

**Diamond Williams**

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**From:** jennifer.gillis@hklaw.com  
**Sent:** Wednesday, October 05, 2011 4:20 PM  
**To:** Filings@psc.state.fl.us  
**Cc:** Andrew.McBride@arlaw.com; Caroline Klancke; Cecilia.Bradley@myfloridalegal.com; David.Bernstein@arlaw.com; jrichards@pascocountyfl.net; KELLY.JR@leg.state.fl.us; kelly.sullivan.woods@gmail.com; kenneth.curtin@arlaw.com; Lisa Bennett; CHRISTENSEN.PATTY@leg.state.fl.us; Ralph Jaeger; bruce.may@hklaw.com; Gigi.Rollini@hklaw.com  
**Subject:** 100330-WS - Electronic Filing  
**Attachments:** Motion to Compel - Wambsgan.pdf

a. Person responsible for this electronic filing:

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b. Docket number and title for electronic filing are: Docket No. 100330-WS - In Re: Application for increase in water and wastewater rates in Alachua, Brevard, DeSoto, Hardee, Highlands, Lake, Lee, Marion, Orange, Palm Beach, Pasco, Polk, Putnam, Seminole, Sumter, Volusia, and Washington Counties by Aqua Utilities Florida, Inc.

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

d. Total number of pages: 47

e. Brief description of filing: Aqua Utilities Florida, Inc.'s Motion to Compel

**Jennifer Gillis | Holland & Knight**

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*Add to address book*

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10/5/2011

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application for increase in water and  
wastewater rates in Alachua, Brevard, DeSoto,  
Hardee, Highlands, Lake, Lee, Marion, Orange,  
Palm Beach, Pasco, Polk, Putnam,  
Seminole, Sumter, Volusia, and Washington  
Counties by Aqua Utilities Florida, Inc.

DOCKET NO. 100330-WS

Dated: October 5, 2011

**AQUA UTILITIES FLORIDA, INC.'S MOTION TO COMPEL LUCY WAMBSGAN'S  
REPOSSES TO FIRST SET OF INTERROGATORIES AND  
FIRST REQUEST FOR PRODUCTION OF DOCUMENTS**

Aqua Utilities Florida, Inc. ("AUF" or the "Company"), by and through its undersigned counsel, respectfully files this Motion to Compel Lucy Wambsgan's Responses to AUF's First Set of Interrogatories and First Request for Production of Documents served by AUF on August 19, 2011 ("Discovery Requests"), because Ms. Wambsgan has failed to provide any response to the Discovery Requests. In support of its motion, AUF states as follows:

1. In this Proposed Agency Action ("PAA") rate case, AUF customer Lucy Wambsgan is represented by counsel. Ms. Wambsgan was granted intervention on April 25, 2011 and formally filed her Petition Protesting Portions of Proposed Agency Action and Requesting a Formal Proceeding on July 1, 2011.

2. On August 19, 2011, AUF served on Ms. Wambsgan its First Set of Interrogatories (Nos. 1-37) and First Request for Production of Documents (Nos. 1-38), which are attached as Exhibits A and B respectively. On that same date AUF filed its notice of the service of these Discovery Requests, which is attached as Exhibit C.

3. The Discovery Requests seek relevant, discoverable information and documents for purposes of this proceeding.

DOCUMENT NUMBER-DATE

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4. The Order Establishing Procedure issued on July 25, 2011 (the “Procedural Order”), provides that “[w]hen a discovery request is served and the respondent intends to seek clarification of any portion of the discovery request, the respondent shall request such clarification within 10 days of service of the discovery request.” Order No. PSC-11-0309-PCO-WS, at 4. AUF did not receive any request from Ms. Wambsgan seeking clarification regarding the Discovery Requests.

5. The Procedural Order further provides that “any specific objections to a discovery request shall be made within 20 days of service of the discovery request.” *Id.* Ms. Wambsgan has not served any objections to the Discovery Requests, whether in the allotted period or since.

6. Finally, the Procedural Order provides that “Discovery responses shall be served within 30 calendar days (inclusive of mailing) of receipt of the discovery request.” *Id.* Thus, the deadline for Ms. Wambsgan’s responses to the Discovery Requests was September 19, 2011.

