

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for Original Certificate of Authorization and Initial Rates and Charges for Water and Wastewater Service in Duval, Baker and Nassau Counties, Florida by FIRST COAST REGIONAL UTILITIES, INC.

) DOCKET NO. 20190168-WS
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JEA'S RESPONSE IN OPPOSITION TO FIRST COAST REGIONAL UTILITIES'
[SECOND] MOTION TO COMPEL DISCOVERY

In violation of the City of Jacksonville development ordinance to which it is subject (2010-874-E, the “PUD Ordinance”), 301 Capital Partners, LLC formed a subsidiary, First Coast Regional Utilities, Inc., that by this docket has applied for a water and wastewater certificate of authorization. JEA is a governmental entity created by law, a municipal provider under chapter 180 and is exempt from Commission regulation by section 367.022. Pursuant to interlocal agreements with the City of Jacksonville and Nassau County, as well as a City ordinance, JEA has the exclusive franchise right to provide service to all portions of the subject territory except for that portion in Baker County.

Since JEA filed its objection and joined this docket as a party, First Coast has propounded dozens of discovery requests on JEA relating to fact issues that are not part of this docket, and legal issues over which the Commission has no jurisdiction. The Commission has no authority to determine the constitutionality, statutory validity, or interpretation of a City land development ordinance (the PUD Ordinance), the City ordinance giving JEA exclusive franchise rights within the City, and the chapter 163 interlocal agreements between JEA and the City and Nassau County. Instead of bringing a judicial action if it wished to challenge these local laws, First Coast has attempted to improperly shoehorn these legal issues into this application docket

and has propounded dozens of discovery requests on JEA relating to these issues over which the Commission has no authority. First Coast has no entitlement to discovery on such issues that are not part of this docket and are outside the Commission's jurisdiction.

Rule 1.280(b)(1), Fla. R. Civ. P., provides that “[p]arties may obtain discovery regarding any matter, not privileged, that is relevant to the subject matter of the pending action . . .” None of the discovery items raised by First Coast in its motion to compel are relevant to the matters at issue in this docket, which are currently as follows:¹

- 1: Has First Coast met the filing and noticing requirements pursuant to Rules 25-30.030 and 25-30.033, Florida Administrative Code?
- 2: Is there a need for service in First Coast's proposed service territory and, if so, when will service be required?
- 3: Is First Coast's application inconsistent with Duval County's, Nassau County's, or Baker County's comprehensive plans?
- 4: Will the certification of First Coast result in the creation of a utility which will be in competition with, or duplication of, any other system?
- 5: Does First Coast have the financial ability to serve the requested territory?
- 6: Does First Coast have the technical ability to serve the requested territory?
- 7: Does First Coast have sufficient plant capacity to serve the requested territory?
- 8: Has First Coast provided evidence that it has continued use of the land upon which the utility treatment facilities are or will be located?
- 9: Is it in the public interest for First Coast to be granted water and wastewater certificates for the territory proposed in its application?
- 10: What is the appropriate return on equity for First Coast?
- 11: What are the appropriate rates and rate structures for the water and wastewater systems for First Coast?
- 12: What are the appropriate miscellaneous service charges for First Coast?

¹ Staff's Preliminary List Of Issues And Positions, April 4, 2020.

- 13: What are the appropriate late payment charge for First Coast?
- 14: What are the appropriate Non-Sufficient Funds (NSF) charges for First Coast?
- 15: What are the appropriate service availability charges for First Coast?
- 16: What are the appropriate initial customer deposits for First Coast?
- 17: Should this docket be closed?

As discussed below, comparing this list of issues to the discovery requests to which JEA has objected shows how far afield First Coast’s requests to JEA are from the permissible scope of discovery.² Its motion to compel must be denied.

ARGUMENT

I. First Coast’s First And Second Motions To Compel Discovery From JEA, And First Coast’s Improper Attempt To Reargue Its First Motion

On October 22, 2020, First Coast filed its first Motion to Compel Discovery from JEA (“First Motion”), directed to First Coast’s Second Interrogatories to JEA (numbers 18-21 and 23-48) and First Coast’s Second Request for Production to JEA (numbers 21-25). On October 29, 2020, JEA filed its response in opposition. Accordingly, First Coast’s first Motion to Compel is fully briefed and remains pending.

On February 17, 2021, First Coast filed its second Motion to Compel Discovery from JEA (“Second Motion”) directed to First Coast’s Third Interrogatories to JEA, Third Request for Production of Documents to JEA, and Third Request for Admissions to JEA. Inexplicably and without basis in the rules, the Second Motion also raises again and attempts to argue anew all the

² The discovery Commission Staff has propounded on JEA throughout this proceeding, to which JEA has responded without objection, bears no relation to the discovery requests at issue in First Coast’s Second Motion, further belying any notion that the discovery sought by First Coast through its motions to compel bears any reasonable connection to this proceeding.

same discovery items raised in the First Motion. Despite the First Motion being fully briefed four months ago and still pending, First Coast in its Second Motion unilaterally attempts to reargue and rebrief issues raised in the First Motion, now four months later.

A substantial portion of the Second Motion is devoted to the Second Interrogatories and Second Request for Production addressed in the First Motion. First Coast does not get two bites at the apple. The First Motion is fully briefed and pending resolution. Rule 28-106.204, F.A.C. provides for a motion, and a response 7 days later, with any reply requiring leave from the presiding officer. First Coast neither sought leave from the presiding officer, nor is the Second Motion even an ostensive “reply” to JEA’s response to the First Motion. It does not reply to JEA’s response. Instead, it proceeds as if the First Motion does not exist and simply tries to start the whole briefing process over again. Accordingly, all paragraphs and argument in the Second Motion that relate to the Second Interrogatories and Second Request for Production³ (the matters fully briefed on the First Motion) must be disregarded by the Commission or stricken.

II. The Discovery Requests (Newly) At Issue In The Second Motion

Copies of JEA’s Answers to the Third Interrogatories, Responses to the Third Request for the Production of Documents, and Responses to the Third Request for Admission are attached as exhibits A, B, and C, respectively. The items raised by First Coast’s Second Motion are JEA’s responses to interrogatories 55-57, 61-62, 64-65, 85-100, and 106-109; JEA’s responses to requests for production 33-41, 43, 47-50, and 56; and JEA’s responses to requests for admission 21-24.⁴

³ The following portions of the Second Motion must be disregarded or stricken: argument in bold on page 4, paragraphs 11-25, argument in bold on page 6, paragraphs 28-45, argument in bold on page 12, paragraphs 67 and 78.

⁴ The Second Motion at ¶¶ 48-49 also references interrogatories 67 and 68, however those were answered by JEA.

