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Gigi Rollini  
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August 29, 2011

*Via Hand-Delivery*

Ms. Ann Cole  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Betty Easley Conference Center, Room 110  
Tallahassee, FL 32399-0850

Re: In Re: Application for increase in water and wastewater rates in Alachua, Brevard, DeSoto, Hardee, Highlands, Lake, Lee, Marion, Orange, Palm Beach, Pasco, Polk, Putnam, Seminole, Sumter, Volusia, and Washington Counties by Aqua Utilities Florida, Inc., Docket No. 100330-WS

Dear Ms. Cole:

On behalf of Aqua Utilities Florida, Inc. ("AUF"), enclosed for filing are the original and seven (7) copies each of AUF's Objections to the Office of Public Counsel's ("OPC") Sixth Set of Interrogatories (Nos. 204-244) and Objections to OPC's Sixth Request for Production of Documents (Nos. 132-172).

Please acknowledge receipt by stamping the extra copy of this letter "filed" and returning the copy to me. Thank you for your assistance.

COM \_\_\_\_\_  
APA \_\_\_\_\_  
ECR \_\_\_\_\_  
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SRC \_\_\_\_\_  
ADM \_\_\_\_\_  
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Sincerely,

HOLLAND & KNIGHT LLP

  
Gigi Rollini

GR:kjg  
Enclosures

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Ann Cole  
August 29, 2011  
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cc: Ralph Jaeger, Esq.  
Caroline Klancke, Esq.  
J.R. Kelly, Esq.  
Patricia Christensen, Esq.  
Kenneth Curtin  
Kelly Sullivan  
Troy Rendell

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

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

DOCKET NO. 100330-WS

Filed: August 29, 2011

**AQUA UTILITIES FLORIDA, INC.'S OBJECTIONS TO OPC'S  
SIXTH SET OF INTERROGATORIES (NOS. 204-244)**

Aqua Utilities Florida, Inc. ("AUF"), by and through their undersigned counsel, and pursuant to Order Establishing Procedure No. PSC-11-0309-PCO-WS ("Procedural Order"), Rule 28-106-206, Florida Administrative Code, and Rule 1.340, Florida Rules of Civil Procedure, hereby serves its advanced objections to the Sixth Set of Interrogatories (Nos. 204-244), propounded by the Office of Public Counsel ("OPC") on August 9, 2011.

**GENERAL OBJECTIONS**

1. With respect to the "Definitions" and "Instructions" in OPC's Interrogatories, AUF objects to any definitions or instructions that are inconsistent with AUF's discovery obligations under applicable rules. If some question arises as to AUF's discovery obligations, AUF will comply with applicable rules and not with any of OPC's definitions or instructions that are inconsistent with those rules.

2. AUF objects to any definition or interrogatory that seeks to encompass persons or entities who are not parties to this action or that are not subject to discovery under applicable rules.

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3. AUF also objects to any interrogatory that purports to require AUF or its experts to prepare studies, analyses, or to do work for OPC that has not been done for AUF.

4. AUF generally objects to OPC's Interrogatories to the extent that they call for data or information protected by the attorney-client privilege, the work product doctrine, the accountant-client privilege, the trade secret privilege, or any other applicable privilege or protection afforded by law.

5. AUF reserves the right to supplement any of its answers or objections to OPC's Interrogatories if AUF cannot locate the answers immediately due to their magnitude and the work required to aggregate them, or if AUF later discovers additional responsive information in the course of this proceeding.

6. AUF objects to any attempt by OPC to evade numerical limitations on the number of ROGs allowed in this docket by using compound and/or multiple requests and subparts within individually numbered requests.

7. AUF further objects to each interrogatory on the grounds and to the extent that the instructions impose or attempt to impose obligations greater than those imposed by the Rules of Civil Procedure or other applicable rules which govern this proceeding

8. AUF further objects to each interrogatory on the grounds that it may call for the production of materials or information that constitute trade secrets or other confidential research, development, or commercial information, disclosure of which to competitors or to the public at large would materially harm AUF's interests.

9. AUF objects to these Interrogatories, individually and generally, to the extent the requested documents and/or information is in the public domain or equally accessible to OPC.

10. By making these responses herein, AUF does not concede that any interrogatory is relevant to this action or is reasonably calculated to lead to the discovery of admissible evidence. AUF expressly reserves the right to object to further discovery into the subject matter of any of these Interrogatories, to the introduction of evidence of any response or portion thereof, and to supplement its responses should further investigation disclose responsive information.

11. In responding to OPC's Interrogatories, AUF has made a reasonable inquiry of those persons likely to possess information responsive to OPC's Interrogatories and has conducted a reasonable search of those records in AUF's possession, custody, or control where the requested information would likely be maintained in the ordinary course of business. To the extent that any of OPC's Interrogatories ask AUF to go to greater lengths, AUF objects thereto because such interrogatories are overly broad, unduly burdensome, and unreasonable.

12. By making these objections at this time to OPC's Interrogatories (Nos. 204-244), AUF does not waive or relinquish its right to assert additional general and specific objections to OPC's Interrogatories at the time AUF's answers are due under the Florida Rules of Civil Procedure and the Procedural Order. AUF provides these advanced objections at this time to comply with the intent of the Procedural Order to reduce the delay in identifying and resolving any potential discovery disputes.

## SPECIFIC OBJECTIONS TO INTERROGATORIES

Pursuant to the Procedural Order, AUF's specific advanced objections to OPC's Sixth Set of Interrogatories (Nos. 204-244) are as follows:

209. Legal Expenses. For purposes of this request, please refer to the Company's response to OPC Interrogatory 130, where it states the following: Legal Expenses - AUF had a net increase in Legal Fees from the prior test year to the current test year. In 2008 and prior years, shared legal expenses were previously allocated on customer count to all systems to expense line 675.863 Miscellaneous (Intraco Clearing) water and 775.863 (Intraco Clearing) for sewer on the individual systems financials based on the prior fiscal year's customer counts for each system. For 2009 and years forward, AUF is directly charging legal expenses to the legal expense line to the specific system as identified and any shared legal expense invoices charged to all systems by customer count allocation to the legal expense line as well. See OPC ROG Set 3 #130-131 Attachment 1 of 1 which shows the prior year and the adjusted test year amounts by account.

