

Diamond Williams

090478-WS

From: Barbara G. Sanders [barbaras@penningtonlaw.com]
Sent: Monday, June 28, 2010 3:59 PM
To: Filings@psc.state.fl.us
Subject: Docket Filing - Docket No. 090478-WS
Attachments: Exhibits A B C.pdf

In accordance with the electronic filing procedures of the Florida Public Service Commission, the following filing is made:

a. The name, address, telephone number and e-mail for the person responsible for the filing is:

William H. Hollimon
Pennington, Moore, Wilkinson, Bell & Dunbar, P.A.
215 South Monroe Street, Second Floor (32301)
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- b. This filing is made in Docket No. 090478-WS, In re: Application for original certificates for proposed water and wastewater system, in Hernando and Pasco Counties, and request for initial rates and charges, by Skyland Utilities, LLC.
- c. The document is filed on behalf of Pasco County.
- d. There are a total number of 51 pages in the document.
- e. The attached document is Pasco County's Exhibits to Motion to Compel file June 25, 2010 (Exhibits A, B and C).

6/28/2010

DOCUMENT NUMBER-DATE

05320 JUN 28 2010

FPSC-COMMUNICATIONS CENTER

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for original certificates for proposed water and wastewater system, in Hernando and Pasco Counties, and request for initial rates and charges, by Skyland Utilities, LLC.

DOCKET NO. 090478-WS

DATED: JUNE 28, 2010

**PASCO COUNTY'S EXHIBITS TO MOTION TO COMPEL FILED
JUNE 25, 2010**

Pasco County ("Pasco"), a political subdivision of the State of Florida, hereby files Exhibits A, B and C to its Motion to Compel that were inadvertently omitted from the original filing.

/s/ William H. Hollimon

WILLIAM H. HOLLIMON

Florida Bar No. 0104868

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DOCUMENT NUMBER-DATE

05320 JUN 28 e

FPSC-COMMISSIONER OF T&E

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on June 28, 2010, a copy of the foregoing Exhibits to Pasco

County's Motion to Compel, was served via e-mail, to the following:

Caroline Klancke, Esquire
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/s/ William H. Hollimon

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for original certificates for proposed water and wastewater system, in Hernando and Pasco Counties, and request for initial rates and charges, by Skyland Utilities, LLC.

DOCKET NO. 090478-WS

DATED: MAY 25, 2010

PASCO COUNTY'S FIRST SET OF INTERROGATORIES TO
SKYLAND UTILITIES, LLC (NOS. 1-12)

Pasco County propounds the following interrogatories, pursuant to Rule 1.340, Florida Rules of Civil Procedure, to Skyland Utilities, LLC ("Skyland"). These interrogatories shall be answered under oath by you or your agent, who is qualified and who will be identified, with the answers being served as provided by the Rules of Civil Procedure **within the time period set out in Order No. PSC-10-0105-PCO-WS**. As provided by Rule 1.340(a), Florida Rules of Civil Procedure, each interrogatory shall be answered separately and fully in writing under oath unless it is objected to. Each answer shall be signed by the person making it.

Give the name, address, and relationship to Skyland of those persons providing the answers to each of the following interrogatories.

If an interrogatory contained herein asks for information that has already been provided or is in the process of being provided to the Commission through a Commission audit, please so state, indicating the date provided and the audit document/record request number.

DEFINITIONS

"You" or "your" refers to Skyland, its employees and authorized agents.

"FPSC" or "Commission" refers to the Florida Public Service Commission.

"Document" refers to written matter of any kind, regardless of its form, and to information recorded on any storage medium, whether in electrical, optical or electromagnetic form, and capable of reduction to writing by the use of computer hardware and software.

EXHIBIT A

DOCUMENT NUMBER: 090478-WS
5320 JUN 28 09
FPSC-COMMISSION CLERK

5. Exhibit C to the Application states in part “[p]hysical interconnections will occur that traverse county lines during future phases.” Please identify the county lines traversed, the phase during which such county lines will be traversed, the route of such physical interconnections, the property rights required to implement such physical interconnections, the property rights already acquired to implement such physical interconnections, and the cost to construct such physical interconnections.

5. Appendix I to the Application contains the October 2, 2009, letter from Ronald Evans to Ann Cole in which Mr. Evans asserts “[t]he most immediate need for water and wastewater services for Evans is in the existing facilities and the first phase of higher intensity agricultural use and retail use.” Please identify: 1) the “existing facilities” referred to, and their location, in sufficient detail to allow estimation of ERCs required; 2) for the “first phase of higher intensity agricultural use,” the: a) type of agricultural use; b) the location of the agricultural use; and c) the amount of water required to support the agricultural use; 3) for “the first phase of . . . retail use,” the: a) type of retail use; b) the location of the retail use; c) the current zoning of the property at the location of the retail use; d) the amount of water required to support the retail use; e) the location of the nearest public water system in relation to the location of the retail use.

6. Appendix I to the Application contains the October 9, 2009, letter from J. Emmett Evans, III, to Ronald Edwards, in which Mr. Evans requests that Skyland provide potable water

to the “Trilby property – one employee house, office barn (sic).” Please identify and describe the current potable water supply source for the “Trilby property” specified, and identify any known problems with, concerns regarding, or limitations of such current potable water supply.

7. Appendix VII to the Application contains a “Funding Agreement,” in which Evans Properties, Inc. (“Evans”), “agrees to provide reasonable and necessary funding to [Skyland] if need for [Skyland] to build and operate the Utility System in Hernando and Pasco Counties, Florida.” Please identify: 1) the source of Evans funding capabilities; 2) the extent of Evans funding capabilities; 3) the limits of Evans funding capabilities.

8. Your Application includes, *inter alia*, the resume of Tara L. Hollis, CPA, MBA. Please identify: 1) all portions of the Cost of Service Study that Ms. Hollis directly authored; 2) all portions of the Cost of Service Study that were prepared under the direction and control of Ms. Hollis; 3) all portions of the Cost of Service Study provided under Mr. Hollis’ CPA license; 4) all other persons who authored any portion of the Cost of Service Study and the portion of the Cost of Service Study authored.

9. Identify and describe all actions taken by Skyland to obtain control of water supply resources located on site ID 1, ID 2, ID 3, and ID 4.

10. Exhibit C to the Application states that “[t]here will be several interconnected sites throughout the proposed service area once all phases are developed to insure efficient utility service.” Please explain: 1) what you mean by “efficient utility service;” 2) the effect on efficient utility service if sites are not interconnected; and 3) the effect on efficient utility service if sites are interconnected.

