

**Eric Fryson**

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**From:** Lisa D'Angelo [Lisa.D'Angelo@arlaw.com]  
**Sent:** Tuesday, July 10, 2012 3:46 PM  
**To:** Filings@psc.state.fl.us  
**Cc:** kajoyce@aquaamerica.com; bruce.may@hklaw.com; kelly.jr@leg.state.fl.us; CHRISTENSEN.PATTY; Ralph Jaeger; Caroline Klancke; jrichards@pascocountyfl.net; Cecilia.Bradley@myfloridalegal.com; David Bernstein; Andrew McBride; Kenneth Curtin; Brittany Cramer  
**Subject:** AQUA UTILITIES FLORIDA, INC. RATE ACTION (Docket No. 100330-WS): Notice of Filing  
**Attachments:** NOTICE OF FILING.pdf

Electronic Filing

a. Person Responsible for this electronic filing:

David S. Bernstein, Esq.  
 Adams and Reese LLP  
 150 Second Avenue North, Suite 1700  
 St. Petersburg, Florida 33701  
 Direct: (727) 502-8215  
 E-Fax: (727) 502-8915  
[David.Bernstein@arlaw.com](mailto:David.Bernstein@arlaw.com)

b. Docket No. 100330-WS

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.

c. Document being filed on behalf of YES COMPANIES, LLC d/b/a ARREDONDO FARMS

d. There are a total 80 pages

e. The document attached for electronic filing is Intervener, YES Companies, LLC d/b/a Arredondo Farms' NOTICE OF FILING

Thank you for your cooperation and attention to this matter.

Lisa M. D'Angelo, Secretary to  
 David S. Bernstein, Esq., Andrew J. McBride, Esq.  
 and Susan G. Sherman, CP  
 Adams and Reese LLP  
 150 Second Avenue North, 17<sup>th</sup> Floor  
 St. Petersburg, FL 33701  
 Direct: (727) 502-8215  
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 Main: (727) 502-8200  
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 Email: [Lisa.D'Angelo@arlaw.com](mailto:Lisa.D'Angelo@arlaw.com)

Lisa M. D'Angelo, Secretary to

7/10/2012

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David S. Bernstein, Esq., Andrew J. McBride, Esq.  
and Susan G. Sherman, CP  
Adams and Reese LLP  
150 Second Avenue North, 17<sup>th</sup> Floor  
St. Petersburg, FL 33701  
Direct: (727) 502-8215  
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## ADAMS AND REESE LLP



**Baton Rouge | Birmingham | Houston | Jackson | Memphis | Mobile | Nashville | New Orleans | Sarasota | St. Petersburg | Tampa  
| Washington, D.C.**

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**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: July 10, 2012

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**NOTICE OF FILING**

Intervener, Yes Companies, LLC d/b/a Arredondo Farms, by and through its undersigned counsel, files copies of the following:

- Intervener, Yes Companies, LLC d/b/a Arredondo Farms', Third Request to Produce to Applicant, Aqua Utilities Florida, Inc., served on October 14, 2011;
- Intervener, Yes Companies, LLC d/b/a Arredondo Farms', Third Set of Interrogatories to Applicant, Aqua Utilities Florida, Inc., served on October 14, 2011;
- Intervener, Yes Companies, LLC d/b/a Arredondo Farms', Third Request to Produce to Applicant, Aqua Utilities Florida, Inc. (without Requests), filed on October 17, 2011;
- Intervener, Yes Companies, LLC d/b/a Arredondo Farms', Third Set of Interrogatories to Applicant, Aqua Utilities Florida, Inc. (without Interrogatories), filed on October 17, 2011;
- Aqua Utilities Florida, Inc.'s Notice of Service of Answers and Objections to Yes Companies, LLC d/b/a Arredondo Farms' Third Set of Interrogatories (Nos. 5-35) and Responses and Objections to Yes Companies, LLC d/b/a Arredondo Farms' Third Request to Produce (Nos. 7-29) to Aqua Utilities Florida, Inc., dated November 14, 2011;
- Aqua Utilities Florida, Inc.'s Responses and Objections to Yes Communities, Inc. [sic] d/b/a Arredondo Farms' Third Request for Production of Documents [sic] to Aqua Utilities Florida, Inc. (Nos. 7-29), served on November 14, 2011; and
- Aqua Utilities Florida, Inc.'s Answers and Objections to Yes Communities, Inc. d/b/a Arredondo Farms' Third Set of Interrogatories to Aqua Utilities Florida, Inc. (Nos. 5-35), served on November 14, 2011.

DOCUMENT NUMBER-DATE

04591 JUL 10 12

Respectfully submitted,

ADAMS AND REESE, LLP  
David S. Bernstein, Esquire  
150 Second Avenue North, Suite 1700  
St. Petersburg, Florida 33701  
Direct: (727) 502-8200  
E-Fax: (727) 502-8282  
[david.bernstein@arlaw.com](mailto:david.bernstein@arlaw.com)

By: /s/ David S. Bernstein  
David S. Bernstein  
FL Bar No. 454400  
Kenneth M. Curtin  
FL Bar No. 087319  
Andrew J. McBride  
FL Bar No. 67973  
Attorneys for Intervener

### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY a true and correct copy of the foregoing has been furnished via email (where provided below) and U.S. Mail on July 10, 2012 to: **Kimberley A. Joyce, Esq.**, Aqua American, Inc., 762 West Lancaster Avenue, Bryn Mawr, PA 19010 [kajoyce@aquaamerica.com](mailto:kajoyce@aquaamerica.com); **D. Bruce May, Jr., Esq.**, P.O. Box 810, Tallahassee, Florida 32302-0810 ([bruce.may@hklaw.com](mailto:bruce.may@hklaw.com)); **J.R. Kelly, Esq. and Patty Christensen, Esq.**, Office of Public Counsel, c/o Florida Legislature, 111 W. Madison Street, Room 812, Tallahassee, Florida 32399-1400 ([KELLY.JR@leg.state.fl.us](mailto:KELLY.JR@leg.state.fl.us)) and [CHRISTENSEN.PATTY@leg.state.fl.us](mailto:CHRISTENSEN.PATTY@leg.state.fl.us); **Ralph Jaeger, Esq. and Caroline Klancke, Esq.**, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, Florida 32399-0850 ([RJaeger@Psc.State.fl.us](mailto:RJaeger@Psc.State.fl.us)) and ([CKlancke@Psc.State.fl.us](mailto:CKlancke@Psc.State.fl.us)); **Joseph D. Richards, Esquire**, Pasco County Attorney's Office, 8731 Citizens Drive, Suite 340, New Port Richey, Florida 34654 ([jrichards@pascocountyfl.net](mailto:jrichards@pascocountyfl.net)); **Cecilia Bradley, Esquire**, Office of the Attorney General, The Capitol – PL01, Tallahassee, Florida 32399 ([Cecilia.Bradley@myfloridalegal.com](mailto:Cecilia.Bradley@myfloridalegal.com))

/s/ David S. Bernstein  
Attorney

**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: October 14, 2011

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**INTERVENER, YES COMPANIES, LLC. D/B/A ARREDONDO  
FARMS', THIRD REQUEST TO PRODUCE TO APPLICANT,  
AQUA UTILITIES FLORIDA, INC.**

Intervener, Yes Companies, LLC d/b/a Arredondo Farms ("YES"), by and through its undersigned counsel, and in accordance with Rule 28-106.206, Fla.Admin.C., and the Rules 1.280-1.400, Fla.R.Civ.P., propounds its Third Request to Produce to be answered by Applicant, Aqua Utilities Florida, Inc. ("Aqua").

Respectfully submitted,

ADAMS AND REESE, LLP  
David S. Bernstein, Esquire.  
Andrew J. McBride, Esquire  
Kenneth M. Curtin, Esquire  
150 Second Avenue North, Suite 1700  
St. Petersburg, Florida 33701  
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[Kenneth.curtin@arlaw.com](mailto:Kenneth.curtin@arlaw.com)

By: s/ Andrew J. McBride  
Andrew J. McBride  
FL Bar No. 0067973  
David S. Bernstein, Esquire.  
FL Bar No. 454400  
Attorneys for Intervener

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY a true and correct copy of the foregoing has been furnished via email (where provided below) and U.S. Mail on October 14, 2011 to: **Kimberley A. Joyce, Esq.**, Aqua American, Inc., 762 West Lancaster Avenue, Bryn Mawr, PA 19010 ([kajoyce@aquaaamerica.com](mailto:kajoyce@aquaaamerica.com)); **D. Bruce May, Jr., Esq.**, P.O. Box 810, Tallahassee, Florida 32302-0810 ([bruce.may@hklaw.com](mailto:bruce.may@hklaw.com)); **J.R. Kelly, Esq. and Patty Christensen, Esq.**, Office of Public Counsel, c/o Florida Legislature, 111 W. Madison Street, Room 812, Tallahassee, Florida 32399-1400 ([KELLY.JR@leg.state.fl.us](mailto:KELLY.JR@leg.state.fl.us)) and [CHRISTENSEN.PATTY@leg.state.fl.us](mailto:CHRISTENSEN.PATTY@leg.state.fl.us); **Robert Lloyd**, P.O. Box 63, Captiva, Florida 33924 ([Rlloyd1@aol.com](mailto:Rlloyd1@aol.com)); **William Coakley**, 5934 Lake Osborne Drive, Lantana, Florida 33461 ([wdco@comcast.net](mailto:wdco@comcast.net)); **David L. Bussey**, 4948 Britni Way, Zephyrhills, Florida 33541 ([dbussey@hotmail.com](mailto:dbussey@hotmail.com)); **Kelly Sullivan, Esquire**, 570 Osprey Lakes Circle, Chuluota, Florida 32766-6658 ([Kelly.Sullivan.Woods@gmail.com](mailto:Kelly.Sullivan.Woods@gmail.com)); **Ralph Jaeger**, Florida Public Service Commission, 2540 Shummard Oak Blvd., Tallahassee, Florida 32399-0850 ([RJaeger@Psc.State.fl.us](mailto:RJaeger@Psc.State.fl.us)); **Joseph D. Richards, Esquire**, Pasco County Attorney's Office, 8731 Citizens Drive, Suite 340, New Port Richey, Florida 34654 ([jrichards@pascocountyfl.net](mailto:jrichards@pascocountyfl.net)); **Cecilia Bradley, Esquire**, Office of the Attorney General, The Capitol - PL01, Tallahassee, Florida 32399 ([Cecilia.Bradley@myfloridalegal.com](mailto:Cecilia.Bradley@myfloridalegal.com))

s/ Andrew J. McBride  
Attorney

### A. DEFINITIONS

1. The term "Applicant" or "Aqua" shall mean the Applicant, Aqua Utilities Florida, Inc., and any of its employees, predecessors-in-interests, assigns, officers, directors, attorneys, and agents of any kind.

2. The term "Application" shall mean Aqua's 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. which is the subject matter of this docket.

3. The term "Arredondo Farms" shall mean the manufactured home community known as Arredondo Farms located at 7117 S.W. Archer Road, Gainesville, Florida 32608 in Alachua County, Florida to which Aqua provides water and wastewater services thereto and which is part of the Application. This includes both the water and wastewater systems known as Arredondo Estates and Arredondo Farms.

4. The term "Intervener" or "Yes" shall mean Intervener, Yes Communities, Inc. d/b/a Arredondo Farms, and any of its employees, predecessors-in-interests, assigns, officers, directors, attorneys, and agents of any kind.

5. The terms "Document," "Documents," "document," or "documents" shall mean every original and nonidentical copy (including blind copies), regardless of origin or location, of each and every paper, writing, picture, photograph, negative, slide, movie, film, visual or audio transcription, video tape, sound recording, microfilm, data stored or recorded on or in punch cards, computer tapes, discs, reels, or other devices for business machines or other means of storing and/or transmitting human or machine-generated or stored intelligence, and any other printed or readable material irrespective of whether such has ever been in your possession or control. To be included, without limitation, in this definition of "document" are every invoice, statement, bill, ledger sheet, instrument (negotiable or otherwise), order, direction, correspondence, letter, message, envelope, postal receipt, telegraph, telegram, teletype, telex, report, telephone bill, memorandum (including but without limitation every intraoffice or interoffice memorandum, file memorandum, work memorandum, memorandum of telephone conversation or other conversation, and memorandum pertaining to witnesses, including potential witnesses' interviews), sketch, graph, chart, index, note (including without limitation, notes or drafts

used to prepare any letter, memorandum, report or other document as herein defined), contract, agreement, form, work sheet, time sheet, expense ledger, check (cancelled or otherwise), check stub, bank statement, deposit slip, debit or credit advice, voucher, receipt, witnesses' (including potential witnesses) statement, transcript, interview, sound recording transcription, license, application credit report, investigator's report, court or suit paper or pleading, computer printout, book of account, journal, ledger, account records, financial statement payroll record, minutes, diaries (both office and personal), log file card, raw data, notes and/or trip report appertaining to or based on any finding, investigation, bid, request for proposal, proposal, purchase order, sales order, record, brochure, newspaper or magazine article or advertisement, book, exhibit, attachment, draft, certificate, table and price list.

6. The term "Meters" shall mean any and all meters that Aqua relies upon for billing customers or measuring the amount of water or wastewater used or pumped at Arredondo Farms.

7. The term "Mobile Homes" shall refer collectively to the mobile homes located at Arredondo Farms and any common elements located at Arredondo Farms, including, but not limited to, any clubhouse, laundry room facilities, swimming pool, outdoor recreational areas, a children's playground, and other common area facilities.

8. The term "Service Agreement" shall refer to the Utility Service Agreement dated May 4, 1989 and recorded in Official Record Book 1734, Page 1747 of the Public Records of Alachua County, Florida.



9. The term "Underground Utilities" shall refer to the piping and other underground utilities that either deliver water to the Mobile Homes or transport waste from the Mobile Homes.

10. The term "Wastewater Services" shall mean the providing of wastewater treatment and disposal services by Aqua to Arredondo Farms.

11. The term "Water Services" shall mean the providing of potable water by Aqua to Arredondo Farms and/or Mobile Homes.

12. The term "Water and Wastewater Facilities" shall mean the actual physical plant and facilities which Aqua uses to provide Water Services and Wastewater Services to Arredondo Farms.

13. The term "Back-bills" or "Back-billing" shall mean any bills for Water Services and Wastewater Services" spanning more than thirty (30) days prior to the billing date.

14. The term "Payment Plan" shall mean any arrangement between Aqua and its customers wherein those customers agree to pay an outstanding amount allegedly owing to Aqua on an installment basis over two (2) or more months spanning into the future.