The interrogatories at issue are as follows:

- 55: Does the JEA have a written developer or other agreement or document to provide water and wastewater service to the Crawford Diamond Development Project in Nassau County?
- 56: If the answer to Interrogatory 55 above is yes, when did the JEA first enter into such an agreement and what were the dates of any amendments or revisions thereof?
- 57: Has the JEA recently restated its plans to provide wastewater service in and around Jacksonville International Airport? If so, in what way?
- 61: Please identify the feasibility report, study or other document, by whatever name known, which was utilized to determine the amount of the franchise fee to be paid by the JEA to the City of Jacksonville.
- 62: Have any of the current members of the interim senior management team of JEA orally or otherwise committed to stay on with the JEA past the point of the expiration of their current engagement agreements, via consulting agreement or otherwise?
- 64: Please identify each and every wastewater treatment plant (“WWTP”) construction or expansion project of 1.0 mgd or greater undertaken by the JEA over the last 20 years.
- 65: As to Interrogatory number 64 above, please provide, as to each such WWTP Project: (i) the name of the Project, (ii) the size of the Project, (iii) the cost of the Project, (iv) the timing from Project consideration to approval, (v) the timing from submission to capital plan and budget approval to financing of the Project, and (vi) and the overall timing from project consideration to placing that Project into service.
- 85: What is the status of JEA’s Southwest WWTP expansion schedule?
- 86: Has JEA filed any status report or other documents with the FDEP within the last three years relative to its schedule for its Southwest WWTP expansion?
- 87: Is it true that JEA has recently proposed to reduce the size of the next increment of the expansion of its Southwest WWTP?
- 88: Is it true that currently JEA provides reclaimed water service to less than 50% of its service area?
- 89: If the answer to Interrogatory 88 above is no, to what percentage of its wastewater service area does JEA provide reclaimed water service?
- 90: What is the existing and proposed cost for JEA to provide alternative water facilities and nontraditional capacity within its service area as referenced in Item 48 of WUP?

- 91: Did the JEA or its predecessor, the City of Jacksonville, build a water plant on a site provided by others and at no cost for the Mayo Clinic?
- 92: What was the percentage of the project cost paid for by the Mayo Clinic to extend wastewater service to Mayo Clinic?
- 93: What was the source of the funding for JEA's extension of water and wastewater service to the Mayo Clinic?
- 94: Did the JEA agree to provide water and/or wastewater service to that portion of Nocatee development located in Duval County at less than full recovery of its cost to do so?
- 95: Did the JEA purchase the Nocatee utility system in St. John's County?
- 96: What was the funding source of the JEA's purchase of the Nocatee system in St. John's County?
- 97: Did the JEA extend water and wastewater service lines and treatment plant capacity to the Nocatee project in St. John's County at less than full recovery cost to do so?
- 98: What was the funding source of the JEA's extension of water and wastewater service lines and treatment capacity to the Nocatee development in St. John's county?
- 99: Did the JEA pay for any of the water and wastewater facilities utilized to provide service in the Cecil Commerce Center area?
- 100: Did the JEA or City of Jacksonville act as the "developer" for the water and wastewater facilities at the Cecil Commerce Center?
- 106: What is the estimated capital cost for the JEA to comply with the conditions for renewal or expansion of its WUP?
- 107: Are the statements contained in JEA Annual Disclosure Report prepared pursuant to the continuing disclosure undertaking related to its outstanding bond issues dated as of December 19, 2019 true and correct as of the date of your response hereto.
- 108: The JEA Annual Disclosure Report states that "service territory for the sewer system is essentially the same as that of the water system". Is that statement correct?
- 109: The JEA Annual Disclosure Report referenced in Interrogatory 101 above, states that "the area currently served by the Sewer System is approximately 76% of the service territory. Is that statement true?

The requests for production at issue are:

- 33: Please provide a copy of JEA's septic tank phase out program.
- 34: Recent newspaper articles have discussed JEA's need to eliminate wastewater effluent discharge into the St Johns River, including water bodies adjacent thereto. Please provide all notes, minutes, memoranda, and other documents of a similar or analogous nature regarding any internal or external JEA staff meeting concerning phase out of discharge into the river or tributaries prepared over the last 36 months.
- 35: Please provide any and all memoranda, studies or documents of a similar or analogous nature relative to the provision of water and/or wastewater service to the Mayo Clinic.
- 36: Please provide any and all memoranda, studies or documents of a similar or analogous nature relative to the provision of water and/or wastewater service to the Cecil Commerce Center area.
- 37: Please provide any and all memoranda, studies or documents of a similar or analogous nature relative to the provision of water and/or wastewater service to the Crawford Diamond Project in Nassau County.
- 38: Please provide any and all memoranda, studies or documents of a similar or analogous nature, relating to the provision of water and/or wastewater service to the expansion of the Jacksonville International Airport.
- 39: Please provide copies of all new developer agreements entered into over the last three years for service within three miles of the perimeter of Jacksonville International Airport.
- 40: Please provide copies of any and all memoranda, Memorandum of Intent, emails, or related documents, over the last three years, concerning the construction of new wastewater facilities in the vicinity of the Jax International Airport.
- 41: Please provide copies of any and all memoranda, Memorandum of Intent, emails, or related documents, over the last three years, between JEA staff and/or consultants with developers, whereby the developers would donate 100 acres or more to the JEA for the construction of a new wastewater treatment plant.
- 43: Please provide any and all estimates of capital cost of compliance with the current JEA WUP conditions.
- 47: Please provide any written developer agreement or other agreement by whatever name known to provide water and wastewater service to the Crawford Diamond Development in Nassau County.

- 48: Please provide any written developer agreement or other agreement by whatever name known to provide water and wastewater service to the new development in and around the Jacksonville International Airport.
- 49: Please provide copies of any feasibility report, study or other document, by whatever name known, which was utilized to determine the amount of the franchise fees to be paid by the JEA to the City of Jacksonville.
- 50: Please provide copies of any presentation, including memoranda, PowerPoints, and written materials, presented by the JEA to Moody's, Fitch, and/or Standard & Poors rating agencies relative to the stabilization of JEA management.
- 56: Please provide copies of any and all reports or other documents submitted by the JEA to the FDEP relative to its Southwest WWTP.

The requests for admission at issue are:

- 21: Admit that JEA discharges treated wastewater into the St. Johns River and/or its tributaries ("River").
- 22: Admit that there is legislation being considered by the Florida legislature that would no longer allow JEA to discharge treated wastewater into the River.
- 23: Admit that for JEA to discontinue discharging treated wastewater into the River would require substantial expense and significant changes to how JEA currently disposes of treated wastewater.
- 24: Admit that changing the manner in which JEA currently disposes of treated wastewater will likely result in further increases in rates to its customers.

III. First Coast's Requests Are Not Reasonably Calculated To Lead To The Discovery Of Admissible Evidence In This Docket

The discovery requests raised by the Second Motion are unrelated to the fact issues in this docket or they relate to legal issues which the Commission has no authority to decide. The subject requests raised by the Second Motion, grouped by topic, are addressed below.

A. Other development projects in and around the City.

The subject discovery includes many requests relating to other unrelated developments and other projects in and around Jacksonville -- Crawford Diamond Development Project, new development around Jacksonville International Airport, Mayo Clinic, Nocatee, and Cecil

Commerce Center,⁵ none of which have anything to do with the issues of this docket. This docket concerns First Coast’s application for a certificate of authorization to serve the development property of its corporate parent, 301 Capital Partners, LLC. The property is subject to a specific City of Jacksonville PUD Ordinance that requires the developer, as a condition of building a new 15,000+ connection development in a rural area, to pay for the water and wastewater infrastructure and dedicate it to JEA so that JEA can operate it as part of its regional system. Whatever interest the developer may have in learning about other development projects around the City has no bearing on this docket.

On the bottom of page 12 and top of page 13 of the Second Motion, First Coast states the basis of this discovery is to understand why JEA rejected First Coast’s prior “proposal to finance, construct and eventually sell the facilities to JEA.” Before First Coast filed its Application, JEA and 301 Capital Partners engaged in several discussions about the development. In disregard of the PUD Ordinance, 301 Capital Partners proposed to build the facilities, operate them for 20 years itself through First Coast, then give JEA an option to purchase them for the bonding capacity of the revenue stream. Whatever interest 301 Capital Partners may have in better understanding why that proposal was rejected by JEA, its attempt at using discovery in this docket for that purpose must be rejected. None of the subject discovery requests relating to other developments in and around the City have any relevance to any issue in this docket.