11. Can “efficient utility service” be provided without interconnecting sites?
 - a. If your answer is “no,” please state the factual basis for the answer and identify all actions taken by you to interconnect sites, the future actions necessary to interconnect sites, the date that such interconnections will occur, the cost of such interconnections, and the impact on “efficient utility service” prior to the time such interconnections are operable.
 - b. If your answer is “yes,” please identify all alternatives to interconnection.

12. Identify each person that you expect to call as an expert witness at hearing and for each such person:
 - a. state the subject matter on which the expert is expected to testify;
 - b. state the substance of the fact and opinions to which the expert is expected to testify;
 - c. provide a summary of the grounds for each opinion;
 - d. identify the scope of employment in this case and the compensation for services;

- e. provide the expert's general litigation experience, including the amount of work performed for permit applicants and permit granting entities.

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skilgore@penningtonlaw.com

AFFIDAVIT

STATE OF FLORIDA)

COUNTY OF _____)

I hereby certify that on this _____ day of _____, 2010, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared _____, who is personally known to me, and he/she acknowledged before me that he/she provided the answers to interrogatory number(s) _____ from PASCO COUNTY'S FIRST SET OF INTERROGATORIES TO SKYLAND UTILITIES, LLC (NOS. 1-12) in Docket No. 090478-WS, and that the responses are true and correct based on his/her personal knowledge.

In Witness Whereof, I have hereunto set my hand and seal in the State and County aforesaid as of this _____ day of _____, 2010.

Notary Public
State of Florida, at Large

My Commission Expires:

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished,
by U.S. Mail, to the following, this 25th day of May, 2010:

Caroline Klancke, Esquire
General Counsel
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

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Rose Sundstrom & Bentley, LLP
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Ronald Edwards, Manager
660 Beachland Boulevard, Suite 301
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By: /William H. Hollimon/

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for original certificates for proposed water and wastewater system, in Hernando and Pasco Counties, and request for initial rates and charges, by Skyland Utilities, LLC.

DOCKET NO. 090478-WS

DATED: MAY 25, 2010

PASCO COUNTY'S FIRST REQUEST FOR ADMISSIONS TO SKYLAND UTILITIES, LLC (NOS. 1-38)

Pasco County propounds the following interrogatories, pursuant to Rule 1.370, Florida Rules of Civil Procedure, to Skyland Utilities, LLC ("Skyland"). Responses to these requests shall be served as provided by the Rules of Civil Procedure **within the time period set out in Order No. PSC-10-0105-PCO-WS.**

DEFINITIONS

"You" or "your" refers to Skyland, its employees and authorized agents.

"FPSC" or "Commission" refers to the Florida Public Service Commission.

"Document" refers to written matter of any kind, regardless of its form, and to information recorded on any storage medium, whether in electrical, optical or electromagnetic form, and capable of reduction to writing by the use of computer hardware and software.

"Identify" means:

- (a) With respect to a person, to state the person's name, address and business relationship (e.g., "employee") to Pasco County;

- (b) With respect to a document, to state the nature of the document in sufficient detail for identification in a request for production, its date, its author, and to identify its custodian. If the information or document identified is recorded in electrical, optical or electromagnetic form, identification includes a description of the computer hardware or software required to reduce it to readable form.

REQUESTS FOR ADMISSIONS

1. Admit that the water utility requested is not required for continued agricultural uses on the property within the proposed service area.
2. Admit that Evans Properties, Inc. has had no discussions with any third parties regarding "retail use," as that term is used in the October 2, 2009, letter Ronald Evans to Anne Cole in Appendix I to Skyland's Application for Original Certification (the "Letter") of any property included within Phase I (ID 1, ID 2, ID 3, and ID 4).
3. Admit that the "existing houses and a shop" identified in the Letter are currently receive potable water from a well.
4. Admit that the "existing houses and a shop" identified in the Letter currently use a septic tank for wastewater.
5. Admit that the current potable water supply for the "existing houses and a shop" identified in the Letter is adequate.

6. Admit that Skyland has not requested that Pasco County provide potable water to the "existing houses and a shop" identified in the Letter.
7. Admit that Skyland has not requested that Hernando County provide potable water to the "existing houses and a shop" identified in the Letter.
8. Admit that the current wastewater treatment system for the "existing houses and a shop" is adequate.
9. Admit that the water utility requested is not required for the "higher intensity agricultural uses" identified in the Letter.
10. Admit that the Application includes an October 1, 2009, Water Lease Agreement covering 16 acres of property.
11. Admit that Water Lease Agreement grants Skyland legal control over water withdrawals from the identified "Leased Premises."
12. Admit that the Leased Premises includes property within sites ID 1, ID 2, ID 3, and ID 4.
13. Admit that Skyland obtained legal control over water withdrawals from the Leased Premises on October 1, 2009.
14. Admit that water withdrawals from the Leased Premises identified in the Water Lease Agreement are subject to permits issued by the Southwest Florida Water Management District ("SWFWMD").
15. Admit that water withdrawals from the site identified as "ID 1" are made subject to Water Use Permit 3390 issued by SWFWMD.
16. Admit that water withdrawals from the site identified as "ID 2" are made subject to Water Use Permit 9080 issued by SWFWMD.

17. Admit that water withdrawals from the site identified as "ID 3" are made subject to Water Use Permit 9461 issued by SWFWMD.
18. Admit that water withdrawals from the site identified as "ID 4" are made subject to Water Use Permit 9081 issued by SWFWMD.
19. Admit that the permittee of record for Water Use Permit 3390 is Evan Properties, Inc.
20. Admit that the permittee of record for Water Use Permit 9080 is Evan Properties, Inc.
21. Admit that the permittee of record for Water Use Permit 9461 is Evan Properties, Inc.
22. Admit that the permittee of record for Water Use Permit 9081 is Evan Properties, Inc.
23. Admit that Skyland has not applied to the SWFWMD to transfer Water Use Permit 3390 from Evans Properties, Inc., to Skyland.
24. Admit that Skyland has not applied to the SWFWMD to transfer Water Use Permit 9080 from Evans Properties, Inc., to Skyland.
25. Admit that Skyland has not applied to the SWFWMD to transfer Water Use Permit 9461 from Evans Properties, Inc., to Skyland.
26. Admit that Skyland has not applied to the SWFWMD to transfer Water Use Permit 9081 from Evans Properties, Inc., to Skyland.
27. Admit that Skyland is in violation of Rule 40D-2.351(1), Florida Administrative Code.