(a) For each rate band, and by system for the new systems, please quantify the amount attributable to the change in the allocation of legal costs from 675.863 Miscellaneous (Intraco Clearing) to direct line charges for account 633 Contractual Services - Legal, from 2008 to 2009. Provide the requested information by sub-account detail.

(b) For each rate band, and by system for the new systems, please quantify the amount attributable to the change in the allocation of legal costs from 775.863 Miscellaneous (Intraco Clearing) to direct line charges for account 733 Contractual Services - Legal, from 2008 to 2009. Provide the requested information by sub-account detail. (c) For each rate band and by system for the new systems, please quantify the amount attributable to the change in the increase in legal costs in 633 Contractual Services - Legal, from 2008 to 2009. Provide the requested information by sub-account detail.

(d) For each rate band, and by system for the new systems, please quantify the amount attributable to the change in the increase in legal costs in 733 Contractual Services - Legal, from 2008 to 2009, Provide the requested information by sub-account detail.

(e) Please state reasons why the Company changed its reporting method from 675/775 Miscellaneous Expenses to 633/733 Contractual Services - Legal.

(f) For each rate band, and by system for the new systems, please provide the applicable allocation factors that were to be provided on Schedule B-12.

**OBJECTION:** The General Objections stated above are incorporated herein by reference. Without waiving any such objections, AUF also specifically objects to this Interrogatory (“ROG”) because it impermissibly seeks information outside of the protested issues in this proceeding. The information solicited therefore is not relevant nor is it reasonably calculated to lead to the discovery of admissible evidence. The issues in this proceeding are statutorily limited solely to the particular issues in the Commission’s PAA Order that have been identified in a protest petition or a cross-petition. § 120.80(13)(b), Fla. Stat. (2011); Rule 25-22.029(3), Florida Administrative Code (“F.A.C.”). Under Florida law, issues in the PAA Order that are not identified in the protest petition or cross-petition shall be “deemed stipulated.” *Id.* “Legal Expense” is not a particular issue that has been identified by any protest petition or cross-petition. Thus, “Legal Expense” is a stipulated issues in this proceeding. Furthermore, AUF’s responses to OPC’s prior discovery, including OPC ROG Nos. 22, 23, 157, 185, OPC Request for Production of Documents (“POD”) No. 113, as well as Vol. 1, App. 1 of AUF’s MFRs, make clear that such “Legal Expenses” also are not allocated to AUF by its affiliates. To allow OPC to demand discovery pertaining to a stipulated issue would impermissibly expand the scope of this proceeding, increase rate case expense, and run directly contrary to the purpose of the statutory and rule framework governing PAA proceedings.

210. Miscellaneous Expense. For purposes of this request, please refer to the Company’s response to OPC Interrogatory 130, where it states the following: Shift of Miscellaneous Expense to Management fees from prior year to current test year - On a monthly basis AUF allocates O&M charges from Admin accounting units to all of the other systems based on customer count and percentage (%) of labor. For 2008 and prior years, all of these costs were previously allocated to expense line 675.863 Miscellaneous (Intraco Clearing) for water and 775.863 (Intraco Clearing) for sewer on the individual systems

financials based on the prior fiscal year's customer counts for each system. Beginning in 2009 forward, all of these costs are allocated to expense line 634.800(Management Fees - States) for water and 734.800 (Management Fees - States) for sewer on the individual systems financials based on the prior fiscal year's customer count for each system. In 2009, AUF also included Payroll Taxes in Management Fees which was not part of the allocations for 2008 and prior years. This made up part of the increase in the management Fee line from the Prior Test Year to the current test year. AUF also experienced an increase in state management fees from the prior year to the current test year. See OPC ROB Set 2 #130-131 Attachment 1 of 1 which shows the prior year and the adjusted test year amount by account.

(a) For each rate band, and by system for the new systems, please quantify the amount attributable to the change in the allocation of Regional and Corporate Administrative costs from 675.863 Miscellaneous (Intraco Clearing) to 634.8 Contractual Services - Management Fees, from 2008 to 2009. Provide the requested information by sub-account detail.

(b) For each rate band, and by system for the new systems, please quantify the amount attributable to the change in allocation of Regional and Corporate Administrative costs from 775.863 Miscellaneous (Intraco Clearing) to 734.8 Contractual Services - Management Fees, from 2008 to 2009. Provide the requested information by sub-account detail.

(c) For each rate band and by system for the new systems, please quantify the amount attributable to the change in the increase in 634.8 Contractual Services - Management Fees, from 2008 to 2009. Provide the requested information by sub-account detail.

(d) For each rate band, and by system for the new systems, please quantify the amount attributable to the change in the increase in 734.8 Contractual Services - Management Fees, from 2008 to 2009. Provide the requested information by sub-account detail.



(e) Please state reasons why the Company changed its reporting method from 675/775 Miscellaneous Expenses to 633/733 Contractual Services - Legal.

**OBJECTION:** The General Objections stated above are incorporated herein by reference. Without waiving any such objections, AUF also specifically objects to this ROG because it impermissibly seeks information outside of the protested issues in this proceeding. The information solicited therefore is not relevant nor is it reasonably calculated to lead to the discovery of admissible evidence. The issues in this proceeding are statutorily limited solely to the particular issues in the Commission's PAA Order that have been identified in a protest petition or a cross-petition. § 120.80(13)(b), Fla. Stat. (2011); Rule 25-22.029(3), F.A.C. Under Florida law, issues in the PAA Order that are not identified in the protest petition or cross-petition shall be "deemed stipulated." *Id.* "Miscellaneous Expense" is not a particular issue that has been identified by any protest petition or cross-petition. Thus, "Miscellaneous Expense" is a stipulated issue in this proceeding. To allow OPC to demand discovery pertaining solely to a stipulated issue would impermissibly expand the scope of this proceeding, increase rate case expense, and run directly contrary to the purpose of the statutory and rule framework governing PAA proceedings. Without waiving such objections, AUF will answer this ROG to the extent a "Miscellaneous Expense" is allocated to AUF by its affiliates.

