# RUTLEDGE, ECENIA, UNDERWOOD, PURNELL & HOFFMAN

PROFESSIONAL ASSOCIATION
ATTORNEYS AND COUNSELORS AT LAW

STEPHEN A. ECENIA
KENNETH A. HOFFMAN
THOMAS W. KONRAD
R. DAVID PRESCOTT
HAROLD F. X. PURNELL
GARY R. RUTLEDGE
R. MICHAEL UNDERWOOD
WILLIAM R. WILLINGHAM

POST OFFICE BOX 551, 32302-0551 215 SOUTH MONROE STREET, SUITE 420 TALLAHASSEE, FLORIDA 32301-1841

> TELEPHONE (904) 681-6788 TELECOPIER (904) 681-6515

April 26, 1996

GOVERNMENTAL CONSULTANTS:
PATRICK R. MALOY
AMY J. YOUNG

ORIGINAL ELLE COPY

HAND DELIVERY

Ms. Blanca S. Bayo, Director Division of Records and Reporting Florida Public Service Commission 2540 Shumard Oak Boulevard Betty Easley Conference Center Room 110 Tallahassee, Florida 32399-0850

Re: Docket No. 950495-WS

Dear Ms. Bayo:

Enclosed herewith for filing in the above-referenced docket on behalf of Southern States Utilities, Inc. are the original and fifteen copies of SSU's Notice of Filing Subpoenas and Affidavits of Return of Service.

Please acknowledge receipt of these documents by stamping the extra copy of this letter "filed" and returning the same to me.

Thank you for your assistance with this filing.

Sincerely,

LAAAAA Kenneth A Hoffman

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cc: All Parties of Record

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DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

In re: Application by Southern States Utilities, Inc. for rate increase and increase in service availability charges for Orange-Osceola Utilities, Inc. in Osceola County, and in Bradford, Brevard, Charlotte, Citrus, Clay, Collier, Duval, Highlands, Lake, Lee, Marion, Martin, Nassau, Orange, Osceola, Pasco, Polk, Putnam, Seminole, St. Johns, St. Lucie, Volusia and Washington Counties.

FILE COPY

Docket No. 950495-WS

Filed: April 26, 1996

# SSU'S NOTICE OF FILING SUBPOENAS AND AFFIDAVITS OF RETURN OF SERVICE

Southern States Utilities, Inc. ("SSU"), hereby files the Subpoenas and Affidavits of Return of Service for the following witnesses subpoenaed by SSU:

- 1. Elsa Potts;
- 2. Van Hoofnagle;
- David York: 3.
- 4. John Sowerby;
- B. Kenneth Gatlin (deposition); 5.
- Charles Hill (deposition). 6.

Respectfully submitted,

KENNETH AN HOFFMAN, ESQ. WILLIAM B. WILLINGHAM, ESQ. Rutledge, Ecenia, Underwood,

Purnell & Hoffman, P.A.

P. O. Box 551

Tallahassee, FL 32302-0551

(904) 681-6788

and

BRIAN P. ARMSTRONG, ESQ.
MATTHEW FEIL, ESQ.
Southern States Utilities, Inc.
1000 Color Place
Apopka, Florida 32703
(407) 880-0058

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of SSU's Notice of Filing Subpoenas and Affidavits of Return of Service was furnished by U. S. Mail to the following on this 26th day of April, 1996:

Lila Jaber, Esq. Division of Legal Services 2540 Shumard Oak Boulevard Gerald L. Gunter Building Room 370 Tallahassee, FL 32399-0850

Charles J. Beck, Esq. Office of Public Counsel 111 W. Madison Street Room 812 Tallahassee, FL 32399-1400

Michael B. Twomey, Esq. P. O. Box 5256 Tallahassee, FL 32314-5256

Mr. Kjell Pettersen P. O. Box 712 Marco Island, FL 33969

Mr. Paul Mauer, President Harbour Woods Civic Association 11364 Woodsong Loop N Jacksonville, FL 32225

Larry M. Haag, Esq. 111 West Main Street Suite #B Inverness, FL 34450 Mr. John D. Mayles President Sugarmill Woods Civic Asso. 91 Cypress Blvd., West Homosassa, FL 34446