7. To this date, Ms. Wambsgan has served no responses to the Discovery Requests.

8. AUF is entitled to responses to its Discovery Requests, and an order to compel is appropriate. *See Fla. R. Civ. P. 1.380(a)(2)* (“If a ... party fails to answer an interrogatory submitted under rule 1.340, or if a party in response to a request for inspection submitted under rule 1.350 fails to respond that inspection will be permitted as requested or fails to permit inspection as requested, ... the discovering party may move for an order compelling an answer, ... or an order compelling inspection”).

9. Moreover, Florida Rule of Civil Procedure 1.380(d) provides additional remedies where a party “fails ... to serve answers or objections to interrogatories submitted under rule 1.340 after proper service of the interrogatories, or ... to serve a written response to a request for inspection submitted under rule 1.350 after proper service of the request.” In such instances, the

Rule authorizes specified relief including “[a]n order that the matters regarding which the questions were asked or any other designated facts shall be taken to be established for the purposes of the action in accordance with the claim of the party obtaining the order, ... [a]n order refusing to allow the disobedient party to support or oppose designated claims or defenses, or prohibiting that party from introducing designated matters in evidence, [or] [a]n order striking out pleadings or parts of them or staying further proceedings until the order is obeyed, or dismissing the action or proceeding or any part of it, or rendering a judgment by default against the disobedient party.”

10. It should be noted that Ms. Wambsgan has waived any objections to the Discovery Requests by failing to make any specific, timely objections. As provided in Rule 1.380(d), “[t]he failure to act described in this subdivision may not be excused on the ground that the discovery sought is objectionable unless the party failing to act has applied for a protective order as provided by rule 1.280(c).” Moreover, the express purpose of the advance objection provision in the Procedural Order is “to reduce delay in resolving discovery disputes.” Order No. PSC-11-0309-PCO-WS, at 4. Objections at this late date would completely contravene the purpose of that provision, and should not be allowed.

11. Pursuant to Rule 28-106.204(3), F.A.C., Rule 1.380(a)(2), Florida Rules of Civil Procedure, and the Order Modifying the Order Established Procedure issued on September 13, 2011, undersigned counsel for AUF certifies that he has conferred in good faith with counsel for Ms. Wambsgan for purposes of resolving this issue without Commission intervention. As reflected in the e-mail to counsel for Ms. Wambsgan dated September 26, 2011 (Exhibit D), the undersigned agreed to refrain from filing a motion to compel if Ms. Wambsgan provided the information responsive to the Discovery Requests by close of business on September 30, 2011.

To date, Ms. Wambsgan has served no responses to the Discovery Requests and such responses are over 15 days past due.

**Conclusion**

For the reasons set forth above, AUF respectfully requests that the Commission compel Lucy Wambsgan's responses to AUF's First Set of Interrogatories and First Request for Production of Documents, and to require that Ms. Wambsgan not limit such responses in reliance on any objection, since Ms. Wambsgan has waived her objections.

**HOLLAND & KNIGHT LLP**



**D Bruce May, Jr.**  
Fla. Bar No. 354473

**Gigi Rollini**  
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-and-

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762 West Lancaster Avenue  
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(610) 645-1077 (Telephone)  
(610) 519-0989 (Facsimile)

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

**CERTIFICATE OF SERVICE**

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

U.S. Mail this 5th day of October, 2011 to:

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

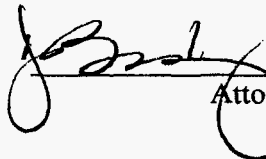
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\_\_\_\_\_  
Attorney

# EXHIBIT A

DOCUMENT NUMBER-DATE

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**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In Re: Application for increase in water and )  
wastewater rates in Alachua, Brevard, DeSoto, )  
Hardee, Highlands, Lake, Lee, Marion, Orange, )  
Palm Beach, Pasco, Polk, Putnam, )  
Seminole, Sumter, Volusia, and Washington )  
Counties by Aqua Utilities Florida, Inc. )  
\_\_\_\_\_ )

DOCKET NO. 100330-WS

Date Served: August 19, 2011

**AQUA UTILITIES FLORIDA, INC.'S FIRST SET  
OF INTERROGATORIES (NOS. 1 - 32)  
TO LUCY WAMBSGAN**

Aqua Utilities Florida, Inc. ("AUF"), pursuant to Rule 28-106.206, Florida Administrative Code, Rule 1.340, Florida Rules of Civil Procedure, and the Order Establishing Procedure dated on July 25, 2011, hereby propounds its First Set of Interrogatories on Ms. Lucy Wambsgan ("Ms. Wambsgan"), to be answered in writing, under oath, within thirty (30) days of service of these Interrogatories.



