

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application for increase in water and )  
wastewater rates in Alachua, Brevard, DeSoto, )  
Highlands, Lake, Lee, Marion, Orange, )  
Palm Beach, Pasco, Polk, Putnam, )  
Seminole, Sumter, Volusia, and Washington )  
Counties by Aqua Utilities Florida, Inc. )  
\_\_\_\_\_ )

DOCKET NO. 080121-WS  
July 31, 2008

**CITIZENS' REVISED MOTION TO REVISE DISCOVERY PARAMETERS SET FORTH IN ORDER NO. PSC-08-0429-PCO-WS ISSUED JUNE 27, 2008**

The Citizens of the State of Florida (Citizens or OPC) hereby move the Prehearing Officer to revise the discovery parameters set forth in Order no. PSC-08-0429-PCO-WS issued June 27, 2008, and in support of this motion state the following:

1. This proceeding one of the most challenging and complicated cases ever to confront the Commission and intervenors. It is far more than just 82 separate rate cases rolled into one. On top of the 82 separate rate cases that make up this case, there is a complex system of corporate overheads and allocations superimposed on the 82 systems. Aqua's unregulated activities and non-jurisdictional systems further complicate the allocations to the systems under the jurisdiction of the Florida Public service Commission. On top of that, Aqua's billing analyses provide more complexity still. Aqua hired a consultant in this case to review problem areas of estimated bills, meter readings, and other adjustments, adding yet another level of analysis beyond what is typically required in a rate case. The complexity of this case is a monumental challenge to both the Commission and intervenors.

2. The filing, if approved by the Commission, would have customers paying some of the highest rates in the state for water and wastewater service. The base

facility charge alone, which customers must pay regardless of usage, would amount to a charge of \$67.18 every month for water and wastewater. At 5,000 gallons of use, the charge would be \$129.83 per month – a staggering sum for many customers. The combination of a highly complex filing and the potential for an extremely large rate increase compels Citizens to engage in a rigorous analysis to make sure that customers pay only what is necessary for the prudent, efficient provision of safe water and wastewater service.

3. Section V of Order no. PSC-08-0429-PCO-WS issued June 27, 2008 (Order Establishing Procedure) sets forth the parameters for discovery in this proceeding. One of the parameters limits each party to 750 interrogatories, including all subparts.

4. Early on in this proceeding Citizens contacted Aqua about allowing Citizens to use the discovery responses provided by Aqua in its previous rate case filing (docket 060368-WS) in this proceeding. Aqua responded by stating that they would not agree to such use, preferring that Citizens serve the same discovery again. While Citizens OPC can understand why Aqua might want to provide updated responses, this procedure has added to the number of interrogatories served in the case, relative to the offer made by OPC.

5. Citizens believe that the number of interrogatories served before today are well under the limit prescribed in the Order Establishing Procedure. Attachment 1 to this motion shows our count, including subparts, of these interrogatories. Aqua disagrees with our count but has agreed to answer these interrogatories nonetheless.

6. Today Citizens are serving our third and fourth sets of interrogatories to Aqua. The fourth set is driven primarily by follow-up questions to answers previously provided by Aqua in response to discovery. The fourth set is driven by the terse explanations provided by Aqua in its MFR schedules B-7 and B-8 regarding the reasons for their O&M costs exceeding the change in customer growth and CPI-U in many of their systems. The reasons provided by Aqua require more explanation in order to determine whether the reasons justify the costs exceeding the change in customer growth and CPI-U. This fourth set of interrogatories consists of over 100 questions. However, if this were only one water/wastewater system, as is more typical for many water and wastewater rate cases processed by the Commission, only one or two questions would be required. The Citizens should not be penalized in asking these questions or forced to choose between these questions and other critical interrogatories merely because the Company filed a rate case for 82 separate water and wastewater systems.

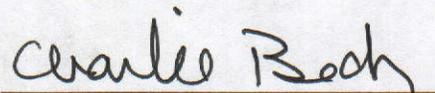
7. In order to properly review Aqua's case and prepare our case in response to Aqua, Citizens requests the Prehearing Officer to allow all of the interrogatories served to date on Aqua, including the fourth and fifth set of interrogatories being served today, plus 200 additional interrogatories in the future. Citizens believe that the number of interrogatories served by our office serves the interest of customers by making sure the Aqua's complex rate filing has been adequately scrutinized. In addition, the magnitude of Citizens' discovery allows other parties and staff to serve fewer interrogatories on Aqua.