B. The franchise fees paid by JEA to the City of Jacksonville.

In the subject request, First Coast seeks discovery on the amount of the franchise fees paid by JEA to the City.⁶ In its Second Motion on page 4, First Coast states it seeks this

⁵ See Interrogatories 55, 56, 57, 91-100; PODs 35-41, 47-49.

⁶ Interrogatory 61.

discovery to “ascertain the validity and/or legality and applicability of the Franchise.” The Commission has no authority to determine the validity or legality of the franchise. Only a Court can declare a local ordinance to be unconstitutional or otherwise illegal. *See, e.g., In Re: Show Cause Order v. Charter Air Center, Inc.*, Docket No. 780771, Order No. 15249 (Fla. P.S.C. May 3, 1979) (“Florida Law prohibits an Administrative Agency from determining the constitutionality of any statute or rule in a proceeding before it. Such a determination has been held to be a judicial function only and outside of the authority held by an administrative agency.”); *In Re Jasmine Lakes Utilities Corp.*, Docket No.: 920148-WS (Fla. P.S.C. Nov. 18, 1993) (“It is well established that a statute is presumed to be constitutional and must be given effect until judicially declared unconstitutional. The right to declare a statute unconstitutional is purely a judicial power and cannot be exercised by executive or administrative officers.”); *Communications Workers Of America, Local 3170 v. City Of Gainesville*, 697 So. 2d 167, 170 (Fla. 1st DCA 1997) (concluding that “[t]he Administrative Procedure Act does not purport to confer authority on administrative law judges or other executive branch officers to invalidate statutes on constitutional or any other grounds”). The amount of the franchise fees paid by JEA to the City of Jacksonville are relevant to no issue properly considered in this docket.

C. JEA’s 20-year history of construction projects.

In the subject discovery, First Coast inquires in great detail about the 20-year history of JEA’s construction and expansion of wastewater treatment plants.⁷ Under the PUD Ordinance, 301 Capital Partners (not JEA) is required to construct the facilities at its own expense and “at levels and to standards acceptable to JEA.” Moreover, in violation of the PUD Ordinance, 301 Capital Partners formed First Coast and filed this application to seek to have no involvement by

⁷ Interrogatories 64, 65, 85, 86, 87; POD 56.

JEA. JEA's 20-year construction and expansion history has no bearing on any issue in this docket.

D. JEA's finances and operations beyond the issue of its ability to serve as provided by the PUD Ordinance.

Florida law is that "the entity, whether governmental or private, which first acquired the legal right to provide water service to the subject area and which has the ability to do so is the entity with the exclusive legal right to do so." *Lake Utility Servs., Inc. v. City of Clermont*, 727 So 2d 984, 988 (Fla. 5th DCA 1999); *see also City of Mount Dora v. JJ's Mobile Homes, Inc.*, 579 So. 2d 219, 225 (Fla. 5th DCA 1991) (holding that "[w]hen each of two public service utility entities, whether governmental or private, have a legal basis for the claim of a right to provide similar services in the same territory and each has the present ability to promptly and efficiently do so, that entity with the earliest acquired (prior) legal right has the exclusive legal right to provide service in that territory without interference from the entity with the later acquired (subsequent) claim of right").

The PUD Ordinance states that "the [developer] shall provide, at its expense, on-site treatment capacity to serve the needs of this Rural Village PUD, for potable water, wastewater, and reuse water at levels and to standards acceptable to JEA, to be dedicated to JEA for operation and maintenance or for contract operation." Accordingly, JEA's ability to provide service in accordance with the PUD Ordinance is a fact issue in this docket. More specifically, the relevant issue is whether JEA has the ability to operate and maintain the facilities required to be constructed by the developer and dedicated to JEA, which according to the Application will serve approximately 15,000 connections at buildout.

In 2019, JEA's Water and Wastewater Systems generated \$450 million in operating revenue and had net capital assets of approximately \$2.75 billion, serving approximately 370,000

water customers and about 278,000 wastewater customers. Whether JEA has the ability to operate and maintain facilities serving 15,000 more connections (an increase of approximately 5%) under the PUD Ordinance is an issue in this docket, to any extent such issue is capable of dispute. The Second Motion raises discovery requests by First Coast⁸ that are well outside anything reasonably calculated to lead to the discovery of admissible evidence about whether JEA has the ability to serve 5% more customers than it presently does, when the facilities are constructed and dedicated to JEA as required by the PUD Ordinance. First Coast has no entitlement to discovery beyond what is relevant to a determination of whether JEA has the ability to operate and maintain the facilities the PUD Ordinance requires to be constructed by the developer at its own expense.

E. JEA’s Consumptive Use Permit.

JEA agrees with First Coast that under the PUD Ordinance there is no requirement for the developer 301 Capital Partners to “provide raw water, reuse water, or apply for water use permits.”⁹ JEA accordingly answered First Coast’s interrogatories relating to its available capacity under its consumptive use permit (“CUP”).¹⁰ JEA currently uses only 119 MGD of its 142 MGD allocation¹¹ and has identified and constructed facilities for over 26 MGD of reclaimed water, where condition 48 of the CUP requires JEA to identify proposed sources for only up to 20 MGD.¹² JEA maintains its objections to interrogatory 90 (“What is the existing and proposed cost for JEA to provide alternative water facilities and nontraditional capacity

⁸ See Interrogatories 62, 88, 89, 107-109; PODs 33, 34, 50; RFAs 21-25.

⁹ Second Motion, p. 9.

¹⁰ First Coast refers to the CUP as a water use permit, or WUP, but the correct term is a consumptive use permit, or CUP.

¹¹ First Coast’s Application (p. 3) alleges at build out a water demand of 4 MGD.

¹² See JEA’s answers to interrogatories 101-105.

within its service area as referenced in Item 48 of WUP?”), interrogatory 106 (“What is the estimated capital cost for the JEA to comply with the conditions for renewal or expansion of its WUP?”) and POD 43 (“any and all estimates of capital cost of compliance with the current JEA WUP conditions”) as not reasonably calculated to lead to the discovery of admissible evidence. None of the same speak to JEA’s ability to serve in compliance with the City’s PUD Ordinance or any other issue in this proceeding.

IV. Request for Expenses Including Attorney’s Fees

Rule 1.380(a)(4), Fla. R. Civ. P., provides that if a motion to compel is denied “the court shall require the moving party to pay to the party or deponent who opposed the motion the reasonable expenses incurred in opposing the motion that may include attorneys’ fees, unless the court finds that the making of the motion was substantially justified or that other circumstances make an award of expenses unjust.” First Coast’s Second Motion was not substantially justified, instead seeking discovery on fact issues unrelated to this docket or legal issues over which the Commission has no jurisdiction.

WHEREFORE, JEA requests that First Coast’s Second Motion be DENIED and that JEA be awarded its expenses, including attorney’s fees, incurred in responding to the Second Motion.

Respectfully submitted this 24th day of February, 2021.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing has been furnished via electronic mail to the following this 24th day of February, 2021.