28. Admit that Skyland is in violation of Rule 40D-2.351(3), Florida Administrative Code.
29. Admit that the Skyland Cost of Services Study does not include any cost associated with interconnecting non-contiguous sites.
30. Admit that Skyland plans to interconnect sites throughout the proposed service area once all phases are developed to insure "efficient utility service" (hereinafter, "EUS") as that term is used in Exhibit C to the Application.
31. Admit that Skyland does not plan to interconnect sites during Phase 1.
32. Admit that Skyland does not plan to interconnect sites during Phase 2.
33. Admit that Skyland does not plan to interconnect sites during Phase 3.
34. Admit that Skyland does not plan to interconnect sites during Phase 4.
35. Admit that Skyland does not plan to interconnect sites during Phase 5.
36. Admit that interconnection of Phase 1 sites (ID 1, ID 2, ID 3, and ID 4) is not required to insure EUS.
37. Admit that interconnection of sites ID 1 and ID 4 is not required to insure EUS.
38. Admit that EUS is required.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished, by U.S. Mail, to the following, this 25th day of May, 2010:

Caroline Klancke, Esquire
General Counsel
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

John L. Wharton, Esquire
Rose Sundstrom & Bentley, LLP
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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for original certificates for proposed water and wastewater system, in Hernando and Pasco Counties, and request for initial rates and charges, by Skyland Utilities, LLC.

DOCKET NO. 090478-WS

DATED: JUNE 23, 2010

SKYLAND'S RESPONSE TO PASCO COUNTY'S
FIRST REQUEST FOR PRODUCTION
OF DOCUMENTS TO SKYLAND UTILITIES, LLC

Skyland Utilities, LLC, by and through its undersigned attorneys, files its response to Pasco County's First Request for Production of Documents pursuant to Rule 1.350, Fla.R.Civ.P. and responds as follows:

Documents within the files of the Public Service Commission (Docket No. 090478-WS) are presumed to be in the possession of Pasco County. Documents previously produced by parties in this case (which are in the possession of Skyland as well as in the possession of Pasco County) will not produced.

RESPONSES

1. Documents demonstrating the existence, *vel non*, of other water sources which could serve the potable water needs of the properties included within the proposed service territory.

Documents will be produced to the extent they exist.

2. Documents sufficient to evidence Evans Properties, Inc's ability to provide reasonable and necessary funding as required for Skyland to build and operate the proposed utility system in Pasco and Hernando Counties.

Documents will be produced to the extent they exist.

3. Documents sufficient to demonstrate Skyland's ability to provide the utility services proposed.

Documents will be produced to the extent they exist.

DOCKET NUMBER: 090478-WS

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4. Documents evidencing a need for water or wastewater services within the proposed service area.

Documents will be produced to the extent they exist.

5. Documents related to the interconnection of sites to insure efficient utility service.

Documents will be produced to the extent they exist.

6. Documents evidencing agricultural, commercial, residential, or retail development, or an intent to pursue such development, on property within the proposed service territory.

Documents will be produced to the extent they exist.

7. Documents referring or relating to water use permits issued by the SWFWMD for properties within the proposed service territory.

Documents will be produced to the extent they exist.

8. Documents referring or relating to the interconnection of sites within the proposed service territory, including but not limited to deeds, easements, engineering studies, cost estimates, surveys, and the like.

Documents will be produced to the extent they exist.

9. Documents evidencing communications between Skyland and any retained expert relating to Skyland's Application.

Pending objection.

10. Documents evidencing communications between Skyland and any third party relating to Skyland's Application.

Documents will be produced to the extent they exist.

11. Documents evidencing Skyland's plans to construct the proposed utility in phases.

Documents will be produced to the extent they exist.

12. Documents referring, relating to, or evidencing the ability, or non-ability, of Pasco or Hernando County to provide potable water services to the property within the proposed service area.

Documents will be produced to the extent they exist.

Respectfully submitted this 23rd day of
June, 2010, by:



JOHN L. WHARTON

FL BAR ID NO. 563099

F. MARSHALL DETERDING

FL BAR ID NO. 515876

ROSE, SUNDSTROM & BENTLEY, LLP

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(850) 877-6555/(850) 656-4029 FAX

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for original certificates for proposed water and wastewater system, in Hernando and Pasco Counties, and request for initial rates and charges, by Skyland Utilities, LLC.

DOCKET NO. 090478-WS

DATED: June 23, 2010

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of Skyland Utilities, LLC Responses to Pasco County's First Request for Production of Documents have been served by electronic mail this 23rd day of June, 2010, to:

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JOHN L. WHARTON

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for original certificates for proposed water and wastewater system, in Hernando and Pasco Counties, and request for initial rates and charges, by Skyland Utilities, LLC.

DOCKET NO. 090478-WS

DATED: JUNE 14, 2010

SKYLAND'S OBJECTIONS TO PASCO COUNTY'S
FIRST REQUEST FOR ADMISSIONS, FIRST REQUEST FOR PRODUCTION OF
DOCUMENTS AND FIRST SET OF INTERROGATORIES TO SKYLAND UTILITIES, LLC

Skyland Utilities, LLC, by and through its undersigned attorneys, files its objections to Pasco County's First Request for Admissions, First Request for Production of Documents, and First Set of Interrogatories to Skyland as follows:

OBJECTIONS TO REQUEST FOR ADMISSIONS

11. Admit that Water Lease Agreement grants Skyland legal control over water withdrawals from the identified "Leased Premises."

Objection. Any Request whether Skyland has legal control over any particular water withdrawals seeks discovery on a matter not reasonably calculated to lead to the discovery of admissible evidence. The Request calls for a legal conclusion, is irrelevant, and is not materially related to any legitimate issue in this administrative proceeding including, but not limited to, whether Skyland's application meets the applicable criteria such that it should be approved by the Commission.

13. Admit that Skyland obtained legal control over water withdrawals from the Leased Premises on October 1, 2009.

Objection. Any Request whether Skyland obtained legal control over water withdrawals from the Leased Premises seeks discovery on a matter not reasonably calculated to lead to the discovery of admissible evidence. The Request calls for a legal conclusion, is irrelevant, and is not materially related to any legitimate issue in this administrative proceeding including, but not limited to, whether Skyland's application meets the applicable criteria such that it should be approved by the Commission.

EXHIBIT B

DOCUMENT NUMBER-DATE

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14. Admit that water withdrawals from the Leased Premises identified in the Water Lease Agreement are subject to permits issued by the Southwest Florida Water Management District ("SWFWMD").

Objection. Any Request whether water withdrawals from the Leased Premises identified in the Water Lease Agreement are subject to permits issued by the Southwest Florida Water Management District ("SWFWMD") seeks discovery on a matter not reasonably calculated to lead to the discovery of admissible evidence. The Request is irrelevant, overbroad, and not materially related to any legitimate issue in this administrative proceeding including, but not limited to, whether Skyland's application meets the applicable criteria such that it should be approved by the Commission.

15. Admit that water withdrawals from the site identified as "ID 1" are made subject to Water Use Permit 3390 issued by SWFWMD.