8. If this motion is granted, the Office of Attorney General has indicated that they will limit the number of interrogatories they serve to 250, which reduces the number of interrogatories they would otherwise be allowed to serve by 500. With Citizens and the Attorney General working cooperatively in this way, the combined number of interrogatories served by both parties will be less than the maximum allowed if Citizens and the Attorney General were to serve 750 interrogatories each.

9. The Attorney General supports the motion. Aqua will provide its position in a written response to this motion.

**WHEREFORE**, Citizens respectfully request the Prehearing Officer to revise the discovery parameters contained in the Order Governing Procedure, allow the interrogatories served to date by Citizens, and allow Citizens to serve 200 additional interrogatories on Aqua.

Respectfully submitted,



Charlie Beck  
Deputy Public Counsel  
Fla. Bar No. 217281

Office of Public Counsel  
c/o The Florida Legislature  
111 West Madison Street  
Room 812  
Tallahassee, FL 32399-1400

(850) 488-9330

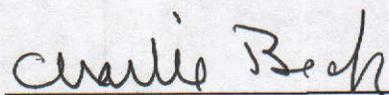
CERTIFICATE OF SERVICE  
DOCKET NO. 080121-WS

I HEREBY CERTIFY that a true and correct copy of the foregoing Notice of Service. has been furnished by electronic mail and U.S. Mail to the following parties on this 31st day of July, 2008.

Ralph Jaeger  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

Ms. Kimberly A. Joyce  
Aqua Utilities Florida, Inc.  
762 West Lancaster Avenue  
Bryn Mawr, PA 19010-3402

Bruce May, Esq.  
Gigi Rollini, Esq.  
c/o Holland & Knight Law Firm  
P.O. Drawer 810  
Tallahassee, FL 32302-0810



Charlie Beck  
Deputy Public Counsel

**Count of OPC Interrogatories Issued to  
Aqua Florida**

<b>Question Number</b>	<b># of Subparts</b>
<b>Citizen's First Set of ROGS</b>	
1	1
2	1
3	1
4	1
5	1
6	4
7	6
8	1
9	1
10	1
11	5
12	5
13	3
14	1
15	4
16	5
17	2
18	1
19	5
20	6
21	1
22	1
23	1
24	5
25	1
26	4
27	2
28	3
29	1
30	1
31	1
32	1
33	1
34	1
35	1
36	1
37	1
38	1
39	1
40	1
41	1
42	1
43	1
44	1
45	1
46	1
47	1
48	1
49	13

	50	4
	51	3
	52	1
	53	1
	54	1
	55	1
	56	2
	57	1
	58	9
	59	9
	60	1
	61	1
	62	1
	63	10
	64	8
	65	1
	66	1
	67	1
	68	1
	69	1
	70	1
	71	1
	72	1
	73	1
	74	1
	75	1
	76	1
	77	2
	78	1
	79	1
	80	2
	81	1
	82	1
	83	1
	84	1
	85	2
	86	1
	87	1
	88	1
	89	1
	90	1
	91	1
	92	1
	93	2
	94	1
	95	1
	96	1
	97	1
	98	1
	99	1
	100	1
	101	1
<b>TOTAL:</b>		<b>200</b>
<b>Citizen's SECOND Set of ROGs</b>		

	102	1
	103	1
	104	1
	105	1
	106	1
	107	1
	108	1
	109	1
	110	1
	111	1
	112	1
	113	1
	114	1
	115	1
	116	1
	117	1
	118	1
	119	1
	120	1
	121	1
	122	1
	123	1
	124	2
	125	Skipped Number
	126	10
	127	1
	128	5
	129	1
	130	3
	131	1
	132	2
	133	1
	134	1
	135	1
	136	3
	137	5
	138	2
	139	5
	140	10
	141	3
	142	4
	143	4
	144	5
	145	1
	146	3
	147	1
	148	1
	149	1
	150	3
	151	3
	152	3
	153	3
	154	7
	155	1
	156	1