211. Miscellaneous Expense. For purposes of this request, please refer to the Company's response to OPC Interrogatory 130, Attachment 1, for Account 675/775 Miscellaneous Expense. By rate band and by system, provide the amount of expense charged to accounts 675 and 775 by month from 2007 to date.

**OBJECTION:** The General Objections stated above are incorporated herein by reference. Without waiving any such objections, AUF also specifically objects to this ROG because it impermissibly seeks information outside of the protested issues in this proceeding. The information solicited therefore is not relevant nor is it reasonably calculated to lead to the discovery of admissible evidence. The issues in this proceeding are statutorily limited solely to the particular issues in the Commission's PAA Order that have been identified in a protest petition or a cross-petition. § 120.80(13)(b), Fla. Stat. (2011); Rule 25-22.029(3), F.A.C. Under Florida law, issues in the PAA Order that are not identified in the protest petition or cross-petition shall be "deemed stipulated." *Id.* "Miscellaneous Expense" is not a particular issue that has been identified by any protest petition or cross-petition. Thus, "Miscellaneous Expense" is a stipulated issue in this proceeding. To allow OPC to demand discovery pertaining solely to a stipulated issue would impermissibly expand the scope of this proceeding, increase rate case expense, and run directly contrary to the purpose of the statutory and rule framework governing

**PAA proceedings. Without waiving such objections, AUF will answer this ROG to the extent a “Miscellaneous Expense” is allocated to AUF by its affiliates.**

212. Legal Expenses. For purposes of this request, please refer to the Company’s response to OPC Interrogatory 130, Attachment 1, for Account 633/733 Contractual Services Legal. By rate band and by system, provide the amount of expense charged to account 633 and 733 by month from 2007 to date.

**OBJECTION: The General Objections stated above are incorporated herein by reference. Without waiving any such objections, AUF also specifically objects to this ROG because it impermissibly seeks information outside of the protested issues in this proceeding. The information solicited therefore is not relevant nor is it reasonably calculated to lead to the discovery of admissible evidence. The issues in this proceeding are statutorily limited solely to the particular issues in the Commission’s PAA Order that have been identified in a protest petition or a cross-petition. § 120.80(13)(b), Fla. Stat. (2011); Rule 25-22.029(3), F.A.C. Under Florida law, issues in the PAA Order that are not identified in the protest petition or cross-petition shall be “deemed stipulated.” *Id.* “Legal Expense” is not a particular issue that has been identified by any protest petition or cross-petition. Thus, “Legal Expense” is a stipulated issue in this proceeding. Furthermore, AUF’s responses to OPC’s prior discovery, including OPC ROG Nos. 22, 23, 157, 185, OPC POD No. 113, as well as Vol. 1, App. 1 of AUF’s MFRs, make clear that such “Legal Expenses” also are not allocated to AUF by its affiliates. To allow OPC to demand discovery pertaining to a stipulated issue would impermissibly expand the scope of this proceeding, increase rate case expense, and run directly contrary to the purpose of the statutory and rule framework governing PAA proceedings.**

215. Miscellaneous Expense. For purposes of this request, please refer to the Company’s response to OPC Interrogatory 130, Attachment 1, for Account 675/775 Miscellaneous Expense.

(a) Please provide a detailed explanation of why the amount of miscellaneous expense for AUF Water Rate Band 3 was negative \$9,409 for the prior year 2007.

(b) The Company explained that the reason for the increase in this account for AUF Water Rate Band 3 was the shift in recording of regional and corporate administrative allocations from miscellaneous expenses to management fees and an increase in annual management fees. Please explain how an INCREASE in this account’s expenses of

\$19,020 comports with the explanation provided. In other words, how can expenses increase in this account if costs from this account were moved to management fees?

(c) Please state all the reasons that lead to the \$9,686 increase in miscellaneous expense for AUF Water Rate Band 4 and for each reason, please provide the specific amount.

(d) The Company explained that the reason for the increase in this account for AUF Water Rate Band 4 was the shift in recording of regional and corporate administrative allocations from miscellaneous expenses to management fees and an increase in annual management fees. Please explain how an INCREASE in this account's expenses of \$9,686 comports with the explanation provided. In other words, how can expenses increase in this account if costs from this account were moved to management fees?

(e) Please provide a detailed explanation of why the amount of miscellaneous expense for AUF Sewer Rate Band 1 is negative \$54,443 for Prior Year 2007.

(f) Please state all the reasons that lead to the \$57,384 increase in miscellaneous expense for AUF Sewer Rate Band 1, and for each reason, please provide the specific amount.

(g) The Company explained that the reason for the increase in this account for AUF Sewer Rate Band 1 was the shift in recording of regional and corporate administrative allocations from miscellaneous expenses to management fees and an increase in annual management fees. Please explain how an INCREASE in this account's expenses of \$57,384 comports with the explanation provided. In other words, how can expenses increase in this account if costs from this account were moved to management fees?

(h) Please provide a detailed explanation of why the amount of miscellaneous expense for AUF Sewer Rate Band 3 is negative \$29,552 for Prior Year 2007.

(i) Please state all the reasons that lead to the \$35,371 increase in miscellaneous expense for AUF Sewer Rate Band 3, and for each reason, please provide the specific amount.

(j) The Company explained that the reason for the increase in this account for AUF Sewer Rate Band 3 was the shift in recording of regional and corporate administrative allocations from miscellaneous expenses to management fees and an increase in annual management fees. Please explain how an INCREASE in this account's expenses of \$35,731 comports with the explanation provided. In other words, how can expenses increase in this account if costs from this account were moved to management fees?

(k) Please provide a detailed explanation of why the amount of miscellaneous expense for AUF Sewer Rate Band 4 is negative \$14,049 for Prior Year 2007.

(l) Please state all the reasons that lead to the \$17,925 increase in miscellaneous expense for AUF Sewer Rate Band 4, and for each reason, please provide the specific amount.

(m) The Company explained that the reason for the increase in this account for AUF Sewer Rate Band 4 was the shift in recording of regional and corporate administrative allocations from miscellaneous expenses to management fees and an increase in annual management fees. Please explain how an INCREASE in this account's expenses of \$17,925 comports with the explanation provided. In other words, how can expenses increase in this account if costs from this account were moved to management fees?