15. The term "Gainesville Hearing" shall mean that certain customer service hearing held in the above-styled rate case in Gainesville, Florida on September 12, 2011.

16. The terms "you" or "your" or "You" or "Yours" shall mean the person or entity to whom this request is directed and any of his/hers/its employees, predecessors-in-interest, officers, directors, attorneys, assigns, heirs, agents of any kind, including, but not limited to, any individual from whom the person or entity is the subrogee thereof.

**B.        INSTRUCTIONS**

1.        In the event that the person or entity to whom this request is directed claims that any requested documents are privileged under either the work product, attorney/client, or other recognized or asserted privilege, the person or entity to whom this requests is directed is requested to provide a privilege log containing the following information:

- A.        The type of document;
- B.        The general subject matter of the document;
- C.        The date of the document;
- D.        The author of the document;
- E.        The addressee of the document;
- F.        Where not apparent, the relationship of the author and the addressee to each other; and,
- G.        The privilege or privileges asserted and an explanation of why the document is privileged or immune from discovery.

2.        The following request is intended to cover all Documents in the possession, custody, or control of the person or entity to whom this request is directed.

3.        Further, the person or entity propounding this request requests copies of the available documents not only in written form, but, if available, in electronic form, such on a disk or CD. This includes, but is not necessarily limited to, any accounting files, excel spreadsheets, or Quick Book files.

4.        All documents responsive to this Request to Produce can be mailed to counsel for the party propounding this Request to Produce at the address for such counsel provided above.

**REQUEST TO PRODUCE**

7.        **All documents identified in or pertaining to the Aqua's responses to Yes's Third Set of Interrogatories to Aqua.**

8. All documents that you intend to introduce into evidence or rely on at the hearing in this proceeding.

9. All letters of engagement, contracts or agreements, and all other records relative to such letters, contracts or agreements, between Aqua and Aqua's experts, witnesses and consultants in this proceeding.

10. All workpapers, source documents, and other documents relied upon or created by all experts, consultants and witnesses to be offered by Aqua in this proceeding that relate to this proceeding.

11. All documents (including, but not limited to, workpapers, source documents, calculations, spreadsheets with all links to intact and correspondence) relied upon by Aqua, its experts, consultants or witnesses to determine the propriety of Aqua's Petition before filing the Petition in this action.

12. All documents (including, but not limited to, workpapers, source documents, calculations, spreadsheets with all links intact and correspondence) that support Aqua's Petition.

13. All documents (including, but not limited to, workpapers, source documents, calculations, spreadsheets with all links intact and correspondence) on which Aqua, its experts, consultants or witnesses relied to determine the potential financial impact on ratepayers as a result of Aqua's Petition.

14. All documents (including, but not limited to, correspondence, e-mail communications, the telephone logs) reflecting communications between Aqua and its experts, consultants or witnesses in this proceeding that refer or relate to this proceeding.

15. All documents (including, but not limited to, correspondence, e-mail communications, and telephone logs) reflecting communications between YES and Aqua since January 1, 2008.

16. All documents (including, but not limited to, correspondence, e-mail communications, and telephone logs) reflecting communications between Aqua and the Florida Public Service Commission since January 1, 2008.

17. All documents or records referred to, consulted, relied upon or examined in preparing the answers to Yes's Third Set of Interrogatories to Aqua ("Interrogatories"), or which relate to, support or conflict with any answer to those Interrogatories.

18. All documents, depositions, exhibits and/or tangible items supplied to each expert, consultant or witness in connection with this action.

19. All documents, depositions, exhibits and tangible items reviewed by each expert, consultant or witness in connection with this action and, to the extent

not reviewed in their entirety, the portion or portions of the document, deposition, exhibit and/or tangible thing actually reviewed.

20. All documents, depositions, exhibits and tangible items used by each expert, consultant or witness in reaching any opinion in connection with this action and, to the extent not used in their entirety, the portion or portions of the document, deposition, exhibit and/or tangible thing actually used in reaching any opinion.

21. All documents relating to Aqua's policies, practices, and procedures for Back-billing customers for alleged non-payment and/or under-payment of past Water Services and/or Wastewater Services.

22. All documents relating to any Back-bills given to Aqua customers at Arredondo Farms in the past three (3) years, including copies of all relevant Back-bills.

23. All documents relating to Aqua's policies, practices, and procedures for entering into Payment Plans with customers for alleged non-payment and under-payment of past Water Services and/or Wastewater Services.

24. All documents relating to all Payment Plans entered into with Aqua customers at Arredondo Farms in the past three (3) years, including copies of all payment plans.

25. All documents relating to Aqua's policies, practices, and procedures for shutting off Water Service and/or Wastewater Services of customers for alleged non-payment and under-payment of past Water Services and/or Wastewater Services.

26. All documents relating to any water shut offs against Aqua customers at Arredondo Farms in the past three (3) years, including copies of any responsive shut off notices and reconnection documents.

27. all documents created by, sent by, received by, or currently in the possession of Aqua relating in any way to the Gainesville Hearing. This includes, but is not limited to, any documents which evidence an intention of Aqua to shut off the Water Services and/or Wastewater Services of any customers of Aqua who spoke at the Gainesville Hearing or to Back-bill any customers of Aqua who spoke at the Gainesville Hearing for alleged non-payment of past Water Services and/or Wastewater Services.

28. All documents exchanged between Aqua and customers of Aqua at the following lots in Arredondo Farms during the past three (3) years, including but not limited to any bills or Back-bills sent to the customer by Aqua, any Payment Plans entered into with the customer, any water shut off notices provided to the customer by Aqua, or any other communication or correspondence by and between Aqua and the customer.

Lots: 3, 12, 68, 76, 92, 95, 97, 112, 123, 144, 151, 2009, 2011, 2106, 2119, 2126, 2129, 2205, 2421, 2502, 2506, 2512, 2614, 2617, 2630, 131, 15, 20, 26, 28, 40, 41, 46, 74, 75, 86, 89, 111, 115, 122, 135, 137, 148, 2010, 2014, 2017, 2104, 2112, 2207, 2208, 2233, 2300, 2324, 2331, 2402, 2507, 2511, 2613, 2615, 2618, 2629, 2706, 2425, 2330, 2629, 2639, 2621, 2016, 113, 110, 37, 45, 23, 2417, 2330, 2407, 4, and 34.

**29. All documents related to Aqua's policies, practices, and procedures pertaining to performance under and compliance with the Monitoring Program implemented by the PSC in Order No. PSC-09-0385-FOF-WS, Order No. PSC-10-0218-PAA-WS, and Order No. PSC-10-0297-PAA-WS with regard to the provision of Water Services and Wastewater Services at Arredondo Farms.**

**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: October 14, 2011

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**INTERVENER, YES COMPANIES, LLC D/B/A  
ARREDONDO FARMS', THIRD SET OF INTERROGATORIES  
TO APPLICANT, AQUA UTILITIES FLORIDA, INC.**

Intervener, Yes Companies, LLC d/b/a Arredondo Farms ("YES"), by and through its undersigned counsel, and in accordance with Rule 28-106.206, Fla.Admin.C., and the Rules 1.280-1.400, Fla.R.Civ.P., propounds its Third Set of Interrogatories to be answered by Applicant, Aqua Utilities Florida, Inc ("Aqua").

Respectfully submitted,

ADAMS AND REESE, LLP  
David S. Bernstein, Esquire.  
Kenneth M. Curtin, Esquire  
Andrew J. McBride, Esquire  
150 Second Avenue North, Suite 1700  
St. Petersburg, Florida 33701  
Direct: (727) 502-8200  
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[Kenneth.curtin@arlaw.com](mailto:Kenneth.curtin@arlaw.com)

By: s/ Andrew J. McBride  
Andrew J. McBride  
FL Bar No. 0067973  
David S. Bernstein, Esquire.  
FL Bar No. 454400  
Attorneys for Intervener

## CERTIFICATE OF SERVICE

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s/ Andrew J. McBride  
Attorney

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3. The term "Arredondo Farms" shall mean the manufactured home community known as Arredondo Farms located at 7117 S.W. Archer Road, Gainesville, Florida 32608 in Alachua County, Florida to which Aqua provides water and wastewater services thereto and which is part of the Application. This includes both the water and wastewater systems known as Arredondo Estates and Arredondo Farms.

4. The term "Intervener" or "Yes" shall mean Intervener, Yes Companies, LLC d/b/a Arredondo Farms, and any of its employees, predecessors-in-interests, assigns, officers, directors, attorneys, and agents of any kind.

5. The terms "Document," "Documents," "document," or "documents" shall mean every original and nonidentical copy (including blind copies), regardless of origin or location, of each and every paper, writing, picture, photograph, negative, slide, movie, film, visual or audio transcription, video tape, sound recording, microfilm, data stored or recorded on or in punch cards, computer tapes, discs, reels, or other devices for business machines or other means of storing and/or transmitting human or machine-generated or stored intelligence, and any other printed or readable material irrespective of whether such has ever been in your possession or control. To be included, without limitation, in this definition of "document" are every invoice, statement, bill, ledger sheet, instrument (negotiable or otherwise), order, direction, correspondence, letter, message, envelope, postal receipt, telegraph, telegram, teletype, telex, report, telephone bill, memorandum (including but without limitation every intraoffice or interoffice memorandum, file memorandum, work memorandum, memorandum of telephone conversation or other conversation, and memorandum pertaining to witnesses, including potential witnesses' interviews), sketch, graph, chart, index, note (including without limitation, notes or drafts



used to prepare any letter, memorandum, report or other document as herein defined), contract, agreement, form, work sheet, time sheet, expense ledger, check (cancelled or otherwise), check stub, bank statement, deposit slip, debit or credit advice, voucher, receipt, witnesses' (including potential witnesses) statement, transcript, interview, sound recording transcription, license, application credit report, investigator's report, court or suit paper or pleading, computer printout, book of account, journal, ledger, account records, financial statement payroll record, minutes, diaries (both office and personal), log file card, raw data, notes and/or trip report appertaining to or based on any finding, investigation, bid, request for proposal, proposal, purchase order, sales order, record, brochure, newspaper or magazine article or advertisement, book, exhibit, attachment, draft, certificate, table and price list.

6. The term "Meters" shall mean any and all meters that Aqua relies upon for billing customers or measuring the amount of water or wastewater used or pumped at Arredondo Farms.

7. The term "Mobile Homes" shall refer collectively to the mobile homes located at Arredondo Farms and any common elements located at Arredondo Farms, including, but not limited to, any clubhouse, laundry room facilities, swimming pool, outdoor recreational areas, a children's playground, and other common area facilities.

8. The term "Underground Utilities" shall refer to the piping and other underground utilities that either deliver water to the Mobile Homes or transport waste from the Mobile Homes.

9. The term "Wastewater Services" shall mean the providing of wastewater treatment and disposal services by Aqua to Arredondo Farms.

10. The term "Water Services" shall mean the providing of potable water by Aqua to Arredondo Farms and/or Mobile Homes.

11. The term "Water and Wastewater Facilities" shall mean the actual physical plant and facilities which Aqua uses to provide Water Services and Wastewater Services to Arredondo Farms.

12. The term "Back-bills" or "Back-billing" shall mean any bills for Water Services and Wastewater Services" spanning more than thirty (30) days prior to the billing date.

13. The term "Payment Plan" shall mean any arrangement between Aqua and its customers wherein those customers agree to pay an outstanding amount allegedly owing to Aqua on an installment basis over two (2) or more months spanning into the future.

14. The term "Gainesville Hearing" shall mean that certain customer service hearing held in the above-styled rate case in Gainesville, Florida on September 12, 2011.

15. The terms "you" or "your" or "You" or "Yours" shall mean the person or entity to whom this request is directed and any of his/hers/its employees, predecessors-in-interest, officers, directors, attorneys, assigns, heirs, agents of any kind, including, but not limited to, any individual from whom the person or entity is the subrogee thereof.

#### **INTERROGATORIES**

**5. Identify all persons you believe to have knowledge of facts material to this proceeding and, for each person identified, describe in detail the specific facts within the person's knowledge.**

**6. Identify each person(s) answering or assisting in answering these Interrogatories and identify each person with whom you consulted, upon whom you relied, or who otherwise constituted a source of information for you in connection with the preparation of your answers to these Interrogatories, and with respect to each such person, list the number(s) of each Interrogatory which he or she helped answer or with respect to which he or she was consulted relied upon, or otherwise constituted a source of information.**

**7. Identify all documents referred to, consulted, relied upon or examined in preparing the answers to these Interrogatories, or which relate to, support or conflict with an answer to these Interrogatories.**

**8. Please state the name, profession and professional address of each person who you or your attorneys will, or may, call to testify as expert witnesses at the formal hearing in this matter, and as to each such person, state the following:**

- a. The expert's address and telephone number.
- b. The state in which the expert legally resides.
- c. The expert's educational background, giving the names and educational institutions attended, with dates of attendance and the degrees earned with dates hereof.
- d. The expert's specialty within his or her profession, if any.
- e. The expert's current employment.
- f. The expert's experience within his or her field giving the dates, names and addresses of employers, if any; dates, names and addresses of institutions associated with, if any; any other experience, indicating dates and places; and a list of all awards or honors conferred upon the expert, which are related to his or her field of experience.
- g. Whether the expert is retired, and the names and addresses of employers from whom the expert receives retirement income.
- h. Names of all professional associates or societies with which the expert is related or a member of, stating his or her status.
- i. The title, name of publication, name of publisher and date of any publication of any published articles, books, etc., authorized by each such person.
- j. Whether he or she has ever been a witness in any other legal proceeding and, if so, for each such lawsuit, give the name of the proceeding, the kind of proceeding involved, the name of the tribunal, the approximate date of the testimony, and the name and address of the parties or attorneys from whom he or she gave evidence.

**9. Please state, in detail, the subject matter on which each person named in the answer to the foregoing Interrogatory No. 4 is expected to testify.**

**10. State the opinions that each such person named in the answer to the foregoing Interrogatory No. 4 will testify to at the formal hearing.**

**11. State, in detail, the facts upon which each opinion set forth in answer to the foregoing Interrogatory No. 4 is based, and as to each fact that is in any way relied upon by such person on arriving at his or her opinion, state:**

- a. The name and address of the person supplying such facts.
- b. The form in which such facts were supplied to him or her.
- c. Any documents relied upon by each expert in reaching an opinion.
- d. The legal authorities, if any, relied upon by each expert in reaching an opinion.

**12. If any person named in the answer to the foregoing Interrogatories has submitted a written report or opinion to the subject matter of this case, state:**

- a. The name of the person submitting such written report or opinion.
- b. The date (or dates if more than one) such written report or opinion.
- c. The name and address of the person to whom such written report or opinion was submitted.
- d. The identity and address of the person who presently has custody of such written report or opinion. Alternatively, a copy of the identified report may be produced.

