

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Application for Original Certificate of ) DOCKET NO. 20190168-WS  
Authorization and Initial Rates and Charges )  
for Water and Wastewater Service in Duval, ) FILED:  
Baker and Nassau Counties, Florida by )  
FIRST COAST REGIONAL UTILITIES, )  
INC. )  
\_\_\_\_\_ )

**JEA’S MOTION TO STRIKE APPLICANT’S PARTY DISCOVERY TO JEA**

Nonparty JEA, pursuant to rule 28-106.204, Florida Administrative Code, moves to strike the party discovery served on JEA by the Applicant First Coast Regional Utilities, Inc. (“Applicant”), pending the designation of JEA as a party of record and entry by the Commission of an Order Establishing Procedure. In support, JEA states:

1. On December 26, 2019, JEA filed an Objection to the application filed by the Applicant.
2. JEA was thereafter added to this docket by the Commission specifically as an interested person and not as a party. See docket entry dated December 30, 2019.
3. On March 5, 2020, the Applicant sent JEA extensive party discovery requests -- requests for production, requests for admission, and interrogatories.
4. Requests for production, requests for admission and interrogatories, and responses to the same, are open only to parties. *See rules* 1.340 (“[A]ny party may serve on any other party written interrogatories . . . ”); 1.350 (“Any party may request any other party (1) to produce and permit the party making the request . . . ”); 1.370 (“A party may serve upon any other party a written request for the admission . . . ”), *Fla. R. Civ. P.*; *see also Broward County v. Kerr*, 454 So. 2d 1068 (Fla. 4th DCA 1984) (holding that an order compelling the answer of interrogatories directed to a nonparty was a departure from the essential requirements of law).

5. Pursuant to rule 28-106.204(3), F.A.C., on March 19, 2020, undersigned counsel for JEA contacted counsel for the Applicant by email in an attempt to resolve this matter without need for a motion. As of the filing of this motion, no response has been received. Accordingly, it is unknown to JEA whether Applicant objects to this motion.

WHEREFORE, JEA requests that the party discovery served on JEA by the Applicant be struck pending the designation of JEA as a party of record and the entry of an Order Establishing Procedure.

Respectfully submitted this 23rd day of March, 2020.

/s/ Thomas A. Crabb  
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### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of the foregoing has been furnished via electronic mail to the following this 23rd day of March, 2020.

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