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

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## DEFINITIONS AND INSTRUCTIONS

When relevant or when used in these Interrogatories, refer to the following definitions and instructions.

1. The term "document" includes all materials so defined in Rule 1.350(a) of the Florida Rules of Civil Procedure, as currently or hereafter construed by the appropriate courts, including, without limitation the following: any written or graphic matter, and any electronic, photographic, digital or other means of recording, preserving or transmitting data, visual images, sounds, thought or expression, and all tangible things from which information can be processed or transcribed, including, but not limited to, all reports, memoranda, letters, minutes, correspondence, electronic-mail, notes, notebooks, spreadsheets (including Excel, with all links intact), calculations, manuals, books, brochures, lists, publications, computer printouts, printed forms, drawings, sketches, graphs, maps, charts, photographs, films, tapes, computer discs or drives, photo records, receipts, and other writings or data compilations of any kind from which information can be obtained, including drafts, typings, printouts and copies or reproductions which bear notation or are in any way different in content from the original, whether hand written, printed, or otherwise recorded, that is in the possession, custody or control of Ms. Wambsgan.

2. The terms "identify" or "identity" when used in reference to a natural person, means to state the person's full name, present address, present employment position, business affiliation, and business address. When used in reference to a person other than a natural person, "identify" or "identity" means to state whether such person is a corporation, partnership, joint venture, joint stock company, or other organization, and the exact formal name, present address

and principal place of its business. Once any person has been identified properly it shall be sufficient thereafter when identifying the same person to state the name only.

3. The terms "identify" and "identity", when used in reference to documents, mean to state the type of document (e.g., letter, electronic mail, spreadsheet, legal opinion, contract, etc.), the date of its preparation and any other date which may appear upon its face, such as the distribution date, the name and present address of each person who participated in its preparation, the name and present address of those that received a copy of the document, if their names are not indicated on its face, the name and address of the present custodian or any other distinguishing characteristic, such as a serial number or title, that may be helpful in identifying it. Alternatively, a copy of the identified document may be produced.

4. The terms "relate to" and "relates to" mean having any connection, association, or concern with or any relevance, relation, pertinence, or applicability to, or any implication for or bearing upon the subject matter of the inquiry.

5. "All" includes the word "any," and "any" includes the word "all".

6. "Each" includes the word "every," and "every" includes the word "each".

7. "And" as well as "or" shall be construed disjunctively or conjunctively as necessary in order to bring within the scope of the interrogatory that which might otherwise be construed to be outside its scope.

8. The term "you" or "your" means the party or parties to whom these Interrogatories are addressed, including its divisions, departments, subsidiaries, affiliates, predecessors, present or former officers, directors, owners, agents, attorneys and all other persons acting or purporting to act on its behalf.

9. "AUF" means Aqua Utilities, Florida, Inc. and includes all of its members, employees, agents, divisions, affiliates and any person or entity acting for or on behalf of AUF in any capacity.

10. "Citizens" means the Citizens of the State of Florida and/or the Office of Public Counsel, and includes all of its members, employees, agents, divisions, affiliates and any person or entity acting for or on the behalf of Citizens in any capacity.

11. "FDEP" means the Florida Department of Environmental Protection and includes all of its employees, agents, divisions, and any person or entity acting for or on behalf of the FDEP in any capacity.

12. "FPSC" means the Florida Public Service Commission and includes all of its employees, agents, divisions, and any person or entity acting for or on behalf of the FPSC in any capacity.

13. "PAA Order" means the FPSC's Order No. PSC-11-0256-PAA-WS, issued on June 13, 2011, in Docket No. 100330-WS.

14. "Protest Petition" refers to Ms. Wambsgan's Petition Protesting Portions of Proposed Agency Action and Requesting a Formal Proceeding, which Ms. Wambsgan filed with the FPSC on July 1, 2011, in Docket No. 100330-WS.

15. Throughout these Interrogatories, the singular includes the plural, and the masculine includes the feminine and neuter.

16. The words "include" and "including" shall be construed without limitation.

17. "Describe in detail" means to set forth all relevant facts necessary to the complete understanding of the act, process, event or thing in question, and, where applicable, particularize as to the date, time, place and manner.