Objection. Any Request whether water withdrawals from the site identified as "ID 1" are made subject to Water Use Permit 3390 issued by SWFWMD seeks discovery on a matter not reasonably calculated to lead to the discovery of admissible evidence. The Request is irrelevant, overbroad, and not materially related to any legitimate issue in this administrative proceeding including, but not limited to, whether Skyland's application meets the applicable criteria such that it should be approved by the Commission.

16. Admit that water withdrawals from the site identified as "ID 2" are made subject to Water Use Permit 9080 issued by SWFWMD.

Objection. Any Request whether water withdrawals from the site identified as "ID 2" are made subject to Water Use Permit 9080 issued by SWFWMD seeks discovery on a matter not reasonably calculated to lead to the discovery of admissible evidence. The Request is irrelevant, overbroad, and not materially related to any legitimate issue in this administrative proceeding including, but not limited to, whether Skyland's application meets the applicable criteria such that it should be approved by the Commission.

17. Admit that water withdrawals from the site identified as "ID 3" are made subject to Water Use Permit 9461 issued by SWFWMD.

Objection. Any Request whether water withdrawals from the site identified as "ID 3" are made subject to Water Use Permit 9461 issued by SWFWMD seeks discovery on a matter not reasonably calculated to lead to the discovery of admissible evidence. The Request is irrelevant, overbroad, and not materially related to any legitimate issue in this administrative proceeding including, but not limited to, whether Skyland's application meets the applicable criteria such that it should be approved by the Commission.

18. Admit that water withdrawals from the site identified as "ID 4" are made subject to Water Use Permit 9081 issued by SWFWMD.

Objection. Any Request whether water withdrawals from the site identified as ID 4 are made subject to Water Use Permit 9081 issued by SWFWMD seeks discovery on a matter not reasonably calculated to lead to the discovery of admissible evidence. The Request is irrelevant, overbroad, and not materially related to any legitimate issue in this administrative proceeding including, but not limited to, whether Skyland's application meets the applicable criteria such that it should be approved by the Commission.

19. Admit that the permittee of record for Water Use Permit 3390 is Evan Properties, Inc.

Objection. Any Request whether Sky the permittee of record for Water Use Permit 3390 is Evan Properties, Inc. seeks discovery on a matter not reasonably calculated to lead to the discovery of admissible evidence. The Request is irrelevant, overbroad, and not materially related to any legitimate issue in this administrative proceeding including, but not limited to, whether Skyland's application meets the applicable criteria such that it should be approved by the Commission.

20. Admit that the permittee of record for Water Use Permit 9080 is Evan Properties, Inc.

Objection. Any Request whether the permittee of record for Water Use Permit 9080 is Evan Properties, Inc. seeks discovery on a matter not reasonably calculated to lead to the discovery of admissible evidence. The Request is irrelevant, overbroad, and not materially related to any legitimate issue in this administrative proceeding including, but not limited to, whether Skyland's application meets the applicable criteria such that it should be approved by the Commission.

21. Admit that the permittee of record for Water Use Permit 9461 is Evan Properties, Inc.

Objection. Any Request whether the permittee of record for Water Use Permit 9461 is Evan Properties, Inc. discovery on a matter not reasonably calculated to lead to the discovery of admissible evidence. The Request is irrelevant, overbroad, and not materially related to any legitimate issue in this administrative proceeding including, but not limited to, whether Skyland's application meets the applicable criteria such that it should be approved by the Commission.

22. Admit that the permittee of record for Water Use Permit 9081 is Evan Properties, Inc.

Objection. Any Request whether the permittee of record for Water Use Permit 9081 is Evan Properties, Inc. seeks discovery on a matter not reasonably calculated to lead to the discovery of admissible evidence. The Request is irrelevant, overbroad, and not materially related to any legitimate issue in this administrative proceeding including, but not limited to, whether Skyland's application meets the applicable criteria such that it should be approved by the Commission.

23. Admit that Skyland has not applied to the SWFWMD to transfer Water Use Permit 3390 from Evans Properties, Inc., to Skyland.

Objection. Any Request whether Skyland has applied to the SWFWMD to transfer Water Use Permit 3390 from Evans Properties to Skyland seeks discovery on a matter not reasonably calculated to lead to the discovery of admissible evidence. The Request is irrelevant, overbroad, and not materially related to any legitimate issue in this administrative proceeding including, but not limited to, whether Skyland's application meets the applicable criteria such that it should be approved by the Commission.

24. Admit that Skyland has not applied to the SWFWMD to transfer Water Use Permit 9080 from Evans Properties, Inc., to Skyland.

Objection. Any Request whether the Skyland has applied to the SWFWMD to transfer Water Use Permit 9080 from Evans Properties, Inc. to Skyland seeks discovery on a matter not reasonably calculated to lead to the discovery of admissible evidence. The Request is irrelevant, overbroad, and not materially related to any legitimate issue in this administrative proceeding including, but not limited to, whether Skyland's application meets the applicable criteria such that it should be approved by the Commission.

25. Admit that Skyland has not applied to the SWFWMD to transfer Water Use Permit 9461 from Evans Properties, Inc., to Skyland.

Objection. Any Request whether Skyland has applied to the SWFWMD to transfer Water Use Permit 9461 from Evans Properties, Inc. to Skyland seeks discovery on a matter not reasonably calculated to lead to the discovery of admissible evidence. The Request is irrelevant, overbroad, and not materially related to any legitimate issue in this administrative proceeding including, but not limited to, whether Skyland's application meets the applicable criteria such that it should be approved by the Commission.

26. Admit that Skyland has not applied to the SWFWMD to transfer Water Use Permit 9081 from Evans Properties, Inc., to Skyland.

Objection. Any Request whether Skyland has applied to the SWFWMD to transfer Water Use Permit 9081 from Evans Properties, Inc. to Skyland seeks discovery on a matter not reasonably calculated to lead to the discovery of admissible evidence. The Request is irrelevant, overbroad, and not materially related to any legitimate issue in this administrative proceeding including, but not limited to, whether Skyland's application meets the applicable criteria such that it should be approved by the Commission.

27. Admit that Skyland is in violation of Rule 40D-2.351(1), Florida Administrative Code.

Objection. Any Request whether Skyland is in violation of Rule 40D-2.351(1), Florida Administrative Code seeks discovery on a matter not reasonably calculated to lead to the discovery of admissible evidence. The Request is irrelevant, overbroad, and not materially related to any legitimate issue in this administrative proceeding including, but not limited to, whether Skyland's application meets the applicable criteria such that it should be approved by the Commission.

Notwithstanding the objection, if Skyland is compelled to respond to this Request, the Request will be denied.