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for Original Certificate of) DOCKET NO. 20190168-WS
Authorization and Initial Rates and Charges)
for Water and Wastewater Service in Duval,) FILED:
Baker and Nassau Counties, Florida by)
FIRST COAST REGIONAL UTILITIES,)
INC.)
_____)

**JEA'S ANSWERS TO FIRST COAST REGIONAL UTILITIES, INC.'S
THIRD INTERROGATORIES TO JEA
(INTERROGATORIES 53-113)**

JEA, pursuant to rule 1.340, Florida Rules of Civil Procedure, responds to Applicant First Coast Regional Utilities, Inc.'s Third Interrogatories to JEA as follows:

Interrogatory 53: Please identify each person you intend to call (whether as an expert or fact witness) in this matter by name and address and state in detail the subject matter on which each such expert or fact witness is expected to testify, the substance of the facts and opinions to which each expert is expected to testify, and a summary of the grounds for each opinion.

Answer: JEA's witnesses are Joseph Orfano, Robert Zammataro, Susan West, and Julia Crawford. Regarding the subject matter, substance, and summary requested, please see their prefiled direct testimony, which was filed on June 26, 2020.

Interrogatory 54: Please identify each exhibit, document, or other item of tangible evidence that you expect to introduce into evidence at the final hearing in this matter.

Answer: JEA has not yet identified the documents it will offer into evidence, other than the exhibits to the docket entries JEA has already filed in this case, including JEA's objection filed

on December 26, 2019, the prefilled testimony of JEA's witnesses filed on June 26, 2020, JEA's response to First Coast's motion to strike and JEA's motion for summary final order filed on September 8, 2020, and JEA's response to First Coast's partial motion for summary final order filed on September 22, 2020.

Interrogatory 55: Does the JEA have a written developer or other agreement or document to provide water and wastewater service to the Crawford Diamond Development Project in Nassau County?

Answer: Objection. JEA objects to this request as exceeding the scope of permissible discovery as not reasonably calculated to lead to the discovery of admissible evidence on any issue material to this proceeding.

Interrogatory 56: If the answer to Interrogatory 55 above is yes, when did the JEA first enter into such an agreement and what were the dates of any amendments or revisions thereof?

Answer: Objection. JEA objects to this request as exceeding the scope of permissible discovery as not reasonably calculated to lead to the discovery of admissible evidence on any issue material to this proceeding.

Interrogatory 57: Has the JEA recently restated its plans to provide wastewater service in and around Jacksonville International Airport? If so, in what way?

Answer: Objection. JEA objects to this request as exceeding the scope of permissible discovery as not reasonably calculated to lead to the discovery of admissible evidence on any issue material to this proceeding.

Interrogatory 58: Please state, with specificity, what Florida law authorizes the City of Jacksonville to enter into a Franchise Agreement with JEA.

Answer: Chapter 180, Florida Statutes, other laws as applicable, and see JEA's Motion for Summary Final Order.

Interrogatory 59: What is the ownership relation of the City of Jacksonville and the JEA?

Answer: JEA is wholly owned by the City of Jacksonville.

Interrogatory 60: What entity appoints the members of the Board of Directors of the JEA?

Answer: Four Board members are nominated by the President of the City of Jacksonville City Council and three Board members are appointed by the Mayor. See section 21.03(a) of the City Charter.

Interrogatory 61: Please identify the feasibility report, study or other document, by whatever name known, which was utilized to determine the amount of the franchise fee to be paid by the JEA to the City of Jacksonville.

Answer: Objection. JEA objects to this request as exceeding the scope of permissible discovery as not reasonably calculated to lead to the discovery of admissible evidence on any issue material to this proceeding.

Interrogatory 62: Have any of the current members of the interim senior management team of JEA orally or otherwise committed to stay on with the JEA past the point of the expiration of their current engagement agreements, via consulting agreement or otherwise?

Answer: Objection, it is vague and unknown what information this interrogatory seeks.

Interrogatory 63: If 301 Capital Partners were to somehow agree to receive service from JEA, or enter into a contract operations agreement, how will JEA guarantee that future JEA management will abide with the terms, timing and conditions of the agreement?

Answer: JEA would require that any contract with 301 Capital Partners be enforceable by a court with jurisdiction over the parties and subject matter.

Interrogatory 64: Please identify each and every wastewater treatment plant (“WWTP”) construction or expansion project of 1.0 mgd or greater undertaken by the JEA over the last 20 years.

Answer: Objection. JEA objects to this request as exceeding the scope of permissible discovery as not reasonably calculated to lead to the discovery of admissible evidence on any issue material to this proceeding. Under the PUD Ordinance, it is the developer’s obligation to construct at its own expense the water, wastewater and reuse treatment capacity and then dedicate the same to JEA.

Interrogatory 65: As to Interrogatory number 64 above, please provide, as to each such WWTP Project: (i) the name of the Project, (ii) the size of the Project, (iii) the cost of the Project, (iv) the timing from Project consideration to approval, (v) the timing from submission to capital plan and budget approval to financing of the Project, and (vi) and the overall timing from project consideration to placing that Project into service.

Answer: Objection. JEA objects to this request as exceeding the scope of permissible discovery as not reasonably calculated to lead to the discovery of admissible evidence on any issue material to this proceeding. Under the PUD Ordinance, it is the developer’s obligation to construct at its own expense the water, wastewater and reuse treatment capacity and then dedicate the same to JEA.

Interrogatory 66: The JEA has recently received a draft capacity fee study from one or more of its consultants. Please identify the consultant(s), the date of delivery of the study or studies, whether in final form or not, and when such study or studies was or will be presented to or considered by the JEA Board.

Answer: In response to this interrogatory, pursuant to rule 1.340(c), JEA will provide the referenced capacity fee study and presentation to the JEA Board.

Interrogatory 67: Is it the intention of JEA to provide reclaimed water service, under pressure, to the proposed First Coast service area?

Answer: Yes, provided the developer complies with the PUD Ordinance. Under the PUD Ordinance, it is 301 Capital Partners' obligation to provide, at its expense, on-site treatment capacity for reuse water at levels and to standards acceptable to JEA, to be dedicated to JEA for operation and maintenance or for contract operation.

Interrogatory 68: If the answer to Interrogatory 67 above is yes, please state, with specificity, how the JEA would go about providing such reclaimed water service to the proposed First Coast area, and at what specific pressure, expressed in pounds per square inch, that such reclaimed water would be delivered.

Answer: It is for the developer to provide reuse water treatment capacity. Operational pressures must be similar to JEA's existing reclaimed water system, 40 to 70 psi.

Interrogatory 69: If the answer to Interrogatory 67 above is yes, please advise when JEA would be able to provide reclaimed water service to the FCRU proposed area.

Answer: At such time as the developer complies with the PUD Ordinance.

Interrogatory 70: If the answer to Interrogatory 67 above is yes, from what specific facility or facilities would JEA source the reclaimed water for service to the FCRU proposed area.

Answer: Under the PUD Ordinance, it is for the developer to provide reuse water treatment capacity, which could be constructed onsite. Prior discussions with the developer also included connecting to a new regional facility constructed at JEA expense, which idea the developer rejected.

Interrogatory 71: What is the anticipated cost of providing reclaimed water service from JEA's existing facilities to the proposed FCRU service area?

Answer: JEA does not have existing facilities providing reclaimed water service to the proposed service area. Under the PUD Ordinance, the cost of providing facilities for the reuse water treatment capacity is a cost to the developer, not to JEA.

Interrogatory 72: JEA's earlier proposal to 301 Capital Partners indicated that its estimated cost of providing service to the proposed FCRU area is approximately \$39 million. What information, study, analysis, or other data was utilized by the JEA in preparing its estimate of approximately \$39 million?

Answer: JEA engaged in discussions with the developer involving construction of a new regional facility, which idea the developer rejected. A \$39 million preliminary estimate was calculated using high level planning estimate methods which employ unit multipliers, main sizing. Main sizes were estimated using projected flow rates for each use and length of main extension.