18. To "state the basis of" means to:

(a) Identify by date, title, and description each and every document (and where pertinent, the section, article and/or subparagraph thereof), which forms any part of the source of your information;

(b) Identify by date, time, parties and subject matter each and every communication which forms any part of the source of your information;

(c) Identify all individuals involved in developing and approving the decision or language, or taking a position, and describe the nature of their involvement;

(d) State separately the acts and/or omissions to act on the part of any person (identify the acts and/or omissions to act by stating their nature, time and place and identifying the persons involved), which form the source of your information; and

(e) State separately any other fact which forms the basis of your information.

19. The Interrogatories call not only for information and knowledge available to Ms. Wambsgan, but also for information and knowledge that is available upon reasonable inquiry.

20. If an interrogatory cannot be answered in full, the question shall be deemed to include a request for the reasons for such inability to answer.

21. Where information which is responsive to a specific request herein has been withheld on the basis of a claim of attorney-client privilege, attorney work product or statutory authority, identify each such document or communication by setting forth its date, its author or speaker, all recipients of the document or information, or other persons who have had access to it, its general subject matter, and the grounds upon which the information has been withheld.

## INTERROGATORIES

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

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

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

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

- a. The expert's address and telephone number.
- b. The state in which the expert legally resides.
- c. The expert's educational background, giving the names and educational institutions attended, with dates of attendance and the degrees earned with dates hereof.
- d. The expert's specialty within his or her profession, if any.
- e. The expert's current employment.
- f. The expert's experience within his or her field, giving the dates, names and addresses of employers, if any; dates, names and addresses of institutions associated with, if any; any other experience, indicating dates and places; and a list of all awards or honors conferred upon the expert, which are related to his or her field of experience.

- g. Whether the expert is retired, and the names and addresses of employers from whom the expert receives retirement income.
- h. Names of all professional associations or societies with which the expert is related or a member of, stating his or her status.
- i. The title, name of publication, name of publisher and date of publication of any published articles, books, etc., authorized by each such person.
- j. Whether he or she has ever been a witness in any other legal proceeding and, if so, for each such lawsuit, give the name of the proceeding, the kind of proceeding involved, the name of the tribunal, the approximate date of the testimony, and the name and address of the parties or attorneys for whom he or she gave evidence.

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

17. For each contract or other agreement identified in Interrogatory No. 15, provide the amounts spent by Ms. Wambsgan to date on each contract and/or consultant working on FPSC Docket No. 100330-WS.

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

19. Provide a list of all litigation-related matters on which the expert has served as an expert witness and, for each listed matter, state:

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

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

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

21. Please state, in detail, the subject matter on which each person named in the answer to the foregoing Interrogatory No. 19 is expected to testify.



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

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

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

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

25. In her Protest Petition, Ms. Wambsgan alleges that “the AUF water and wastewater bill constitutes a significant portion of the petitioner’s monthly household expense.”

- a. Identify all documents on which Ms. Wambsgan relied to support her allegation that “the AUF water and wastewater bill constitutes a significant portion of [her] monthly household expense.”
- b. Please state the basis of Ms. Wambsgan’s allegation that “the AUF water and wastewater bill constitutes a significant portion of [her] monthly household expense.”

26. In her Protest Petition, Ms. Wambsgan alleges that AUF’s “quality of service should be found to be unsatisfactory.”

- a. Identify all documents on which Ms. Wambsgan relied to support this allegation.
- b. Please state the basis of Ms. Wambsgan’s allegation.

27. In her Protest Petition, Ms. Wambsgan alleges that the FPSC “should reduce the authorized Return on Equity (ROE) for AUF by 100 basis points.”

- a. Identify all documents on which Ms. Wambsgan relied to support this allegation.
- b. Please state the basis of Ms. Wambsgan’s allegation.

28. In her Protest Petition, Ms. Wambsgan alleges that rates approved in the PAA Order are “unaffordable.”

- a. Identify all documents on which Ms. Wambsgan relied to support her allegation that the rates approved in the PAA Order are “unaffordable.”
- b. Describe in detail the definition of the term “unaffordable” as that term is used by Ms. Wambsgan in her allegation that the rates approved in the PAA Order are “unaffordable.”

29. In her Protest Petition, Ms. Wambsgan states that “the rate base, Net Operating Income (NOI), and the revenue requirements approved in [the PAA Order] were overstated.”

