

Marguerite McLean

100104-WS

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Sent: Friday, September 17, 2010 11:07 AM
To: Filings@psc.state.fl.us
Cc: Erik Saylor; Gene Brown; Lisa C. Scoles; Ralph Jaeger
Subject: e-filing (Dkt. No. 100104-WS)
Attachments: 100104 initial obj to WMSI 2nd discovery request.sversions.doc

Electronic Filing

a. Person responsible for this electronic filing:

Joseph A. McGlothlin, Associate Public Counsel
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b. Docket No. 100104-WS

In re: Application for increase in water rates in Franklin County by Water Management Services, Inc.

c. Document being filed on behalf of Office of Public Counsel

d. There are a total of 7 pages.

e. The document attached for electronic filing is Citizens' Objections to WMSI's Second Interrogatories (Nos. 4-15) and Second Request for Production of Documents (Nos. 3-8).
(See attached file: 100104 initial obj to WMSI 2nd discovery request.sversion.doc)

Thank you for your attention and cooperation to this request.

Brenda S. Roberts
Office of Public Counsel
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9/17/2010

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for increase in water)
rates in Franklin County by Water)
Management Services, Inc.)

Docket No. 100104-WU

Filed: September 17, 2010

**CITIZENS' OBJECTIONS TO WMSI'S
SECOND INTERROGATORIES (Nos. 4-15) AND SECOND
REQUEST FOR PRODUCTION OF DOCUMENTS (Nos. 3-8)**

Pursuant to Order PSC-10-0449-PCO-WU issued July 13, 2010, the Citizens of Florida, through the Office of Public Counsel (OPC), serve these initial objections to Water Management Services, Inc's (WMSI) Second Interrogatories and Second Request for Documents (together, "discovery requests") to the Office of Public Counsel dated September 7, 2010.

I. General Objections

With respect to the "Definitions" and "Instructions" in the discovery requests, Citizens object to any definitions or instructions that are inconsistent with Citizens' discovery obligations under applicable rules. If some question arises as to Citizens' discovery obligations, Citizens will comply with applicable rules.

OPC objects to each and every discovery request that calls for information protected by the attorney-client privilege, the work product doctrine, the accountant-client privilege, or any other applicable privilege or protection afforded by law.

OPC objects to each discovery request and any instructions that purport to expand OPC's obligations under applicable law.

OPC objects to any production locations other than OPC's Offices at 111 West Madison Street, Room 812, Tallahassee, Florida.

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OPC objects to each discovery request to the extent that it seeks information that is not relevant to the subject matter of this docket, and is not reasonably calculated to lead to the discovery of admissible evidence.

OPC objects to each and every discovery request to the extent it is vague, ambiguous, overly broad, imprecise, or utilizes terms that are subject to multiple interpretations but are not properly defined or explained for purposes of such discovery requests.

OPC object to any request that purports to require Citizens or its experts to prepare studies, analyses, or to do work for OPC that has not been done for Citizens.

OPC objects to any discovery request that calls for the creation of information as opposed to the reporting of presently existing information as purporting to expand OPC's obligation under the law. The Florida Rules of Civil Procedure require OPC to produce only responsive documents "that are in the possession, custody or control" of OPC. There is no obligation to create documents, records, or information that does not exist at the time of the request.

OPC objects to providing information to the extent that such information is already in the public record before the Florida Public Service Commission and available to FPL through normal procedures.

OPC expressly reserves and does not waive any and all objections it may have to the admissibility, authenticity or relevancy of the information provided in its answers to the interrogatories and requests for documents.

Specific Objections to Interrogatories 6, 7, 8, 9, 10, 11, and 12

6. Please identify all investor-owned and/or governmental utilities for which Mr. Woodcock has provided “capital planning” services and the dates such services were provided.

7. Please identify any reports, recommendations, or conclusions provided as a result of the services provided within the scope of Interrogatory No. 6 (above).

8. Please identify all investor-owned and/or governmental utilities for which Mr. Woodcock has provided “utility financing” services and the dates such services were provided.

9. Please identify any reports, recommendations, or conclusions provided as a result of the services provided within the scope of Interrogatory No. 8 (above).

10. Has Mr. Woodcock ever provided recommendations to either St. Johns County or Collier County in his capacity as “utility rate regulatory staff” relating to the need for system repairs, upgrades, replacements, or refurbishments of water systems regulated by those count?

a. If the answer is yes, please identify any reports containing or summarizing Mr. Woodcock’s recommendations as noted in Interrogatory No. 10.