Interrogatory 73: JEA estimated that the \$39 million capital cost of the facilities referenced above would require capacity fees of approximately \$13,000 per unit for the first 2800 dwelling units of the 301 Capital Partners development. At what point in time would JEA expect to collect those fees, i.e., at contract, when completion of pipeline construction or building permits for home construction are issued or other; i.e. when?

Answer: Under the PUD Ordinance, the facilities are for the developer to construct at its own expense. JEA's service availability charges are currently \$3,308.50 per ERC. As shown on pages 6 and 7 of JEA's Water and Sewer Rate Document, for water service JEA charges a Plant Capacity fee of \$339.50 and a Line Extension Growth Capacity Charge of \$1,695.00 and for sewer service charges a Plant Capacity Fee of \$1,274.00. As specified in JEA's Water and Sewer Rate Document, the fees are collected at the time the building permit application is

approved or, if no building permit application is required, at the time the plumbing permit is approved by JEA.

Interrogatory 74: Under what authority is JEA proposing to charge 301 Capital Partners capacity fees of approximately \$13,000 per dwelling unit, compared to its existing tariff rate?

Answer: JEA is not proposing to charge 301 Capital Partners capacity fees of approximately \$13,000 per dwelling unit. JEA has no pending proposals, as 301 Capital Partners has rejected all JEA proposals to date. JEA's service availability charges are as specified in its Water and Sewer Rate Document at the time of connection.

Interrogatory 75: Are JEA's rates and charges otherwise uniform throughout its existing service area?

Answer: JEA's rates and charges are as specified in JEA's Water and Sewer Rate Document.

Interrogatory 76: Previously, the JEA proposed that 301 Capital Partners build a new WWTP on the Peterson tract. Please describe, with specificity, the pipeline route that JEA would propose to interconnect the Peterson tract WWTP to the proposed First Coast service area.

Answer: JEA's prior, preliminary, discussions with 301 Capital Partners did not include a pipeline route set forth "with specificity." JEA has no pending proposals, as 301 Capital Partners has rejected all JEA proposals to date.

Interrogatory 77: What easements would JEA provide to interconnect the Peterson tract to the proposed First Coast service area?

Answer: JEA has no pending proposals, as 301 Capital Partners has rejected all JEA proposals to date. JEA's prior discussions with 301 Capital Partners did not progress to a discussion of specific easements to be provided by JEA.

Interrogatory 78: Between the Peterson tract and the proposed FCRU service area, CSX has rail yards and rail lines. With specificity, what is JEA's projected cost for installing pipe lines under the CSX facilities?

Answer: JEA has no pending proposals, as 301 Capital Partners has rejected all JEA proposals to date. JEA has no specific projection of the cost to install pipelines under CSX rail yards and rail lines.

Interrogatory 79: Is there a mitigation area abutting the CSX property on the South?

Answer: Objection. JEA objects to this request as exceeding the scope of permissible discovery as not reasonably calculated to lead to the discovery of admissible evidence on any issue material to this proceeding.

Interrogatory 80: Would JEA's proposed pipeline routing from the Peterson tract WWTP traverse under the CSX railyards on CSX property or would it traverse through the stated mitigation area and under CSX lines there?

Answer: JEA has no pending proposals, as 301 Capital Partners has rejected all JEA proposals to date.

Interrogatory 81: What is JEA's estimate for the cost of permitting and boring under four sets of CSX railroad track?

Answer: See Answer to Interrogatory 78.

Interrogatory 82: What is JEA's estimate for the cost permitting and directional boring under the mitigation area?

Answer: JEA has no estimate of the developer's cost for "permitting and directional boring under the mitigation area."

Interrogatory 83: JEA has proposed to reverse raw wastewater flow from traveling to its Southwest Water Reclamation Facility (“WWTP”) utilizing pipelines on Normandy Boulevard to the Peterson tract WWTP. What is JEA’s anticipated total cost to construct such pipelines and a pertinent facility?

Answer: JEA has no pending proposals, as 301 Capital Partners has rejected all JEA proposals to date. JEA previously discussed with the developer sending flow from the 301 development to the Southwest WWTP.

Interrogatory 84: How would the JEA propose to compensate 301 Capital Partners for the capital cost of plant capacity consumed by JEA’s diversion of wastewater flow from the Southwest WWTP to the WWTP facility proposed to be constructed by the 301 Capital Partners on the Peterson tract?

Answer: JEA has no pending proposals, as 301 Capital Partners has rejected all JEA proposals to date. All Cost Participation and Cost Recovery Agreements follow JEA policies approved by the Board.

Interrogatory 85: What is the status of JEA’s Southwest WWTP expansion schedule?

Answer: Objection. JEA objects to this request as exceeding the scope of permissible discovery as not reasonably calculated to lead to the discovery of admissible evidence on any issue material to this proceeding.

Interrogatory 86: Has JEA filed any status report or other documents with the FDEP within the last three years relative to its schedule for its Southwest WWTP expansion?

Answer: Objection. JEA objects to this request as exceeding the scope of permissible discovery as not reasonably calculated to lead to the discovery of admissible evidence on any issue material to this proceeding.

Interrogatory 87: Is it true that JEA has recently proposed to reduce the size of the next increment of the expansion of its Southwest WWTP?

Answer: Objection. JEA objects to this request as exceeding the scope of permissible discovery as not reasonably calculated to lead to the discovery of admissible evidence on any issue material to this proceeding.

Interrogatory 88: Is it true that currently JEA provides reclaimed water service to less than 50% of its service area?

Answer: Objection. JEA objects to this request as exceeding the scope of permissible discovery as not reasonably calculated to lead to the discovery of admissible evidence on any issue material to this proceeding.

Interrogatory 89: If the answer to Interrogatory 88 above is no, to what percentage of its wastewater service area does JEA provide reclaimed water service?

Answer: Objection. JEA objects to this request as exceeding the scope of permissible discovery as not reasonably calculated to lead to the discovery of admissible evidence on any issue material to this proceeding.

Interrogatory 90: What is the existing and proposed cost for JEA to provide alternative water facilities and nontraditional capacity within its service area as referenced in Item 48 of WUP?

Answer: Objection. JEA objects to this request as exceeding the scope of permissible discovery as not reasonably calculated to lead to the discovery of admissible evidence on any issue material to this proceeding.

Interrogatory 91: Did the JEA or its predecessor, the City of Jacksonville, build a water plant on a site provided by others and at no cost for the Mayo Clinic?

Answer: Objection. JEA objects to this request as exceeding the scope of permissible discovery as not reasonably calculated to lead to the discovery of admissible evidence on any issue material to this proceeding.

Interrogatory 92: What was the percentage of the project cost paid for by the Mayo Clinic to extend wastewater service to Mayo Clinic?

Answer: Objection. JEA objects to this request as exceeding the scope of permissible discovery as not reasonably calculated to lead to the discovery of admissible evidence on any issue material to this proceeding.

Interrogatory 93: What was the source of the funding for JEA's extension of water and wastewater service to the Mayo Clinic?

Answer: Objection. JEA objects to this request as exceeding the scope of permissible discovery as not reasonably calculated to lead to the discovery of admissible evidence on any issue material to this proceeding.

Interrogatory 94: Did the JEA agree to provide water and/or wastewater service to that portion of Nocatee development located in Duval County at less than full recovery of its cost to do so?

Answer: Objection. JEA objects to this request as exceeding the scope of permissible discovery as not reasonably calculated to lead to the discovery of admissible evidence on any issue material to this proceeding.