- a. Describe in detail all assumptions, calculations, and evidence relied upon by Ms. Wambsgan in deciding to protest these portions of the PAA Order.
- b. Please state the basis of Ms. Wambsgan’s contention that AUF’s rate base, Net Operating Income, and revenue requirements are “overstated.”
- c. Please identify all documents on which Ms. Wambsgan relied to support her allegation that AUF’s rate base, Net Operating Income, and revenue requirements are “overstated.”

30. In her Protest Petition, Ms. Wambsgan alleges that the FPSC completely ignores “previously established affordability limits.”

- a. Please identify all documents on which Ms. Wambsgan relied to make this allegation.
- b. Please describe in detail all assumptions, calculations, and evidence on which Ms. Wambsgan relied to make this allegation.

31. In her Protest Petition, Ms. Wambsgan protests that portion of the PAA Order relating to “rate case expense.”

- a. Please identify all documents on which Ms. Wambsgan relied in electing to protest this portion of the PAA Order.
- b. Please describe in detail all assumptions, calculations and evidence on which Ms. Wambsgan relied in electing to protest this portion of the PAA Order.

32. In her Protest Petition, Ms. Wambsgan protests that portion of the PAA Order concerning the “affordability” of the rates generated from “the revenue requirement.”

- a. Please describe in detail the definition of the terms “affordability” and “revenue requirement” used by Ms. Wambsgan.
- b. Please identify all documents on which Ms. Wambsgan relied in electing to protest this portion of the PAA Order.
- c. Please describe in detail all assumptions, calculations, and evidence on which Ms. Wambsgan relied in deciding to protest this portion of the PAA Order.

**VERIFICATION**

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

By: \_\_\_\_\_

STATE OF FLORIDA     )  
                                  )ss:  
COUNTY OF \_\_\_\_\_ )

Before me, the undersigned authority, personally appeared \_\_\_\_\_, who being duly sworn, deposes and states that the foregoing answers to AUF's First Set of Interrogatories to Ms. Wambsgan are true and correct to the best of her knowledge, information and belief.

SWORN TO AND SUBSCRIBED before me this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_, by \_\_\_\_\_, who is personally known to me, or who provided \_\_\_\_\_ as identification.

\_\_\_\_\_  
NOTARY PUBLIC, State of Florida



**CERTIFICATE OF SERVICE**

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

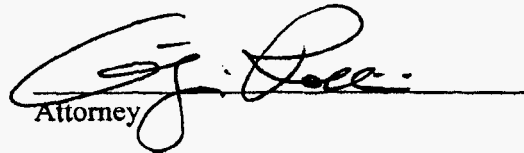
U.S. Mail this 19th day of August, 2011 to:

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

J.R. Kelly  
Patricia Christensen  
Office of Public Counsel  
c/o The Florida Legislature  
111 W Madison St, Room 812  
Tallahassee, FL 32399-1400

Kelly Sullivan  
570 Osprey Lakes Circle  
Chuluota, FL 32667-6658

Kenneth M. Curtin  
Adams and Reese LLP  
150 Second Avenue North, Suite 1700  
St. Petersburg, Florida 33701

  
Attorney

# EXHIBIT B

DOCUMENT NUMBER-DATE

07266 OCT-5 =

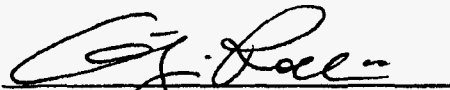
FPSC-COMMISSION CLERK

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Application for increase in water and wastewater rates in Alachua, Brevard, DeSoto, Hardee, Highlands, Lake, Lee, Marion, Orange, Palm Beach, Pasco, Polk, Putnam, Seminole, Sumter, Volusia, and Washington Counties by Aqua Utilities Florida, Inc.	Docket No. 100330-WS Dated: August 19, 2011
--	--

**AQUA UTILITIES FLORIDA, INC.'S FIRST REQUEST FOR  
PRODUCTION OF DOCUMENTS (NOS. 1- 25)  
TO LUCY WAMBSGAN**

Aqua Utilities Florida, Inc. ("AUF"), pursuant to Rule 28-106.206, Florida Administrative Code, Rule 1.350, Florida Rules of Civil Procedure, and the Order Establishing Procedure dated on July 25, 2011, hereby propounds its First Request for Production of Documents on Ms. Lucy Wambsgan ("Ms. Wambsgan"), and requests Ms. Wambsgan to produce copies of the following documents to AUF at the office of Holland & Knight LLP, 315 South Calhoun Street, Suite 600, Tallahassee, Florida, 32301, or at such other mutually agreed place, within thirty (30) days of this request.



