

ORIGINAL



JACK SHREVE  
PUBLIC COUNSEL

STATE OF FLORIDA  
OFFICE OF THE PUBLIC COUNSEL

c/o The Florida Legislature  
111 West Madison St.  
Room 812  
Tallahassee, Florida 32399-1400  
850-488-9330

October 4, 1999

Ms. Blanca S. Bayó, Director  
Division of Records and Reporting  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0870

RE: Docket No. 960545-WS

Dear Ms. Bayó:

Enclosed are an original and fifteen copies of Notice of Citizens' Response to Request for Production of Documents for filing in the above-referenced docket.

Please indicate receipt of filing by date-stamping the attached copy of this letter and returning it to this office. Thank you for your assistance in this matter.

Sincerely,

Harold McLean  
Associate Public Counsel

HM/dsb  
Enclosures

- AFA \_\_\_\_\_
- APP \_\_\_\_\_
- CAF \_\_\_\_\_
- CMU \_\_\_\_\_
- CTR \_\_\_\_\_
- EAG \_\_\_\_\_
- LEG 2
- MAS 3
- OPC \_\_\_\_\_
- PAI \_\_\_\_\_
- SEC 1
- WAW \_\_\_\_\_
- OTH \_\_\_\_\_

DOCUMENT NUMBER-DATE  
11935 OCT-4 99  
FPSC-RECORDS/REPORTING

## BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

*In Re Investigation of Utility* )  
*rates of Aloha Utilities, Inc.* )  
*In Pasco County, Florida.* )  
 \_\_\_\_\_/

DOCKET NO. 960545-WS

Filed: October 4, 1999

NOTICE OF  
 CITIZENS' RESPONSE TO  
REQUEST FOR PRODUCTION OF DOCUMENTS

On September 10, 1999, the Citizens of the State of Florida received from Aloha Utilities, Inc. the following requests for production of documents, and respond as follows:

1. Please provide copies of all documents, reports, compilations of data, exhibits, summaries, analyses and treatises which you expect to offer into evidence or rely upon at the final hearing in this proceeding.

*All documents which answer this description are included as exhibits to the prefiled direct testimony of Ted L. Biddy, PE, or provided herein in response to other requests for production of documents.*

2. Please provide copies of all documents, reports, analyses, memoranda, correspondence or similar or analogous writings which any person who has or may testify on your behalf or in opposition to Aloha has reviewed, relied upon, consulted, or referenced with regard to or related to this case or the issues in this case.

DOCUMENT NUMBER-DATE

11935 OCT-4 99

FPSC-RECORDS/REPORTING

*All documents which answer this description are included as exhibits to the prefiled direct testimony of Ted L. Biddy, PE, or provided herein in response to other requests for production of documents.*

3. Please provide any and all documents which support, reference, analyze, relate to, discuss or otherwise concern the direct testimony, and the issues addressed therein, of Ted L. Biddy filed with the PSC on August 30, 1999.

*All documents which answer this description are included as exhibits to the prefiled direct testimony of Ted L. Biddy, PE, or provided herein in response to other requests for production of documents.*

4. Please provide any and all documents discussing, referencing, analyzing, relating to, summarizing, setting forth or otherwise concerning the issues in this case which were drafted, created authored, reviewed or relied upon by Ted L. Biddy.

*All documents which answer this description are attached as Exhibit A.*

5. Please provide any and all documents which Ted L. Biddy relied upon, consulted, reviewed, or referenced with regard to his direct testimony in this case filed on August 30, 1999 and/or any opinions he has formed relating to this case.

*All documents which answer this description are included as exhibits to the prefiled direct testimony of Ted L. Biddy, PE, or provided herein in response to other requests for production of*

*documents. Opinions formed relating to this case are set forth in direct testimony with reference to the information or document which lead Mr. Biddy to the conclusion.*

6. Please provide any documents, letters, writings, reports, analyses, testing results, or similar or analogous documents exchanged between either Ted L. Biddy, or any individual or entity acting on behalf of the Office of Public Counsel, and/or any representative of the Office of Public Counsel and Savana Laboratory and Environmental Services, Inc., or any person or entity acting on behalf of Savana Laboratory and Environmental Services, Inc. relating to this case or the issues in this case.

*Documents which answer this description which are not otherwise provided as exhibits to the direct testimony of Mr. Biddy are attached as Exhibit B.*

7. Please provide any documents which relate to, reference, support, discuss, analyze, reference, or which were relied upon in connection with Ted L. Biddy's opinion that "Aloha Utilities (may have) intentionally tried to rig the test results" as discussed in Biddy's Prefiled Testimony which was filed on August 30, 1999.

