

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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In Re: Application for Original Water)
Certificate by TOWN & COUNTRY)
UTILITY COMPANY in Lee County)
Florida)
_____)

RECORDS AND REPORTING
DOCKET NO. 981288-WU

RECEIVED & FILED
Amw

FPSC-BUREAU OF RECORDS

**TOWN & COUNTRY UTILITY COMPANY'S FIRST
REQUEST FOR PRODUCTION OF DOCUMENTS TO LEE COUNTY**

Town & Country Utility Company, requests pursuant to Rule 28-106.206, Fla. Admin. Code, that Lee County, produce the documents described below for inspection and/or copying within thirty (30) days at the offices of Rose, Sundstrom & Bentley, 2548 Blairstone Pines Drive, Tallahassee, FL 32301.

This Request For Production Of Documents should also be considered a Public Records Request pursuant to Chapter 119, Fla. Stat.

DEFINITIONS AND INSTRUCTIONS

1. "Lee County," as used in this request, shall mean Lee County either in an individual or joint capacity; all corporations or other business entities owned or controlled by Lee County; and all agents, representatives, consultants, or other entities acting on behalf of Lee County.

2. "Document" and "documents" refer to any written, printed, graphic, digital, aural, or photographic means of recording or preserving thought, expression, information, data, or images.

This shall include all papers or other tangible things from which such information can be read, processed, or transcribed; graphic, schematic, and cartographic representations; film, video, digital, or still photographic images or reproductions (including aerial, satellite, infrared and computer-

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FPSC-RECORDS/REPORTING

generated images); and any other information which is stored or processed by means of computer or data processing equipment and can be retrieved in printed or graphic form. The word "document" includes the plural as well as the singular and shall mean all originals (including an original by means of a marginal notation) and copies or reproduction of originals (whether handwritten, printed, photocopied, or otherwise recorded) if the original is unavailable.

3. "PSC," or "Commission," shall mean the State of Florida, Florida Public Service Commission and any affiliated party, employee, agent, representative, or other person acting for or on behalf of the PSC as the context requires.

4. All terms not defined in this request and not having ordinary, nontechnical definitions are used in accordance with their meanings in the Florida Rules of Civil Procedure, Florida Statutes, and Florida Administrative Code.

5. If any document called for in this request is withheld on the basis of any privilege, statute, regulation, or for any other reason, Lee County shall include in their response a list of such documents by type of document, date, the name and address of the actual and intended recipients of the document or copies thereof, author, title, summary of description of subject matter, and the location of any existing copies of such document. Lee County must also state the grounds upon which each such document is considered privileged or upon which production is withheld, including the specific privilege, statute or regulation relied upon.

DOCUMENTS AND OTHER THINGS TO BE PRODUCED

1. Please provide copies of any and all documents referenced, identified, relied upon, or consulted in any way in your responses to Town & Country Utility Company's First Set Of Interrogatories to you.

2. Please provide copies of all documents, reports, compilations of data, exhibits, summaries, analyses and treatises which you expect to offer into evidence or rely upon at the final hearing in this proceeding.

3. Please provide copies of all documents, reports, compilations of data, exhibits, summaries, analyses and treatises which you reviewed, consulted or relied upon in your decision process when electing to file your Objection and/or which you consulted or relied upon in drafting your Objection.

4. Please provide any documents, reports, compilations of data, exhibits, summaries, analyses and treatises which any witnesses you may call or anticipate calling in this proceeding have reviewed, consulted, referenced or relied upon in connection with their participation or possible participation in this case.

5. Please provide any documents, papers, memoranda, or similar or analogous writings which establish, explain, set forth, or reference Lee County's alleged "exclusive authority to provide water and sewer services through its own forces or by County franchise," as referenced in Paragraph 4 of your Objection.

6. Please provide any documents papers, memoranda, or similar or analogous writings which establish, explain, set forth, or reference the "existing service area of Lee County Utilities."

7. Please provide a copy of the Lee County Comprehensive Plan.

8. Please provide any documents which establish, explain, set forth, or reference how Town & Country's application is either inconsistent with, or violates, the provisions of the Lee County Comprehensive Plan.

9. Please provide any documents which establish, explain, set forth, or reference any proposed or anticipated service areas of Lee County Utilities.

10. Please provide any documents which establish, explain, set forth, or reference any future service areas of Lee County Utilities.

11. Please provide any documents which establish, explain, set forth, or reference the “certain infrastructure currently in place” as referenced in Paragraph 8 of your Objection.

12. Please provide any documents which establish, explain, set forth, or reference that Lee County “is actively pursuing and developing additional water service infrastructure” in those areas delineated in Paragraph 9 of your Objection.