11. Has Mr. Woodcock ever provided recommendations to either St. Johns County or Collier County in his capacity as “utility rate regulatory staff” relating to the need to obtain utility financing for system repairs, replacements or refurbishments of water systems regulated by those counties?

a. If the answer is yes, please identify any reports containing or summarizing Mr. Woodcock's recommendations as noted in Interrogatory No.11.

12. Has Mr. Woodcock ever provided "planning level engineering estimates," as that term is used in page 3, lines 14-15 of his prefiled direct testimony, to any investor-owned or governmental water utilities?

a. If the answer is yes, please identify any reports, recommendations, or testimony containing or summarizing the amount(s) and context of Mr. Woodcock's "planning level engineering estimates" noted in Interrogatory No. 12.

With respect to Interrogatory nos. 6-12, inclusive, OPC objects on the grounds that the interrogatories do not limit the reports, conclusions, and recommendations by OPC witness Mr. Woodcock requested within the interrogatories to a specific time frame. Mr. Woodcock has been providing consulting services to clients in the water and wastewater industry for twenty years. In that time he has prepared a large volume of analyses and reports. To require Mr. Woodcock to search records and files generated over the past twenty years to identify the specific services that he provided and the specific dates on which he provided them would be unduly burdensome and onerous. Notwithstanding OPC's objection, and without waiving it, Mr. Woodcock will answer the interrogatories with respect to the analyses, reports, and conclusions that he has prepared, and the dates on which he prepared them, within the last five years.

Specific objections to Request for Documents nos. 3, 4, 5, 6, 7, and 8

3. All documents related to and/or identified in any of your responses to WMSI's Second Set of Interrogators, served herewith.

4. Any reports, recommendations, or conclusions provided as a result of the "capital planning" services provided by Mr. Woodcock, as identified in the response to WMSI's Interrogatory No. 7.

5. Any reports, recommendations, or conclusions provided as a result of the "utility financing" services provided by Mr. Woodcock, as identified in the response to WMSI's Interrogatory No. 9.

6. Any reports containing or summarizing Mr. Woodcock's recommendations to either St. Johns County or Collier County in his capacity as "utility rate regulatory staff" relating to the need for system repairs, up[grades, replacements, or refurbishments or water systems regulated by those counties, as identified in the response to WMSI's Interrogatory No. 10a.

7. Any reports containing or summarizing Mr. Woodcock's recommendations to either St. Johns County or Collier County in his capacity as "utilities rate regulatory staff" relating to the need to obtain utility financing for systems repairs, upgrades, replacements, or refurbishments of water systems regulated by those counties, as identified in WMSI's Interrogatory No. 11a.

8. Any reports, recommendations, or testimony of Mr. Woodcock containing or summarizing the amount(s) and context of Mr. woodcock's "planning level engineering estimates" as that term is used on page 3, lines 14-15 of his prefiled direct testimony, to any

investor-owned or governmental water utilities, as identified in WMSI's Interrogatory No. 12a.

With respect to Request for Documents 3-8, inclusive, OPC objects on the grounds that, like the Interrogatories to which they relate, these requests do not limit the documents requested to a reasonable time frame. Basically, the requests that are the subject of these objections ask Mr. Woodcock to provide copies of all of the documents that Interrogatories 6-12 ask him to identify. Mr. Woodcock has been providing consulting services in the water and wastewater utility industry for twenty years. In that time he has prepared a large number of reports, conclusions, and recommendations. To require him to attempt to identify and copy every report, conclusion, or recommendation that may be responsive to the requests that he prepared over a twenty year period would be unduly burdensome and onerous. Notwithstanding OPC's objection, and without waiving it, Mr. Woodcock will respond to the requests by providing the responsive documents that he has prepared within the last five years.

s/ Joseph A. McGlothlin
Joseph A. McGlothlin
Associate Public Counsel

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Attorney for Florida's Citizens

CERTIFICATE OF SERVICE
DOCKET NO. 100104-WU

I HEREBY CERTIFY that a true and correct copy of the foregoing **CITIZENS' OBJECTIONS TO WMSI'S SECOND INTERROGATORIES (Nos. 3-8) AND SECOND REQUEST FOR PRODUCTION OF DOCUMENTS (Nos. 3-8)** has been furnished by U.S. Mail to the following parties on this 17th day of September, 2010.

Ralph Jaeger
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Florida Public Service Commission
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Mr. Gene D. Brown
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Lisa C. Scoles
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Tallahassee, FL 32302

s/ Joseph A. McGlothlin
Joseph A. McGlothlin