Interrogatory 95: Did the JEA purchase the Nocatee utility system in St. John's County?

Answer: Objection. JEA objects to this request as exceeding the scope of permissible discovery as not reasonably calculated to lead to the discovery of admissible evidence on any issue material to this proceeding.

Interrogatory 96: What was the funding source of the JEA's purchase of the Nocatee system in St. John's County?

Answer: Objection. JEA objects to this request as exceeding the scope of permissible discovery as not reasonably calculated to lead to the discovery of admissible evidence on any issue material to this proceeding.

Interrogatory 97: Did the JEA extend water and wastewater service lines and treatment plant capacity to the Nocatee project in St. John's County at less than full recovery cost to do so?

Answer: Objection. JEA objects to this request as exceeding the scope of permissible discovery as not reasonably calculated to lead to the discovery of admissible evidence on any issue material to this proceeding.

Interrogatory 98: What was the funding source of the JEA's extension of water and wastewater service lines and treatment capacity to the Nocatee development in St. John's county?

Answer: Objection. JEA objects to this request as exceeding the scope of permissible discovery as not reasonably calculated to lead to the discovery of admissible evidence on any issue material to this proceeding.

Interrogatory 99: Did the JEA pay for any of the water and wastewater facilities utilized to provide service in the Cecil Commerce Center area?

Answer: Objection. JEA objects to this request as exceeding the scope of permissible discovery as not reasonably calculated to lead to the discovery of admissible evidence on any issue material to this proceeding.

Interrogatory 100: Did the JEA or City of Jacksonville act as the “developer” for the water and wastewater facilities at the Cecil Commerce Center?

Answer: Objection. JEA objects to this request as exceeding the scope of permissible discovery as not reasonably calculated to lead to the discovery of admissible evidence on any issue material to this proceeding.

Interrogatory 101: The JEA Annual Disclosure Report for the fiscal year ended September 30, 2019 indicates that it has a specified amount of wastewater reuse capacity. Is that reuse capacity considered by the SJRWMD to render the JEA to be in compliance with Item 48 of its Water Use Permit?

Answer: JEA is in Compliance. The Annual Disclosure Report for the fiscal year ended September 30, 2019, identifies 26.05MGD of existing public access reclaimed water capacity available as an alternative water source. Condition 48 of the SJRWMD Consumptive Use Permit (“CUP”) requires JEA to identify proposed sources for up to 20MGD. JEA has not only identified the potential sources, but has constructed the facilities for over 26MGD of reclaimed water which can serve to offset the use of potable water.

Interrogatory 102: Does the JEA have contracts with end users for the distribution of all of its reuse capacity?

Answer: No.

Interrogatory 103: Does the JEA intend, if it is able to enter into an agreement with 301 Capital Partners, to receive SJWRMD credit as defined in its WUP for any reuse capacity created by the 301 Capital Partners from the Peterson tract WWTP?

Answer: JEA has no pending proposals, as 301 Capital Partners has rejected all JEA proposals to date.

Interrogatory 104: If the answer to Interrogatory 103 above is yes, how does the JEA propose to compensate 301 Capital Partners for such reuse capacity credit?

Answer: JEA has no pending proposals, as 301 Capital Partners has rejected all JEA proposals to date.

Interrogatory 105: JEA is nearing its permitted Water Use Permit capacity limits as authorized by the SJRWMD. With specificity, please advise as to how JEA intends to comply with its WUP obligations on a going forward basis.

Answer: JEA is not “nearing its permitted Water Use Permit capacity limits. . . .” JEA currently uses approximately 119 MGD of the 142 MGD allocation from the Consumptive Use Permit (“CUP”). JEA intends to continue to comply with its CUP obligations.

Interrogatory 106: What is the estimated capital cost for the JEA to comply with the conditions for renewal or expansion of its WUP?

Answer: Objection. JEA objects to this request as exceeding the scope of permissible discovery as not reasonably calculated to lead to the discovery of admissible evidence on any issue material to this proceeding.

Interrogatory 107: Are the statements contained in JEA Annual Disclosure Report prepared pursuant to the continuing disclosure undertaking related to its outstanding bond issues dated as of December 19, 2019 true and correct as of the date of your response hereto.

Answer: Objection. JEA objects to this request as exceeding the scope of permissible discovery as not reasonably calculated to lead to the discovery of admissible evidence on any issue material to this proceeding. The next version of the JEA Annual Disclosure Report is expected to be finalized around April, 2021.

Interrogatory 108: The JEA Annual Disclosure Report states that “service territory for the sewer system is essentially the same as that of the water system”. Is that statement correct?

Answer: Objection. JEA objects to this request as exceeding the scope of permissible discovery as not reasonably calculated to lead to the discovery of admissible evidence on any issue material to this proceeding.

Interrogatory 109: The JEA Annual Disclosure Report referenced in Interrogatory 101 above, states that “the area currently served by the Sewer System is approximately 76% of the service territory. Is that statement true?

Answer: Objection. JEA objects to this request as exceeding the scope of permissible discovery as not reasonably calculated to lead to the discovery of admissible evidence on any issue material to this proceeding.

Interrogatory 110: One of JEA’s proposals to provide water and wastewater service to 301 Capital Partners within the proposed FCRU service area is to extend the JEA’s existing water

and wastewater mains. Are the existing mains and the plants from which they originate of sufficient size and capacity to accommodate 17,500 ERCs?

Answer: JEA has no pending proposals, as 301 Capital Partners has rejected all JEA proposals to date. JEA's prior discussions with the developer included connecting the development to JEA's existing system by extending the mains, which would accommodate approximately 3,000 ERCs. Connections beyond that number would require additional treatment facilities.

Interrogatory 111: If the existing mains and plants referenced in the previous interrogatory do not have sufficient capacity to provide service to 17,500 ERCs, how does JEA propose to provide service to the development through buildout and beyond?

Answer: JEA has no pending proposals, as 301 Capital Partners has rejected all JEA proposals to date.

Interrogatory 112: Has JEA identified in its five year Capital Plan the water and wastewater infrastructure projects needed to meet the demands of the 301 development within the proposed First Coast Service area of at least 17,500 ERCs?

Answer: No. The costs of the facilities are the developer's responsibility under the PUD Ordinance.

Interrogatory 113: If your response to any of First Coast's Request for Admissions was anything other than an unqualified admission, please state with particularity and specificity, for each such response, why the RFA was not admitted and provide JEA's position and any support for that position on the subject matter of the RFA and/or why the RFA was not admitted.

Answer: Objection, vague, and exceeds JEA's obligations under the Rules. JEA's responses to First Coast's Requests for Admissions speak for themselves.

[remainder of page left blank, signature page to follow]

JEA

Signed By: 

Printed Name: Joseph E. Orfano

Title: Treasurer

STATE OF FLORIDA

COUNTY OF DUVAL

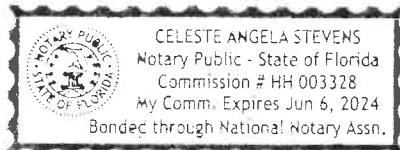
BEFORE ME, the undersigned authority, personally appeared Joseph E. Orfano as a representative of JEA, who, being duly sworn, deposes and swears that the above Answers to Interrogatories are true and correct.

SWORN TO AND SUBSCRIBED before me on this 13th day of January, 2021.

