

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Application for Transfer of Assets
Of Exempt Utility and for Amendment of
Certificate 465-S in Lake County by
Utilities, Inc. of Florida

Docket No. 20170174-SU

**BARRINGTON ESTATE PROPERTY HOLDERS
HOMEOWNERS' ASSOCIATION, INC.'S RESPONSES TO
COMMISSION STAFF'S FIRST INTERROGATORIES
(NUMBERS 1 – 3)**

Barrington Estate Property Holdings Homeowners' Association, Inc. ("Barrington"), by and through its undersigned counsel, hereby responds to Florida Public Service Commission Staff's ("PSC") First Interrogatories, and states as follows:

PRELIMINARY STATEMENT

These responses represent Barrington's diligent and best efforts to respond to PSC's written discovery based on Barrington's present knowledge. There may exist further information responsive to this discovery request which is not within Barrington's present knowledge or reasonably available. These responses are based on the facts and information now known to Barrington as well as a present analysis of the litigation, and do not constitute an admission or representation that additional facts, documents, or witnesses having knowledge relevant to the subject matter of this discovery request do or do not exist. Without obligating itself to do so, Barrington reserves the right to alter, supplement, amend or otherwise modify the responses herein in any way at any time.

GENERAL OBJECTIONS

1. Barrington objects to any interrogatory seeking information that was prepared for or in anticipation of litigation and is protected from disclosure by the attorney/client, accountant/client, work product, joint defense or other applicable privileges, by Statute, regulation Administrative Order or by case law. To the extent that an interrogatory may seek, or be construed as seeking, such privileged or protected information, Barrington hereby claims such privilege and invokes such protections. To the extent that such information is unintentionally provided, it is to be disregarded immediately upon notification by the undersigned.

2. Barrington objects to any interrogatory seeking confidential or otherwise proprietary business information.

3. Barrington objects to any interrogatory that is vague, overly broad, unduly burdensome or which seeks information available for sources which are more convenient or otherwise less expensive and/or burdensome.

4. Barrington objects to any interrogatory seeking information that is irrelevant, immaterial, unnecessary or which is not reasonably calculated to lead to the discover of admissible evidence.

5. Barrington objects to any interrogatory which seeks to require Barrington to provide information not within Barrington's possession.

6. Barrington objects to any instruction or definition contained in the Interrogatories to the extent that any such instruction or definition seeks to impose a greater obligation on Barrington than is required by applicable law or any Order entered in the subject proceeding.

7. Barrington provides its answers, but in so doing does not waive but rather intends and does preserve the following objections:

- a. Objections as to competency, relevance, materiality and admissibility of the discovery and these answers to said discovery, or the subject matter thereof and any aspect of this proceeding or any other court action or judicial or administrative proceeding or investigation;
- b. Objections as to vagueness, ambiguity and undue burden;
- c. Any and all rights to object to the use of these answers to interrogatories in any subsequent proceeding or at trial in any other action;
- d. All rights to object to any interrogatory for further responses to these requests;
- e. Any additional discovery involving or related to the subject matter of these answers and/or requests; and
- f. The right to amend or supplement the interrogatory answers and objections contained herein.

8. Each General Objection applies to all of the numbered answers to interrogatories set forth below and should be deemed related for each numbered Request.

9. All answers to interrogatories are made subject to and without waiver of the previously stated General Objections. The raising of any specific objections shall be in addition to and not to the exclusion of the previously stated General Objections.

ANSWERS TO COMMISSION STAFF'S FIRST INTERROGATORIES

1. Is the Barrington Estates Property Holdings Homeowners' Association, Inc. (HOA) a for-profit or not-for-profit entity?

RESPONSE: The Barrington Estates Property Holdings Homeowners Association, Inc., was incorporated as a not-for-profit Corporation according to the Articles of Incorporation for the entity.

2. Please specify the amount the HOA pays Utilities, Inc. of Florida (UIF) monthly for UIF to operate and maintain the wastewater treatment plant?

RESPONSE: The HOA currently is under an Operational and Maintenance Agreement with UIF with a base monthly operation rate of \$615.00. Analysis, chemicals and other charges are billed monthly on an as needed/used basis and vary month to month.

3. During the 07/10/2018 informal meeting it was stated that a balloting process had been conducted by the HOA regarding the transfer of assets at issue in this docket (transfer). The following questions all refer to this ballot.

a. Please detail when the balloting occurred.

RESPONSE: There were two rounds of voting in order for this sale to be approved. The first, took place on August 6, 2016. The Association obtained 48 votes which fell short of the required majority vote of 75 members.