**D. Bruce May, Jr.**  
Florida Bar No. 354473  
**Gigi Rollini**  
Florida Bar No. 684491  
HOLLAND & KNIGHT LLP  
Post Office Drawer 810  
Tallahassee, Florida 32302-0810  
(850) 224-7000 (Telephone)  
(850) 224-8832 (Facsimile)

-and-

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

DOCUMENT NUMBER-DATE

07266 OCT-5 =

FPSC-COMMISSION CLERK

## DEFINITIONS AND INSTRUCTIONS

1. "Document" includes all materials so defined in Rule 1.350(a) of the Florida Rules of Civil Procedure, as currently or hereafter construed by the appropriate courts, including, without limitation the following: any written or graphic matter, and any electronic, photographic, digital or other means of recording, preserving or transmitting data, visual images, sounds, thought or expression, and all tangible things from which information can be processed or transcribed, including, but not limited to, all reports, memoranda, letters, minutes, correspondence, electronic-mail, spreadsheets (including Excel, with all links intact), calculations, notes, notebooks, manuals, books, brochures, lists, publications, computer printouts, printed forms, drawings, sketches, graphs, maps, charts, photographs, films, tapes, computer discs or drives, photo records, receipts, and other writings or data compilations of any kind from which information can be obtained, including drafts, typings, printouts and copies or reproductions which bear notation or are in any way different in content from the original, whether hand written, printed, or otherwise recorded, that is in the possession, custody or control of Ms. Lucy Wambsgan. If the documents to be provided are maintained in a computer-readable format, provide a printed copy of the document or other means by which they can be accessed and reviewed by Aqua Utilities Florida, Inc.'s counsel (i.e. if provided on a disc, the documents should be in a readily readable format).

2. The terms "relate to," "relates to" or "relating to" means having any connection, association, or concern with or any relevance, relation, pertinence or applicability to, or any implication for or bearing upon the subject matter of the inquiry.

3. The term "person" means any natural person, firm, partnership, corporation, incorporated association, organization, joint venture, cooperative, governmental body, or other form of legal entity.

4. The term "you," "your" or "yours" means the party or parties to whom this request for production of documents is addressed, including its divisions, departments, subsidiaries, affiliates, predecessors, present or former officers, directors, owners, agents, attorneys and all other persons acting or purporting to act on Ms. Wambsgan's behalf.

5. "All" includes the word "any" and "any" includes the word "all."

6. "Each" includes the word "every" and "every" includes the word "each."

7. "And," as well as "or," shall be construed disjunctively or conjunctively as necessary in order to bring within the scope of the request for production documents that might otherwise be construed to be outside its scope.

8. "AUF" means Aqua Utilities Florida, Inc., and includes all of its members, employees, agents, divisions, affiliates and any person or entity acting for or on behalf of AUF in any capacity.

9. "Citizens" means the Citizens of the State of Florida and/or the Office of Public Counsel, and includes all of its members, employees, agents, divisions, affiliates and any person or entity acting for or on behalf of Citizens in any capacity.

10. "YES" means YES Communities d/b/a Arredondo Farms or YES Companies d/b/a Arredondo Farms, and includes all of its members, employees, agents, divisions, affiliates and any person or entity acting for or on behalf of YES in any capacity.

11. "FDEP" means the Florida Department of Environmental Protection and includes all of its employees, agents, divisions, and any person or entity acting for or on behalf of the FDEP in any capacity.

12. "FPSC" means the Florida Public Service Commission and includes all of its employees, agents, divisions and any person or entity acting for or on behalf of the FPSC in any capacity.

13. "PAA Order" refers to the FPSC's Order No. PSC-11-0256-PAA-WS, issued on June 13, 2011, in Docket No. 100330-WS.

14. "Protest Petition" refers to the Petition Protesting Certain Portions of Proposed Agency Action and Requesting a Formal Proceeding that was filed with the FPSC by Ms. Wambsgan on July 1, 2011, in Docket No. 100330-WS.

15. The use of a verb in any tense shall be construed as the use of the verb in all other tenses, wherever necessary to bring within the scope of the request for production documents that might otherwise be construed to be outside its scope.

16. A plural noun shall be construed as a singular noun, and a singular noun shall be construed as a plural noun, whenever necessary to bring within the scope of the request for production documents that might otherwise be construed to be outside its scope.