Arthur I. Jacobs, Esq. P. O. Box 1110 Fernandina Beach, FL 32305-1110

Mr. Frank Kane 1208 E. Third Street Lehigh Acres, FL 33936

KENNETH A. MOFFMAN, ESQ

1995/filing.2



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Attorney or Firm: Ku A.	HURFMAN Erg	- Ru	Helge, E	cenin Lm	W Kin
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In RE: Docket No. 950495-WS - )
Application for rate increase and )
increase in service availability )
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lands, Lake, Lee, Marion, Martin, )
Nassau, Orange, Osceola, Pasco, Put-)
nam, Seminole, St. Johns, St. Lucie,)
Volusia, and Washington Counties. )

SUBPOENA

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#### THE STATE OF FLORIDA

TO: Elsa Potts, 2600 Blairstone Road, Twin Towers Office Bldg., Tallahassee, Florida 32399-2400

YOU ARE COMMANDED to appear before the Florida Public Service Commission in Room 148 of the Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida, on April 29, 1996, at 9:30 a.m., to testify in this action. If you fail to appear, you may be held in contempt.

YOU ARE SUBPOENAED to appear by the following attorneys and, unless excused from this subpoena by these attorneys or the Commission, you shall respond to this subpoena as directed.

**DATED** on <u>April 12</u>, 1996.

Blanca S. Bayó, Director Records and Reporting

Florida Public Service Commission

(SEAL)

Kenneth A. Hoffman, William B. Willingham, Brian P. Armstrong, and Matthew Feil
Attorneys for Southern
States Utilities, Inc., 1000
Color Place, Apopka FL 32703

# Florida Statutes 120.58(1),(3)

- (1) (b) An agency or its duly empowered presiding officer or a hearing officer has the power to swear witnesses and take their testimony under oath, to issue subpoenas upon the written request of any party or upon its own motion, and to effect discovery on the written request of any party by any means available to the courts and in the manner provided in the Florida Rules of Civil Procedure, including the imposition of sanctions, except contempt. . . .
- (3) A party may seek enforcement of a subpoena, order directing discovery, or order imposing sanctions issued under the authority of this act by filing a petition for enforcement in the circuit court of the judicial circuit in which the person failing to comply with the subpoena or order resides. A failure to comply with an order of the court shall result in a finding of contempt of court. However, no person shall be in contempt while a subpoena is being challenged under subsection (2). The court may award to the prevailing party all or part of the costs and attorney's fees incurred in obtaining the court order whenever the court determines that such an award should be granted under the Florida Rules of Civil Procedure.

- (1) When the proceeding is before the Commission or member thereof, subpoenas may be issued by the presiding officer or the Division of Records and Reporting on subpoena forms supplied by the Commission. When the proceeding is before a hearing officer of the Division of Administrative Hearings, subpoenas may be issued by the Hearing Officer.
- (2) A party shall apply in writing for the issuance of subpoenas requiring the attendance of witnesses or production of records, files, and memoranda from any place in the state, at any designated place of hearing before the presiding officer, for the purpose of taking the testimony of such witness or inspection of documents. An application for the subpoena shall state the name and address of the witness for whom the subpoena is to be issued, and the time and place for the witness to appear.
- (3) Any party or person against whom a subpoena is directed may file a motion to quash or limit the subpoena with the agency having jurisdiction of the dispute. The motion shall set forth the ground relied upon.
- (4) A subpoena may be served by any person authorized by law to serve process or by any person who is not a party and who is of majority age. Service shall be made by delivering a copy thereof to the person named in the subpoena. Proof of service shall be made by affidavit of the person making service if service is not made by an officer authorized by law to do so.
- (5) Service of a subpoena may also be effected by certified mail, in which case the return receipt must be signed by the person named in the subpoena.



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SUBJECT TO BE SERV	E		Appl	RESS TUNTUM	<u> </u>
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In RE: Docket No. 950495-WS - )
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Volusia, and Washington Counties. )

SUBPOENA

4 1586 1:15p R.J. Person #60) b> J-h Siball 2496

## THE STATE OF FLORIDA

TO: <u>Van Hoofnagle, 2600 Blairstone Road, Twin Towers Office Bldg.,</u>
<u>Tallahassee, Florida 32399-2400</u>

YOU ARE COMMANDED to appear before the Florida Public Service Commission in Room 148 of the Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida, on April 29, 1996, at 9:30 a.m., to testify in this action. If you fail to appear, you may be held in contempt.