**OBJECTION:** The General Objections stated above are incorporated herein by reference. Without waiving any such objections, AUF also specifically objects to this ROG because it impermissibly seeks information outside of the protested issues in this proceeding. The information solicited therefore is not relevant nor is it reasonably calculated to lead to the discovery of admissible evidence. The issues in this proceeding are statutorily limited solely to the particular issues in the Commission's PAA Order that have been identified in a protest petition or a cross-petition. § 120.80(13)(b), Fla. Stat. (2011); Rule 25-22.029(3), F.A.C. Under Florida law, issues in the PAA Order that are not identified in the protest petition or cross-petition shall be "deemed stipulated." *Id.* "Miscellaneous Expense" is not a particular issue that has been identified by any protest petition or cross-petition. Thus, "Miscellaneous Expense" is a stipulated issue in this proceeding. To allow OPC to demand discovery pertaining solely to a stipulated issue would impermissibly expand the scope of this proceeding, increase rate case expense, and run directly contrary to the purpose of the statutory and rule framework governing PAA proceedings. Without waiving such objections, AUF will answer this ROG to the extent a "Miscellaneous Expense" is allocated to AUF by its affiliates.

219. Billing Determinants. For purposes of this request, please refer to the Company's response to OPC POD 5. For water and wastewater revenues, separated by rate band and new system, please provide the dollar impact and billing determinants associated with each variance for each month included in the budgets for 2009, 2010, and 2011 to date.

**OBJECTION:** The General Objections stated above are incorporated herein by reference. Without waiving any such objections, AUF also specifically objects to this request on grounds that it solicits information that is not relevant or reasonably calculated to lead to the discovery of admissible evidence. The ROG is based on the erroneous assumption that billing determinants are established using budget variance reports. Budget variance reports are irrelevant to establishing the appropriate billing determinants where, in a rate case like this, an historic test year is used. Because an historic test year was used in this case, and not a projected test year, billing determinants were set using actual, not estimated, data.

222. Revenues. For purposes of this request, please refer to OPC POD 5, Attachment FL Variance Report 04\_2010, for water revenues.

(a) Please provide the dollar impact and billing determinants associated with the referenced unfavorable consumption and explain the reasons for the unfavorable consumption, not associated with digging of wells. Provide the requested information by rate band and by system.

(b) Please provide the dollar impact and billing determinants associated with the referenced favorable consumption, and explain the reasons for the favorable consumption. Provide the requested information by rate band and by system.

**OBJECTION:** The General Objections stated above are incorporated herein by reference. Without waiving any such objections, AUF also specifically objects to this request on grounds that it solicits information that is not relevant or reasonably calculated to lead to the discovery of admissible evidence. The ROG is based on the erroneous assumption that billing determinants are established using budget variance reports. Budget variance reports are irrelevant to establishing the appropriate billing determinants where, in a rate case like this, an historic test year is used. Because an historic test year was used in this case, and not a projected test year, billing determinants were set using actual, not estimated, data.

224. Budget. For purposes of this request, please refer to OPC POD 5, Attachment FL Variance Report 04\_2010, for customer operations - ACO direct expenses.

(a) Please explain what is meant by the phrase “catch up on maintenance” costs.

(b) Please provide these costs amortized by rate band and system.

**OBJECTION:** The General Objections stated above are incorporated herein by reference. Without waiving any such objections, AUF specifically objects to this ROG on grounds that it solicits information that is not relevant or reasonably calculated to lead to the discovery of admissible evidence. The ROG seeks information relating to AUF’s “direct expenses.” AUF’s “direct expenses” have not been identified as a protested issue in any protest petition or cross-petition. The issues in this proceeding are statutorily limited solely to the particular issues in the Commission’s PAA Order that have been identified in a protest petition or a cross-petition. § 120.80(13)(b), Fla. Stat. (2011); Rule 25-22.029(3), F.A.C. Under Florida law, issues in the PAA Order that are not identified in the protest petition or cross-petition shall be “deemed stipulated.” *Id.* Thus, “direct expense” is a stipulated issue in this proceeding. To allow OPC to demand discovery pertaining to a stipulated issue would impermissibly expand the scope of this proceeding, increase rate case expense, and run directly contrary to the purpose of the statutory and rule framework governing PAA proceedings. Without waiving such objections, AUF will respond to this ROG.

225. Allocations. For purposes of this request, please refer to OPC POD 5, Attachment 12-2009 FL Variance Analysis, for customer operations - ACO direct expenses. If the unfavorable variance has not been incorporated into the test year, please provide the monthly data and necessary information to calculate the full impact, including but not limited to invoices, general ledgers, correspondence, etc.

**OBJECTION:** The General Objections stated above are incorporated herein by reference. Without waiving any such objections, AUF also specifically objects to this request on grounds that it is based on the erroneous assumption that budget variance reports are used to determine or normalize the historic test year. Budget variance reports are irrelevant where, in a rate case like this, an historic test year is used. Actual data, not estimated data, was used to determine the historic test year.

In addition, AUF specifically objects to this ROG on grounds that it solicits information that is not relevant or reasonably calculated to lead to the discovery of admissible evidence. This ROG seeks information relating to AUF’s use of the

historic test year, which pursuant to the PAA Order is limited to the twelve-month period ending April 30, 2010. The issues in this proceeding are statutorily limited solely to the portions of the Commission's PAA Order that have been protested. § 120.80(13)(b), Fla. Stat. (2011). Any issues not protested are "deemed stipulated." *Id.* The historic test year set forth in the PAA Order is not a particular issue that has been identified by any protest petition or cross-petition. Thus, the use of the historic test year in the PAA Order is a stipulated issue in this proceeding. To allow OPC to demand discovery pertaining to a stipulated issue would impermissibly expand the scope of this proceeding, increase rate case expense, and run directly contrary to the purpose of the statutory and rule framework governing PAA proceedings.