28. Admit that Skyland is in violation of Rule 40D-2.351(3), Florida Administrative Code.

Objection. Any Request whether Skyland is in violation of Rule 40D-2.351(3), Florida Administrative Code seeks discovery on a matter not reasonably calculated to lead to the discovery of admissible evidence. The Request is irrelevant, overbroad, and not materially related to any legitimate issue in this administrative proceeding including, but not limited to, whether Skyland's application meets the applicable criteria such that it should be approved by the Commission.

Notwithstanding the objection, if Skyland is compelled to respond to this Request, the Request will be denied.

OBJECTIONS TO REQUEST FOR PRODUCTION OF DOCUMENTS

GENERAL OBJECTION

To the extent that Pasco County's definition of "document" or "documents" exceeds that set forth in Rule 1.350(a), Fla.R.Civ.P., Skyland objects.

9. Documents evidencing communications between Skyland and any retained expert relating to Skyland's Application.

Objection. Many, if not all, communications between Skyland and any retained expert relating to Skyland's Application are work product and/or protected from disclosure by Florida law. Any non-protected and non-privileged documents will be produced.

OBJECTIONS TO FIRST SET OF INTERROGATORIES

9. Identify and describe all actions taken by Skyland to obtain control of water supply resources located on site ID 1, ID 2, ID 3, and ID 4.

Objection. Any request to identify and describe actions taken by Skyland to obtain "control" of water supply resources located on site ID 1, ID 2, ID 3 and ID 4 seeks discovery on a matter not reasonably calculated to lead to the discovery of admissible evidence. The Request is irrelevant, overbroad, and not materially related to any legitimate issue in this administrative proceeding including, but not limited to, whether Skyland's application meets the applicable criteria such that it should be approved by the Commission.

Respectfully submitted this 14th day of
June, 2010, by:



JOHN L. WHARTON
FL BAR ID NO. 563099
F. MARSHALL DETERDING
FL BAR ID NO. 515876
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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for original certificates for proposed water and wastewater system, in Hernando and Pasco Counties, and request for initial rates and charges, by Skyland Utilities, LLC.

DOCKET NO. 090478-WS

DATED: June 23, 2010

SKYLAND'S RESPONSE TO
PASCO COUNTY'S FIRST SET OF INTERROGATORIES TO
SKYLAND UTILITIES, LLC (NOS. 1-12)

Skyland Utilities, LLC, ("Skyland"), hereby responds to Pasco County's First Set of Interrogatories to Skyland Utilities, LLC (Nos. 1-12) as follows:

- All of Skyland's responses herein are made upon present knowledge. Skyland reserves the right to further consider and/or address these issues after due consideration of the presentation of prefiled testimony or other evidence, or responses to discovery, by any party or staff.

1. For each Request for Admission served on you by Pasco County on May 25, 2010, for which your response is anything other than unqualified "admitted," please state the basis for your response.

Setting aside those Requests for Admission to which there is a pending objection, the basis for Skyland's response to any Request for Admission that is anything other than an unqualified "admitted" is that Skyland deemed the request appropriately denied because the proffered statement therein was not true to the best knowledge and understanding of Skyland.

2. For each "Water Lease Agreement and each "Wastewater Lease Agreement" included in your Application for Original Certificates for Proposed Water and Wastewater System and Request for Initial Rates and Charges ("Application") please provide the "Legal Description" referenced, but not provided, in Exhibit A to each such lease agreement.

The exact Legal Description referenced in the Water and Wastewater Lease Agreements in the Application is not available at this time. Upon certification by the Florida Public Service Commission ("FPSC") the utility and landowner will cause a survey to be completed so that the Legal Description contemplated in the Lease Agreements can be completed. Appendix III (water) and Appendix V (wastewater) show the conceptual

EXHIBIT C

DOCUMENT NUMBER-DATE
05320 JUN 28 2010
FPSC-COMMISSION OFFICE

layout of Phase I plant facilities with their approximate locations within the proposed service territory.

3. Exhibit C to the Application states in part “[t]here will be several interconnected sites throughout the proposed service area once all phases are developed to insure efficient utility service.” Please identify the sites that will be “interconnected,” the means by which such sites shall be “interconnected,” the route of piping and/or other means to interconnect such sites, the easements or fee ownership of land along such routes.

As discussed in various areas of the Application, Skyland’s proposed service area is functionally related with the utility being managed from a central office with utility personnel responsible for the management, maintenance, customer service and administrative support the same for both Pasco and Hernando Counties. Staffing, planning, and budgeting will be done on a system-wide basis. Therefore, all sites are “interconnected”.

The interconnections that are discussed in the partial quote from above refer to physical interconnection of sites in the future. Both Exhibit C and Appendix VIII anticipate the physical interconnection of the utility system to occur in future phases of the provision of utility service. Phase I utility services have been conceptualized and planned and are presented in the Application in Appendix III (water) and Appendix V (wastewater). It is anticipated that Phase I utility services will encompass a six year time horizon as discussed in Exhibit D (water), Exhibit F (wastewater) and Appendix VIII (cost study) of the Application. Skyland’s conceptual planning horizon is similar to that suggested in the statutes that provide guidance regarding comprehensive planning for municipalities, F.S. 163.3177. A five year planning horizon is typical when looking towards financial feasibility and capital plans for utility infrastructure.

Specific interconnections among the contiguous and non-contiguous sites have not been planned at this time. Appendix I contains Figure 3(a) which shows Skyland’s proposed service area. Potential interconnections are shown (double red line) for illustrative purposes for non-contiguous sites. These potential interconnections show that parcel ID 5 will interconnect with parcel ID 2 which will interconnect to parcel ID 1 which will interconnect to parcel ID 4 which will interconnect with parcel ID 6 which will interconnect to parcel ID 9. Not shown are potential physical interconnections between contiguous sites.

Skyland will physically interconnect sites as efficiently as possible. The attainment of easements or fee ownership that may be required in the future will be accomplished when necessary and is premature at this time.

4. Please identify and describe all investigations, studies, surveys, or the like, conducted to determine the feasibility and/or cost of interconnecting sites as described in Exhibit C to the Application.

As discussed in various areas of the Application, Skyland’s proposed service area is functionally related with the utility being managed from a central office with utility

personnel responsible for the management, maintenance, customer service and administrative support the same for both Pasco and Hernando Counties. Staffing, planning, and budgeting will be done on a system-wide basis. Therefore, all sites are "interconnected" and no investigations, studies, survey or the like were necessary.

As discussed in Skyland's response to Pasco County Interrogatory Number 3, it is premature and would not be prudent to investigate, conduct studies, surveys or the like regarding feasibility and/or cost on physically interconnecting sites as described in Exhibit C.

