

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Application for Certificate to )  
provide water service in Volusia )  
and Brevard Counties by Farmton )  
Water Resources, LLC )

Docket No. 021256-WU

**FARMTON'S' FIRST REQUEST FOR PRODUCTION OF DOCUMENTS  
TO VOLUSIA COUNTY, FLORIDA**

TO: William J. Bosch, III, Esquire  
Volusia County Attorney  
123 West Indiana Avenue  
Deland, Florida 32720-4613

Please take notice that FARMTON WATER RESOURCES, LLC ("Farmton"), by and through its undersigned attorneys, request, pursuant to Rule 1.350, Fla.R.Civ.P., that Volusia County, Florida produce and permit Farmton to inspect and copy the things enumerated herein at ROSE, SUNDSTROM & BENTLEY, 2548 Blairstone Pines Drive, Tallahassee, Florida, 32301 on or before 30 days after service of this request, or at a time mutually agreed upon, or by mailing a copy of same to the undersigned attorneys.

**I. DEFINITIONS**

1. "Document" means any document in your custody, possession or control, including, but not limited to, any printed, written, recorded, taped, electronic, graphic, or other tangible matter from whatever source, however produced or reproduced, whether in draft or otherwise, whether sent or received or neither, including the original, all amendments and addenda and any non-identical copy (whether different from the original because of notes made on or attached to such copy or otherwise) of any and all writings, correspondence, letters, e-mails, telegrams, telex communications, cables, notes, notations, papers, newsletters, memoranda, inter-office communications, releases, agreements, contracts, books, pamphlets, studies, minutes of meetings, recordings or other memorials of any type of personal telephone conversations, meetings or conferences, reports analyses, evaluations, estimates, projections, forecasts, receipts, statements, accounts, books of account, diaries, calendars, desk pads, appointment books, stenographer's notebooks, transcripts, ledgers, registers, worksheets, journals,

DOCUMENT NUMBER-DATE

00734 JAN 16 3

statistical records, cost sheets, summaries, lists, tabulations, digests, canceled or uncanceled checks or drafts, vouchers, charge slips, invoices, purchase orders, accountant's reports, financial statements, and any material underlying supporting or used in the preparation of any documents.

2. "Person(s)" means any natural person or any legal entity, including but not limited to, a corporation, partnership and unincorporated association, and any officer, director, employee, agent or other person acting or purporting to act on its behalf.

3. "And" and "or" shall be construed disjunctively or conjunctively as necessary in order to bring within the scope of each request all documents that might otherwise be construed to be outside its scope.

## II. INSTRUCTIONS

1. Any document as to which a claim of privilege is or will be asserted should be identified by author, signatory, description (e.g., letter, memorandum, telex, recording, etc.), title (if any), date, addresses (if any), general subject matter, present depository and present custodian, and a complete statement of the ground for any claim of privilege should be set forth.

2. If it is maintained that any document which is requested has been destroyed, set forth the contents of the document, the date of such destruction, and the name of the person who authorized or directed such destruction.

3. If any of the documents cannot be produced in full, produce to the extent possible, specifying the reasons for the inability to produce the remainder.

4. You should also consider this Request for Production of Documents a public records request under Section 119, Florida Statutes.

## PRODUCTION

1. Please produce any and all documents identified, referenced, relied upon, or referred to in responding to Farmton's First Set of Interrogatories which accompanied this request.

2. Any and all documents, including any data stored or generated by computer, that you have provided or intend to provide to any of your witnesses, prospective witnesses or potential witnesses in this case for the purpose of that witness reviewing those documents or relying upon those documents in any fashion in preparation for presenting possible testimony in this case.

3. Please provide any and all documents or other materials you intend to introduce or anticipate introducing or anticipate otherwise using at trial.