The second attempt was noticed and mailed/hand delivered to all residents on November 29, 2016. This called for all ballots to be returned by December 12, 2016. Results would then be posted the following day on site and discussed at the Board Meeting noticed for December 14, 2016. This packet included more information for the members to review, copies of the proposed budgets, a voting ballot, the board meeting notice form, a proxy form and a copy of the UIF Indication of Interest Letter. The association received 89 ballots in favor of the sale to UIF and thus the vote passed.

b. Please explain the balloting process.

RESPONSE: The balloting process was a consent form that was to be signed and notarized by any residents consenting to the sale of the Waste Water Treatment Facility to UIF. The Association on two different occasions provided a notary on site. The Association allotted a specific number of days each time to return ballots

to the Secretary or Management Company. Any ballots returned after these dates were not accepted. In both cases, residents were provided with notice of the community vote, a copy of the ballot and instructions on how to remit, where to remit and for what purpose.

- c. Please explain any process the HOA had in place for homeowners that were unable to vote on the ballot at the meeting.

RESPONSE: The Association utilized a consent form with a deadline for return, which allowed any non-owner occupant members to remit via US Mail or in person to the association Secretary or Management Company. Any non-owner occupant members that were against the sale did not return a completed and notarized consent form.

- d. Please provide the number of homeowners who were members of the HOA at the time the vote took place.

RESPONSE: The Association is comprised of 148 members and at the time of the vote, there were 148 members.

- e. Please provide the current number of HOA members.

RESPONSE: The Association is comprised of 148 members over two phases.

- f. Please specify whether all homeowners residing in Barrington Estates are members of the HOA. If not, please provide the number of homeowners who are not members.

RESPONSE: All owners are mandatorily members of the Association by the acceptance of a deed.

- g. Please provide the vote tally from this balloting. This response should include: the total number of homeowners in support of the transfer, the total number of homeowners who did not support the transfer, and any absentee ballots cast, if applicable.

RESPONSE: During the successful balloting attempt, there were 89 members that consented to the sale to UIF. There were 59 that did not return consent forms, but it is unclear if they actually did not support the sale to UIF or simply did not return a ballot. There were no absentee ballots in this case.

- h. Please provide the number of homeowners present when the transfer was voted on.

RESPONSE: During the allotted voting timeline, the Association received 89 consent forms from members of the 148 prior to the deadline of December 12, 2016, which surpassed the required minimum of 75 members.

- i. Are the HOA fees assessed monthly or annually?

RESPONSE: The association fees are assessed quarterly.

- j. How much are the HOA fees?

RESPONSE: The quarterly assessments are currently \$246.50 or \$986.00 annually.

- k. What portion of a homeowners HOA fee is used to provide wastewater services?

RESPONSE: Based off the 2018 operating budget, there is \$53,200.00 earmarked for the waste water treatment facility services or \$89.86 per quarter per lot.

- l. Please specify, if, upon completion of the transfer, the HOA fees: will decrease by the amount given in response to Question 3(k); will decrease by a different amount from the amount given in response to Question 3(k); or, if the fee will remain the same.

RESPONSE: The Association believes that upon completion of the sale of the waste water plant to UIF, the assessments would be reduced at a minimum by the amount referenced in Question 3 (k).

/s/ Chelsea L. Metka

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AFFIDAVIT

STATE OF FLORIDA
COUNTY OF LAKE

I hereby certify that on this 27 day of August, 2018, before me, an officer duly authorized in the aforesaid State and County to take acknowledgements, personally appeared Michael J. Miller, who is personally known to me, and he acknowledged before me that he provided the answers to interrogatory numbers 1 – 3(a)-(l) from Staff's First Set of Interrogatories to Barrington Estates Property Holdings Homeowners' Association, Inc. (Nos. 1-3) in Docket No. 20170174-SU, and that the responses are true and correct based on his personal knowledge.

IN WITNESS WHEREOF, I have hereunto set my hand and seal in the State of Florida, County of Lake this 27 day of August, 2018.



Yesenia Reyes
NOTARY PUBLIC
STATE OF FLORIDA
Comm# GG019933
Expires 7/20/2020



Notary Public
State of Florida

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**NOTICE OF SERVICE OF BARRINGTON ESTATES
PROPERTY HOLDINGS HOMEOWNERS' ASSOCIATION,
INC.'S DISCOVERY RESPONSES**

Barrington Estate Property Holdings Homeowners' Association, Inc., ("Barrington"), by and through its undersigned counsel, hereby notices serving responses to Public Service Commission Staff's First Request for Interrogatories (Nos. 1 – 3).

Respectfully submitted this 27th day of August, 2018.

/s/ Chelsea L. Metka _____
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that Barrington Estate Property Holdings Homeowners' Association, Inc.'s response to Public Service Commission Staff's First Request for Interrogatories (Nos. 1 – 3) have been sent to the following parties via electronic mail delivery this 27th day of August, 2018.

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