Moreover, AUF specifically objects to this ROG on grounds that it seeks information relating to AUF's "direct expenses." AUF's "direct expenses" have not been identified as a protested issue in any protest petition or cross-petition. Under Florida law, issues in the PAA Order that are not identified in the protest petition or cross-petition shall be "deemed stipulated." § 120.80(13)(b), Fla. Stat. (2011); Rule 25-22.029(3), F.A.C. Thus, "direct expense" is a stipulated issue in this proceeding. To allow OPC to demand discovery pertaining to a stipulated issue would impermissibly expand the scope of this proceeding, increase rate case expense, and run directly contrary to the purpose of the statutory and rule framework governing PAA proceedings.

Without waiving such objections, AUF will respond to this ROG.

226. Management Fees. For purposes of this request, please refer to OPC POD 5, Attachment FL Variance Report 05\_2010, for management fees - corporate expenses. If the favorable variance has not been incorporated into the test year, please provide the monthly data and necessary information to calculate the full impact, including but not limited to invoices, general ledgers, correspondence, etc.

**OBJECTION:** The General Objections stated above are incorporated herein by reference. Without waiving any such objections, AUF also specifically objects to this request on grounds that it is based on the erroneous assumption that budget variance reports are used to determine or normalize the historic test year. Budget variance reports are irrelevant where, in a rate case like this, an historic test year is used. Actual data, not estimated data, was used to determine the historic test year.

In addition, AUF specifically objects to this ROG on grounds that it solicits information that is not relevant or reasonably calculated to lead to the discovery of admissible evidence. This ROG seeks information relating to AUF's use of the historic test year, which pursuant to the PAA Order is limited to the twelve-month

period ending April 30, 2010. Information outside of this time frame has no bearing on the expenses incurred during the historic test year. The issues in this proceeding are statutorily limited solely to the portions of the Commission's PAA Order that have been protested. § 120.80(13)(b), Fla. Stat. (2011). Any issues not protested are "deemed stipulated." *Id.* The historic test year set forth in the PAA Order is not a particular issue that has been identified by any protest petition or cross-petition. Thus, the use of the historic test year in the PAA Order is a stipulated issue in this proceeding. To allow OPC to demand discovery pertaining to a stipulated issue would impermissibly expand the scope of this proceeding, increase rate case expense, and run directly contrary to the purpose of the statutory and rule framework governing PAA proceedings.

227. Management Fees. For purposes of this request, please refer to OPC POD 5, Attachment FL Variance Report 05\_2010, for management fees - regional expenses. If the unfavorable variance has not been incorporated into the test year, please provide the monthly data and necessary information to calculate the full impact, including but not limited to invoices, general ledgers, correspondence, etc.

**OBJECTION:** The General Objections stated above are incorporated herein by reference. Without waiving any such objections, AUF also specifically objects to this request on grounds that it is based on the erroneous assumption that budget variance reports are used to determine or normalize the historic test year. Budget variance reports are irrelevant where, in a rate case like this, an historic test year is used. Actual data, not estimated data, was used to determine the historic test year.

In addition, AUF specifically objects to this ROG on grounds that it solicits information that is not relevant or reasonably calculated to lead to the discovery of admissible evidence. This ROG seeks information relating to AUF's use of the historic test year, which pursuant to the PAA Order is limited to the twelve-month period ending April 30, 2010. Information outside of this time frame has no bearing on the expenses incurred during the historic test year. The issues in this proceeding are statutorily limited solely to the portions of the Commission's PAA Order that have been protested. § 120.80(13)(b), Fla. Stat. (2011). Any issues not protested are "deemed stipulated." *Id.* The historic test year set forth in the PAA Order is not a particular issue that has been identified by any protest petition or cross-petition. Thus, the use of the historic test year in the PAA Order is a stipulated issue in this proceeding. To allow OPC to demand discovery pertaining to a stipulated issue would impermissibly expand the scope of this proceeding, increase rate case expense, and run directly contrary to the purpose of the statutory and rule framework governing PAA proceedings.

228. Management Fees. For purposes of this request, please refer to OPC POD 5, Attachment FL Variance Report 06\_2010, for management fees - corporate expenses. If the



favorable variance has not been incorporated into the test year, please provide the monthly data and necessary information to calculate the full impact, including but not limited to invoices, general ledgers, correspondence, etc.

**OBJECTION:** The General Objections stated above are incorporated herein by reference. Without waiving any such objections, AUF also specifically objects to this request on grounds that it is based on the erroneous assumption that budget variance reports are used to determine or normalize the historic test year. Budget variance reports are irrelevant where, in a rate case like this, an historic test year is used. Actual data, not estimated data, was used to determine the historic test year.

In addition, AUF specifically objects to this ROG on grounds that it solicits information that is not relevant or reasonably calculated to lead to the discovery of admissible evidence. This ROG seeks information relating to AUF's use of the historic test year, which pursuant to the PAA Order is limited to the twelve-month period ending April 30, 2010. Information outside of this time frame has no bearing on the expenses incurred during the historic test year. The issues in this proceeding are statutorily limited solely to the portions of the Commission's PAA Order that have been protested. § 120.80(13)(b), Fla. Stat. (2011). Any issues not protested are "deemed stipulated." *Id.* The historic test year set forth in the PAA Order is not a particular issue that has been identified by any protest petition or cross-petition. Thus, the use of the historic test year in the PAA Order is a stipulated issue in this proceeding. To allow OPC to demand discovery pertaining to a stipulated issue would impermissibly expand the scope of this proceeding, increase rate case expense, and run directly contrary to the purpose of the statutory and rule framework governing PAA proceedings.

229. Management Fees. For purposes of this request, please refer to OPC POD 5, Attachment FL Variance Report 06\_2010, for management fees - regional expenses. If the unfavorable variance has not been incorporated into the test year, please provide the monthly data and necessary information to calculate the full impact, including but not limited to invoices, general ledgers, correspondence, etc.

**OBJECTION:** The General Objections stated above are incorporated herein by reference. Without waiving any such objections, AUF also specifically objects to this request on grounds that it is based on the erroneous assumption that budget variance reports are used to determine or normalize the historic test year. Budget variance reports are irrelevant where, in a rate case like this, an historic test year is used. Actual data, not estimated data, was used to determine the historic test year.