4. Please provide any groundwater simulation model used by either the St. Johns River Water Management District or the Volusia Water Alliance as discussed on page 2 of the Prefiled Testimony of Gloria Marwick.
5. Please produce documents explaining, setting forth, establishing, creating, or otherwise detailing the identity, purpose and authority of the Volusia Water Alliance.
6. Please provide a copy of the Vision 20/20 Plan created by the Volusia Water Alliance as referred to on page 2 of the Prefiled Testimony of Gloria Marwick.
7. Please provide any proposed, anticipated, or existing modifications, alterations, amendments, or changes to the Vision 20/20 Plan.
8. Please provide a copy of the Interlocal Agreement creating the Volusia Water Alliance.
9. Please provide any documents which reflect, discuss, set forth, analyze, or reveal that any additional demands originating from the land area owned by the Miami Corporation will put further stress on a water supply already strained and in need of careful planning, as referred to on page 2 of the Prefiled Testimony of Gloria Marwick.
10. Please produce documents explaining, setting forth, establishing, creating, or otherwise detailing the identity, purpose and authority of the Water Authority of Volusia - WAV.
11. Please provide the water supply plan discussed on page 3 of the Prefiled Testimony of Gloria Marwick.
12. Please provide any documents comprising, explaining, setting forth, analyzing or revealing the regional water supply plan as discussed on page 4 of the Prefiled Testimony of Gloria Marwick.
13. Please provide a copy of any water service area agreements, either existing or anticipated, projected or in negotiation, as referred to on page 4 of the Prefiled Testimony of Gloria Marwick.
14. Please provide any maps, plats or similar analogous documents revealing the extent and existence of any water supply system currently operated by the County.
15. Please provide any maps, plats or similar analogous documents revealing the extent and existence of any water supply system currently operated by WAV or the Volusia Water Alliance.
16. Please provide any maps, plats or similar analogous documents revealing the extent and existence of any water supply system currently operated by any other entity in the County.

17. Please provide any documents revealing the total capacity of the County utilities, through WAV or otherwise, and the present commitments of that capacity, both now and into the future.
18. Please provide the master plan, or similar analogous documents for either the County utilities or WAV.
19. Please provide any documents explaining, referencing or analyzing instances in which the County has been appointed receiver for various developer and private systems because these private systems historically do not make capital improvements to the system as referenced on page 5 of the Prefiled Testimony of Gloria Marwick.
20. Please provide any programs explaining, establishing, setting forth or discussing any conservation programs or reuse programs of either the County and/or WAV.
21. Please provide any documents reflecting, setting forth, establishing, discussing, or explaining any reuse system or availability from either the County utility system or WAV, either now or which is projected or anticipated.
22. Please provide any documents which explain, set forth, or establish what constitutes a bona fide threat to the health, safety, and welfare as referenced on page 2 of the Prefiled Testimony of John Thomson.
23. Please provide any documents which establish, set forth, or reveal any change to the zoning for any property within the County within the last 6 months or any that is pending, anticipated or projected.
24. Please provide any documents which reflects, reveals, discusses, analyzes or comprises the County's consideration of a change to its comprehensive plan to establish urban land uses within any areas which are or were designated as the Future Land Use Plan Categories as the land encompassed within the area included within this application within the last 10 years.
25. Please provide any documents reflecting, comprising, setting forth or explaining the regional water supply planning process as discussed on page 3 of John Thomson's Prefiled Testimony.
26. Please provide any documents reflecting, discussing, analyzing, or comprising the Priority Water Resource Caution Area as discussed on page 3 of John Thomson's Prefiled Testimony.
27. Please provide any documents explaining, setting forth, establishing, referencing, or analyzing the County's Natural Resource Management Area as discussed on page 4 of the Direct Testimony of John Thomson.

28. Please provide any alterations, amendments, variances or changes to the land use designations in the comprehensive plan which ESC, FR, and AR which have been either considered, granted, reviewed, or passed upon by the County in the last 10 years.
29. Please provide any documents which explain, reveal, set forth, establish or analyze any uses which will require, or have required, an extensive, central water service system which were, at any time, in the last ten years, designated as ESC, FR, or AR in the comprehensive plan.
30. Please provide any documents which explain, set forth, establish, reference, or analyze the circumstances under which exceptions or variances may be granted or considered by the County for the extension of potable water and sewer service into these areas as discussed on page 5 of John Thomson's direct testimony.
31. Please provide any overviews, goals, objectives, and policies related to the County's Potable Water, Natural Groundwater, And Aquifer Recharge, Intergovernmental Coordination and Capital Improvement Elements, as discussed on page 6 of the Direct Testimony of John Thomson, which are not contained within an Exhibit JT5.
32. Please provide any documents which reveal, explain, analyze, or discuss how Farmton's application promotes urban sprawl.
33. Please provide any documents which reveal, explain, analyze, or discuss how Farmton's application promotes insufficient development.
34. Please provide any documents which reveal, explain, analyze, or discuss how Farmton's application has no current development plan.
35. Please provide any documents which reveal, explain, analyze, or discuss how Farmton's application has future land use designations that would not support a need for a water utility certificated at this time in Volusia County.
36. Please produce the United States Government Survey Plats referred to on page 2 of your Petition.
37. Please provide any documents reflecting, setting forth, establishing, explaining, or supporting your assertion that the Farmton's application conflicts with the Volusia County Comprehensive Plan, including but not limited to the future land use element in the potable water sub-element.
38. Please provide any documents reflecting, setting forth, establishing, explaining, or supporting your assertion that the Farmton's application conflicts with the District Water Supply Plan of the Water Management District, including but not limited to the future land use element in the potable water sub-element.