13. Please provide any documents which establish, explain, set forth, or reference what “certain affirmative steps” Lee County has taken to provide potable water to the northern ½ of the North Fort Myers area as referenced in Paragraph 11 of your Objection.

14. Please provide any documents which establish, explain, set forth, or reference the construction time-frames, cost of construction, and the design and engineering of the 5 million GPD water treatment plant referenced in Paragraph 12 of your Objection.

15. Please provide any documents which establish, explain, set forth, or reference your statement that Town & Country has neither superior legal right nor the superior ability to serve the customers in Lee County as referenced in Paragraph 13 of your Objection.

16. Please provide any documents which reveal, reference, explain, set forth or establish that the proposed Town & Country application constitutes direct competition with the Lee County Department of Utility system as referenced in Paragraph 14 of your Objection.

17. Please provide any documents which analyze, review, explain, set forth, or reference the application of Town & Country.

18. Please provide any and all documents which reference, set forth, establish, explain or

contain a description or explanation of the legal relationship between the Lee County Board of County Commissioners, Lee County, and the Lee County Utilities Department.

19. Please provide any documents, papers, memoranda or similar or analogous documents which reference, explain, set forth, or discuss either the filing of the Objection by the Lee County Utilities Department or any instructions, authorizations, or directions from the Board of County Commissioners or any employee thereof to the Lee County Utilities Department to file the Objection.

20. Please provide any documents, memoranda, letters, notes, or similar or analogous writings exchanged or transmitted between Charlotte County and Lee County regarding Town & Country's application or Town & Country's proposed service.

21. Please provide any maps, blueprints, schematics, or similar or analogous documents which reveal:

a) the present service area which the Lee County Utilities Department services;

b) any proposed or anticipated service areas for Lee County Utilities Department; and

c) the location of any infrastructure owned, controlled or utilized by the Lee County Utilities Department in the rendering of utility service within its service area.

22. Please provide documents, memoranda, letters, notes, or similar or analogous writings which set forth the present rates, fees and charges of the Lee County Utilities Department for water service.

23. Please provide any documents which establish, explain, set forth, or reference any proposed, anticipated, possible or potential increase in the present rates, fees or charges of the Lee County Utilities Department.

24. Your Objection, at Composite Exhibit "B", sets forth an Agenda Item Summary which references several documents therein. Please provide a copy of each and every document referenced in Composite Exhibit "B".

25. Your Objection, at Composite Exhibit "C", sets forth an Agenda Item Summary which references several documents therein. Please provide a copy of each and every document referenced in Composite Exhibit "C".

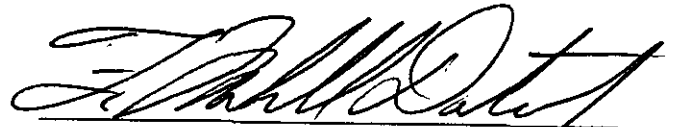
26. Referencing the March 13, 1997 letter of Mr. Jeffrey Wilson of Montgomery Watson, attached to your Objection, please provide documents, writings, notes, memoranda, letters or similar or analogous documents which address the capital costs associated with the facilities discussed therein; the water source as referenced therein; the method of treatment as referenced therein; the location of facilities as referenced therein; and any groundwater investigation as referenced therein.

27. Please provide any documents revealing, setting forth, establishing, projecting, discussing or explaining the projected or anticipated population growth and/or development potential for those areas in Lee County which Town & Country has proposed to serve.

28. Please provide any documents provided to the County by Montgomery Watson, Inc., Hole, Montes & Associates, Inc., or Viro Group, Inc. regarding either present Lee County Utility Department facilities or infrastructure or anticipated or proposed Lee County Utility Department facilities or infrastructure.

29. Please provide a copy of the investigation and analysis on surface water referenced in the Executive Summary under Supply Source Evaluation in the attachments to your Objection.

DATED this 7th day of May, 1999.



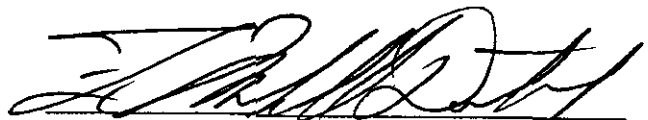
F. MARSHALL DETERDING, ESQ
JOHN L. WHARTON
Rose, Sundstrom & Bentley, LLP
2548 Blairstone Pines Drive
Tallahassee, FL 32301
(850) 877-6555

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and accurate copy of the foregoing has been furnished by facsimile and regular U.S. Mail to the following on this 7th day of May, 1999.

David M. Owen, Esq.
Assistant County Attorney
Lee County
2115 Second Street, 6th Floor
Fort Myers, FL 33902-0398

Rosanne Gervasi, Esquire
Legal Division
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0873



F. Marshall Deterding, Esq.

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