**13. As to each expert consulted by you or your attorneys relative to the subject matter of this case, but whom you do not expect to call to testify at the formal hearing, state:**

- a. His or her name, profession and professional address.
- b. The subject matter about which he or she was consulted.
- c. If he or she has submitted any written reports or opinions relative to the subject matter about which he or she was consulted, indicate the date (or dates) of such report, and the name and address of the person to whom submitted.

**14. Identify all documents, depositions, exhibits and/or tangible items supplied to each expert in connection with this action.**

**15. Identify all documents, depositions, exhibits, and tangible items reviewed by each expert in connection with this action, and to the extent not reviewed in their entirety, identify the portion or portions of the document, deposition, exhibit and/or tangible thing actually reviewed.**

**16. Identify all documents, depositions, exhibits, and tangible items used by each expert in reaching any opinion in connection with this action, and to the extent not used in their entirety, identify the portion or portions of the document, deposition, exhibit and/or tangible thing actually used in reaching any opinion.**

**17. Identify all regulations, statutes, and/or other legal authorities or materials supplied to each expert in connection with this action.**

**18. Identify all regulations, statutes, and/or other legal authorities or materials reviewed by each expert in connection with this action, and to the extent not reviewed in their entirety, identify the portion of the regulation, statute and/or legal authority or material actually reviewed.**



**19. Identify all regulations, statutes, and/or other legal authorities or materials used by each expert in reaching an opinion in connection with this action, and to the extent not reviewed in their entirety, identify the portions of the regulation, statute and/or legal authority or material actually used in reaching any opinion.**

**20. Identify all contracts or other agreements, and all other documents and records relative to such contracts or agreements entered into by Aqua and each expert or expert's company identified in Interrogatory No. 4.**

**21. For each contract or other agreement identified in Interrogatory No. 16, provide the amounts spent by Aqua to date on each contract and/or consultant working on this rate case, Docket No. 100330-WS.**

**22. For each expert identified in Interrogatory No. 4, provide:**

- a. The basis upon which the expert will be compensated.
- b. Whether such basis for compensation differs for document review, deposition testimony and hearing testimony.
- c. The amount of compensation received by the expert to date, relative to this action.

**23. Provide a list of all litigation- related matters, or matters before the Florida Public Service Commission, on which the expert has served as an expert witness and, for each listed matter, state:**

- a. The style of the case, the court or agency in which it was filed and the names and addresses of the attorneys involved.
- b. The party on whose behalf the expert was retained.
- c. The area or field in which the expert claimed an expertise.

**24. Please state the name, profession, and professional address of each person who you or your attorneys will, or may, call to testify as fact witnesses at the formal hearing in this matter, and as to each such person, state the following:**

- a. The witness' address and telephone number, including any second or additional residences.
- b. The state in which the witness legally resides.
- c. The witness' current employment.
- d. If the witness is retired, and the names and addresses of employers from whom the witness receives retirement income.
- e. Whether he or she has ever been a witness in any other legal proceeding and, if so, for each such lawsuit, give the name of the proceeding, the kind of proceeding involved, the name of the tribunal, the approximate date of the testimony, and the name and address of the parties or attorneys for whom he or she gave such testimony.

**25. Please state, in detail, the subject matter on which each person named in the answer to the foregoing Interrogatory No. 20 is expected to testify.**

**26. Identify all documents, depositions, exhibits and/or tangible items supplied to each fact witness in connection with this action.**

**27. Identify all documents, depositions, exhibits, and tangible items reviewed by each fact witness in connection with this action, and to the extent not reviewed in their entirety, identify the portion or portions of the document, deposition, exhibit and/or tangible thing actually reviewed.**

**28. Please state the name, profession and professional address of each person that Aqua has hired or retained for this proceeding, and as to each such person, state the following:**

- a. The outside consultant's address and telephone number.
- b. The state in which the outside consultant legally resides.
- c. The outside consultant's specific responsibilities related to this proceeding.
- d. The outside consultant's educational background, giving the names and educational institutions attended, with dates of attendance and the degrees earned with dates hereof.

- e. The outside consultant's specialty within his or her profession, if any.
- f. The outside consultant's current employment.
- g. The outside consultant's experience within his or her field, giving the dates, names and addresses of employers, if any; dates, names and addresses of institutions associates with, if any; any other experience, indicating dates and places; and a list of all awards or honors conferred upon the expert, which are related to his or her field of experience.
- h. Whether the outside consultant is retired, and the names and address of employers from whom the expert receives retirement income.
- i. Names of all professional associations or societies with which the outside consultant is related or a member of, stating his or her status.
- j. The title, name of publication, name of publisher and date of publication of any published articles, books, etc., authorized by each such person.
- k. Whether he or she has ever been a witness in any other legal proceeding and, if so, for each such lawsuit, give the name of the proceeding, the kind of proceeding involved, the name of the tribunal, the approximate date of the testimony, and the name and address of the parties or attorneys for whom he or she gave evidence.

**29. Please identify all employees of Aqua located in Florida, and for each, specifically identify that employee's full legal name, title, job description, business address, telephone number, and whether the employee is in a management position with Aqua.**

- a. For each, identify whether that employee has been involved in the maintenance, upkeep, repair, or operations of any Meters, Underground Utilities, Wastewater Services, Water Services, or Water and Wastewater Facilities at Arredondo Farms, and if so, the dates of the employee was involved in those activities.
  
- b. For each, identify whether that employee serves as a customer service representative or is otherwise involved in negotiating or dealing with billing issues, payment arrangements, Payment Plans, Back-billing, or water shut offs with customers of Aqua in Florida, including residents of Arredondo Farms.

**30. Please describe in detail Aqua’s policies, practices, and procedures relating to Back-billing customers for alleged non-payment and/or under-payment of past Water Services and Wastewater Services.**

- a. Please specifically identify all customers of Aqua at Arredondo Farms who have received Back-bills in the past three (3) years and for each, list and describe the date of the Back-bill, the amount of the Back-bill, and whether the customer’s Water Service and/or Wastewater Services were ultimately shut off as a result of the Back-bill.

**31. Please describe in detail Aqua's policies, practices, and procedures relating to entering into Payment Plans with customers for alleged non-payment and under-payment of past Water Services and Wastewater Services.**

- b. Please specifically identify all customers of Aqua at Arredondo Farms who have entered into Payment Plans with Aqua in the past three (3) years and for each, list and describe the date of the Payment Plan, the amount and terms of the Payment Plan, and whether the customer's Water Service and/or Wastewater Services were ultimately shut off for failing to failing to make payments under the Payment Plan.

**32. Please describe in detail Aqua's policies, practices, and procedures relating to shutting off Water Service and/or Wastewater Services of customers for alleged non-payment and under-payment of past Water Services and Wastewater Services.**

- c. Please specifically identify all customers of Aqua at Arredondo Farms who have had their Water Service and Wastewater Services shut off in the past three (3) years and for each, list and describe the date of that shut off, the amount that was owing to Aqua prior to the time of the shut off, and if and when that customer's Water Service and/or Wastewater Services were ultimately reconnected and the reason for that reconnection.

**33. Please specifically identify and describe any Documents created by, sent by, received by, or currently in the possession of Aqua relating in any way to the Gainesville Hearing. This includes, but is not limited to, any documents which evidence an intention of Aqua to shut off the Water Services and/or Wastewater Services of any customers of Aqua who spoke at the Gainesville Hearing or to Back-bill any customers of Aqua who spoke at the Gainesville Hearing for alleged non-payment of past Water Services and/or Wastewater Services.**

**34. Please specifically identify and describe any Documents exchanged between Aqua and customers of Aqua at the following lots in Arredondo Farms during the past three (3) years, including but not limited to any bills or Back-bills sent to the customer by Aqua, any Payment Plans entered into with the customer, any water shut off notices provided to the customer by Aqua, or any other communication or correspondence by and between Aqua and the customer.**

Lots: 3, 12, 68, 76, 92, 95, 97, 112, 123, 144, 151, 2009, 2011, 2106, 2119, 2126, 2129, 2205, 2421, 2502, 2506, 2512, 2614, 2617, 2630, 131, 15, 20, 26, 28, 40, 41, 46, 74, 75, 86, 89, 111, 115, 122, 135, 137, 148, 2010, 2014, 2017, 2104, 2112, 2207, 2208, 2233, 2300, 2324, 2331, 2402, 2507, 2511, 2613, 2615, 2618, 2629, 2706, 2425, 2330, 2629, 2639, 2621, 2016, 113, 110, 37, 45, 23, 2417, 2330, 2407, 4, and 34.

**35. Please describe in detail Aqua's policies, practices, and procedures relating to performance under and compliance with the Monitoring Program implemented by the PSC in Order No. PSC-09-0385-FOF-WS, Order No. PSC-10-0218-PAA-WS, and Order No. PSC-10-0297-PAA-WS with regard to the provision of Water Services and Wastewater Services at Arredondo Farms.**



**VERIFICATION**

I have read the foregoing Answers to Interrogatories and do swear they are true and correct to the best of my knowledge and belief.

**Aqua Utilities Florida, Inc.**

\_\_\_\_\_  
Printed Name: \_\_\_\_\_  
As: \_\_\_\_\_

STATE OF \_\_\_\_\_ )  
  )  
COUNTY OF \_\_\_\_\_ )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2011, by \_\_\_\_\_, as \_\_\_\_\_ of Aqua Utilities Florida, Inc., who is personally known to me or has produced \_\_\_\_\_ as identification and did take an oath.

\_\_\_\_\_  
Notary Public  
State of Florida

(SEAL)

\_\_\_\_\_  
Print, Type or Stamp Name

**Marguerite McLean**

**From:** Susan Sherman [Susan.Sherman@arlaw.com]  
**Sent:** Monday, October 17, 2011 12:09 PM  
**To:** Filings@psc.state.fl.us  
**Cc:** bruce.may@hklaw.com; kajoyce@aquaamerica.com; kelly.jr@leg.state.fl.us; CHRISTENSEN.PATTY@leg.state.fl.us; Rlloyd1@aol.com; wdco@comcast.net; David Bernstein; Kenneth Curtin; dbussey@hotmail.com; Kelly.Sullivan.Woods@gmail.com; Ralph Jaeger; jrichards@pascocountyfl.net; kkurz@yescommunities.com; Andrew McBride; cecilia\_bradley@oag.state.fl.us  
**Subject:** AQUA UTILITIES FLORIDA, INC. RATE ACTION (Docket. No. 100330-WS): INTERVENER, YES COMPANIES, LLC D/B/A ARREDONDO FARMS', THIRD REQUEST TO PRODUCE TO APPLICANT, AQUA UTILITIES FLORIDA, INC.

**Attachments:** YES 3RD REQUEST TO PRODUCE TO AUF.pdf

**Electronic Filing****a. Person Responsible for this electronic filing:**

David S. Bernstein, Esq.  
 Adams and Reese LLP  
 150 Second Avenue North, Suite 1700  
 St. Petersburg, Florida 33701  
 Direct: (727) 502-8215  
 E-Fax: (727) 502-8915  
[David.Bernstein@arlaw.com](mailto:David.Bernstein@arlaw.com)

**b. Docket No. 100330-WS**

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.

**c. Document being filed on behalf of YES COMPANIES, LLC d/b/a ARREDONDO FARMS****d. There are a total of 2 pages****e. The document attached for electronic filing is: INTERVENER, YES COMPANIES, LLC D/B/A ARREDONDO FARMS', THIRD REQUEST TO PRODUCE TO APPLICANT, AQUA UTILITIES FLORIDA, INC.**

Thank you for your cooperation and attention to this matter.

**Sue**

Susan G. Sherman, CP, FRP  
 Certified Paralegal  
 Adams and Reese LLP  
 150 Second Avenue North, Suite 1700  
 St. Petersburg, FL 33701  
 Direct: (727) 502-8243  
 E-Fax: (727) 502-8943  
 Main: (727) 502-8200  
 Email: [susan.sherman@arlaw.com](mailto:susan.sherman@arlaw.com)  
 Web Site: [www.adamsandree.com](http://www.adamsandree.com)

**DOCUMENT NO. DATE**

07606-11 10/17/11  
**FPSC - COMMISSION CLERK**

10/18/2011

# ADAMS AND REESE LLP

Baton Rouge | Birmingham | Houston | Jackson | Memphis | Mobile | Nashville | New Orleans | Sarasota | St. Petersburg | Tampa | Washington, D.C.

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10/18/2011

**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: October 17, 2011

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**INTERVENER, YES COMPANIES, LLC. D/B/A ARREDONDO FARMS'. THIRD REQUEST TO PRODUCE TO APPLICANT, AQUA UTILITIES FLORIDA, INC.**

Intervener, Yes Companies, LLC d/b/a Arredondo Farms ("YES"), by and through its undersigned counsel, and in accordance with Rule 28-106.206, Fla.Admin.C., and the Rules 1.280-1.400, Fla.R.Civ.P., propounds its Third Request to Produce to be answered by Applicant, Aqua Utilities Florida, Inc. ("Aqua").