39. Please provide any documents reflecting, setting forth, establishing, explaining, or supporting your assertion that the Farmton's application conflicts with the Volusian Water Alliance Water Supply Plan, including but not limited to the future land use element in the potable water sub-element.
40. Please produce any proposed, anticipated, or potential amendments, modifications, or changes to the Volusian Water Alliance Water Supply Plan.
41. Please produce any documents analyzing, referencing, discussing, or supporting your assertion that the Farmton application may duplicate the consumptive use permit water use proposal in a Consumptive Use Permit Application filed by the City of Titusville.
42. Please produce any documents referencing, discussing, supporting or referring to your assertion that this alleged duplication creates potential environmental and developmental impacts on Volusia County, including impacting the County of Volusia's procurement of Consumptive Use Permits or modifications to permits for available water for areas currently consistent with Volusia County's Comprehensive Plan.
43. Any and all photograph, drawings, sketches, or video tapes you have regarding the issues in this suit.
44. Please provide all documents in which the potential provision of water service by the County to any portion of the water service area proposed by Farmton, including planning therefor, is discussed.
45. Please provide all documents in the County's possession, custody and/or control regarding any application for consumptive use permitting within Farmton's proposed service area.
46. Please provide the specific sections and subsections of the St. Johns River Water Management District Water Supply Plan with which the Farmton application is in conflict. Explain.
47. Please provide the specific sections and subsections of the Volusian Water Alliance Water Supply Plan with which the Farmton application is in conflict. Explain.
48. How would the Farmton application duplicate the water use proposal in the consumptive use permit application filed by the City of Titusville?
49. How would the proposed PSC certification of Farmton's service area create potential environmental and developmental impacts on the County, including impacting the County's procurement of consumptive use permits or permit modifications for available water for areas consistent with the County's Comprehensive Plan?

50. Please provide all documents which discuss the effect of consumptive use permitting of the City of Titusville and/or Farmton on the County's procurement of consumptive use permits or permit modifications.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via Facsimile and U.S. Mail this 16<sup>th</sup> day of January, 2004, to:

Edward P. de la Parte, Jr. Esq.  
Charles R. Fletcher, Esq.  
de la Parte & Gilbert, P. A.  
P.O. Box 2350  
Tampa, FL 33601-2350  
Facsimile: (813) 229-2712

Donald A. Schmidt, Mayor  
City of Edgewater  
P.O. Box 100  
Edgewater, FL 32132-0100  
Facsimile: (386) 424-2409

William J. Bosch, III, Esq.  
Volusia County Attorney  
123 W. Indiana Ave.  
DeLand, FL 32720-4613  
Facsimile: (386) 736-5990

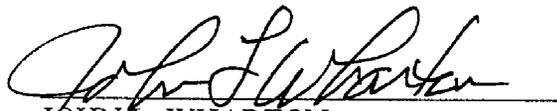
Scott L. Knox, Esq.  
Brevard County Attorney  
2725 Judge Fran Jamieson Way  
Viera, FL 32940  
Facsimile: (321) 633-2096

Frank Roberts, City Manager  
City of New Smyrna Beach  
210 Sams Ave.  
New Smyrna Beach, FL 32168-9985  
Facsimile: (904) 424-2109

Jennifer A. Rodan, Esq.  
Office of General Counsel  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850  
Facsimile: (850) 413-6190

Respectfully submitted on this  
16th day of January, 2004, by:

ROSE, SUNDSTROM & BENTLEY, LLP  
2548 Blairstone Pines Drive  
Tallahassee, Florida 32301  
(850) 877-6555



JOHN L. WHARTON

FL Bar ID No. 563099

F. MARSHALL DETERDING, Esquire

FL Bar ID No. 515876

Rose, Sundstrom & Bentley, LLP

2548 Blairstone Pines Drive

Tallahassee, FL 32301

(850) 877-6555

(850) 656-4029 (fax)

Counsel for Farnton Water Resources, LLC

miami\producevolusia.req