17. If production is withheld pursuant to a claim of privilege, please provide the following identifying information:

- (a) date;
- (b) author;
- (c) addressee;
- (d) brief description of the subject matter and form of the document and attachments, including number of pages;
- (e) statement of the basis upon which the privilege is claimed; and

- (f) the numbers of each specific request to which the document or thing would be responsive.

18. If there is any document or other tangible item described by this request which is no longer in your possession, custody or control, or is no longer in existence or accessible to you, please indicate:

- (a) the date and nature of the disposition of such document or other tangible item, including, but not limited to, whether such: (a) is missing or lost, (b) has been destroyed, or (c) has been transferred to another person;
- (b) the circumstances surrounding such disposition, including any authorization therefore; and
- (c) where applicable, the person currently in possession, custody or control of such document or item.

#### **DOCUMENTS TO BE PRODUCED**

1. All documents identified in or pertaining to Ms. Wambsgan's responses to AUF's First Set of Interrogatories (Nos. 1 - 32) to Ms. Wambsgan.
2. All documents that you intend to introduce into evidence or otherwise rely on at the hearing in this proceeding.
3. All letters of engagement, contracts or agreements, and all other records relative to such letters, contracts or agreements, between Ms. Wambsgan and Ms. Wambsgan's experts, witnesses and consultants in this proceeding.
4. All workpapers, source documents, and other documents relied upon or created by all experts, consultants and witnesses to be offered by Ms. Wambsgan in this proceeding that relate to this proceeding.
5. All documents (including, but not limited to, workpapers, source documents, calculations, spreadsheets with all links intact and correspondence) relied upon by Ms.

Wambsgan, her consultants or her witnesses to determine the propriety of Ms. Wambsgan's Protest Petition prior to filing the Protest Petition on July 1, 2011.

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

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

8. All documents (including, but not limited to, correspondence, e-mail communications, and telephone logs) reflecting communications between Ms. Wambsgan and her experts, consultants or witnesses in this proceeding that refer or relate to this proceeding.

9. All documents (including, but not limited to, correspondence, e-mail communications, and telephone logs) reflecting communications that refer or relate to AUF between Ms. Wambsgan (including her experts, consultants or witnesses) and:

- a. Representatives of Pasco County, Florida (including, but not limited to, Commissioner Jack Mariano or his staff).
- b. Mr. Nathan Skop.
- c. Ms. Nancy Argenziano.
- d. Mr. Frank Reams.
- e. Mr. David Bussey.
- f. The Office of Public Counsel, J.R. Kelley, Earl Poucher or any employees, agents or representatives of the Office of Public Counsel.
- g. Ms. Kim Kurtz or any employees, agents or representatives of YES.



- h. Senator Mike Fasano or any employee, agent or representative of Senator Fasano's office.
- i. Representative John Legg or any employee, agent or representative of Representative John Legg's office.
- j. The Office of the Governor of Florida or any employee, agent or representative of the Governor's office.
- k. Representative Will Weatherford or any employee, agent or representative of Representative Weatherford's office.
- l. Representative Jason Brodeur or any employee, agent or representative of Representative Brodeur's office.
- m. Senator Alan Hayes or any employee, agent or representative of Senator Hayes' office.
- n. Any member of the Florida Legislature or its staff.
- o. Any member of FlowFlorida.
- p. Florida Governmental Utility Authority ("FGUA") or any of its employees, agents or representatives.
- q. The Florida Department of Environmental Protection ("FDEP") or any of its employees, agents or representatives.
- r. Mr. Brian Armstrong and/or Mr. Bill Garvin or any employees, agents or representatives of Nabors, Giblin & Nickerson, P.A.
- s. Any reporters at any newspapers or magazines in Florida.
- t. Any reporters at any television or cable station in Florida.
- u. Mr. William Coakley.

10. All documents (including, but not limited to, correspondence, e-mail communications, and telephone logs) reflecting communications between Ms. Wambsgan, her experts, consultants, or witnesses and other AUF customers relating to AUF's rate structure.

11. All documents (including, but not limited to, correspondence, e-mail, communications, and telephone logs) reflecting communications between Ms. Wambsgan and AUF since January 1, 2008.

12. All documents (including, but not limited to, correspondence, e-mail, communications, and telephone logs) reflecting communications between Ms. Wambsgan and the FPSC since January 1, 2008.