YOU ARE SUBPOENAED to appear by the following attorneys and, unless excused from this subpoena by these attorneys or the Commission, you shall respond to this subpoena as directed.

**DATED** on April 12, 1996.

Blanca S. Bayó, Director Records and Reporting

Florida Public Service Commission

(SEAL)

Kenneth A. Hoffman, William B. Willingham, Brian P. Armstrong, and Matthew Feil
Attorneys for Southern
States Utilities, Inc., 1000
Color Place, Apopka FL 32703

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SUBJECT TO BE SERV	ED		ADDRI	TWINTER UKEN DA
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In RE: Docket No. 950495-WS - )
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Nassau, Orange, Osceola, Pasco, Put-)
nam, Seminole, St. Johns, St. Lucie,)
Volusia, and Washington Counties. )

SUBPOENA

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### THE STATE OF FLORIDA

TO: <u>David York, 2600 Blairstone Road, Twin Towers Office Bldg.,</u>
<u>Tallahassee, Florida 32399-2400</u>

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**DATED** on <u>April 12</u>, 1996.

Blanca S. Bayó, Director Records and Reporting

Florida Public Service Commission

(SEAL)

Kenneth A. Hoffman, William B. Willingham, Brian P. Armstrong, and Matthew Feil
Attorneys for Southern
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# Florida Statutes 120.58(1), (3)

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CORPORATION: By deliver endorsed thereon by me:	ing a true copy of this writ, t	together with the	initial pleading wi	th the date and	hour of service
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To: of the within named corporation To: To:	as registered agent (	of the within no	amed corporation a	eccording to F	.S. 48,081 (3).
business because service could not b	e made on the registered ager	nt for failure to co	mply with F.S. 48.0	191.	mion's piace of
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to wit	could not be found in		angene better a	County, Flor	ida.
I CERTIFY that at the time of serve statement that I am a certified proce and all copies served, the date and he	ess server in the Second Judio	that process my cial Circuit of Flo	printed name, sign orida, and that I end	ature, identifica dorsed on that c	tion number, a priginal process
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Attorney or Firm: Kon A.	Hurrman Erg	- Rn	Helge, Ec	enin Lina	Vin
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In RE: Docket No. 950495-WS -Application for rate increase and increase in service availability charges by Southern States Utilities) Utilities, Inc. for Orange-Osceola ) Utilities, Inc. in Osceola County, and in Bradford, Brevard, Charlotte,) Citrus, Clay, Collier, Duval, High- ) lands, Lake, Lee, Marion, Martin, Nassau, Orange, Osceola, Pasco, Put-) nam, Seminole, St. Johns, St. Lucie,) Volusia, and Washington Counties.

**SUBPOENA** 

#### THE STATE OF FLORIDA

TO: John Sowerby, 2600 Blairstone Road, Twin Towers Office Bldq., Tallahassee, Florida 32399-2400

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# Florida Statutes 120.58(1),(3)

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- (3) A party may seek enforcement of a subpoena, order directing discovery, or order imposing sanctions issued under the authority of this act by filing a petition for enforcement in the circuit court of the judicial circuit in which the person failing to comply with the subpoena or order resides. A failure to comply with an order of the court shall result in a finding of contempt of court. However, no person shall be in contempt while a subpoena is being challenged under subsection (2). The court may award to the prevailing party all or part of the costs and attorney's fees incurred in obtaining the court order whenever the court determines that such an award should be granted under the Florida Rules of Civil Procedure.

- (1) When the proceeding is before the Commission or member thereof, subpoenas may be issued by the presiding officer or the Division of Records and Reporting on subpoena forms supplied by the Commission. When the proceeding is before a hearing officer of the Division of Administrative Hearings, subpoenas may be issued by the Hearing Officer.
- (2) A party shall apply in writing for the issuance of subpoenas requiring the attendance of witnesses or production of records, files, and memoranda from any place in the state, at any designated place of hearing before the presiding officer, for the purpose of taking the testimony of such witness or inspection of documents. An application for the subpoena shall state the name and address of the witness for whom the subpoena is to be issued, and the time and place for the witness to appear.
- (3) Any party or person against whom a subpoena is directed may file a motion to quash or limit the subpoena with the agency having jurisdiction of the dispute. The motion shall set forth the ground relied upon.
- (4) A subpoena may be served by any person authorized by law to serve process or by any person who is not a party and who is of majority age. Service shall be made by delivering a copy thereof to the person named in the subpoena. Proof of service shall be made by affidavit of the person making service if service is not made by an officer authorized by law to do so.
- (5) Service of a subpoena may also be effected by certified mail, in which case the return receipt must be signed by the person named in the subpoena.