Upon certification by the FPSC and commencement of Phase I utility services, timely and prudent utility planning will continue and appropriate investigations, studies, surveys or the like will be conducted concerning the physical interconnection of sites.

- 5a. Exhibit C to the Application states in part "[p]hysical interconnections will occur that traverse county lines during future phases." Please identify the county lines traversed, the phase during which such county lines will be traversed, the route of such physical interconnections, the property rights already acquired to implement such physical interconnections, and the cost to construct such physical interconnections.

It is anticipated that at some point in the future, most likely during Phase II or Phase III of utility service provision, physical interconnection will occur within Skyland's proposed service area that will traverse the Hernando/Pasco county line. The exact routes of the physical interconnection, any property rights that might need to be acquired to allow the physical interconnection and the cost estimate to construct the physical interconnection have not been planned with details at this time. As discussed in Skyland's response to Pasco County's Interrogatories to Skyland number 3 and 4 above, it would be premature and not prudent at this time to have additional information regarding physical interconnects occurring sometime after Phase I utility services are completed which is anticipated to be six years after certification is received from the FPSC for Skyland's proposed service territory.

- 5b. Appendix I to the Application contains the October 2, 2009, letter from Ronald Evans to Ann Cole in which Mr. Evans asserts "[t]he most immediate need for water and wastewater services for Evans is in the existing facilities and the first phase of higher intensity agricultural use and retail use." Please identify: 1) the "existing facilities" referred to, and their location, in sufficient detail to allow estimation of ERCs required; 2) for the "first phase of higher intensity agricultural use," the: a) type of agricultural use; b) the location of the agricultural use; and c) the amount of water required to support the agricultural use; 3) for "the first phase of ... retail use," the: a) type of retail use; b) the location of the retail use; c) the current zoning of the property at the location of the retail use; d) the amount of water required to support the retail use; e) the location of the nearest public water system in relation to the location of the retail use.

As a point of clarification there were two letters requesting service in Appendix I. Mr. J. Emmett Evans III, Vice President of Evans Properties, Inc., wrote a letter to Mr. Ronald

Edwards, Manager of Skyland, requesting service for an employee house and an office barn on the Trilby property. Mr. Ronald Edwards, President of Evans Properties (and Manager of Skyland), wrote the letter to Ms. Cole in support of the Skyland Application and discussing the need for service.

The existing facilities are an employee house and the office barn that Mr. Evans mentioned in his letter. The existing facilities are located in parcel ID 3 in Pasco County. Parcel ID 3 is shown on Figure 3(a) from Appendix I. As shown in Exhibit D, each Equivalent Residential Connection (ERC) has a level of service of 350 gallons per day (gpd). This includes the existing structures. Therefore, each of the existing structures should be equated to 350 gpd of demand.

The first phase of higher intensity agricultural use referenced in Mr. Edward's letter has not been finalized. Evans Properties is examining multiple alternative crops, lease arrangements, etc. Particular details are not available at this time.

The retail use referenced in Mr. Edward's letter references non-agricultural demands and would include things such as the existing shop and residence and typically residential development.

It is anticipated that demand for utility service will initially exist in the sites marked as Phase I on figure 3(a). As shown in the Application, Exhibit D and elsewhere, it is anticipated that a total of 155 ERCs will need to be served during Phase I.

The nearest public water system to the Phase I sites that Skyland is aware of is more than a mile away from site ID 3. There are no public water systems for many miles from site IDs 1, 2 and 4 which are also anticipated for Phase I utility services.

The retail use Mr. Edwards mentions is anticipated to occur in all sites of Phase I. The current future land use of those Phase I sites, as discussed in Exhibit B of the Application, is as follows: ID 1 – Pasco County - AG/R; ID 2 – Hernando County – RUR; ID 3 – Pasco County – AG, ID 4 – Pasco County – MU. As discussed in the Application, even though site ID 4 has a MU designation, it is not the intent that the ID 4 have development inconsistent with the densities allowed by the agricultural designation. Site ID4, as it is currently zoned, could have densities of up to 32 per acre for up to 75% of the development area or a total of 1,847 dwelling units in the 77 acre parcel. As stated in the Exhibit C of the Application, Evans is planning utility services for only 16 ERCs in ID 4, not the possible 1,847 dwelling units allowable under current zoning. Evan's intent is maintain the rural nature of its properties.

6. Appendix I to the Application contains the October 9, 2009, letter from J. Emmet Evans, III, to Ronald Edwards, in which Mr. Evans requests that Skyland provide potable water to the "Trilby property – one employee house, office barn (sic)." Please identify and describe the current potable water supply source for the "Trilby property" specified, and identify any known problems with, concerns regarding, or limitations of such current potable water supply.

Water is provided to the existing facilities via private well. Skyland is not aware of any problems with the current water supply. Mr. Evans would prefer central water service from Skyland to a private source of water.

7. Appendix VII to the Application contains a "Funding Agreement," in which Evans Properties, Inc. ("Evans"), "agrees to provide reasonable and necessary funding to [Skyland] if need for [Skyland] to build and operate the Utility System in Hernando and Pasco Counties, Florida." Please identify: 1) the source of Evans funding capabilities; 2) the extent of Evans funding capabilities; 3) the limits of Evans funding capabilities.

The determination of the financial ability of Skyland is appropriately made by the FPSC and Evans and Skyland has provided the documentation necessary for the FPSC to make an informed opinion.

Evans has been in the agribusiness industry in Florida for over 50 years and has extensive holdings. According to the rebuttal testimony of Mr. Ron Edwards, President of Evans Properties, Evans owns over 43,000 acres of Florida land without any associated debt on those assets. Exhibit RE-1 provided with Mr. Edwards' rebuttal is a letter from Evan's banker, Mr. David D. Forrester, First Vice President with Sun-Trust Bank.

Mr. Forrester's letter states that it his belief that Evans' agreement to provide funding to Skyland for the approximately \$2,000,000 necessary for Phase I utility infrastructure is well within Evans' ability through an infusion of equity or debt financing.

8. Your Application includes, inter alia, the resume of Tara L. Hollis, CPA, MBA. Please identify: 1) all portions of the Cost of Service Study that Ms. Hollis directly authored; 2) all portions of the Cost of Service Study that were prepared under the direction and control of Ms. Hollis; 3) all portions of the Cost of Service Study provided under Ms. Hollis' CPA license; 4) all other persons who authored any portion of the Cost of Service Study and the portion of the Cost of Service Study authored.

Ms. Tara Hollis, Mr. Tony Isaacs and Mr. Scott Quinlan were the primary contributors to the Cost of Service Study presented in Appendix VIII of the Application. The Cost of Service Study was completed under the direction and control of Mr. Gerry Hartman, PE, BCEE, ASA, who is a witness in this Docket and sponsored the Application.