Respectfully submitted,

ADAMS AND REESE, LLP  
David S. Bernstein, Esquire.  
Andrew J. McBride, Esquire  
Kenneth M. Curtin, Esquire  
150 Second Avenue North, Suite 1700  
St. Petersburg, Florida 33701  
Direct: (727) 502-8200  
E-Fax: (727) 502-8282  
[Kenneth.curtin@arlaw.com](mailto:Kenneth.curtin@arlaw.com)

By: s/ Andrew J. McBride  
Andrew J. McBride  
FL Bar No. 0067973  
David S. Bernstein, Esquire.  
FL Bar No. 454400  
Attorneys for Intervener

**DOCUMENT NO.    DATE**

07606-11    10/17/11  
**FPSC - COMMISSION CLERK**

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY a true and correct copy of the foregoing has been furnished via email (where provided below) and U.S. Mail on October 14, 2011 to: **Kimberley A. Joyce, Esq.**, Aqua American, Inc., 762 West Lancaster Avenue, Bryn Mawr, PA 19010 ([kajoyce@aquaaamerica.com](mailto:kajoyce@aquaaamerica.com)); **D. Bruce May, Jr., Esq.**, P.O. Box 810, Tallahassee, Florida 32302-0810 ([bruce.may@hkllaw.com](mailto:bruce.may@hkllaw.com)); **J.R. Kelly, Esq. and Patty Christensen, Esq.**, Office of Public Counsel, c/o Florida Legislature, 111 W. Madison Street, Room 812, Tallahassee, Florida 32399-1400 ([KELLY.JR@leg.state.fl.us](mailto:KELLY.JR@leg.state.fl.us)) and [CHRISTENSEN.PATTY@leg.state.fl.us](mailto:CHRISTENSEN.PATTY@leg.state.fl.us); **Robert Lloyd**, P.O. Box 63, Captiva, Florida 33924 ([RLloyd1@aol.com](mailto:RLloyd1@aol.com)); **William Coakley**, 5934 Lake Osborne Drive, Lantana, Florida 33461 ([wdco@comcast.net](mailto:wdc@comcast.net)); **David L. Bussey**, 4948 Britni Way, Zephyrhills, Florida 33541 ([dbussey@hotmail.com](mailto:dbussey@hotmail.com)); **Kelly Sullivan, Esquire**, 570 Osprey Lakes Circle, Chuluota, Florida 32766-6658 ([Kelly.Sullivan.Woods@gmail.com](mailto:Kelly.Sullivan.Woods@gmail.com)); **Ralph Jaeger**, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, Florida 32399-0850 ([RJJaeger@Psc.State.fl.us](mailto:RJJaeger@Psc.State.fl.us)); **Joseph D. Richards, Esquire**, Pasco County Attorney's Office, 8731 Citizens Drive, Suite 340, New Port Richey, Florida 34654 ([jrichards@pascocountyfl.net](mailto:jrichards@pascocountyfl.net)); **Cecilia Bradley, Esquire**, Office of the Attorney General, The Capitol - PL01, Tallahassee, Florida 32399 ([Cecilia.Bradley@myfloridalegal.com](mailto:Cecilia.Bradley@myfloridalegal.com))

s/ Andrew J. McBride  
Attorney

Diamond Williams

100330-WS

**From:** Susan Sherman [Susan.Sherman@arlaw.com]  
**Sent:** Monday, October 17, 2011 12:11 PM  
**To:** Filings@psc.state.fl.us  
**Cc:** bruce.may@hklaw.com; kajoyce@aquaamerica.com; kelly.jr@leg.state.fl.us; CHRISTENSEN.PATTY@leg.state.fl.us; Rlloyd1@aol.com; wdco@comcast.net; David Bernstein; Kenneth Curtin; dbussey@hotmail.com; Kelly.Sullivan.Woods@gmail.com; Ralph Jaeger; jrichards@pascocountyfl.net; kkurz@yescommunities.com; Andrew McBride; cecilia\_bradley@oag.state.fl.us  
**Subject:** AQUA UTILITIES FLORIDA, INC. RATE ACTION (Docket. No. 100330-WS): INTERVENER, YES COMPANIES, LLC D/B/A ARREDONDO FARMS', THIRD SET OF INTERROGATORIES TO APPLICANT, AQUA UTILITIES FLORIDA, INC.

**Attachments:** YES 3RD SET OF INTERROGATORIES TO AUF.pdf

Electronic Filing

a. Person Responsible for this electronic filing:

David S. Bernstein, Esq.  
 Andrew J. McBride, Esq.  
 Adams and Reese LLP  
 150 Second Avenue North, Suite 1700  
 St. Petersburg, Florida 33701  
 Direct: (727) 502-8215  
 E-Fax: (727) 502-8915  
[David.Bernstein@arlaw.com](mailto:David.Bernstein@arlaw.com)

b. Docket No. 100330-WS

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.

c. Document being filed on behalf of YES COMPANIES, LLC d/b/a ARREDONDO FARMS

d. There are a total of 2 pages

e. The document attached for electronic filing is: INTERVENER, YES COMPANIES, LLC D/B/A ARREDONDO FARMS', THIRD SET OF INTERROGATORIES TO APPLICANT, AQUA UTILITIES FLORIDA, INC.

Thank you for your cooperation and attention to this matter.

*Sue*

Susan G. Sherman, CP, FRP  
 Certified Paralegal  
 Adams and Reese LLP  
 150 Second Avenue North, Suite 1700

DOCUMENT NO. DATE

07594-11 10/17/11  
 FPSC - COMMISSION CLERK

10/17/2011

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Direct: (727) 502-8243  
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Main: (727) 502-8200  
Email: [susan.sherman@arlaw.com](mailto:susan.sherman@arlaw.com)  
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## ADAMS AND REESE LLP

Baton Rouge | Birmingham | Houston | Jackson | Memphis | Mobile | Nashville | New Orleans | Sarasota | St. Petersburg | Tampa  
| Washington, D.C.

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10/17/2011

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**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: October 17, 2011

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**INTERVENER, YES COMPANIES, LLC D/B/A**  
**ARREDONDO FARMS'. THIRD SET OF INTERROGATORIES**  
**TO APPLICANT, AQUA UTILITIES FLORIDA, INC.**

Intervener, Yes Companies, LLC d/b/a Arredondo Farms ("YES"), by and through its undersigned counsel, and in accordance with Rule 28-106.206, Fla.Admin.C., and the Rules 1.280-1.400, Fla.R.Civ.P., propounds its Third Set of Interrogatories to be answered by Applicant, Aqua Utilities Florida, Inc ("Aqua").

Respectfully submitted,

ADAMS AND REESE, LLP  
David S. Bernstein, Esquire.  
Kenneth M. Curtin, Esquire  
Andrew J. McBride, Esquire  
150 Second Avenue North, Suite 1700  
St. Petersburg, Florida 33701  
Direct: (727) 502-8200  
E-Fax: (727) 502-8282  
[Kenneth.curtin@arlaw.com](mailto:Kenneth.curtin@arlaw.com)

By: s/ Andrew J. McBride  
Andrew J. McBride  
FL Bar No. 0067973  
David S. Bernstein, Esquire.  
FL Bar No. 454400  
Attorneys for Intervener

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DOCUMENT NO. DATE  
07594-11 10,17,11  
FPSC - COMMISSION CLERK



**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY a true and correct copy of the foregoing has been furnished via email (where provided below) and U.S. Mail on October 14, 2011 to: **Kimberley A. Joyce, Esq.**, Aqua American, Inc., 762 West Lancaster Avenue, Bryn Mawr, PA 19010 ([kajoyce@aquaamerica.com](mailto:kajoyce@aquaamerica.com)); **D. Bruce May, Jr., Esq.**, P.O. Box 810, Tallahassee, Florida 32302-0810 ([bruce.may@hkllaw.com](mailto:bruce.may@hkllaw.com)); **J.R. Kelly, Esq. and Patty Christensen, Esq.**, Office of Public Counsel, c/o Florida Legislature, 111 W. Madison Street, Room 812, Tallahassee, Florida 32399-1400 ([KELLY.JR@leg.state.fl.us](mailto:KELLY.JR@leg.state.fl.us)) and [CHRISTENSEN.PATTY@leg.state.fl.us](mailto:CHRISTENSEN.PATTY@leg.state.fl.us) ; **Robert Lloyd**, P.O. Box 63, Captiva, Florida 33924 ([Rlloyd1@aol.com](mailto:Rlloyd1@aol.com)); **William Coakley**, 5934 Lake Osborne Drive, Lantana, Florida 33461 ([wdco@comcast.net](mailto:wdco@comcast.net)); **David L. Bussey**, 4948 Britni Way, Zephyrhills, Florida 33541 ([dbussey@hotmail.com](mailto:dbussey@hotmail.com)); **Kelly Sullivan, Esquire**, 570 Osprey Lakes Circle, Chuluota, Florida 32766-6658 ([Kelly.Sullivan.Woods@gmail.com](mailto:Kelly.Sullivan.Woods@gmail.com)); **Ralph Jaeger**, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, Florida 32399-0850 ([RJaeger@Psc.State.fl.us](mailto:RJaeger@Psc.State.fl.us)); **Joseph D. Richards, Esquire**, Pasco County Attorney's Office, 8731 Citizens Drive, Suite 340, New Port Richey, Florida 34654 ([jrichards@pascocountyfl.net](mailto:jrichards@pascocountyfl.net)); **Cecilia Bradley, Esquire**, Office of the Attorney General, The Capitol - PL01, Tallahassee, Florida 32399 ([Cecilia.Bradley@myfloridalegal.com](mailto:Cecilia.Bradley@myfloridalegal.com))

s/ Andrew J. McBride  
Attorney

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

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. )

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DOCKET NO. 100330-WS

Dated: November 14, 2011

**AQUA UTILITIES FLORIDA, INC.'S NOTICE OF SERVICE OF ANSWERS AND  
OBJECTIONS TO YES COMPANIES, LLC D/B/A ARREDONDO FARMS' THIRD SET  
OF INTERROGATORIES (NOS. 5-35) AND RESPONSES AND OBJECTIONS TO YES  
COMPANIES, LLC D/B/A ARREDONDO FARMS' THIRD REQUEST TO PRODUCE  
(NOS. 7-29) TO AQUA UTILITIES FLORIDA, INC.<sup>1</sup>**

Aqua Utilities Florida, Inc., pursuant to Rule 28-106.206, Florida Administrative Code, Rules 1.340 and 1.350, Florida Rules of Civil Procedure, and the Order Establishing Procedure, Order No. PSC-11-0309-PCO-WS, as modified by Order No. PSC-11-0384-PCO-WS, hereby gives notice that it has served on the date indicated below its Answers and Objections to the Third Set of Interrogatories (Nos. 5-35) to Applicant, Aqua Utilities Florida, Inc., and Responses and Objections to the Second Request to Produce to Applicant, Aqua Utilities Florida, Inc., propounded by Yes Communities, Inc. d/b/a Arredondo Farms on October 14, 2011.

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<sup>1</sup> AUF notes that YES has erroneously numbered its Third Set of Interrogatories and Third Request for Production. The Third Set of Interrogatories should have begun with No. 20. The Third Request for Production of Documents should have begun with No. 24. However, AUF has utilized YES' erroneous numbering for the sake of clarity of its responses/answers and objections.

DOCUMENT NUMBER DATE

08387 NOV 14 =

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Dated this 14<sup>th</sup> day of November, 2011.

**HOLLAND & KNIGHT LLP**



**D. Bruce May, Jr.**  
Fla. Bar No. 354473  
**Gigi Rollini**  
Fla. Bar No. 684491  
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[gigi.rollini@hklaw.com](mailto:gigi.rollini@hklaw.com)

-and-

**Kimberly A. Joyce, Esquire**  
Aqua America, Inc.  
762 West Lancaster Avenue  
Bryn Mawr, PA 19010  
(610) 645-1077 (Telephone)  
(610) 519-0989 (Facsimile)

**Attorneys for Aqua Utilities Florida, Inc.**

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was furnished by e-mail and

U.S. Mail this 14th day of November, 2011 to:

Ralph Jaeger  
Caroline Klancke  
Office of General Counsel  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

J.R. Kelly  
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Office of Public Counsel  
c/o The Florida Legislature  
111 W Madison St, Room 812  
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Attorney

**Dorothy Menasco**

**From:** jennifer.gillis@hklaw.com  
**nt:** Monday, November 14, 2011 4:44 PM  
**To:** Filings@psc.state.fl.us  
**Cc:** Andrew.McBride@arlaw.com; Caroline Klancke; Cecilia.Bradley@myfloridalegal.com; David.Bernstein@arlaw.com; Jrichards@pascocountyfl.net; KELLY.JR@leg.state.fl.us; kenneth.curtin@arlaw.com; Larry Harris; Lisa Bennett; CHRISTENSEN.PATTY@leg.state.fl.us; Ralph Jaeger  
**Subject:** 100330-WS - Electronic Filing  
**Attachments:** 100330-WS - NOS YES 3RD SET.pdf

a. Person responsible for this electronic filing:

Gigi Rollini  
 Holland & Knight LLP  
 Post Office Drawer 810  
 Tallahassee, FL 32302-0810  
 (850) 224-7000  
[Gigi.rollini@hklaw.com](mailto:Gigi.rollini@hklaw.com)

b. Docket number and title for electronic filing are: Docket No. 100330-WS - 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.

c. The name of the party on whose behalf the document is filed: Aqua Utilities Florida, Inc. ("AUF").

d. Total number of pages: 3

Brief description of filing: AUF's NOTICE OF SERVICE OF ANSWERS AND OBJECTIONS TO YES COMPANIES, LLC D/B/A ARREDONDO FARMS' THIRD SET OF INTERROGATORIES (NOS. 5-35) AND RESPONSES AND OBJECTIONS TO YES COMPANIES, LLC D/B/A ARREDONDO FARMS' THIRD REQUEST TO PRODUCE (NOS. 7-29) TO AUF.

**Jennifer Gillis | Holland & Knight**  
 Sr Legal Secretary  
 315 South Calhoun Street, Suite 600 | Tallahassee FL 32301  
 Phone 850.425.5605 | Fax 850.224.8832  
[jennifer.gillis@hklaw.com](mailto:jennifer.gillis@hklaw.com) | [www.hklaw.com](http://www.hklaw.com)

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**\*\*\*\*IRS CIRCULAR 230 DISCLOSURE: TO ENSURE COMPLIANCE WITH REQUIREMENTS IMPOSED BY THE IRS, WE INFORM YOU THAT ANY TAX ADVICE CONTAINED IN THIS COMMUNICATION (INCLUDING ANY ATTACHMENTS) IS NOT INTENDED OR WRITTEN BY HOLLAND & KNIGHT LLP ) BE USED, AND CANNOT BE USED, FOR THE PURPOSE OF (I) AVOIDING TAX-**

11/14/2011

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**RELATED PENALTIES UNDER THE INTERNAL REVENUE CODE, OR (II) PROMOTING, MARKETING, OR RECOMMENDING TO ANOTHER PARTY ANY TAX-RELATED MATTER HEREIN.\*\*\*\***

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NOTE: This e-mail is from a law firm, Holland & Knight LLP ("H&K"), and is intended solely for the use of the individual(s) to whom it is addressed. If you believe you received this e-mail in error, please notify the sender immediately, delete the e-mail from your computer and do not copy or disclose it to anyone else. If you are not an existing client of H&K, do not construe anything in this e-mail to make you a client unless it contains a specific statement to that effect and do not disclose anything to H&K in reply that you expect it to hold in confidence. If you properly received this e-mail as a client, co-counsel or retained expert of H&K, you should maintain its contents in confidence in order to preserve the attorney-client or work product privilege that may be available to protect confidentiality.