B. Renneth DATLA Applications Support TOBESERY Drance - Oscalla Unimer.	1709 MAKA	~ Da. Talla,	FC.
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St John PEAINTIFF - PETITIONER Semi	Highlands, Lake Lee, Marian	MANTH, MASSAR, BRANCE	Diceah Pasco folk, futwom,
The Floreda Public Serv COURT			
Sublocus for Deposition Type of WR	iλ T	O24 V	Willie Reams SERVER
Received this writ on the 1974 dethe 1974 day of 1994	ay of <u>April</u> , 19 <u>96</u> , 19 <u>96</u> , in <u>Lean</u>	, and served the same at // _County, Florida as follows:	; Z√ o'clock A .M. on
INDIVIDUAL: By delivering a endorsed thereon by me, to:			
GOVERNMENT AGENCY, O thereof with date and hour of thereon to as 5 and of the very correct of the very cor	to which was attached a copy of the within named Defendant to wit:	he Plaintiff's pleading to: M. B. Kennett, G.	TAR' Anne Thornton
endorsed thereon by me:			
To: of the within named corporation To: To:	as registered agent of the	within named corporation	according to F.S. 48,081 (3).
business because service could not be r	made on the registered agent for fa	ailure to comply with F.S. 48.	191.
SECRETARY OF THE STATE hour of service thereon, together with of the State of Florida, as the de Defendant, and his above mentioned official capac Commissioner in his above mentioned	a copy of the pleadings as furnish signated agent to accept servi at the same time delivering city the sum of \$	ned by the Plaintiff, to ce of process for and on into the hands of the as provided by Florida S	behalf of the within named said Secretary of State in Statutes 48.161 or Insurance
NOT FOUND: By returning s	aid writ unserved for the reason could not be found in	n that after diligent search a	and inquiry the named person County, Florida.
I CERT!FY that at the time of service statement that I am a certified process and all copies served, the date and hou	server in the Second Judicial Cit		
Service Fee: \$ Zo. 10	Advanced Investigations of Talla 231 Lafayette Circle, Tallahassee		e Tendered:(Witness, etc.)
Additional Time:	Willie R, Reams #024	(904) 222-1998	(Witness, etc.)
Additional Mileage:	Willie L. Re Certified Process Server/Second	······································	у
Status: Paid	A/R		
Attorney or Firm: Retledge Rox	e Ecenia		8679
Rox	panne)		00:0

In RE: Docket No. 950495-WS - Application for rate increase and increase in service availability charges for Orange-Osceola Util-ities, Inc. in Osceola County, and in Bradford, Brevard, Charlotte, Citrus, Clay, Collier, Duval, Highlands, Lake, Lee, Marion, Martin, Nassau, Orange, Osceola, Pasco, Polk, Putnam, Seminole, St. Johns, St. Lucie, Volusia, and Washington) Counties

SUBPOENA FOR DEPOSITION

#### THE STATE OF FLORIDA

# TO: B. Kenneth Gatlin, 1709 Mahan Drive, Tallahassee, Florida

YOU ARE COMMANDED to appear before a person authorized by law to take depositions at 1709 Mahan Drive, in Tallahassee, Florida, on April 22, 1996, at 10:00 a.m., for the taking of your deposition in this action. If you fail to appear, you may be held in contempt.

YOU ARE SUBPOENAED to appear by the following attorneys and, unless excused from this subpoena by these attorneys or the Commission, you shall respond to this subpoena as directed.

