

**Eric Fryson**

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**From:** Dana Rudolf [drudolf@sflaw.com]  
**Sent:** Monday, October 22, 2012 4:19 PM  
**To:** Filings@psc.state.fl.us  
**Cc:** Martin Friedman; SAYLER.ERIK@leg.state.fl.us; Martha Barrera  
**Subject:** Docket No. 110200-WU; Application for increase in water rates in Franklin County by Water Management Services, Inc.

**Attachments:** Objection to Citizens' 2nd Interrogatories.pdf

- a) Martin S. Friedman, Esquire  
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(407) 830-6331  
[mfriedman@sflaw.com](mailto:mfriedman@sflaw.com)
- b) Docket No. 110200-WU  
Application for increase in water rates in Franklin County by Water Management Services, Inc.
- c) Water Management Services, Inc.
- d) 5 pages
- e) Objection to Citizens' Second Set of Interrogatories

DOCUMENT NUMBER-DATE

07184 OCT 22 09

10/22/2012

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

Application for Increase in Water Rates  
in Franklin County by Water  
Management Services, Inc.

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Docket No.: 110200-WU

**WATER MANAGEMENT SERVICES, INC.'S**  
**OBJECTION TO CITIZENS' SECOND SET OF INTERROGATORIES**

WATER MANAGEMENT SERVICES, INC. ("WMSI"), by and through its undersigned attorneys, files this Objection to Citizens' Second Set of Interrogatories (Nos. 17-24) and states as follows:

At the outset, WMSI would point out that the "Instructions" will be ignored to the extent they exceed the requirements of Fla. R. Civ. P. 1.340. To the extent any Interrogatory response requires the production of documents, WMSI objects to providing electronic data responses with formulae, links, and cells, formatting, metadata and other original features intact. Production in such format would result in the disclosure of attorney work product and would tempt OPC's counsel to be unethical and unprofessional (again) by obtaining confidential information including metadata. Further, it is a breach of duty to a client for the undersigned to provide documents containing metadata. *See*, Professional Ethics of The Florida Bar, Opinion 06-2 (Sept. 15, 2006). Unfortunately, as is made clear in OPC's discovery, this case has taken on a personal aspect with OPC.

17. Adjustments. OPC Request for Production of Documents No. 37 requests all calculations, basis, work papers, and support documentation for each of the adjustments reflected on Schedule B-3, pages 2 and 3, for each of the protested expense accounts. (These accounts include: Salaries and Wages, Accounting Services Expense,

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Transportation Expense, Miscellaneous Expenses.) Please provide explanations for each of the 2011 amounts that were used and how these were determined.

**Objection.** No 2011 amounts were used for adjustments, so this question seeks a response that is neither relevant to the issues in dispute in this action nor reasonably calculated to lead to the discovery of admissible evidence.

20. Account 123. Please identify any other affiliate companies (and/or entities) of WMSI, such as St. George Island Utility Co., Leisure Properties LTD, St. George's Island, Inc., Leisure Development Services, Inc. etc, that Mr. Gene Brown and/or Ms. Sandra Chase owns or controls or is owned or controlled by one of his or her entities. As part of this response, please supply a list of the current stockholders of those identified companies (or entities) and the percentage ownership held as of September 30, 2012.

**Objection.** This question seeks a response that is neither relevant to the issues in dispute in this action nor reasonably calculated to lead to the discovery of admissible evidence. Merely mentioning Account 123 does not make the question relevant. Account 123 is very specific and is not a carte blanche basis to inquire into everything related to the Utility's business relationships. This question is nothing more than a harassing fishing expedition.

21. Account 123. Please identify any other affiliate companies (and/or entities) of Brown Management Group, such as St. George Island Utility Co., Leisure Properties LTD, St. George's Island, Inc., Leisure Development Services, Inc. etc., that Mr. Gene Brown and/or Ms. Sandra Chase owns or controls or is owned or controlled by one of his or her entities. As part of this response, please supply a list of the current stockholders of those identified companies (or entities) and the percentage ownership held as of September 30, 2012.

**Objection.** This question seeks a response that is neither relevant to the issues in dispute in this action nor reasonably calculated to lead to the discovery of admissible evidence. Merely mentioning Account 123 does not make the question relevant. Account 123 is very specific and is not a carte blanche basis to inquire

into everything related to the Utility's business relationships. This question is nothing more than a harassing fishing expedition.

23. Account 123. With regards to Mr. Bob Mitchell who previously served as the controller to WMSI, Brown Management Group, and/or other entities owned or controlled by Mr. Gene Brown, please state the following:

- a) Describe the duties of Mr. Mitchell and what services he provides.
- b) Describe when Mr. Mitchell started working for or providing those services.
- c) Describe whether Mr. Mitchell currently provides those services.
- d) If Mr. Mitchell no longer provides those services, please explain when and why he no longer provides those services.

**Objection.** This question seeks a response that is neither relevant to the issues in dispute in this action nor reasonably calculated to lead to the discovery of admissible evidence. Mr. Mitchell's services are not among the issues protested by either party.

24. Miscellaneous Expense. Please explain what was purchased with the charge to Miscellaneous Expense for \$8,404.92 for a purchase from Barney's Pumps dated March 15, 2010. This response should include the following information.

- e) What specific equipment or items were purchased?
- f) Are these items to replace existing utility equipment?
- g) Please describe where the equipment is located that was to be replaced.
- h) Should this item be capitalized?
- i) Was the replaced item a capital plant item that should be retired?
- j) If the purchase was to repair an item, please explain the repair.

**Objection.** This question seeks a response that is neither relevant to the issues in dispute in this action nor reasonably calculated to lead to the discovery of

admissible evidence. This expense is not among the issues protested by either party.

Respectfully submitted this 22nd day of  
October, 2012, by:

SUNDSTROM, FRIEDMAN & FUMERO,  
LLP

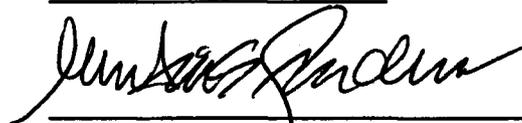
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MARTIN S. FRIEDMAN

Florida Bar No.: 0199060

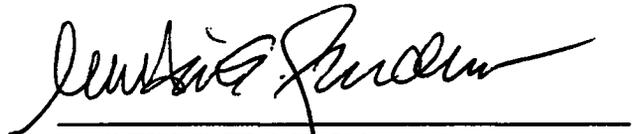
For the Firm

**CERTIFICATE OF SERVICE**  
**DOCKET NO. 110200-WU**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. Mail and E-Mail to the following parties this 22nd day of October 2012:

Erik Sayler, Associate Public Counsel  
Office of Public Counsel  
c/o The Florida Legislature  
111 W. Madison Street, Room 812  
Tallahassee, FL 32399-1400

Martha Barrera, Counsel  
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MARTIN S. FRIEDMAN  
For the Firm