11/14/2011

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**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

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  
 )  
 ) Dated: November 14, 2011  
 )  
 )  
 )

**AQUA UTILITIES FLORIDA, INC.'S RESPONSES AND OBJECTIONS TO YES COMMUNITIES, INC. D/B/A ARREDONDO FARMS' THIRD REQUEST FOR PRODUCTION OF DOCUMENTS TO AQUA UTILITIES FLORIDA, INC. (NOS. 7-29)**

Aqua Utilities Florida, Inc. ("AUF"), by and through its undersigned counsel and pursuant to Order Establishing Procedure No. PSC-11-0309-PCO-WS, as modified by Order No. PSC-11-0384-PCO-WS ("Procedural Order"), Rule 28-106.206, Florida Administrative Code, and Rule 1.350, Florida Rules of Civil Procedure, hereby serves its responses and objections to the Third Request for Production of Documents (Nos. 7-29) to AUF, propounded by Yes Communities, Inc. d/b/a Arredondo Farms ("YES") on October 14, 2011.

**PRELIMINARY STATEMENT AND OBJECTION**

By providing these responses and objections to YES' Requests, AUF does not waive its right to challenge the relevance, materiality, and admissibility of the information or documents provided, or to object to the use of the information or documents in any subsequent proceeding, trial, or hearing in this action.

AUF's search for information and documents is ongoing. Accordingly, AUF's responses and objections to these Requests are based on information and documents known to it at this time. AUF reserves its right to supplement or amend its responses and objections at any time prior to final hearing. These responses and objections are limited to and filed on behalf of AUF.

## GENERAL OBJECTIONS

1. With respect to the "Definitions" and "Instructions" in the Requests, 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 YES' definitions or instructions that are inconsistent with those rules. This includes, but is not limited to, YES' definition of "Back-bills" or "Back-billing," which definition is not consistent with the Commission's Rules or Florida law, or with the Commission's practice pertaining to backbills or backbilling. Rather, under Florida law, a "backbill" or "backbilling" refers to instances where a customer is billed for services that were previously received but not fully paid for due to a mistake by the utility.

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

3. AUF also objects to any request for production of documents ("POD") that purports to require AUF or its experts to prepare studies, analyses, or to do work for YES that has not been done for AUF.

4. AUF generally objects to any POD that calls 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 responses and objections to YES' PODs if AUF cannot locate responsive documents immediately due to the magnitude of the PODs, or the work required to aggregate its responses, or if AUF later discovers additional information in the course of this proceeding. By making these general objections at this time,



AUF does not waive or relinquish its right to assert additional general and specific objections to YES' PODs.

6. AUF objects to these PODs, individually and generally, to the extent the requested documents and/or information have been previously provided to YES, or is in the public domain or equally accessible to YES.

7. By providing the responses herein, AUF does not concede that any POD is relevant to this action or is reasonably calculated to lead to the discovery of admissible evidence. AUF expressly reserves the right to supplement its responses upon further investigation into the subject matter of any of YES' PODs.

8. In responding to YES' PODs, AUF has made a reasonable inquiry of those persons likely to possess information responsive thereto 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 YES' PODs ask AUF to go to greater lengths, including to create electronic documents that do not already exist, AUF objects thereto because such requests are overly broad, unduly burdensome, unreasonable, and outside of the scope of Fla. R. Civ. P. 1.350.

### **RESPONSES AND OBJECTIONS TO REQUESTS<sup>1</sup>**

7. All documents identified in or pertaining to the Aqua's responses to Yes's Third Set of Interrogatories to Aqua.

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<sup>1</sup> AUF notes that YES has erroneously numbered its Third Set of Requests. The Third Set should have begun with YES POD No. 24. However, AUF has utilized YES' erroneous numbering herein for the sake of clarity of its responses and objections.

**RESPONSE:** The General Objections stated above and General and Specific Objections to these PODs served on YES on November 3, 2011, are incorporated herein by reference. Without waiving any such objections, AUF states: please see documents attached to AUF's Answers and Objections to the Interrogatories ("ROG") in YES' Third Set of Interrogatories.

8. All documents that you intend to introduce into evidence or rely on at the hearing in this proceeding.

**RESPONSE:** The General Objections stated above and General and Specific Objections to these PODs served on YES on November 3, 2011, are incorporated herein by reference. In response thereto, counsel for YES informed AUF's counsel on November 10, 2011, that this ROG specifically is not requesting disclosure of any legal research or other information protected by the attorney/client privilege or work product doctrine.

Without waiving any such Objections, AUF answers that the documents responsive to this ROG are contained in AUF's filings with the Commission in this Rate Case, including but not limited to AUF's MFRs and prefiled testimony and exhibits, which documents all parties to this proceeding already possess.

9. All letters of engagement, contracts or agreements, and all other records relative to such letters, contracts or agreements, between Aqua and Aqua's experts, witnesses and consultants in this proceeding.

**RESPONSE:** The General Objections stated above and General and Specific Objections to these PODs served on YES on November 3, 2011, are incorporated herein by reference. In response thereto, counsel for YES informed AUF's counsel on November 10, 2011, that this ROG specifically is not requesting disclosure of any legal research or other information protected by the attorney/client privilege or work product doctrine; and that the POD is limited to seeking information regarding AUF's non-employee, testifying experts and AUF's non-employee, non-testifying experts retained specifically for this Rate Case and regarding whom AUF is seeking reimbursement of such expenses in this Rate Case.

Without waiving any such Objections, AUF states: please see AUF's answer to YES ROG No. 20.

10. All workpapers, source documents, and other documents relied upon or created by all experts, consultants and witnesses to be offered by Aqua in this proceeding that relate to this proceeding.

**RESPONSE:** The General Objections stated above and General and Specific Objections to these PODs served on YES on November 3, 2011, are incorporated herein by reference. In response thereto, counsel for YES informed AUF's counsel on November 10, 2011, that this ROG specifically is not requesting disclosure of any legal research or other information protected by the attorney/client privilege or work product doctrine; and that the POD is limited to seeking information regarding AUF's non-employee, testifying experts and AUF's non-employee, non-testifying experts retained specifically for this Rate Case and regarding whom AUF is seeking reimbursement of such expenses in this Rate Case.

Without waiving any such Objections, AUF states: please see AUF's answers to YES ROG Nos. 8-19.

11. All documents (including, but not limited to, workpapers, source documents, calculations, spreadsheets with all links to intact and correspondence) relied upon by Aqua, its experts, consultants or witnesses to determine the propriety of Aqua's Petition before filing the Petition in this action.

**RESPONSE:** The General Objections stated above and General and Specific Objections to these PODs served on YES on November 3, 2011, are incorporated herein by reference. In response thereto, counsel for YES informed AUF's counsel on November 10, 2011, that this POD specifically is not requesting disclosure of any legal research or other information protected by the attorney/client privilege or work product doctrine; that "Aqua's Petition" refers to AUF's Protest Cross-Petition; and that the POD is limited to seeking information regarding AUF's non-employee, testifying experts and AUF's non-employee, non-testifying experts retained specifically for this Rate Case and regarding whom AUF is seeking reimbursement of such expenses in this Rate Case.

Without waiving any such Objections, AUF states: please see AUF's response to YES POD No. 10.

12. All documents (including, but not limited to, workpapers, source documents, calculations, spreadsheets with all links intact and correspondence) that support Aqua's Petition.

**RESPONSE:** The General Objections stated above and General and Specific Objections to these PODs served on YES on November 3, 2011, are incorporated herein by reference. In response thereto, counsel for YES informed AUF's counsel on November 10, 2011, that this POD specifically is not requesting disclosure of any legal research or other information protected by the attorney/client privilege or work product doctrine; that "Aqua's Petition" refers to AUF's Protest Cross-Petition; and that the POD is limited to seeking information regarding AUF's non-

employee, testifying experts and AUF's non-employee, non-testifying experts retained specifically for this Rate Case and regarding whom AUF is seeking reimbursement of such expenses in this Rate Case.

Without waiving any such Objections, AUF states: please see AUF's response to YES POD No. 10.

13. All documents (including, but not limited to, workpapers, source documents, calculations, spreadsheets with all links intact and correspondence) on which Aqua, its experts, consultants or witnesses relied to determine the potential financial impact on ratepayers as a result of Aqua's Petition.

**RESPONSE:** The General Objections stated above and General and Specific Objections to these PODs served on YES on November 3, 2011, are incorporated herein by reference. In response thereto, counsel for YES informed AUF's counsel on November 10, 2011, that this POD specifically is not requesting disclosure of any legal research or other information protected by the attorney/client privilege or work product doctrine; that "Aqua's Petition" refers to AUF's Protest Cross-Petition; and that the POD is limited to seeking information regarding AUF's non-employee, testifying experts and AUF's non-employee, non-testifying experts retained specifically for this Rate Case and regarding whom AUF is seeking reimbursement of such expenses in this Rate Case.

Without waiving any such Objections, AUF states: please see AUF's response to YES POD No. 10.

14. All documents (including, but not limited to, correspondence, e-mail communications, the telephone logs) reflecting communications between Aqua and its experts, consultants or witnesses in this proceeding that refer or relate to this proceeding.

**RESPONSE:** The General Objections stated above and General and Specific Objections to these PODs served on YES on November 3, 2011, are incorporated herein by reference. In response thereto, counsel for YES informed AUF's counsel on November 10, 2011, that this POD specifically is not requesting disclosure of any legal research or other information protected by the attorney/client privilege or work product doctrine; and that the POD is limited to seeking information regarding AUF's non-employee, testifying experts and AUF's non-employee, non-testifying experts retained specifically for this Rate Case and regarding whom AUF is seeking reimbursement of such expenses in this Rate Case.

**Without waiving any such Objections, AUF states: please see AUF's response to YES POD No. 10. No other responsive documents that are discoverable exist.**

15. All documents (including, but not limited to, correspondence, e-mail communications, and telephone logs) reflecting communications between YES and Aqua since January 1, 2008.

**RESPONSE: The General Objections stated above and General and Specific Objections to these PODs served on YES on November 3, 2011, are incorporated herein by reference. Without waiving such Objections, AUF states that, to the best of AUF's knowledge and belief, no documents exist other than those which YES already possesses.**

16. All documents (including, but not limited to, correspondence, e-mail communications, and telephone logs) reflecting communications between Aqua and the Florida Public Service Commission since January 1, 2008.

**RESPONSE: The General Objections stated above and General and Specific Objections to these PODs served on YES on November 3, 2011, are incorporated herein by reference. In response thereto, in order to limit the burdensome and potentially irrelevant nature of the documents sought by YES' original request, counsel for YES informed AUF's counsel on November 10, 2011, that this POD seeks only communications between AUF and the Commission during the instant Rate Case. Without waiving such Objections, AUF states that documents responsive to this request are attached hereto and entitled, "YES POD 16."**

17. All documents or records referred to, consulted, relied upon or examined in preparing the answers to Yes's Third Set of Interrogatories to Aqua ("Interrogatories"), or which relate to, support or conflict with any answer to those Interrogatories.

**RESPONSE: The General Objections stated above and General and Specific Objections to these PODs served on YES on November 3, 2011, are incorporated herein by reference. In response thereto, counsel for YES informed AUF's counsel on November 10, 2011, that this POD specifically is not requesting disclosure of any legal research or other information protected by the attorney/client privilege or work product doctrine. Without waiving any such Objections, AUF states: please see AUF's answer to YES ROG No. 7.**

18. All documents, depositions, exhibits and/or tangible items supplied to each expert, consultant or witness in connection with this action.

**RESPONSE:** The General Objections stated above and General and Specific Objections to these PODs served on YES on November 3, 2011, are incorporated herein by reference. In response thereto, counsel for YES informed AUF's counsel on November 10, 2011, that this POD specifically is not requesting disclosure of any legal research or other information protected by the attorney/client privilege or work product doctrine; and that the POD is limited to seeking information regarding AUF's non-employee, testifying experts and AUF's non-employee, non-testifying experts retained specifically for this Rate Case and regarding whom AUF is seeking reimbursement of such expenses in this Rate Case. Without waiving any such Objections, AUF states: please see AUF's answer to YES ROG No. 14.

19. All documents, depositions, exhibits and tangible items reviewed by each expert, consultant or witness in connection with this action and, to the extent not reviewed in their entirety, the portion or portions of the document, deposition, exhibit and/or tangible thing actually reviewed.

**RESPONSE:** The General Objections stated above and General and Specific Objections to these PODs served on YES on November 3, 2011, are incorporated herein by reference. In response thereto, counsel for YES informed AUF's counsel on November 10, 2011, that this POD specifically is not requesting disclosure of any legal research or other information protected by the attorney/client privilege or work product doctrine; and that the POD is limited to seeking information regarding AUF's non-employee, testifying experts and AUF's non-employee, non-testifying experts retained specifically for this Rate Case and regarding whom AUF is seeking reimbursement of such expenses in this Rate Case. Without waiving any such Objections, AUF states: please see AUF's answer to YES ROG No. 15.

20. All documents, depositions, exhibits and tangible items used by each expert, consultant or witness in reaching any opinion in connection with this action and, to the extent not used in their entirety, the portion or portions of the document, deposition, exhibit and/or tangible thing actually used in reaching any opinion.

**RESPONSE:** The General Objections stated above and General and Specific Objections to these PODs served on YES on November 3, 2011, are incorporated herein by reference. In response thereto, counsel for YES informed AUF's counsel on November 10, 2011, that this POD specifically is not requesting disclosure of any legal research or other information protected by the attorney/client privilege or work product doctrine; and that the POD is limited to seeking information regarding AUF's non-employee, testifying experts and AUF's non-employee, non-testifying experts retained specifically for this Rate Case and regarding whom AUF

**is seeking reimbursement of such expenses in this Rate Case. Without waiving any such Objections, AUF states: please see AUF's answer to YES ROG No. 16.**

21. All documents relating to Aqua's policies, practices, and procedures for Back-billing customers for alleged non-payment and/or under-payment of past Water Services and/or Wastewater Services.

**RESPONSE: The General Objections stated above and General and Specific Objections to these PODs served on YES on November 3, 2011, are incorporated herein by reference. Without waiving any such Objections, AUF states: please see AUF's answer to YES ROG No. 30.**

22. All documents relating to any Back-bills given to Aqua customers at Arredondo Farms in the past three (3) years, including copies of all relevant Backbills.

**RESPONSE: The General Objections stated above and General and Specific Objections to these PODs served on YES on November 3, 2011, are incorporated herein by reference. Without waiving any such Objections, AUF states: please see AUF's answer to YES ROG No. 30.**

23. All documents relating to Aqua's policies, practices, and procedures for entering into Payment Plans with customers for alleged non-payment and under-payment of past Water Services and/or Wastewater Services.

**RESPONSE: The General Objections stated above and General and Specific Objections to these PODs served on YES on November 3, 2011, are incorporated herein by reference. Without waiving any such Objections, AUF states: please see AUF's answer to YES ROG No. 31.**

24. All documents relating to all Payment Plans entered into with Aqua customers at Arredondo Farms in the past three (3) years, including copies of all payment plans.