**DATED** on April 18, 1996.

ADVANCED INVESTIGATIONS COMPASSES TO A PASSES TO A PAS

Blanca S. Bayó, Director Records and Reporting Florida Public Service Commission

(SEAL)

Kenneth A. Hoffman, William B.
Willingham, Brian P. Armstrong, and
Matthew Feil, Esq.
Attorneys for Southern States
Utilities, Inc.
1000 Color Place
Apopka, Florida 32703
Address

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Charles Hill Die Div.	n water & wastewater.	FPS.C. 2540 Shu	mond DAK BIO	id. Talla Sh
Charles Hill Die Div.	die & Julieare in Souvice , Bradford, Prevond, Chambotto	Availability charges	for Drange - OSCI G. QUAL, Highla	enla Utilities, Who. Lake, LCA
PLAINTIFF - PETITIONER	se, Oscala Pasco, folk, form	DEFENDANT - RESPON	ndent co	ina & comshington wardies
The Florida Public Son	vice Commission	95-045 CASE#	S WS April 2 COUR	22 1596 T DATE
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INDIVIDUAL: By delivering a endorsed thereon by me, to:	a true copy of this writ, together	with the initial pleading w	vith the date and hou	ır of service
GOVERNMENT AGENCY, Of thereof with date and hour of thereon as Admin. Asst. of the vertical control of	to which was attached a copy of the	e Plaintiff's pleading to:	Par Ourbon	
CORPORATION: By delivering endorsed thereon by me:	g a true copy of this writ, together	with the initial pleading	with the date and hor	ur of service
To:		as		
of the within named corporation	in the absence of any high	ner ranking officer as within named corporation	defined in F.S. 4	48.081 (1). 48.081 (3).
To:	as an employee of th	e within named corporation	on at said corporatio	n's place of
business because service could not be	made on the registered agent for fai	lure to comply with F.S. 48	8.091.	
SECRETARY OF THE STATE hour of service thereon, together with	OR INSURANCE COMMISSION			the date and
of the State of Florida, as the de	esignated agent to accept service	e of process for and or	n behalf of the wi	
Defendant, and his above mentioned official capa				
Commissioner in his above mentioned	official capacity the sum of \$	as provided by Flori	da Statutes 624.502.	mountaine
NOT FOUND: By returning	said writ unserved for the reason	that after diligent search	and inquiry the na	med person
to wit			County, Florida	
I CERTIFY that at the time of service statement that I am a certified process and all copies served, the date and hou	s server in the Second Judicial Circ			
Service Fee: 520-80	Advanced Investigations of Tallah	assee, Inc.	Fee Tendered:	
Additional Time:	231 Lafayette Circle, Tallahassee, Willie R. Reams #024	FL 32303 (904) 222-19		Witness, etc.)
Additional Mileage:	Willie L. Ka	2-4		
riddidonar inneage.	Certified Process Server/Second Ju	dicial Circuit/Florida/Cou	- Inty	
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Attorney or Firm: Lable de	Youre,			8681

In RE: Docket No. 950495-WS - )
Application for rate increase and )
increase in service availability )
charges for Orange-Osceola Util- )
ities, Inc. in Osceola County, and)
in Bradford, Brevard, Charlotte, )
Citrus, Clay, Collier, Duval, High)
lands, Lake, Lee, Marion, Martin, )
Nassau, Orange, Osceola, Pasco, )
Polk, Putnam, Seminole, St. Johns,)
St. Lucie, Volusia, and Washington)
Counties

SUBPOENA FOR DEPOSITION

#### THE STATE OF FLORIDA

TO: Charles Hill, Director, Division of Water and Wastewater, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, Florida

YOU ARE COMMANDED to appear before a person authorized by law to take depositions in Room 362 of the Gunter Building at 2540 Shumard Oak Blvd., in Tallahassee, Florida, on April 22, 1996, at 2:00 p.m., for the taking of your deposition in this action. If you fail to appear, you may be held in contempt.

YOU ARE SUBPOENAED to appear by the following attorneys and, unless excused from this subpoena by these attorneys or the Commission, you shall respond to this subpoena as directed.

DATED on April 18, 1996.

ADVANCED INVESTIGATIONS OF TAUAHASSEE, INC. SERVED.

BY: WILLIE R. REAMS, CERTIFIED PROCESS SERVER SECOND SUDICIAL & ROUT-FLOR DA # 24

Blanca S. Bayó, Director Records and Reporting Florida Public Service Commission

(SEAL)

Kenneth A. Hoffman, William B.
Willingham, Brian P. Armstrong, and
Matthew Feil, Esq.
Attorneys for Southern States
Utilities, Inc.
1000 Color Place
Apopka, Florida 32703
Address

PSC/RAR 5 (Rev 4/94)

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# Rule 25-22.045, Florida Administrative Code

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