Celeste A. Stevens

Notary Public

My Commission expires: June 6, 2024



As to objections:

/s/ Thomas A. Crabb
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Attorneys for JEA

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for Original Certificate of) DOCKET NO. 20190168-WS
Authorization and Initial Rates and Charges)
for Water and Wastewater Service in Duval,) FILED:
Baker and Nassau Counties, Florida by)
FIRST COAST REGIONAL UTILITIES,)
INC.)
_____)

**JEA'S RESPONSE TO FIRST COAST REGIONAL UTILITIES, INC.'S THIRD
REQUEST FOR PRODUCTION OF DOCUMENTS TO JEA
(REQUESTS 26-57)**

JEA, pursuant to rule 1.350, Florida Rules of Civil Procedure, responds to Applicant First Coast Regional Utilities, Inc.’s (“Applicant’s”) Third Request For Production Of Documents To JEA (“Third RFP”).

GENERAL OBJECTIONS

1. On its opening page, the Third RFP states that “[t]his request shall also be considered a public records request pursuant to Chapter 119, Florida Statutes.” Civil discovery and requests made under the Florida Public Records Act are discrete processes, each with unique rules. *See, e.g., Dept. of Prof. Reg. v. Spiva*, 478 So. 2d 382, 383 (Fla. 1st DCA 1985) (noting that “although the rules of civil procedure and the Public Records Act may overlap in certain areas, they are not coextensive in scope”). JEA objects to Applicant’s attempt to shoehorn a public records request and its attendant processes into civil discovery. If the Applicant wishes to make a public records request to JEA, it is free to do so. JEA has a portal for the submission of public records requests available at https://www.jea.com/Contact/Public_Record_Request/.

2. The Third RFP's "Instruction" number one (1) contains a list of items that JEA is to include in any privilege log, to wit: "author, signatory, description (e.g., letter, memorandum, telex, recording, etc.), title (if any), date, addresses (if any), general subject matter, present

depository and present custodian, and a complete statement of the ground for any claim of privilege” JEA objects to this “instruction” as contrary to the Rules, which require that a privilege log contain simply a description of “the nature of the documents . . . in a manner that, without revealing information itself privileged or protected, will enable other parties to assess the applicability of the privilege or protection.” Rule 1.280(b)(6), Fla. R. Civ. P.

3. The Third RFP’s “Instruction” number two (2) states that if a document cannot be produced in full “specify[] the reasons for the inability to produce the remainder.” JEA objects to this “instruction” as it has no basis in, and exceeds JEA’s obligations under, the Rules.

JEA’s RESPONSES TO FIRST COAST’s
REQUESTS FOR PRODUCTION

Request 26: Any document you identified, referenced, named, consulted, or relied upon in answering the First Coast’s Third Set of Interrogatories to the JEA.

Response: Inspection and related activities will be permitted as requested.

Request 27: Any and all documents, including any data stored or generated by any electronic means, that you have provided or intend to provide to any of your witnesses, prospective witnesses or potential witnesses in this case for the purpose of that witness reviewing those documents or relying upon those documents in any fashion in preparation for presenting possible testimony in this case.

Response: All documents in JEA’s possession, custody, or control responsive to this request have been previously filed by JEA in this case or produced to First Coast in discovery.

Request 28: Any and all documents, reports, compilations of data, exhibits, summaries, analysis and treatises which you expect to offer into evidence or rely upon at the hearing in this case.

Response: JEA has not yet identified the documents it will offer into evidence, other than the exhibits to the docket entries JEA has already filed in this case, including JEA's objection filed on December 26, 2019, the prefilled testimony of JEA's witnesses filed on June 26, 2020, JEA's response to First Coast's motion to strike and JEA's motion for summary final order filed on September 8, 2020, and JEA's response to First Coast's partial motion for summary final order filed on September 22, 2020.

Request 29: Any and all documents, exhibits, or other items of tangible evidence that you expect to introduce into evidence at the final hearing in this matter.

Response: JEA has not yet identified the documents it will offer into evidence, other than the exhibits to the docket entries JEA has already filed in this case, including JEA's objection filed on December 26, 2019, the prefilled testimony of JEA's witnesses filed on June 26, 2020, JEA's response to First Coast's motion to strike and JEA's motion for summary final order filed on September 8, 2020, and JEA's response to First Coast's partial motion for summary final order filed on September 22, 2020.

Request 30: Please provide a copy of the Water Use Permit compliance plan prepared on behalf of the JEA.

Response: There is no such document. JEA is producing its integrated water resource plan in response to request 31.

Request 31: Please provide a copy of JEA's most recent and all drafts of its integrated water resource plan.

Response: Inspection and related activities will be permitted as requested.

Request 32: Please provide a copy of any and all water and wastewater rate studies, including drafts, prepared on behalf of the JEA in the last 36 months.

Response: Inspection and related activities will be permitted as requested.

Request 33: Please provide a copy of JEA's septic tank phase out program.

Response: Objection. JEA objects to this request as exceeding the scope of permissible discovery as not reasonably calculated to lead to the discovery of admissible evidence on any issue material to this proceeding.

Request 34: Recent newspaper articles have discussed JEA's need to eliminate wastewater effluent discharge into the St Johns River, including water bodies adjacent thereto. Please provide all notes, minutes, memoranda, and other documents of a similar or analogous nature

regarding any internal or external JEA staff meeting concerning phase out of discharge into the river or tributaries prepared over the last 36 months.

Response: Objection. JEA objects to this request as exceeding the scope of permissible discovery as not reasonably calculated to lead to the discovery of admissible evidence on any issue material to this proceeding.

Request 35: Please provide any and all memoranda, studies or documents of a similar or analogous nature relative to the provision of water and/or wastewater service to the Mayo Clinic.

Response: Objection. JEA objects to this request as exceeding the scope of permissible discovery as not reasonably calculated to lead to the discovery of admissible evidence on any issue material to this proceeding.

Request 36: Please provide any and all memoranda, studies or documents of a similar or analogous nature relative to the provision of water and/or wastewater service to the Cecil Commerce Center area.

Response: Objection. JEA objects to this request as exceeding the scope of permissible discovery as not reasonably calculated to lead to the discovery of admissible evidence on any issue material to this proceeding.

Request 37: Please provide any and all memoranda, studies or documents of a similar or analogous nature relative to the provision of water and/or wastewater service to the Crawford Diamond Project in Nassau County.

Response: Objection. JEA objects to this request as exceeding the scope of permissible discovery as not reasonably calculated to lead to the discovery of admissible evidence on any issue material to this proceeding.

Request 38: Please provide any and all memoranda, studies or documents of a similar or analogous nature, relating to the provision of water and/or wastewater service to the expansion of the Jacksonville International Airport.

Response: Objection. JEA objects to this request as exceeding the scope of permissible discovery as not reasonably calculated to lead to the discovery of admissible evidence on any issue material to this proceeding.

Request 39: Please provide copies of all new developer agreements entered into over the last three years for service within three miles of the perimeter of Jacksonville International Airport.

Response: Objection. JEA objects to this request as exceeding the scope of permissible discovery as not reasonably calculated to lead to the discovery of admissible evidence on any issue material to this proceeding.

Request 40: Please provide copies of any and all memoranda, Memorandum of Intent, emails, or related documents, over the last three years, concerning the construction of new wastewater facilities in the vicinity of the Jax International Airport.

Response: Objection. JEA objects to this request as exceeding the scope of permissible discovery as not reasonably calculated to lead to the discovery of admissible evidence on any issue material to this proceeding.

Request 41: Please provide copies of any and all memoranda, Memorandum of Intent, emails, or related documents, over the last three years, between JEA staff and/or consultants with developers, whereby the developers would donate 100 acres or more to the JEA for the construction of a new wastewater treatment plant.