In addition, AUF specifically objects to this ROG on grounds that it solicits information that is not relevant or reasonably calculated to lead to the discovery of admissible evidence. This ROG seeks information relating to AUF's use of the historic test year, which pursuant to the PAA Order is limited to the twelve-month period ending April 30, 2010. Information outside of this time frame has no bearing on the expenses incurred during the historic test year. The issues in this proceeding are statutorily limited solely to the portions of the Commission's PAA Order that have been protested. § 120.80(13)(b), Fla. Stat. (2011). Any issues not protested are "deemed stipulated." *Id.* The historic test year set forth in the PAA Order is not a particular issue that has been identified by any protest petition or cross-petition. Thus, the use of the historic test year in the PAA Order is a stipulated issue in this proceeding. To allow OPC to demand discovery pertaining to a stipulated issue would impermissibly expand the scope of this proceeding, increase rate case expense, and run directly contrary to the purpose of the statutory and rule framework governing PAA proceedings.

230. Management Fees. For purposes of this request, please refer to OPC POD 5, Attachment FL Variance Report 07\_2010, for management fees — corporate expenses. If the favorable variance has not been incorporated into the test year, please provide the monthly data and necessary information to calculate the full impact, including but not limited to invoices, general ledgers, correspondence, etc.

**OBJECTION:** The General Objections stated above are incorporated herein by reference. Without waiving any such objections, AUF also specifically objects to this request on grounds that it is based on the erroneous assumption that budget variance reports are used to determine or normalize the historic test year. Budget variance reports are irrelevant where, in a rate case like this, an historic test year is used. Actual data, not estimated data, was used to determine the historic test year.

In addition, AUF specifically objects to this ROG on grounds that it solicits information that is not relevant or reasonably calculated to lead to the discovery of admissible evidence. This ROG seeks information relating to AUF's use of the historic test year, which pursuant to the PAA Order is limited to the twelve-month period ending April 30, 2010. Information outside of this time frame has no bearing on the expenses incurred during the historic test year. The issues in this proceeding are statutorily limited solely to the portions of the Commission's PAA Order that have been protested. § 120.80(13)(b), Fla. Stat. (2011). Any issues not protested are "deemed stipulated." *Id.* The historic test year set forth in the PAA Order is not a particular issue that has been identified by any protest petition or cross-petition. Thus, the use of the historic test year in the PAA Order is a stipulated issue in this proceeding. To allow OPC to demand discovery pertaining to a stipulated issue would impermissibly expand the scope of this proceeding, increase rate case

**expense, and run directly contrary to the purpose of the statutory and rule framework governing PAA proceedings.**

231. Management Fees. For purposes of this request, please refer to OPC POD 5, Attachment FL Variance Report 07\_2010, for management fees - regional expenses. If the unfavorable variance has not been incorporated into the test year, please provide the monthly data and necessary information to calculate the full impact, including but not limited to invoices, general ledgers, correspondence, etc.

**OBJECTION: The General Objections stated above are incorporated herein by reference. Without waiving any such objections, AUF also specifically objects to this request on grounds that it is based on the erroneous assumption that budget variance reports are used to determine or normalize the historic test year. Budget variance reports are irrelevant where, in a rate case like this, an historic test year is used. Actual data, not estimated data, was used to determine the historic test year.**

**In addition, AUF specifically objects to this ROG on grounds that it solicits information that is not relevant or reasonably calculated to lead to the discovery of admissible evidence. This ROG seeks information relating to AUF's use of the historic test year, which pursuant to the PAA Order is limited to the twelve-month period ending April 30, 2010. Information outside of this time frame has no bearing on the expenses incurred during the historic test year. The issues in this proceeding are statutorily limited solely to the portions of the Commission's PAA Order that have been protested. § 120.80(13)(b), Fla. Stat. (2011). Any issues not protested are "deemed stipulated." *Id.* The historic test year set forth in the PAA Order is not a particular issue that has been identified by any protest petition or cross-petition. Thus, the use of the historic test year in the PAA Order is a stipulated issue in this proceeding. To allow OPC to demand discovery pertaining to a stipulated issue would impermissibly expand the scope of this proceeding, increase rate case expense, and run directly contrary to the purpose of the statutory and rule framework governing PAA proceedings.**

232. Management Fees. For purposes of this request, please refer to OPC POD 5, Attachment FL Variance Report 08\_2010, for management fees - corporate expenses. If the favorable variance has not been incorporated into the test year, please provide the monthly data and necessary information to calculate the full impact, including but not limited to invoices, general ledgers, correspondence, etc.

**OBJECTION: The General Objections stated above are incorporated herein by reference. Without waiving any such objections, AUF also specifically objects to**

this request on grounds that it is based on the erroneous assumption that budget variance reports are used to determine or normalize the historic test year. Budget variance reports are irrelevant where, in a rate case like this, an historic test year is used. Actual data, not estimated data, was used to determine the historic test year. In addition, AUF specifically objects to this ROG on grounds that it solicits information that is not relevant or reasonably calculated to lead to the discovery of admissible evidence. This ROG seeks information relating to AUF's use of the historic test year, which pursuant to the PAA Order is limited to the twelve-month period ending April 30, 2010. Information outside of this time frame has no bearing on the expenses incurred during the historic test year. The issues in this proceeding are statutorily limited solely to the portions of the Commission's PAA Order that have been protested. § 120.80(13)(b), Fla. Stat. (2011). Any issues not protested are "deemed stipulated." *Id.* The historic test year set forth in the PAA Order is not a particular issue that has been identified by any protest petition or cross-petition. Thus, the use of the historic test year in the PAA Order is a stipulated issue in this proceeding. To allow OPC to demand discovery pertaining to a stipulated issue would impermissibly expand the scope of this proceeding, increase rate case expense, and run directly contrary to the purpose of the statutory and rule framework governing PAA proceedings.

233. Management Fees. For purposes of this request, please refer to OPC POD 5, Attachment FL Variance Report 08\_2010, for management fees - regional expenses. If the unfavorable variance has not been incorporated into the test year, please provide the monthly data and necessary information to calculate the full impact, including but not limited to invoices, general ledgers, correspondence, etc.

**OBJECTION:** The General Objections stated above are incorporated herein by reference. Without waiving any such objections, AUF also specifically objects to this request on grounds that it is based on the erroneous assumption that budget variance reports are used to determine or normalize the historic test year. Budget variance reports are irrelevant where, in a rate case like this, an historic test year is used. Actual data, not estimated data, was used to determine the historic test year.

