accounting firm(s) the Utility engaged for the current rate case from the date the test-year letter was filed through October 31, 2012.

Objection. The PAA rate case expense is not an issue protested by either party, thus, 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. The Utility will produce documents from the date of OPC's protest of the PAA order.

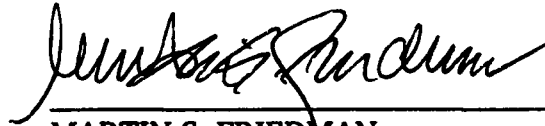
41. Rate Case Expense. Please provide copies of all engagement letters, payment arrangements, and payments made to date with the engineering consultant(s) the Utility engaged for the current rate case from the date the test-year letter was filed through October 31, 2012.

Objection. The PAA rate case expense is not an issue protested by either party, thus, 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. The Utility will produce documents from the date of OPC's protest of the PAA order.

Respectfully submitted this 22nd day of October, 2012, by:

Sundstrom, Friedman & Fumero, LLP
766 North Sun Drive, Suite 4030
Lake Mary, FL 32746
PHONE: (407) 830-6331
FAX: (407) 830-8522
mfriedman@sfflaw.com



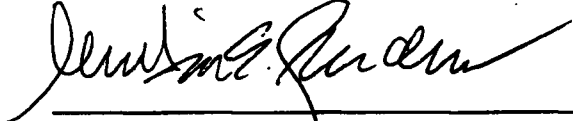
MARTIN S. FRIEDMAN
Florida Bar No.: 0199060
For the Firm

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 22nd 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