**RESPONSE: The General Objections stated above and General and Specific Objections to these PODs served on YES on November 3, 2011, are incorporated herein by reference. Without waiving any such Objections, AUF states: please see AUF's answer to YES ROG No. 31.**

25. All documents relating to Aqua's policies, practices, and procedures for shutting off Water Service and/or Wastewater Services of customers for alleged non-payment and under-payment of past Water Services and/or Wastewater Services.

**RESPONSE:** The General Objections stated above and General and Specific Objections to these PODs served on YES on November 3, 2011, are incorporated herein by reference. Without waiving any such Objections, AUF states: please see AUF's answer to YES ROG No. 32.

26. All documents relating to any water shut offs against Aqua customers at Arredondo Farms in the past three (3) years, including copies of any responsive shut off notices and reconnection documents.

**RESPONSE:** The General Objections stated above and General and Specific Objections to these PODs served on YES on November 3, 2011, are incorporated herein by reference. Without waiving any such Objections, AUF states: please see AUF's answer to YES ROG No. 32.

27. [A]ll documents created by, sent by, received by, or currently in the possession of Aqua relating in any way to the Gainesville Hearing. This includes, but is not limited to, any documents which evidence an intention of Aqua to shut off the Water Services and/or Wastewater Services of any customers of Aqua who spoke at the Gainesville Hearing or to Back-bill any customers of Aqua who spoke at the Gainesville Hearing for alleged non-payment of past Water Services and/or Wastewater Services.

**RESPONSE:** The General Objections stated above and General and Specific Objections to these PODs served on YES on November 3, 2011, are incorporated herein by reference. Without waiving any such Objections, AUF states: please see AUF's answer to YES ROG No. 33.

28. All documents exchanged between Aqua and customers of Aqua at the following lots in Arredondo Farms during the past three (3) years, including but not limited to any bills or Back-bills sent to the customer by Aqua, any Payment Plans entered into with the customer, any water



shut off notices provided to the customer by Aqua, or any other communication or correspondence by and between Aqua and the customer.

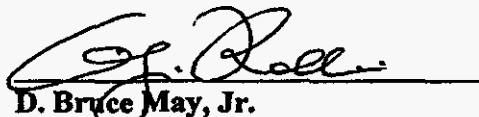
Lots: 3, 12, 68, 76, 92, 95, 97, 112, 123, 144, 151, 2009, 2011, 2106, 2119, 2126, 2129, 2205, 2421, 2502, 2506, 2512, 2614, 2617, 2630, 131, 15, 20, 26, 28, 40, 41, 46, 74, 75, 86, 89, 111, 115, 122, 135, 137, 148, 2010, 2014, 2017, 2104, 2112, 2207, 2208, 2233, 2300, 2324, 2331, 2402, 2507, 2511, 2613, 2615, 2618, 2629, 2706, 2425, 2330, 2629, 2639, 2621, 2016, 113, 110, 37, 45, 23, 2417, 2330, 2407, 4, and 34.

**RESPONSE:** The General Objections stated above and General and Specific Objections to these PODs served on YES on November 3, 2011, are incorporated herein by reference. Without waiving any such Objections, AUF states: please see AUF's answer to YES ROG No. 34.

29. All documents related to Aqua's policies, practices, and procedures pertaining to performance under and compliance with the Monitoring Program implemented by the PSC in Order No. PSC-09-0385-FOF-WS, Order No. PSC-10- 0218-PAA-WS, and Order No. PSC-10-0297-PAA-WS with regard to the provision of Water Services and Wastewater Services at Arredondo Farms.

**RESPONSE:** The General Objections stated above and General and Specific Objections to these PODs served on YES on November 3, 2011, are incorporated herein by reference. Without waiving any such Objections, AUF states: please see AUF's answer to YES ROG No. 35. No additional responsive documents, aside from the Orders referenced therein, exist.

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**Attorneys for Aqua Utilities Florida, Inc.**

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was furnished by electronic mail and U.S. Mail this 14<sup>th</sup> day of November, 2011 to:


Ralph Jaeger  
Caroline Klancke  
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Florida Public Service Commission  
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St. Petersburg, Florida 33701

  
Attorney

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

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

DATED: November 14, 2011

**AQUA UTILITIES FLORIDA, INC.'S ANSWERS AND OBJECTIONS TO YES COMMUNITIES, INC. D/B/A ARREDONDO FARMS' THIRD SET OF INTERROGATORIES TO AQUA UTILITIES FLORIDA, INC. (NOS. 5-35)**

Aqua Utilities Florida, Inc. ("AUF"), by and through its counsel and pursuant to Order Establishing Procedure No. PSC-11-0309-PCO-WS, as modified by Order No. PSC-11-0384-PCO-WS ("Procedural Order"), Rule 28-106.206, Florida Administrative Code, and Rule 1.340, Florida Rules of Civil Procedure, hereby serves its answers and objections to the Third Set of Interrogatories (Nos. 5-35) propounded by Yes Communities, Inc. d/b/a Arredondo Farms ("YES") on October 14, 2011.

**PRELIMINARY STATEMENT AND OBJECTION**

By providing these answers and objections to YES' Interrogatories, AUF does not waive its right to challenge the relevance, materiality, and admissibility of the information or documents provided, or to object to the use of the information or documents in any subsequent proceeding, trial, or hearing in this action.

AUF's search for information and documents is ongoing. Accordingly, AUF's answers and objections to these Interrogatories are based on information and documents known to it at

this time. AUF reserves its right to supplement or amend its answers and objections at any time prior to final hearing. These answers and objections are limited to and filed on behalf of AUF.

### **GENERAL OBJECTIONS**

1. With respect to the "Definitions" and "Instructions" in YES' 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 YES' definitions or instructions that are inconsistent with those rules. This includes, but is not limited to, YES' definition of "Back-bills" or "Back-billing," which definition is not consistent with the Commission's Rules or Florida law, or with the Commission's practice pertaining to backbills or backbilling. Rather, under Florida law, a "backbill" or "backbilling" refers to instances where a customer is billed for services that were previously received but not fully paid for due to a mistake by the utility.

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.

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

4. AUF generally objects to YES' 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 YES' 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 YES to evade numerical limitations on the number of interrogatories allowed in this docket by using compound and/or multiple requests and subparts within.

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 YES.

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 YES' Interrogatories, AUF has made a reasonable inquiry of those persons likely to possess information responsive to YES' 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 YES' Interrogatories ask AUF to go to greater lengths, AUF objects thereto because such interrogatories are overly broad, unduly burdensome, and unreasonable.

#### **ANSWERS AND OBJECTIONS TO INTERROGATORIES<sup>1</sup>**

5. Identify all persons you believe to have knowledge of facts material to this proceeding and, for each person identified, describe in detail the specific facts within the person's knowledge.

**ANSWER:** The General Objections stated above and General and Specific Objections to these ROGs served on YES on November 3, 2011, are incorporated herein by reference. In response thereto, counsel for YES informed AUF's counsel on November 10, 2011, that this ROG specifically is not requesting disclosure of any legal research or other information protected by the attorney/client privilege or work product doctrine.

Without waiving any such Objections, AUF answers that the persons AUF believes have knowledge of facts material to this proceeding and details regarding such facts are contained in AUF's filings with the Commission in this Rate Case, including but not limited to AUF's MFRs and prefiled testimony and exhibits, which documents all parties to this proceeding already possess.

6. Identify each person(s) answering or assisting in answering these Interrogatories and identify each person with whom you consulted, upon whom you relied, or who otherwise constituted a source of information for you in connection with the preparation of your answers to these Interrogatories, and with respect to each such person, list the number(s) of each Interrogatory which he or she helped answer or with respect to which he or she was consulted relied upon, or otherwise constituted a source of information.

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<sup>1</sup> AUF notes that YES has erroneously numbered its Third Set of Interrogatories. The Third Set of Interrogatories should have begun with YES ROG No. 20. Some lettered subsections in YES' Third Set are also mislettered. However, AUF has utilized YES' erroneous numbering and lettering herein for the sake of clarity of its answers and objections.

**ANSWER:** The General Objections stated above and General and Specific Objections to these ROGs served on YES on November 3, 2011, are incorporated herein by reference. In response to those Objections, counsel for YES informed AUF's counsel on November 10, 2011, that this ROG specifically is not requesting disclosure of any legal research or other information protected by the attorney/client privilege or work product doctrine. Without waiving such Objections, AUF answers that persons identified in AUF's filings with the Commission in this Rate Case, including but not limited to AUF's MFRs, prefiled testimony and exhibits, and Prehearing Statement, assisted with the ROGs which fall into their respective substantive areas of expertise and knowledge.

7. Identify all documents referred to, consulted, relied upon or examined in preparing the answers to these Interrogatories, or which relate to, support or conflict with an answer to these Interrogatories.

**ANSWER:** The General Objections stated above and General and Specific Objections to these ROGs served on YES on November 3, 2011, are incorporated herein by reference. In response thereto, counsel for YES informed AUF's counsel on November 10, 2011, that this ROG specifically is not requesting disclosure of any legal research or other information protected by the attorney/client privilege or work product doctrine.

Without waiving any such Objections, AUF answers that the documents responsive to this ROG are contained in AUF's filings with the Commission in this Rate Case, including but not limited to AUF's prefiled testimony and exhibits, which documents all parties to this proceeding already possess.

8. Please state the name, profession and professional address of each person who you or your attorneys will, or may, call to testify as expert witnesses at the formal hearing in this matter, and as to each such person, state the following:
- a. The expert's address and telephone number.
  - b. The state in which the expert legally resides.
  - c. The expert's educational background, giving the names and educational institutions attended, with dates of attendance and the degrees earned with dates hereof.
  - d. The expert's specialty within his or her profession, if any.
  - e. The expert's current employment.
  - f. The expert's experience within his or her field giving the dates, names and addresses of employers, if any; dates, names and addresses of institutions associated with,

if any; any other experience, indicating dates and places; and a list of all awards or honors conferred upon the expert, which are related to his or her field of experience.

g. Whether the expert is retired, and the names and addresses of employers from whom the expert receives retirement income.

h. Names of all professional associates or societies with which the expert is related or a member of, stating his or her status.

i. The title, name of publication, name of publisher and date of any publication of any published articles, books, etc., authorized by each such person.

j. Whether he or she has ever been a witness in any other legal proceeding and, if so, for each such lawsuit, give the name of the proceeding, the kind of proceeding involved, the name of the tribunal, the approximate date of the testimony, and the name and address of the parties or attorneys from whom he or she gave evidence.

**ANSWER:** The General Objections stated above and General and Specific Objections to these ROGs served on YES on November 3, 2011, are incorporated herein by reference. In response thereto, counsel for YES informed AUF's counsel on November 10, 2011, that this ROG specifically is not requesting disclosure of any legal research or other information protected by the attorney/client privilege or work product doctrine.

Without waiving any such Objections, AUF answers that complete information pertaining to expert witnesses AUF currently intends to call at the formal hearing are contained in AUF's filings with the Commission in this Rate Case, including but not limited to AUF's MFRs, prefiled testimony and exhibits, and Prehearing Statement, which documents all parties to this proceeding already possess.

9. Please state, in detail, the subject matter on which each person named in the answer to the foregoing Interrogatory No. 4 is expected to testify.

**ANSWER:** The General Objections stated above and General and Specific Objections to these ROGs served on YES on November 3, 2011, are incorporated herein by reference. In response thereto, counsel for YES informed AUF's counsel on November 10, 2011, that this ROG specifically is not requesting disclosure of any legal research or other information protected by the attorney/client privilege or work product doctrine, and that wrongfully numbered ROG "No. 4" was intended as ROG No. 8.



**Without waiving any such Objections, AUF answers that complete information pertaining to expert witnesses AUF currently intends to call at the formal hearing are contained in AUF's filings with the Commission in this Rate Case, including but not limited to AUF's MFRs, prefiled testimony and exhibits, and Prehearing Statement, which documents all parties to this proceeding already possess.**

10. State the opinions that each such person named in the answer to the foregoing Interrogatory No. 4 will testify to at the formal hearing.

**ANSWER: The General Objections stated above and General and Specific Objections to these ROGs served on YES on November 3, 2011, are incorporated herein by reference. In response thereto, counsel for YES informed AUF's counsel on November 10, 2011, that this ROG specifically is not requesting disclosure of any legal research or other information protected by the attorney/client privilege or work product doctrine, and that wrongfully numbered ROG "No. 4" was intended as ROG No. 8.**

**Without waiving any such Objections, AUF answers that complete information pertaining to expert witnesses AUF currently intends to call at the formal hearing are contained in AUF's filings with the Commission in this Rate Case, including but not limited to AUF's MFRs, prefiled testimony and exhibits, and Prehearing Statement, which documents all parties to this proceeding already possess.**

11. State, in detail, the facts upon which each opinion set forth in answer to the foregoing Interrogatory No. 4 is based, and as to each fact that is in any way relied upon by such person on arriving at his or her opinion, state:
- a. The name and address of the person supplying such facts.
  - b. The form in which such facts were supplied to him or her.
  - c. Any documents relied upon by each expert in reaching an opinion.
  - d. The legal authorities, if any, relied upon by each expert in reaching an opinion.

**ANSWER: The General Objections stated above and General and Specific Objections to these ROGs served on YES on November 3, 2011, are incorporated herein by reference. In response thereto, counsel for YES informed AUF's counsel on November 10, 2011, that this ROG specifically is not requesting disclosure of any legal research or other information protected by the attorney/client privilege or work product doctrine, and that wrongfully numbered ROG "No. 4" was intended as ROG No. 8.**

**Without waiving any such Objections, AUF answers that complete information pertaining to expert witnesses AUF currently intends to call at the formal hearing are contained in AUF's filings with the Commission in this Rate Case, including but not limited to AUF's MFRs, prefiled testimony and exhibits, and Prehearing Statement, which documents all parties to this proceeding already possess.**

12. If any person named in the answer to the foregoing Interrogatories has submitted a written report or opinion to the subject matter of this case, state:
- a. The name of the person submitting such written report or opinion.
  - b. The date (or dates if more than one) such written report or opinion.
  - c. The name and address of the person to whom such written report or opinion was submitted.
  - d. The identity and address of the person who presently has custody of such written report or opinion. Alternatively, a copy of the identified report may be produced.