9. Identify and describe all actions taken by Skyland to obtain control of water supply resources located on site ID 1, ID 2, ID 3, and ID 4.

Pending objection.

10. Exhibit C to the Application states that "[t]here will be several interconnected sites throughout the proposed service area once all phases are developed to insure efficient utility service. Please explain: 1) what you mean by "efficient utility service;" 2) the effect on efficient utility service if sites are not interconnected; and 3) the effect on efficient utility service if sites are interconnected.

The provision of efficient utility service means to provide utility services cost effectively in a manner that maintains the public health, safety and welfare. If sites are not interconnected where appropriate, then cost effective service that maintains the public health, safety and welfare cannot be maximized. There are over 4,000 acres in Skyland's proposed service territory. As utility service requirements become more defined for future phases it is natural that physical interconnections among the various parcels of land will occur where necessary, appropriate and efficient. Utility manager's typically provide interconnection to disconnected utility systems, where appropriate, to minimize costs and provide for utility services that maintain the public health, safety and welfare.

11. Can "efficient utility service" be provided without interconnecting sites?

Efficiency is a matter of degree. Utility service can be provided in many different ways. Theoretically, 155 individual wells could be used to provide water service to 155 different locations but that would not be as efficient as providing water service with one or several larger wells. The most efficient provision of utility service is unique to each circumstance. Customer density, demand, location, financial resources of the utility and customers, etc., all contribute to the decision by utility managers as to how to provide the most efficient utility service possible. It is Skyland's experience that the most efficient utility service for the proposed service area will require interconnection of some of the various sites.

- a. If your answer is "no," please state the factual basis for the answer and identify all actions taken by you to interconnect sites, the future actions necessary to interconnect sites, the date that such interconnections will occur, the cost of such interconnections, and the impact on "efficient utility service" prior to the time such interconnections are operable.

Future interconnections have not been specifically planned at this time. As stated in the Application, no conceptual utility service plan is in existence for future phases of utility development. The conceptual plan filed in the Application represents the first six years of utility service needs in the proposed service area. This six year planning horizon is consistent with normal utility facilities planning which tends to run in five year cycles.

- b. If your answer is "yes," please identify all alternatives to interconnection

Such a determination is unique to each set of circumstances. See above answer.

12. Identify each person that you expect to call as an expert witness at hearing and for each such person:

- a. state the subject matter on which the expert is expected to testify;
- b. state the substance of the fact and opinions to which the expert is expected to testify;

- c. provide a summary of the grounds for each opinion;
- d. identify the scope of employment in this case and the compensation for services;
- e. provide the expert's general litigation experience, including the amount of work performed for permit applicants and permit granting entities.

The identity and testimony of each witness, expert or otherwise, is set forth with specificity in either the prefiled testimony of Skyland, the staff, Pasco and Hernando Counties, or the deposition transcripts of depositions taken in this case. These matters, including the not limited to the scope of employment in this case, the compensation for services, and the experts' general litigation experience are a matter of deposition record.

AFFIDAVIT

STATE OF FLORIDA)

COUNTY OF Baker River

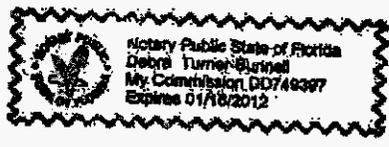
BEFORE ME, the undersigned authority, personally appeared RONALD EDWARDS, who being first duly sworn, deposes and says:

That he is the person who has furnished answers to these interrogatories and further says that said answers are true and correct to the best of his knowledge and belief.

WITNESS my hand and seal this 22 day of JUNE, 2010

Debra Turner Bennett
Notary Public
State of Florida, at Large

My Commission Expires:
1/16/2012



BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for original certificates for proposed water and wastewater system, in Hernando and Pasco Counties, and request for initial rates and charges, by Skyland Utilities, LLC.

DOCKET NO. 090478-WS

DATED: June 23, 2010

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of Skyland Utilities, LLC Responses to Pasco County's First Set of Interrogatories have been served by electronic mail this 23rd day of June, 2010:

Caroline Klancke
Lisa Bennett
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Florida Public Service Commission
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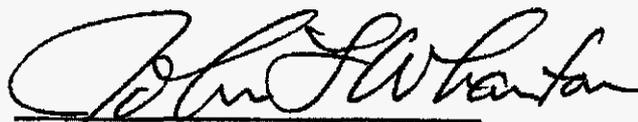
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JOHN L. WHARTON

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for original certificates for proposed water and wastewater system, in Hernando and Pasco Counties, and request for initial rates and charges, by Skyland Utilities, LLC.

DOCKET NO. 090478-WS

DATED: JUNE 23, 2010

SKYLAND'S RESPONSE TO PASCO COUNTY'S
FIRST REQUEST FOR ADMISSIONS TO SKYLAND UTILITIES, LLC

Skyland Utilities, LLC, by and through its undersigned attorneys, files its response to Pasco County's First Request for Admissions pursuant to Rule 1.350, Fla.R.Civ.P. and responds as follows:

RESPONSES

1. Admit that the water utility requested is not required for continued agricultural uses on the property within the proposed service area.

Deny.

2. Admit that Evans Properties, Inc. has had no discussions with any third parties regarding "retail use," as that term is used in the October 2, 2009, letter Ronald Evans to Anne Cole in Appendix I to Skyland's Application for Original Certification (the "Letter") of any property included within Phase I (ID 1, ID 2, ID 3, and ID 4).

Admit.

3. Admit that the "existing houses and a shop" identified in the Letter are currently receives potable water from a well.

Admit.

4. Admit that the "existing houses and a shop" identified in the Letter currently use a septic tank for wastewater.

Admit.

5. Admit that the current potable water supply for the "existing houses and a shop" identified in the Letter is adequate.

Deny.

DOCUMENT IDENTIFIED

05320 JUN 23 2010

FPSC-COMMERCIAL/CLERK

6. Admit that Skyland has not requested that Pasco County provide potable water to the "existing houses and a shop" identified in the Letter.

Admit.

7. Admit that Skyland has not requested that Hernando County provide potable water to the "existing houses and a shop" identified in the Letter.

Admit.

8. Admit that the current wastewater treatment system for the "existing houses and a shop" is adequate.

Deny.

9. Admit that the water utility requested is not required for the "higher intensity agricultural uses" identified in the Letter.

Deny.

10. Admit that the Application includes an October 1, 2009, Water Lease Agreement covering 16 acres of property.

Admit.

11. Admit that Water Lease Agreement grants Skyland legal control over water withdrawals from the identified "Leased Premises."

Pending Objection.

12. Admit that the Leased Premises includes property within sites ID 1, ID 2, ID 3, and ID 4.

Admit.