*All documents which answer this description are included as exhibits to the prefiled direct testimony of Ted L. Biddy, PE, or provided herein in response to other requests for production of documents.*

8. Please provide any documentation, letters, reports, analyses, memoranda, or similar or analogous writings or documents exchanged between the Office of Public Counsel and

Representative Mike Fasano, relating to, in connection with or which refer to Aloha Utilities, since January 1, 1998.

*Documents received by OPC from Mr. Fasano are attached as Exhibit C. Documents sent by OPC to Mr. Fasano are attached as Exhibits C1, C2, and C3. The document identified as C3 includes references to other documents which were forwarded to Mr. Fasano. None of those documents was retained by OPC because each is a public document, available from the Public Service Commission.*

9. Please provide any documents which reference, discuss, analyze, refer to, relate to, comprise, or concern any testing, conclusions, analyses, or review of the water taken from well sites as referenced in Mr. Bidy's Prefiled Testimony.

*All laboratory testing was included as Exhibits to direct pre-filed testimony. Savannah Labs Field Sampling Data sheets were not included in the pre-filed testimony and are attached as Exhibit D.*

10. Please provide any and all correspondence, documents, memoranda, or similar or analogous writing either transmitted to Savana Laboratories or received from Savana Laboratories which concern, relate to, reference, refer to or involve any of the issues in this case.

*All documents which answer this description are included as exhibits to the prefiled direct testimony of Ted L. Bidy, PE, or provided herein in response to other requests for production of documents.*

11. Please provide any and all documentations, reports, writings, memoranda, analyses, or similar or analogous documentation which either OPC received from any customer of Aloha or which OPC transmitted to any customer of Aloha which references, concerns, relates to or involves any issue in this case.

*No documents in the possession of OPC answer this description.*

12. Please provide any reports, memoranda, writings, correspondence, or similar or analogous documentation regarding or relating to Bidy's visit to six different residents in the southwest portion of Aloha's service area for the purposes of taking water samples. Your response should include, but not be limited to, any reports or documentation involving interviews of homeowners and any reports, documentation or analyses of water samples.

*All such documents were either included as exhibits to the pre-filed direct testimony of Ted L. Bidy, PE, or is attached as response to POD #4 above.*

13. Please produce each and every photograph taken at the residences during that trip including, but not limited to, those attached as exhibits to Bidy's testimony.

*All photographs taken by Mr. Bidy are included as attachments to his prefiled direct testimony except that attached hereto as Exhibit E.*

14. Please provide any documents which reference, concern, comprise or set forth the chain of custody of any and all water samples referenced within Bidy's testimony and all laboratory records concerning these samples, including all laboratory bench sheets, a complete list of test

methodology utilized for each parameter tested by USEPA, method number, a copy of the laboratory's FDOH certifications including Analyte sheets and a copy of the laboratory's approved QA/QC plan.

*Attached as composite Exhibit E*

15. Please provide any and all documents which reveal, establish, set forth, or reference what individuals at Savana Labs were involved in the testing of the water samples referenced in Biddy's testimony.

*The individuals' names are reflected in the Documents provided as composite Exhibit E and Exhibit B*

16. Please provide all calculations or other reports, notes or documents generated by Mr. Biddy or relied on by him in determining that a "pressure filter" would be a solution to the alleged water quality problems at Aloha and the detailed information which resulted in the estimated cost of adding such "pressure filters."

*Attached as Exhibit G*

Respectfully Submitted,

Harold McLean  
Associate Public Counsel

111 W. Madison St.  
Room 812  
Tallahassee, Florida 32399  
(850) 488-9330

Attorney for the Citizens  
of the State of Florida

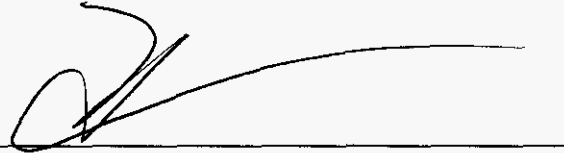
**CERTIFICATE OF SERVICE  
DOCKET NO. 960545-WS**

I HEREBY CERTIFY that a true copy of the foregoing NOTICE OF CITIZENS' RESPONSE TO REQUEST FOR PRODUCTION OF DOCUMENTS has been served by United States Mail or (\*) by hand delivery upon the following parties on this the 4th day of October, 1999:

Ralph Jaeger, Esquire(\*)  
Division of Legal Services  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

F. Marshall Deterding, Esquire  
John L. Wharton, Esquire  
Rose, Sundstrom & Bentley, LLP  
2548 Blairstone Pines Drive  
Tallahassee, FL 32301

Mike Fasano  
8217 Massachusetts Avenue  
New Port Richey, FL 34653



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Harold McLean  
Assistant Public Counsel