In addition, AUF specifically objects to this ROG on grounds that it solicits information that is not relevant or reasonably calculated to lead to the discovery of admissible evidence. This ROG seeks information relating to AUF's use of the historic test year, which pursuant to the PAA Order is limited to the twelve-month period ending April 30, 2010. Information outside of this time frame has no bearing on the expenses incurred during the historic test year. The issues in this proceeding are statutorily limited solely to the portions of the Commission's PAA Order that have been protested. § 120.80(13)(b), Fla. Stat. (2011). Any issues not protested are "deemed stipulated." *Id.* The historic test year set forth in the PAA Order is not a

**particular issue that has been identified by any protest petition or cross-petition. Thus, the use of the historic test year in the PAA Order is a stipulated issue in this proceeding. To allow OPC to demand discovery pertaining to a stipulated issue would impermissibly expand the scope of this proceeding, increase rate case expense, and run directly contrary to the purpose of the statutory and rule framework governing PAA proceedings.**

234. Billing Determinants. For purposes of this request, please refer to OPC POD 5, Attachment 12-2009 FL Variance Analysis, for water revenues.

(a) Please provide the dollar impact and billing determinants associated with the referenced favorable consumption and explain the reasons for the favorable consumption. Provide the requested information by rate band and by system.

(b) Please provide the dollar impact and billing determinants associated with the referenced unfavorable consumption, and explain the reasons for the unfavorable consumption. Provide the requested information by rate band and by system.

**OBJECTION: The General Objections stated above are incorporated herein by reference. Without waiving any such objections, AUF also specifically objects to this request on grounds that it solicits information that is not relevant or reasonably calculated to lead to the discovery of admissible evidence. The ROG is based on the erroneous assumption that billing determinants are established using budget variance reports. Budget variance reports are irrelevant to establishing the appropriate billing determinants where, in a rate case like this, an historic test year is used. Because an historic test year was used in this case, and not a projected test year, billing determinants were set using actual, not estimated, data.**

235. Billing Determinants. For purposes of this request, please refer to OPC POD 5, Attachment 12-2009 FL Variance Analysis, for wastewater revenues.

(a) Please provide the dollar impact and billing determinants associated with the referenced favorable consumption and explain the reasons for the favorable consumption. Provide the requested information by rate band and by system.

(b) Please provide the dollar impact and billing determinants associated with the referenced unfavorable consumption and explain the reasons for the unfavorable consumption. Provide the requested information by rate band and by system.

**OBJECTION:** The General Objections stated above are incorporated herein by reference. Without waiving any such objections, AUF also specifically objects to this request on grounds that it solicits information that is not relevant or reasonably calculated to lead to the discovery of admissible evidence. The ROG is based on the erroneous assumption that billing determinants are established using budget variance reports. Budget variance reports are irrelevant to establishing the appropriate billing determinants where, in a rate case like this, an historic test year is used. Because an historic test year was used in this case, and not a projected test year, billing determinants were set using actual, not estimated, data.

236. Management Fees. For purposes of this request, please refer to OPC POD 5, Attachment FL Variance Report 08\_2010, for management fees - corporate expenses.

(a) Please explain what caused the favorable variance for all systems.

(b) For each system identified in (a) please indicate if the favorable variance has been fully reflected in the test year.

(c) If the response to (b) is affirmative, please explain how this has been reflected in the test year.

(d) If the response to (b) is not affirmative, please explain why the full effect has not been reflected in the test year.

**OBJECTION:** The General Objections stated above are incorporated herein by reference. Without waiving any such objections, AUF also specifically objects to this request on grounds that it is based on the erroneous assumption that budget variance reports are used to determine or normalize the historic test year. Budget variance reports are irrelevant where, in a rate case like this, an historic test year is used. Actual data, not estimated data, was used to determine the historic test year.

In addition, AUF specifically objects to this ROG on grounds that it solicits information that is not relevant or reasonably calculated to lead to the discovery of admissible evidence. This ROG seeks information relating to AUF's use of the historic test year, which pursuant to the PAA Order is limited to the twelve-month period ending April 30, 2010. Information outside of this time frame has no bearing on the expenses incurred during the historic test year. The issues in this proceeding are statutorily limited solely to the portions of the Commission's PAA Order that have been protested. § 120.80(13)(b), Fla. Stat. (2011). Any issues not protested are "deemed stipulated." *Id.* The historic test year set forth in the PAA Order is not a particular issue that has been identified by any protest petition or cross-petition.

**Thus, the use of the historic test year in the PAA Order is a stipulated issue in this proceeding. To allow OPC to demand discovery pertaining to a stipulated issue would impermissibly expand the scope of this proceeding, increase rate case expense, and run directly contrary to the purpose of the statutory and rule framework governing PAA proceedings.**

237. Management Fees. For purposes of this request, please refer to OPC POD 5, Attachment FL Variance Report 04\_2010, for management fees - regional expenses. If the unfavorable variances have not been incorporated into the test year, please provide the monthly data and necessary information to calculate the full impact, including but not limited to invoices, general ledgers, correspondence, etc.

**OBJECTION: The General Objections stated above are incorporated herein by reference. Without waiving any such objections, AUF also specifically objects to this request on grounds that it is based on the erroneous assumption that budget variance reports are used to determine or normalize the historic test year. Budget variance reports are irrelevant where, in a rate case like this, an historic test year is used. Actual data, not estimated data, was used to determine the historic test year.**

**In addition, AUF specifically objects to this ROG on grounds that it solicits information that is not relevant or reasonably calculated to lead to the discovery of admissible evidence. This ROG seeks information relating to AUF's use of the historic test year, which pursuant to the PAA Order is limited to the twelve-month period ending April 30, 2010. The issues in this proceeding are statutorily limited solely to the portions of the Commission's PAA Order that have been protested. § 120.80(13)(b), Fla. Stat. (2011). Any issues not protested are "deemed stipulated." *Id.* The historic test year set forth in the PAA Order is not a particular issue that has been identified by any protest petition or cross-petition. Thus, the use of the historic test year in the PAA Order is a stipulated issue in this proceeding. To allow OPC to demand discovery pertaining to a stipulated issue would impermissibly expand the scope of this proceeding, increase rate case expense, and run directly contrary to the purpose of the statutory and rule framework governing PAA proceedings.**

238. Management Fees. For purposes of this request, please refer to OPC POD 5, Attachment FL Variance Report 08\_2010, for management fees - regional expenses.

