

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for original certificates for proposed water and wastewater system, in Hernando and Pasco Counties, and request for initial rates and charges, by Skyland Utilities, LLC.

DOCKET NO. 090478-WS

DATED: JUNE 14, 2010

SKYLAND'S OBJECTIONS TO PASCO COUNTY'S
FIRST REQUEST FOR ADMISSIONS, FIRST REQUEST FOR PRODUCTION OF
DOCUMENTS AND FIRST SET OF INTERROGATORIES TO SKYLAND UTILITIES, LLC

Skyland Utilities, LLC, by and through its undersigned attorneys, files its objections to Pasco County's First Request for Admissions, First Request for Production of Documents, and First Set of Interrogatories to Skyland as follows:

OBJECTIONS TO REQUEST FOR ADMISSIONS

11. Admit that Water Lease Agreement grants Skyland legal control over water withdrawals from the identified "Leased Premises."

Objection. Any Request whether Skyland has legal control over any particular water withdrawals seeks discovery on a matter not reasonably calculated to lead to the discovery of admissible evidence. The Request calls for a legal conclusion, is irrelevant, and is not materially related to any legitimate issue in this administrative proceeding including, but not limited to, whether Skyland's application meets the applicable criteria such that it should be approved by the Commission.

13. Admit that Skyland obtained legal control over water withdrawals from the Leased Premises on October 1, 2009.

Objection. Any Request whether Skyland obtained legal control over water withdrawals from the Leased Premises seeks discovery on a matter not reasonably calculated to lead to the discovery of admissible evidence. The Request calls for a legal conclusion, is irrelevant, and is not materially related to any legitimate issue in this administrative proceeding including, but not limited to, whether Skyland's application meets the applicable criteria such that it should be approved by the Commission.

14. Admit that water withdrawals from the Leased Premises identified in the Water Lease Agreement are subject to permits issued by the Southwest Florida Water Management District (“SWFWMD”).

Objection. Any Request whether water withdrawals from the Leased Premises identified in the Water Lease Agreement are subject to permits issued by the Southwest Florida Water Management District (“SWFWMD”) seeks discovery on a matter not reasonably calculated to lead to the discovery of admissible evidence. The Request is irrelevant, overbroad, and not materially related to any legitimate issue in this administrative proceeding including, but not limited to, whether Skyland's application meets the applicable criteria such that it should be approved by the Commission.

15. Admit that water withdrawals from the site identified as “ID 1” are made subject to Water Use Permit 3390 issued by SWFWMD.

Objection. Any Request whether water withdrawals from the site identified as “ID 1” are made subject to Water Use Permit 3390 issued by SWFWMD seeks discovery on a matter not reasonably calculated to lead to the discovery of admissible evidence. The Request is irrelevant, overbroad, and not materially related to any legitimate issue in this administrative proceeding including, but not limited to, whether Skyland's application meets the applicable criteria such that it should be approved by the Commission.

16. Admit that water withdrawals from the site identified as “ID 2” are made subject to Water Use Permit 9080 issued by SWFWMD.

Objection. Any Request whether water withdrawals from the site identified as “ID 2” are made subject to Water Use Permit 9080 issued by SWFWMD seeks discovery on a matter not reasonably calculated to lead to the discovery of admissible evidence. The Request is irrelevant, overbroad, and not materially related to any legitimate issue in this administrative proceeding including, but not limited to, whether Skyland's application meets the applicable criteria such that it should be approved by the Commission.

17. Admit that water withdrawals from the site identified as “ID 3” are made subject to Water Use Permit 9461 issued by SWFWMD.

Objection. Any Request whether water withdrawals from the site identified as “ID 3” are made subject to Water Use Permit 9461 issued by SWFWMD seeks discovery on a matter not reasonably calculated to lead to the discovery of admissible evidence. The Request is irrelevant, overbroad, and not materially related to any legitimate issue in this administrative proceeding including, but not limited to, whether Skyland's application meets the applicable criteria such that it should be approved by the Commission.

18. Admit that water withdrawals from the site identified as "ID 4" are made subject to Water Use Permit 9081 issued by SWFWMD.

Objection. Any Request whether water withdrawals from the site identified as ID 4 are made subject to Water Use Permit 9081 issued by SWFWMD seeks discovery on a matter not reasonably calculated to lead to the discovery of admissible evidence. The Request is irrelevant, overbroad, and not materially related to any legitimate issue in this administrative proceeding including, but not limited to, whether Skyland's application meets the applicable criteria such that it should be approved by the Commission.

19. Admit that the permittee of record for Water Use Permit 3390 is Evan Properties, Inc.

Objection. Any Request whether Sky the permittee of record for Water Use Permit 3390 is Evan Properties, Inc. seeks discovery on a matter not reasonably calculated to lead to the discovery of admissible evidence. The Request is irrelevant, overbroad, and not materially related to any legitimate issue in this administrative proceeding including, but not limited to, whether Skyland's application meets the applicable criteria such that it should be approved by the Commission.

20. Admit that the permittee of record for Water Use Permit 9080 is Evan Properties, Inc.

Objection. Any Request whether the permittee of record for Water Use Permit 9080 is Evan Properties, Inc. seeks discovery on a matter not reasonably calculated to lead to the discovery of admissible evidence. The Request is irrelevant, overbroad, and not materially related to any legitimate issue in this administrative proceeding including, but not limited to, whether Skyland's application meets the applicable criteria such that it should be approved by the Commission.