**ANSWER: The General Objections stated above and General and Specific Objections to these ROGs served on YES on November 3, 2011, are incorporated herein by reference. In response thereto, counsel for YES informed AUF's counsel on November 10, 2011, that this ROG specifically is not requesting disclosure of any legal research or other information protected by the attorney/client privilege or work product doctrine; and that the ROG is limited to seeking information regarding AUF's non-employee, testifying experts and AUF's non-employee, non-testifying experts retained specifically for this Rate Case and regarding whom AUF is seeking reimbursement of such expenses in this Rate Case.**

**Without waiving any such Objections, AUF answers that all of the requested reports and opinions are contained in AUF's filings with the Commission in this Rate Case, including but not limited to AUF's MFRs, prefiled testimony and exhibits, and Prehearing Statement, which documents all parties to this proceeding already possess.**

13. As to each expert consulted by you or your attorneys relative to the subject matter of this case, but whom you do not expect to call to testify at the formal hearing, state:
- a. His or her name, profession and professional address.
  - b. The subject matter about which he or she was consulted.

c. If he or she has submitted any written reports or opinions relative to the subject matter about which he or she was consulted, indicate the date (or dates) of such report, and the name and address of the person to whom submitted.

**ANSWER:** The General Objections stated above and General and Specific Objections to these ROGs served on YES on November 3, 2011, are incorporated herein by reference. In response thereto, counsel for YES informed AUF's counsel on November 10, 2011, that this ROG specifically is not requesting disclosure of any legal research or other information protected by the attorney/client privilege or work product doctrine; and that the ROG is limited to seeking information regarding AUF's non-employee, testifying experts and AUF's non-employee, non-testifying experts retained specifically for this Rate Case and regarding whom AUF is seeking reimbursement of such expenses in this Rate Case.

Without waiving any such Objections, AUF answers that all of the requested information, reports and opinions are contained in AUF's filings with the Commission in this Rate Case, including but not limited to AUF's MFRs, prefiled testimony and exhibits, and Prehearing Statement, which documents all parties to this proceeding already possess.

14. Identify all documents, depositions, exhibits and/or tangible items supplied to each expert in connection with this action.

**ANSWER:** The General Objections stated above and General and Specific Objections to these ROGs served on YES on November 3, 2011, are incorporated herein by reference. In response thereto, counsel for YES informed AUF's counsel on November 10, 2011, that this ROG specifically is not requesting disclosure of any legal research or other information protected by the attorney/client privilege or work product doctrine; and that the ROG is limited to seeking information regarding AUF's non-employee, testifying experts and AUF's non-employee, non-testifying experts retained specifically for this Rate Case and regarding whom AUF is seeking reimbursement of such expenses in this Rate Case.

Without waiving any such Objections, AUF answers that all of the requested documents and items are contained in AUF's filings with the Commission in this Rate Case, including but not limited to AUF's MFRs, prefiled testimony and exhibits, and Prehearing Statement, which documents all parties to this proceeding already possess.

15. Identify all documents, depositions, exhibits, and tangible items reviewed by each expert in connection with this action, and to the extent not reviewed in their entirety, identify the

portion or portions of the document, deposition, exhibit and/or tangible thing actually reviewed.

**ANSWER:** The General Objections stated above and General and Specific Objections to these ROGs served on YES on November 3, 2011, are incorporated herein by reference. In response thereto, counsel for YES informed AUF's counsel on November 10, 2011, that this ROG specifically is not requesting disclosure of any legal research or other information protected by the attorney/client privilege or work product doctrine; and that the ROG is limited to seeking information regarding AUF's non-employee, testifying experts and AUF's non-employee, non-testifying experts retained specifically for this Rate Case and regarding whom AUF is seeking reimbursement of such expenses in this Rate Case.

Without waiving any such Objections, AUF answers that all of the requested documents and items are contained in AUF's filings with the Commission in this Rate Case, including but not limited to AUF's MFRs, prefiled testimony and exhibits, and Prehearing Statement, which documents all parties to this proceeding already possess.

16. Identify all documents, depositions, exhibits, and tangible items used by each expert in reaching any opinion in connection with this action, and to the extent not used in their entirety, identify the portion or portions of the document, deposition, exhibit and/or tangible thing actually used in reaching any opinion.

**ANSWER:** The General Objections stated above and General and Specific Objections to these ROGs served on YES on November 3, 2011, are incorporated herein by reference. In response thereto, counsel for YES informed AUF's counsel on November 10, 2011, that this ROG specifically is not requesting disclosure of any legal research or other information protected by the attorney/client privilege or work product doctrine; and that the ROG is limited to seeking information regarding AUF's non-employee, testifying experts and AUF's non-employee, non-testifying experts retained specifically for this Rate Case and regarding whom AUF is seeking reimbursement of such expenses in this Rate Case.

Without waiving any such Objections, AUF answers that all of the requested documents and items are contained in AUF's filings with the Commission in this Rate Case, including but not limited to AUF's MFRs, prefiled testimony and exhibits, and Prehearing Statement, which documents all parties to this proceeding already possess.

17. Identify all regulations, statutes, and/or other legal authorities or materials supplied to each expert in connection with this action.

**ANSWER:** The General Objections stated above and General and Specific Objections to these ROGs served on YES on November 3, 2011, are incorporated herein by reference. In response thereto, counsel for YES informed AUF's counsel on November 10, 2011, that this ROG specifically is not requesting disclosure of any legal research or other information protected by the attorney/client privilege or work product doctrine; and that the ROG is limited to seeking information regarding AUF's non-employee, testifying experts and AUF's non-employee, non-testifying experts retained specifically for this Rate Case and regarding whom AUF is seeking reimbursement of such expenses in this Rate Case.

Without waiving any such Objections, AUF answers that all of the requested information and materials are contained in AUF's filings with the Commission in this Rate Case, including but not limited to AUF's MFRs, prefiled testimony and exhibits, and Prehearing Statement, which documents all parties to this proceeding already possess.

18. Identify all regulations, statutes, and/or other legal authorities or materials reviewed by each expert in connection with this action, and to the extent not reviewed in their entirety, identify the portion of the regulation, statute and/or legal authority or material actually reviewed.

**ANSWER:** The General Objections stated above and General and Specific Objections to these ROGs served on YES on November 3, 2011, are incorporated herein by reference. In response thereto, counsel for YES informed AUF's counsel on November 10, 2011, that this ROG specifically is not requesting disclosure of any legal research or other information protected by the attorney/client privilege or work product doctrine; and that the ROG is limited to seeking information regarding AUF's non-employee, testifying experts and AUF's non-employee, non-testifying experts retained specifically for this Rate Case and regarding whom AUF is seeking reimbursement of such expenses in this Rate Case.

Without waiving any such Objections, AUF answers that all of the requested information and materials are contained in AUF's filings with the Commission in this Rate Case, including but not limited to AUF's MFRs, prefiled testimony and exhibits, and Prehearing Statement, which documents all parties to this proceeding already possess.

19. Identify all regulations, statutes, and/or other legal authorities or materials used by each expert in reaching an opinion in connection with this action, and to the extent not reviewed in their entirety, identify the portions of the regulation, statute and/or legal authority or material actually used in reaching any opinion.

**ANSWER:** The General Objections stated above and General and Specific Objections to these ROGs served on YES on November 3, 2011, are incorporated herein by reference. In response thereto, counsel for YES informed AUF's counsel on November 10, 2011, that this ROG specifically is not requesting disclosure of any legal research or other information protected by the attorney/client privilege or work product doctrine; and that the ROG is limited to seeking information regarding AUF's non-employee, testifying experts and AUF's non-employee, non-testifying experts retained specifically for this Rate Case and regarding whom AUF is seeking reimbursement of such expenses in this Rate Case.

Without waiving any such Objections, AUF answers that all of the requested information and materials are contained in AUF's filings with the Commission in this Rate Case, including but not limited to AUF's MFRs, prefiled testimony and exhibits, and Prehearing Statement, which documents all parties to this proceeding already possess.

20. Identify all contracts or other agreements, and all other documents and records relative to such contracts or agreements entered into by Aqua and each expert or expert's company identified in Interrogatory No. 4.

**ANSWER:** The General Objections stated above and General and Specific Objections to these ROGs served on YES on November 3, 2011, are incorporated herein by reference. In response thereto, counsel for YES informed AUF's counsel on November 10, 2011, that this ROG specifically is not requesting disclosure of any legal research or other information protected by the attorney/client privilege or work product doctrine; that the ROG is limited to seeking information regarding AUF's non-employee, testifying experts and AUF's non-employee, non-testifying experts retained specifically for this Rate Case and regarding whom AUF is seeking reimbursement of such expenses in this Rate Case; and that wrongfully numbered ROG "No. 4" was intended as ROG No. 8.

Without waiving any such Objections, AUF answers: please see the document attached entitled, "YES ROG 20." All other documents responsive to this ROG are either contained in AUF's filings with the Commission in this Rate Case, including but not limited to AUF's MFRs and prefiled testimony and exhibits, including at Exhibit SS-11, which documents all parties to this proceeding already possess, or have already been produced during the course of discovery in this Rate Case at AUF's response to OPC POD No. 63. Additionally, the corresponding invoices can be found at AUF's responses to OPC POD No. 63, OPC POD No. 132, Staff POD No. 8, and Exhibit SS-11 to AUF's prefiled testimony.

21. For each contract or other agreement identified in Interrogatory No. 16, provide the amounts spent by Aqua to date on each contract and/or consultant working on this rate case, Docket No. 100330-WS.

**ANSWER:** The General Objections stated above and General and Specific Objections to these ROGs served on YES on November 3, 2011, are incorporated herein by reference. In response thereto, counsel for YES informed AUF's counsel on November 10, 2011, that this ROG specifically is not requesting disclosure of any legal research or other information protected by the attorney/client privilege or work product doctrine; that the ROG is limited to seeking information regarding AUF's non-employee, testifying experts and AUF's non-employee, non-testifying experts retained specifically for this Rate Case and regarding whom AUF is seeking reimbursement of such expenses in this Rate Case; and that wrongfully numbered ROG "No. 4" was intended as ROG No. 8.

Without waiving any such Objections, AUF states: please see AUF's answer to YES ROG No. 20.

22. For each expert identified in Interrogatory No. 4, provide:
- a. The basis upon which the expert will be compensated.
  - b. Whether such basis for compensation differs for document review, deposition testimony and hearing testimony.
  - c. The amount of compensation received by the expert to date, relative to this action.

**ANSWER:** The General Objections stated above and General and Specific Objections to these ROGs served on YES on November 3, 2011, are incorporated herein by reference. In response thereto, counsel for YES informed AUF's counsel on November 10, 2011, that this ROG specifically is not requesting disclosure of any legal research or other information protected by the attorney/client privilege or work product doctrine; that the ROG is limited to seeking information regarding AUF's non-employee, testifying experts and AUF's non-employee, non-testifying experts retained specifically for this Rate Case and regarding whom AUF is seeking reimbursement of such expenses in this Rate Case; and that wrongfully numbered ROG "No. 4" was intended as ROG No. 8.

Without waiving any such Objections, AUF states: please see AUF's answer to YES ROG No. 20.

23. Provide a list of all litigation-related matters, or matters before the Florida Public Service Commission, on which the expert has served as an expert witness and, for each listed matter, state:

- a. The style of the case, the court or agency in which it was filed and the names and addresses of the attorneys involved.
- b. The party on whose behalf the expert was retained.
- c. The area or field in which the expert claimed an expertise.

**ANSWER:** The General Objections stated above and General and Specific Objections to these ROGs served on YES on November 3, 2011, are incorporated herein by reference. In response thereto, counsel for YES informed AUF's counsel on November 10, 2011, that this ROG is duplicative to YES ROG No. 8(j). Accordingly, AUF states: please see AUF's answer to YES ROG No. 8(j).

24. Please state the name, profession, and professional address of each person who you or your attorneys will, or may, call to testify as fact witnesses at the formal hearing in this matter, and as to each such person, state the following:
- a. The witness' address and telephone number, including any second or additional residences.
  - b. The state in which the witness legally resides.
  - c. The witness' current employment.
  - d. If the witness is retired, and the names and addresses of employers from whom the witness receives retirement income.
  - e. Whether he or she has ever been a witness in any other legal proceeding and, if so, for each such lawsuit, give the name of the proceeding, the kind of proceeding involved, the name of the tribunal, the approximate date of the testimony, and the name and address of the parties or attorneys for whom he or she gave such testimony.

**ANSWER:** The General Objections stated above and General and Specific Objections to these ROGs served on YES on November 3, 2011, are incorporated herein by reference. Without waiving any such Objections, AUF answers: please see AUF's answer to YES ROG No. 8.

25. Please state, in detail, the subject matter on which each person named in the answer to the foregoing Interrogatory No. 20 is expected to testify.

**ANSWER:** The General Objections stated above and General and Specific Objections to these ROGs served on YES on November 3, 2011, are incorporated herein by reference. In response thereto, counsel for YES informed AUF's counsel



**on November 10, 2011, that this ROG specifically is not requesting disclosure of any legal research or other information protected by the attorney/client privilege or work product doctrine; and that wrongfully numbered ROG "No. 20" was intended as ROG No. 24.**

**Without waiving any such Objections, AUF answers: please see AUF's answer to YES ROG No. 9.**

26. Identify all documents, depositions, exhibits and/or tangible items supplied to each fact witness in connection with this action.

**ANSWER: The General Objections stated above and General and Specific Objections to these ROGs served on YES on November 3, 2011, are incorporated herein by reference. In response thereto, counsel for YES informed AUF's counsel on November 10, 2011, that this ROG specifically is not requesting disclosure of any legal research or other information protected by the attorney/client privilege or work product doctrine.**

**Without waiving any such Objections, AUF answers: please see AUF's answer to YES ROG No. 14.**

27. Identify all documents, depositions, exhibits, and tangible items reviewed by each fact witness in connection with this action, and to the extent not reviewed in their entirety, identify the portion or portions of the document, deposition, exhibit and/or tangible thing actually reviewed.