(a) Please explain what caused the unfavorable variance for all systems.

(b) For each system identified in (a) please indicate if the unfavorable variance has been fully reflected in the test year.

(c) If the response to (b) is affirmative, please explain how this has been reflected in the test year.

(d) If the response to (b) is not affirmative, please explain why the full effect has not been reflected in the test year.

**OBJECTION:** The General Objections stated above are incorporated herein by reference. Without waiving any such objections, AUF also specifically objects to this request on grounds that it is based on the erroneous assumption that budget variance reports are used to determine or normalize the historic test year. Budget variance reports are irrelevant where, in a rate case like this, an historic test year is used. Actual data, not estimated data, was used to determine the historic test year.

In addition, AUF specifically objects to this ROG on grounds that it solicits information that is not relevant or reasonably calculated to lead to the discovery of admissible evidence. This ROG seeks information relating to AUF's use of the historic test year, which pursuant to the PAA Order is limited to the twelve-month period ending April 30, 2010. Information outside of this time frame has no bearing on the expenses incurred during the historic test year. The issues in this proceeding are statutorily limited solely to the portions of the Commission's PAA Order that have been protested. § 120.80(13)(b), Fla. Stat. (2011). Any issues not protested are "deemed stipulated." *Id.* The historic test year set forth in the PAA Order is not a particular issue that has been identified by any protest petition or cross-petition. Thus, the use of the historic test year in the PAA Order is a stipulated issue in this proceeding. To allow OPC to demand discovery pertaining to a stipulated issue would impermissibly expand the scope of this proceeding, increase rate case expense, and run directly contrary to the purpose of the statutory and rule framework governing PAA proceedings.

239. Bad Debt Expense. For purposes of this request, please refer to OPC POD 5, Attachment FL Variance Report 08\_2010, for bad debt expenses

(a) Please explain what caused the unfavorable variance for all systems.

(b) Please explain if variance has been fully reflected in the test year.

(c) If the response to (b) is affirmative, please explain how this has been reflected in the test year.



(d) If the response to (b) is not affirmative, please explain why the full effect has not been reflected in the test year.

**OBJECTION:** The General Objections stated above are incorporated herein by reference. Without waiving any such objections, AUF also specifically objects to this request on grounds that it is based on the erroneous assumption that budget variance reports are used to determine or normalize the historic test year. Budget variance reports are irrelevant where, in a rate case like this, an historic test year is used. Actual data, not estimated data, was used to determine the historic test year.

In addition, AUF specifically objects to this ROG on grounds that it solicits information that is not relevant or reasonably calculated to lead to the discovery of admissible evidence. This ROG seeks information relating to AUF's use of the historic test year, which pursuant to the PAA Order is limited to the twelve-month period ending April 30, 2010. Information outside of this time frame has no bearing on the expenses incurred during the historic test year. The issues in this proceeding are statutorily limited solely to the portions of the Commission's PAA Order that have been protested. § 120.80(13)(b), Fla. Stat. (2011). Any issues not protested are "deemed stipulated." *Id.* The historic test year set forth in the PAA Order is not a particular issue that has been identified by any protest petition or cross-petition. Thus, the use of the historic test year in the PAA Order is a stipulated issue in this proceeding. To allow OPC to demand discovery pertaining to a stipulated issue would impermissibly expand the scope of this proceeding, increase rate case expense, and run directly contrary to the purpose of the statutory and rule framework governing PAA proceedings.

Without waiving such objections, AUF will answer this ROG.

240. Bad Debt Expense. For purposes of this request, please refer to OPC POD 5, Attachment 12-2009 FL Variance Analysis, for bad debt expenses.

(a) Please explain what caused the unfavorable variance for all systems.

(b) For each system identified in (a) please indicate if the unfavorable variance has been fully reflected in the test year.

(c) If the response to (b) is affirmative, please explain how this has been reflected in the test year.


(d) If the response to (b) is not affirmative, please explain why the full effect has not been reflected in the test year.

**OBJECTION:** The General Objections stated above are incorporated herein by reference. Without waiving any such objections, AUF also specifically objects to this request on grounds that it is based on the erroneous assumption that budget variance reports are used to determine or normalize the historic test year. Budget variance reports are irrelevant where, in a rate case like this, an historic test year is used. Actual data, not estimated data, was used to determine the historic test year.

In addition, AUF specifically objects to this ROG on grounds that it solicits information that is not relevant or reasonably calculated to lead to the discovery of admissible evidence. This ROG seeks information relating to AUF's use of the historic test year, which pursuant to the PAA Order is limited to the twelve-month period ending April 30, 2010. Information outside of this time frame has no bearing on the expenses incurred during the historic test year. The issues in this proceeding are statutorily limited solely to the portions of the Commission's PAA Order that have been protested. § 120.80(13)(b), Fla. Stat. (2011). Any issues not protested are "deemed stipulated." *Id.* The historic test year set forth in the PAA Order is not a particular issue that has been identified by any protest petition or cross-petition. Thus, the use of the historic test year in the PAA Order is a stipulated issue in this proceeding. To allow OPC to demand discovery pertaining to a stipulated issue would impermissibly expand the scope of this proceeding, increase rate case expense, and run directly contrary to the purpose of the statutory and rule framework governing PAA proceedings.

Without waiving such objections, AUF will answer this ROG.

**HOLLAND & KNIGHT LLP**



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**CERTIFICATE OF SERVICE**

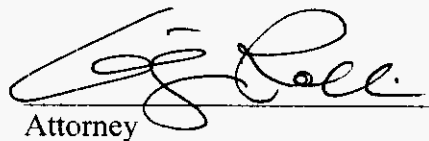
I hereby certify that a true and correct copy of the foregoing was furnished by hand-delivery or overnight delivery\*\* this 29th day of August, 2011 to:

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