21. Admit that the permittee of record for Water Use Permit 9461 is Evan Properties, Inc.

Objection. Any Request whether the permittee of record for Water Use Permit 9461 is Evan Properties, Inc. discovery on a matter not reasonably calculated to lead to the discovery of admissible evidence. The Request is irrelevant, overbroad, and not materially related to any legitimate issue in this administrative proceeding including, but not limited to, whether Skyland's application meets the applicable criteria such that it should be approved by the Commission.

22. Admit that the permittee of record for Water Use Permit 9081 is Evan Properties, Inc.

Objection. Any Request whether the permittee of record for Water Use Permit 9081 is Evan Properties, Inc. seeks discovery on a matter not reasonably calculated to lead to the discovery of admissible evidence. The Request is irrelevant, overbroad, and not materially related to any legitimate issue in this administrative proceeding including, but not limited to, whether Skyland's application meets the applicable criteria such that it should be approved by the Commission.

23. Admit that Skyland has not applied to the SWFWMD to transfer Water Use Permit 3390 from Evans Properties, Inc., to Skyland.

Objection. Any Request whether Skyland has applied to the SWFWMD to transfer Water Use Permit 3390 from Evans Properties to Skyland seeks discovery on a matter not reasonably calculated to lead to the discovery of admissible evidence. The Request is irrelevant, overbroad, and not materially related to any legitimate issue in this administrative proceeding including, but not limited to, whether Skyland's application meets the applicable criteria such that it should be approved by the Commission.

24. Admit that Skyland has not applied to the SWFWMD to transfer Water Use Permit 9080 from Evans Properties, Inc., to Skyland.

Objection. Any Request whether the Skyland has applied to the SWFWMD to transfer Water Use Permit 9080 from Evan Properties, Inc. to Skyland seeks discovery on a matter not reasonably calculated to lead to the discovery of admissible evidence. The Request is irrelevant, overbroad, and not materially related to any legitimate issue in this administrative proceeding including, but not limited to, whether Skyland's application meets the applicable criteria such that it should be approved by the Commission.

25. Admit that Skyland has not applied to the SWFWMD to transfer Water Use Permit 9461 from Evans Properties, Inc., to Skyland.

Objection. Any Request whether Skyland has applied to the SWFWMD to transfer Water Use Permit 9461 from Evans Properties, Inc. to Skyland seeks discovery on a matter not reasonably calculated to lead to the discovery of admissible evidence. The Request is irrelevant, overbroad, and not materially related to any legitimate issue in this administrative proceeding including, but not limited to, whether Skyland's application meets the applicable criteria such that it should be approved by the Commission.

26. Admit that Skyland has not applied to the SWFWMD to transfer Water Use Permit 9081 from Evans Properties, Inc., to Skyland.

Objection. Any Request whether Skyland has applied to the SWFWMD to transfer Water Use Permit 9081 from Evans Properties, Inc. to Skyland seeks discovery on a matter not reasonably calculated to lead to the discovery of admissible evidence. The Request is irrelevant, overbroad, and not materially related to any legitimate issue in this administrative proceeding including, but not limited to, whether Skyland's application meets the applicable criteria such that it should be approved by the Commission.

27. Admit that Skyland is in violation of Rule 40D-2.351(1), Florida Administrative Code.

Objection. Any Request whether Skyland is in violation of Rule 40D-2.351(1), Florida Administrative Code seeks discovery on a matter not reasonably calculated to lead to the discovery of admissible evidence. The Request is irrelevant, overbroad, and not materially related to any legitimate issue in this administrative proceeding including, but not limited to, whether Skyland's application meets the applicable criteria such that it should be approved by the Commission.

Notwithstanding the objection, if Skyland is compelled to respond to this Request, the Request will be denied.

28. Admit that Skyland is in violation of Rule 40D-2.351(3), Florida Administrative Code.

Objection. Any Request whether Skyland is in violation of Rule 40D-2.351(3), Florida Administrative Code seeks discovery on a matter not reasonably calculated to lead to the discovery of admissible evidence. The Request is irrelevant, overbroad, and not materially related to any legitimate issue in this administrative proceeding including, but not limited to, whether Skyland's application meets the applicable criteria such that it should be approved by the Commission.

Notwithstanding the objection, if Skyland is compelled to respond to this Request, the Request will be denied.

OBJECTIONS TO REQUEST FOR PRODUCTION OF DOCUMENTS

GENERAL OBJECTION

To the extent that Pasco County's definition of "document" or "documents" exceeds that set forth in Rule 1.350(a), Fla.R.Civ.P., Skyland objects.

9. Documents evidencing communications between Skyland and any retained expert relating to Skyland's Application.

Objection. Many, if not all, communications between Skyland and any retained expert relating to Skyland's Application are work product and/or protected from disclosure by Florida law. Any non-protected and non-privileged documents will be produced.

OBJECTIONS TO FIRST SET OF INTERROGATORIES

9. Identify and describe all actions taken by Skyland to obtain control of water supply resources located on site ID 1, ID 2, ID 3, and ID 4.

Objection. Any request to identify and describe actions taken by Skyland to obtain "control" of water supply resources located on site ID 1, ID 2, ID 3 and ID 4 seeks discovery on a matter not reasonably calculated to lead to the discovery of admissible evidence. The Request is irrelevant, overbroad, and not materially related to any legitimate issue in this administrative proceeding including, but not limited to, whether Skyland's application meets the applicable criteria such that it should be approved by the Commission.

Respectfully submitted this 14th day of
June, 2010, by:



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