**ANSWER: The General Objections stated above and General and Specific Objections to these ROGs served on YES on November 3, 2011, are incorporated herein by reference. In response thereto, counsel for YES informed AUF's counsel on November 10, 2011, that this ROG specifically is not requesting disclosure of any legal research or other information protected by the attorney/client privilege or work product doctrine.**

**Without waiving any such Objections, AUF answers: please see AUF's answer to YES ROG No. 15.**

28. Please state the name, profession and professional address of each person that Aqua has hired or retained for this proceeding, and as to each such person, state the following:
- a. The outside consultant's address and telephone number.
  - b. The state in which the outside consultant legally resides.
  - c. The outside consultant's specific responsibilities related to this proceeding.

d. The outside consultant's educational background, giving the names and educational institutions attended, with dates of attendance and the degrees earned with dates hereof.

e. The outside consultant's specialty within his or her profession, if any.

f. The outside consultant's current employment.

g. The outside consultant's experience within his or her field, giving the dates, names and addresses of employers, if any; dates, names and addresses of institutions associates with, if any; any other experience, indicating dates and places; and a list of all awards or honors conferred upon the expert, which are related to his or her field of experience.

h. Whether the outside consultant is retired, and the names and address of employers from whom the expert receives retirement income.

i. Names of all professional associations or societies with which the outside consultant is related or a member of, stating his or her status.

j. The title, name of publication, name of publisher and date of publication of any published articles, books, etc., authorized by each such person.

k. Whether he or she has ever been a witness in any other legal proceeding and, if so, for each such lawsuit, give the name of the proceeding, the kind of proceeding involved, the name of the tribunal, the approximate date of the testimony, and the name and address of the parties or attorneys for whom he or she gave evidence.

**ANSWER: The General Objections stated above and General and Specific Objections to these ROGs served on YES on November 3, 2011, are incorporated herein by reference. In response thereto, counsel for YES informed AUF's counsel on November 10, 2011, that this ROG specifically is not requesting disclosure of any legal research or other information protected by the attorney/client privilege or work product doctrine; and that the ROG is limited to seeking information regarding AUF's non-employee, testifying experts and AUF's non-employee, non-testifying experts retained specifically for this Rate Case and regarding whom AUF is seeking reimbursement of such expenses in this Rate Case.**

**Without waiving any such Objections, AUF answers that the requested information that is responsive to this ROG and that is discoverable under Florida Rule of Civil Procedure 1.280(4)(B) is contained in AUF's filings with the Commission in this Rate Case, including but not limited to AUF's MFRs, prefiled testimony and**

**exhibits, and prehearing statement, which documents all parties to this proceeding already possess.**

29. Please identify all employees of Aqua located in Florida, and for each, specifically identify that employee's full legal name, title, job description, business address, telephone number, and whether the employee is in a management position with Aqua.
- a. For each, identify whether that employee has been involved in the maintenance, upkeep, repair, or operations of any Meters, Underground Utilities, Wastewater Services, Water Services, or Water and Wastewater Facilities at Arredondo Farms, and if so, the dates of the employee was involved in those activities.
  - b. For each, identify whether that employee serves as a customer service representative or is otherwise involved in negotiating or dealing with billing issues, payment arrangements, Payment Plans, Back-billing, or water shut offs with customers of Aqua in Florida, including residents of Arredondo Farms.

**ANSWER: The General Objections stated above and General and Specific Objections to these ROGs served on YES on November 3, 2011, are incorporated herein by reference. In response thereto, counsel for YES informed AUF's counsel on November 10, 2011, that this ROG seeks only information pertaining to employees responsible for the maintenance, upkeep, repair, or operations of any Meters, Underground Utilities, Wastewater Services, Water Services, or Water and Wastewater Facilities at Arredondo Farms, and employees who serve as a customer service representative or are responsible for negotiating or dealing with billing issues, payment arrangements, Payment Plans, Back-billing, or water shut offs for AUF customers residing in Arredondo Farms.**

**Without waiving such objections, AUF clarifies that AUF does not track information or assign employees any responsibility using YES' definition of "backbill." When AUF uses the term "backbill," it is used in the context of Rule 25-30.350, F.A.C. In the context of Rule 25-30.350, F.A.C., the term "backbilling" refers to those instances where a customer is billed for services that were previously received but not fully paid for due to a mistake by AUF.**

**Also without waiving such objections, AUF states: please see the document attached entitled, "YES ROG 29."**

30. Please describe in detail Aqua's policies, practices, and procedures relating to Back-billing customers for alleged non-payment and/or under-payment of past Water Services and Wastewater Services.

a. Please specifically identify all customers of Aqua at Arredondo Farms who have received Back-bills in the past three (3) years and for each, list and describe the date of the Back-bill, the amount of the Back-bill, and whether the customer's Water Service and/or Wastewater Services were ultimately shut off as a result of the Back-bill.

**ANSWER:** The General Objections stated above and General and Specific Objections to these ROGs served on YES on November 3, 2011, are incorporated herein by reference. In response thereto, counsel for YES informed AUF's counsel on November 11, 2011, that this ROG is intended to seek customer-specific information. AUF has offered to provide YES with redacted documents which ensure protection of confidential customer information, but AUF cannot provide to YES confidential information of customers other than YES who are not represented by YES in this Rate Case. It is AUF's understanding from YES that redacted materials are not desired.

Without waiving such objections, AUF clarifies that AUF does not track information or assign employees any responsibility using YES' definition of "backbill." When AUF uses the term "backbill," it is used in the context of Rule 25-30.350, F.A.C. In the context of Rule 25-30.350, F.A.C., the term "backbilling" refers to those instances where a customer is billed for services that were previously received but not fully paid for due to a mistake by AUF.

Also without waiving such objections, AUF states that AUF is providing all of the unredacted, responsive information that AUF can provide to the extent of its legal and ethical obligations. For the time period of April 1, 2011 through October 17, 2011, please see the document attached entitled, "YES ROG 30A." Please see AUF's responses to OPC POD Nos. 130 and 131, which provide responsive information regarding customers at Arredondo Farms who were backbilled (undercharged for service and were billed for the undercharge due to a utility error) during the time period of January 1, 2009 through March 31, 2011.

Also without waiving such objections, AUF states: for Aqua's policies, practices, and procedures where an undercharge is detected and the customer is billed for the undercharge, please see AUF's prefiled testimony of Susan Chambers, as well as the document attached entitled, "YES ROG 30B." AUF also states that AUF adheres to the Commission's Rules governing discontinuance of service, and AUF does not shut off service "as a result of a backbill." It is non-payment of a bill that results in disconnect, and such disconnect occurs only after proper notice and a diligent effort by AUF to obtain payment from the customer.

31. Please describe in detail Aqua's policies, practices, and procedures relating to entering into Payment Plans with customers for alleged non-payment and under-payment of past Water Services and Wastewater Services.

b. Please specifically identify all customers of Aqua at Arredondo Farms who have entered into Payment Plans with Aqua in the past three (3) years and for each, list and describe the date of the Payment Plan, the amount and terms of the Payment Plan, and whether the customer's Water Service and/or Wastewater Services were ultimately shut off for failing to failing to make payments under the Payment Plan.

**ANSWER:** The General Objections stated above and General and Specific Objections to these ROG's served on YES on November 3, 2011, are incorporated herein by reference. In response thereto, counsel for YES informed AUF's counsel on November 11, 2011, that this ROG is intended to seek customer-specific information. AUF has offered to provide YES with redacted documents which ensure protection of confidential customer information, but AUF cannot provide to YES confidential information of customers other than YES who are not represented by YES in this Rate Case. It is AUF's understanding from YES that redacted materials are not desired.

Without waiving such objections, AUF states that AUF is providing all of the unredacted, responsive information that AUF can provide to the extent of its legal and ethical obligations. Please see the attached documents, entitled "YES ROG 31." Regarding this attachment, AUF clarifies that, while AUF is providing information for customers who entered into a payment plan and whose service was discontinued, AUF does not track whether such discontinuance specifically resulted from non-payment of a regular monthly bill versus non-payment of a Payment Plan payment. Accordingly, the information being supplied in response to this ROG contains all of the additional responsive information that AUF can provide relating to payment plans for customers at Arredondo Farms. For responsive information already provided to the parties, please see AUF's response to Staff ROG No. 32 for AUF's policies regarding Payment Plans; AUF's testimony of Susan Chambers; and AUF's Response to YES Companies, LLC d/b/a Arredondo Farms Motion for Investigation and Affidavit of Susan Chambers filed in Docket No. 100300-WS.

32. Please describe in detail Aqua's policies, practices, and procedures relating to shutting off Water Service and/or Wastewater Services of customers for alleged non-payment and under-payment of past Water Services and Wastewater Services.

c. Please specifically identify all customers of Aqua at Arredondo Farms who have had their Water Service and Wastewater Services shut off in the past three (3) years and for each, list and describe the date of that shut off, the amount that was owing to Aqua prior to the time of the shut off, and if and when that customer's Water Service

and/or Wastewater Services were ultimately reconnected and the reason for that reconnection.

**ANSWER:** The General Objections stated above and General and Specific Objections to these ROGs served on YES on November 3, 2011, are incorporated herein by reference. In response thereto, counsel for YES informed AUF's counsel on November 11, 2011, that this ROG is intended to seek customer-specific information. AUF has offered to provide YES with redacted documents which ensure protection of confidential customer information, but AUF cannot provide to YES confidential information of customers other than YES who are not represented by YES in this Rate Case. It is AUF's understanding from YES that redacted materials are not desired.

Without waiving such objections, AUF states that AUF adheres to the Commission's Rules on discontinuance of service. AUF's policy is to disconnect a customer for non-payment of a bill only after proper notice and a diligent effort by AUF to obtain payment from the customer.

Also without waiving such objections, AUF states that AUF is providing all of the unredacted, responsive information that AUF can provide to the extent of its legal and ethical obligations. Please see the attached documents, entitled "YES ROG 32," for information relating to discontinuance of service for customers at Arredondo Farms. Please also see AUF's testimony of Susan Chambers, and AUF's Response to YES Companies, LLC d/b/a Arredondo Farms Motion for Investigation and Affidavit of Susan Chambers filed in Docket No. 100300-WS.

33. Please specifically identify and describe any Documents created by, sent by, received by, or currently in the possession of Aqua relating in any way to the Gainesville Hearing. This includes, but is not limited to, any documents which evidence an intention of Aqua to shut off the Water Services and/or Wastewater Services of any customers of Aqua who spoke at the Gainesville Hearing or to Backbill any customers of Aqua who spoke at the Gainesville Hearing for alleged nonpayment of past Water Services and/or Wastewater Services.

**ANSWER:** The General Objections stated above and General and Specific Objections to these ROGs served on YES on November 3, 2011, are incorporated herein by reference. In response thereto, counsel for YES informed AUF's counsel on November 10, 2011, that this ROG specifically is not requesting disclosure of any legal research or other information protected by the attorney/client privilege or work product doctrine.

Without waiving such objections, AUF states that there are no documents showing an intention of AUF to shut off service or backbill any customer who spoke at the

**Gainesville Hearing. As to documents that are otherwise responsive to this ROG, AUF states: please see document attached entitled, "YES ROG 33."**

34. Please specifically identify and describe any Documents exchanged between Aqua and customers of Aqua at the following lots in Arredondo Farms during the past three (3) years, including but not limited to any bills or Back-bills sent to the customer by Aqua, any Payment Plans entered into with the customer, any water shut off notices provided to the customer by Aqua, or any other communication or correspondence by and between Aqua and the customer.

Lots: 3, 12, 68, 76, 92, 95, 97, 112, 123, 144, 151, 2009, 2011, 2106, 2119, 2126, 2129, 2205, 2421, 2502, 2506, 2512, 2614, 2617, 2630, 131, 15, 20, 26, 28, 40, 41, 46, 74, 75, 86, 89, 111, 115, 122, 135, 137, 148, 2010, 2014, 2017, 2104, 2112, 2207, 2208, 2233, 2300, 2324, 2331, 2402, 2507, 2511, 2613, 2615, 2618, 2629, 2706, 2425, 2330, 2629, 2639, 2621, 2016, 113, 110, 37, 45, 23, 2417, 2330, 2407, 4, and 34.

**ANSWER: The General Objections stated above and General and Specific Objections to these ROGs served on YES on November 3, 2011, are incorporated herein by reference. In response thereto, counsel for YES informed AUF's counsel that YES desires "any Documents exchanged between Aqua and customers of Aqua" at 78 different properties, including each property's monthly bills. Counsel for YES also informed AUF's counsel on November 11, 2011, that this ROG is intended to seek customer-specific information. AUF has offered to provide YES with redacted documents which ensure protection of confidential customer information, but AUF cannot provide to YES confidential information of customers other than YES who are not represented by YES in this Rate Case. It is AUF's understanding from YES that redacted materials are not desired.**

**Without waiving such objections, AUF states that AUF is providing all of the unredacted, responsive information that AUF can provide to the extent of its legal and ethical obligations. Please see the attached documents, entitled "YES ROG 34." AUF also states that these documents span a period of one year, because that is the longest period AUF retains copies of customer documents.**

35. Please describe in detail Aqua's policies, practices, and procedures relating to performance under and compliance with the Monitoring Program implemented by the PSC in Order No. PSC-09-0385-FOF-WS, Order No. PSC-10-0218-PAA-WS, and Order No. PSC-10-0297-PAA-WS with regard to the provision of Water Services and Wastewater Services at Arredondo Farms.

**ANSWER: The General Objections stated above and General and Specific Objections to these ROGs served on YES on November 3, 2011, are incorporated herein by reference. Without waiving such objections, AUF states that it is AUF's policy, practice and procedure to fully comply with the Monitoring Program implemented by the PSC in Order No. PSC-09-0385-FOF-WS, Order No. PSC-10-0218-PAA-WS, and Order No. PSC-10-0297-PAA-WS with regard to the provision of Water Services and Wastewater Services at Arredondo Farms.**



**AFFIDAVIT**

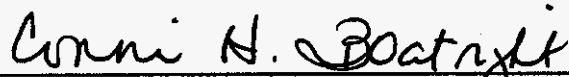
STATE OF FLORIDA  
COUNTY OF LEON

BEFORE ME, the undersigned authority, personally appeared W. Troy Rendell, who is personally known to me, and who, being duly sworn, deposes and says that the foregoing answers to Interrogatories (Nos. 5-35) served on Aqua Utilities Florida, Inc. by Yes Communities, Inc. d/b/a Arredondo Farms on October 14, 2011, are true and correct to the best of his knowledge, information and belief.

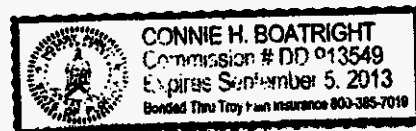


W. Troy Rendell  
Manager of Rates  
Aqua Utilities Florida, Inc.

SWORN TO AND SUBSCRIBED  
BEFORE ME THIS 14<sup>th</sup> DAY  
OF NOVEMBER, 2011.



Notary Public, State and County Aforesaid  
My Commission Number:  
My Commission Expires:



**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was furnished by electronic mail and U.S. Mail this 14th day of November, 2011 to:

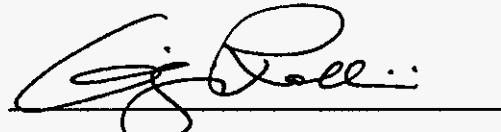
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