Response: Objection. JEA objects to this request as exceeding the scope of permissible discovery as not reasonably calculated to lead to the discovery of admissible evidence on any issue material to this proceeding.

Request 42: Please provide a copy of your plan as to the expansion of your WUP by the SJRWMD.

Response: None.

Request 43: Please provide any and all estimates of capital cost of compliance with the current JEA WUP conditions.

Response: Objection. JEA objects to this request as exceeding the scope of permissible discovery as not reasonably calculated to lead to the discovery of admissible evidence on any issue material to this proceeding.

Request 44: Please provide a copy of JEA's plan to expand its Southwest Water Reclamation Facility ("WWTP"), including cost thereof and the timetable therefor.

Response: Objection. JEA objects to this request as exceeding the scope of permissible discovery as not reasonably calculated to lead to the discovery of admissible evidence on any issue material to this proceeding. Notwithstanding the foregoing objection, JEA will produce its Maxville Sub-Basin Capacity Analysis relating to earlier discussions with the developer on sending flow from the 301 development to the Southwest WWTP.

Request 45: Please provide a copy of the most recent draft of JEA's water and wastewater integrated rate study.

Response: Inspection and related activities will be permitted as requested.

Request 46: Please provide any JEA owned or controlled WUP authorizing water withdrawals to supply water to the proposed First Coast service area.

Response: JEA's consumptive use permit was previously produced (JEA594-JEA640).

Request 47: Please provide any written developer agreement or other agreement by whatever name known to provide water and wastewater service to the Crawford Diamond Development in Nassau County.

Response: Objection. JEA objects to this request as exceeding the scope of permissible discovery as not reasonably calculated to lead to the discovery of admissible evidence on any issue material to this proceeding.

Request 48: Please provide any written developer agreement or other agreement by whatever name known to provide water and wastewater service to the new development in and around the Jacksonville International Airport.

Response: Objection. JEA objects to this request as exceeding the scope of permissible discovery as not reasonably calculated to lead to the discovery of admissible evidence on any issue material to this proceeding.

Request 49: Please provide copies of any feasibility report, study or other document, by whatever name known, which was utilized to determine the amount of the franchise fees to be paid by the JEA to the City of Jacksonville.

Response: Objection. JEA objects to this request as exceeding the scope of permissible discovery as not reasonably calculated to lead to the discovery of admissible evidence on any issue material to this proceeding.

Request 50: Please provide copies of any presentation, including memoranda, PowerPoints, and written materials, presented by the JEA to Moody's, Fitch, and/or Standard & Poors rating agencies relative to the stabilization of JEA management.

Response: Objection. JEA objects to this request as exceeding the scope of permissible discovery as not reasonably calculated to lead to the discovery of admissible evidence on any issue material to this proceeding.

Request 51: Please provide documents setting forth the names of the senior management team of JEA, along with their resumes and date of expiration of their terms.

Response: Information setting forth the names and relevant information of JEA's senior management team is posted on JEA's website at
https://www.jea.com/about/board_and_management/

Request 52: Please provide a copy of the recent capacity fee study, including drafts thereto, received by the JEA from its rate and/or financial consultants.

Response: Inspection and related activities will be permitted as requested.

Request 53: Please provide complete copies of any presentation made by JEA staff or its Board of Directors concerning current and projected water, wastewater, and reuse capacity fees.

Response: Inspection and related activities will be permitted as requested.

Request 54: Please provide copies of any information, study, analysis or other data utilized by the JEA preparing its estimate of the cost to provide water, wastewater, and/or reuse service to 301 Capital Partners.

Response: JEA has previously produced all documents relating to its prior discussions with the developer.

Request 55: Please provide a copy of the JEA “Annual Disclosure Report for Water, Sewer System and District Energy System for Fiscal Year ended September 30, 2019” prepared pursuant to certain disclosure undertaking related to the Bonds listed APPENDIX E hereto (filed with MMA and dated as of December 19, 2019).

Response: Inspection and copying will be permitted as requested.

Request 56: Please provide copies of any and all reports or other documents submitted by the JEA to the FDEP relative to its Southwest WWTP.

Response: Objection. JEA objects to this request as exceeding the scope of permissible discovery as not reasonably calculated to lead to the discovery of admissible evidence on any issue material to this proceeding.

Request 57: Please provide any document, not privileged, addressing, discussing, analyzing, or otherwise referencing JEA's position in this case that its franchise is exclusive and/or that the PSC has no power or authority to grant FCRU's application for a certificate. This request only seeks responsive documents created or written by JEA employees, consultants, and representatives.

Response: All such documents have been previously produced or filed in this case.

Respectfully submitted this 13th day of January, 2021.

/s/ Thomas A. Crabb
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Attorneys for JEA

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing has been furnished via electronic mail to the following this 13th day of January, 2021.

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/s/ Thomas A. Crabb

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for Original Certificate of) DOCKET NO. 20190168-WS
Authorization and Initial Rates and Charges)
for Water and Wastewater Service in Duval,) FILED:
Baker and Nassau Counties, Florida by)
FIRST COAST REGIONAL UTILITIES,)
INC.)

)

**JEA'S RESPONSE TO FIRST COAST REGIONAL UTILITIES, INC.'S THIRD
REQUEST FOR ADMISSIONS TO JEA
(REQUESTS 20-25)**

JEA, pursuant to rule 1.370, Florida Rules of Civil Procedure, responds to Applicant First Coast Regional Utilities, Inc.'s ("Applicant's") Third Request For Admissions as follows:

Request 20: See the attached Exhibit "A", an article from WJXT News4 published on December 15, 2020. Admit that JEA anticipates spending more than \$1.6 billion to meet increased water demand in Duval County which will result in a "big increase" in rates to its customers.

Answer: Admitted that JEA anticipates investing more than \$1.6 billion in system infrastructure upgrades over the coming years, which investment has not been finalized. Whether, when, and by how much rates to JEA customers may be increased in the future has not been determined. JEA's current rates are as set forth in its Water and Sewer Rate Document.

Request 21: Admit that JEA discharges treated wastewater into the St. Johns River and/or its tributaries ("River").

Answer: Objection. JEA objects to this request as exceeding the scope of permissible discovery as not reasonably calculated to lead to the discovery of admissible evidence on any issue material to this proceeding.

Request 22: Admit that there is legislation being considered by the Florida legislature that would no longer allow JEA to discharge treated wastewater into the River.

Answer: Objection. JEA objects to this request as exceeding the scope of permissible discovery as not reasonably calculated to lead to the discovery of admissible evidence on any issue material to this proceeding.

Request 23: Admit that for JEA to discontinue discharging treated wastewater into the River would require substantial expense and significant changes to how JEA currently disposes of treated wastewater.

Answer: Objection. JEA objects to this request as exceeding the scope of permissible discovery as not reasonably calculated to lead to the discovery of admissible evidence on any issue material to this proceeding.

Request 24: Admit that changing the manner in which JEA currently disposes of treated wastewater will likely result in further increases in rates to its customers.

Answer: Objection. JEA objects to this request as exceeding the scope of permissible discovery as not reasonably calculated to lead to the discovery of admissible evidence on any issue material to this proceeding.

Request 25: Admit that it may be several months or more before JEA's new full-time fully staffed senior management team is in place.

Answer: Denied. JEA presently has a fully staffed senior management team in place.

Respectfully submitted this 22nd day of January, 2021.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing has been furnished via electronic mail to the following this 22nd day of January, 2021.

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