13. Admit that Skyland obtained legal control over water withdrawals from the Leased Premises on October 1, 2009.

Pending Objection.

14. Admit that water withdrawals from the Leased Premises identified in the Water Lease Agreement are subject to permits issued by the Southwest Florida Water Management District ("SWFWMD").

Pending Objection.

15. Admit that water withdrawals from the site identified as "ID 1" are made subject to Water Use Permit 3390 issued by SWFWMD.

Pending Objection.

16. Admit that water withdrawals from the site identified as "ID 2" are made subject to Water Use Permit 9080 issued by SWFWMD.

Pending Objection.

17. Admit that water withdrawals from the site identified as "ID 3" are made subject to Water Use Permit 9461 issued by SWFWMD.

Pending Objection.

18. Admit that water withdrawals from the site identified as "ID 4" are made subject to Water Use Permit 9081 issued by SWFWMD.

Pending Objection.

19. Admit that the permittee of record for Water Use Permit 3390 is Evan Properties, Inc.

Pending Objection.

20. Admit that the permittee of record for Water Use Permit 9080 is Evan Properties, Inc.

Pending Objection.

21. Admit that the permittee of record for Water Use Permit 9461 is Evan Properties, Inc.

Pending Objection.

22. Admit that the permittee of record for Water Use Permit 9081 is Evan Properties, Inc.

Pending Objection.

23. Admit that Skyland has not applied to the SWFWMD to transfer Water Use Permit 3390 from Evans Properties, Inc., to Skyland.

Pending Objection.

24. Admit that Skyland has not applied to the SWFWMD to transfer Water Use Permit 9080 from Evans Properties, Inc., to Skyland.

Pending Objection.

25. Admit that Skyland has not applied to the SWFWMD to transfer Water Use Permit 9461 from Evans Properties, Inc., to Skyland.

Pending Objection.

26. Admit that Skyland has not applied to the SWFWMD to transfer Water Use Permit 9081 from Evans Properties, Inc., to Skyland.

Pending Objection.

27. Admit that Skyland is in violation of Rule 40D-2.351(1), Florida Administrative Code.

Pending Objection.

28. Admit that Skyland is in violation of Rule 40D-2.351(3), Florida Administrative Code.

Pending Objection.

29. Admit that the Skyland Cost of Services Study does not include any cost associated with interconnecting non-contiguous sites.

Admit.

30. Admit that Skyland plans to interconnect sites throughout the proposed service area once all phases are developed to insure "efficient utility service" (hereinafter, "EUS") as that term is used in Exhibit C to the Application.

Deny.

31. Admit that Skyland does not plan to interconnect sites during Phase 1.

Admit.

32. Admit that Skyland does not plan to interconnect sites during Phase 2.

Admit. Skyland does anticipate potential interconnection.

33. Admit that Skyland does not plan to interconnect sites during Phase 3.

Admit. Skyland does anticipate potential interconnection.

34. Admit that Skyland does not plan to interconnect sites during Phase 4.

Admit. Skyland does anticipate potential interconnection.

35. Admit that Skyland does not plan to interconnect sites during Phase 5.

Admit. Skyland does anticipate potential interconnection.

36. Admit that interconnection of Phase 1 sites (ID 1, ID 2, ID 3, and ID 4) is not required to insure EUS.

Admit.

37. Admit that interconnection of sites ID 1 and ID 4 is not required to insure EUS.

Admit.

38. Admit that EUS is required.

Deny.

Respectfully submitted this 23rd day of
June, 2010, by:



JOHN L. WHARTON

FL BAR ID NO. 563099

F. MARSHALL DETERDING

FL BAR ID NO. 515876

ROSE, SUNDSTROM & BENTLEY, LLP

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for original certificates for proposed water and wastewater system, in Hernando and Pasco Counties, and request for initial rates and charges, by Skyland Utilities, LLC.

DOCKET NO. 090478-WS

DATED: June 23, 2010

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of Skyland Utilities, LLC Responses to Pasco County's First Request for Admissions have been served by electronic mail this 23rd day of June, 2010, to:

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JOHN L. WHARTON

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for original certificates for proposed water and wastewater system, in Hernando and Pasco Counties, and request for initial rates and charges, by Skyland Utilities, LLC.

DOCKET NO. 090478-WS

DATED: MAY 25, 2010

PASCO COUNTY'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS TO SKYLAND UTILITIES, LLC(NO. 1)

Pursuant to Rule 28-106.206, Florida Administrative Code, and Rule 1.350, Florida Rules of Civil Procedure, Pasco County, by and through its undersigned attorney, hereby serves the following Request for Production of Documents upon Skyland Utilities, LLC ("Skyland").

Please produce the following documents no later than thirty days after service of this request for the purpose of inspection and copying.

DEFINITIONS

As used herein, the word "documents" shall mean the original and any non-identical copies of any writing or record, including but not limited to a book, pamphlet, periodical, letter, memorandum, telegram, report, study, interoffice or intraoffice, handwritten or other notes, working paper, draft, application, permit, chart, paper, graph, survey, index, tape, disc, data sheet or data processing card, computer printout, or any other written, recorded, transcribed, filed or graphic matter, however produced or reproduced.

DOCKET NUMBER-DATE

090478-WS JUN 28 2010

FPSC-COMMISSION CLERK

DOCUMENTS REQUESTED

1. Documents demonstrating the existence, *vel non*, of other water sources which could serve the potable water needs of the properties included within the proposed service territory.
2. Documents sufficient to evidence Evans Properties, Inc's ability to provide reasonable and necessary funding as required for Skyland to build and operate the proposed utility system in Pasco and Hernando Counties.
3. Documents sufficient to demonstrate Skyland's ability to provide the utility services proposed.
4. Documents evidencing a need for water or wastewater services within the proposed service area.
5. Documents related to the interconnection of sites to insure efficient utility service.
6. Documents evidencing agricultural, commercial, residential, or retail development, or an intent to pursue such development, on property within the proposed service territory.
7. Documents referring or relating to water use permits issued by the SWFWMD for properties within the proposed service territory.
8. Documents referring or relating to the interconnection of sites within the proposed service territory, including but not limited to deeds, easements, engineering studies, cost estimates, surveys, and the like.
9. Documents evidencing communications between Skyland and any retained expert relating to Skyland's Application.
10. Documents evidencing communications between Skyland and any third party relating to Skyland's Application.

11. Documents evidencing Skyland's plans to construct the proposed utility in phases.
12. Documents referring, relating to, or evidencing the ability, or non-ability, of Pasco or Hernando County to provide potable water services to the property within the proposed service area.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished,
by U.S. Mail, to the following, this 25th day of May, 2010:

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