13. All documents or records referred to, consulted, relied upon or examined in preparing the answers to AUF's First Set of Interrogatories to Ms. Wambsgan served on August 19, 2011 ("Interrogatories"), or which relate to, support or conflict with any answer to those Interrogatories.

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

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

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

17. All documents, assumptions, calculations and evidence on which Ms. Wambsgan relied to support the allegation in her Protest Petition that "the AUF water and wastewater bill constitutes a significant portion of [her] monthly household expense."

18. All documents, assumptions, calculations and evidence on which Ms. Wambsgan relied to support the allegation in her Protest Petition that AUF's "quality of service should be found to be unsatisfactory."

19. All documents, assumptions, calculations and evidence on which Ms. Wambsgan relied to support the allegation in her Protest Petition that the FPSC "should reduce the authorized Return on Equity (ROE) for AUF by 100 basis points."

20. All documents, assumptions, calculations and evidence on which Ms. Wambsgan relied to support the allegation in her Protest Petition that the "PAA Order approved rates are unaffordable."

21. All documents, assumptions, calculations and evidence on which Ms. Wambsgan relied to support the allegation in her Protest Petition that "the rate base, net operating income (NOI), and the revenue requirements approved in [the PAA Order] were overstated."

22. All documents, assumptions, calculations and evidence on which Ms. Wambsgan relied to support the allegation in her Protest Petition that the FPSC completely ignores "previously established affordability limits."

23. All documents, assumptions, calculations and evidence on which Ms. Wambsgan relied to protest that portion of the PAA Order relating to "rate case expense."

24. All documents, assumptions, calculations and evidence on which Ms. Wambsgan relied to protest that portion of the PAA Order concerning the "affordability" of the rates generated from "the revenue requirement."

25. All documents that refer or relate in any way to attempts by AUF to acquire other water or wastewater utilities in Florida.

**CERTIFICATE OF SERVICE**

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

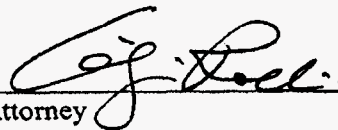
U.S. Mail this 19th day of August, 2011 to:

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

Kelly Sullivan  
570 Osprey Lakes Circle  
Chuluota, FL 32667-6658

J.R. Kelly  
Patricia Christensen  
Office of Public Counsel  
c/o The Florida Legislature  
111 W Madison St, Room 812  
Tallahassee, FL 32399-1400

Kenneth M. Curtin  
Adams and Reese LLP  
150 Second Avenue North, Suite 1700  
St. Petersburg, Florida 33701

  
\_\_\_\_\_  
Attorney

# EXHIBIT C

DOCUMENT NUMBER-DATE

07266 OCT-5 =

FPSC-COMMISSION CLERK

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

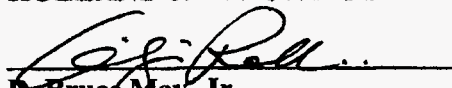
In Re: Application for increase in water/ )  
wastewater rates in Alachua, Brevard, DeSoto, ) DOCKET NO. 100330-WS  
Hardee, Highlands, Lake, Lee, Marion, Orange, )  
Palm Beach, Pasco, Polk, Putnam, ) Filed: August 19, 2011  
Seminole, Sumter, Volusia, and Washington )  
Counties by Aqua Utilities Florida, Inc. )  
\_\_\_\_\_ )

**AQUA UTILITIES FLORIDA, INC.'S NOTICE OF SERVICE OF  
ITS FIRST SET OF INTERROGATORIES (NOS. 1-32) AND FIRST REQUEST FOR  
PRODUCTION OF DOCUMENTS (NOS. 1-25 )  
TO LUCY WAMBSGAN**

Aqua Utilities Florida, Inc., pursuant to Rule 28-106.206, Florida Administrative Code, Rules 1.340 and 1.350, Florida Rules of Civil Procedure, and the Order Establishing Procedure dated July 25, 2011, hereby gives notice that it has served on the date indicated below the original and one copy of its First Set of Interrogatories (Nos. 1-32) and First Request for Production of Documents (Nos. 1-25) to Lucy Wambsgan.

Dated August 19, 2011.

**HOLLAND & KNIGHT LLP**



**D. Bruce May, Jr.**  
Fla. Bar No. 354473

**Gigi Rollini**  
Fla. Bar No. 684491  
Holland & Knight LLP  
Post Office Drawer 810  
Tallahassee, Florida 32302-0810  
Phone: (850) 224-7000  
Fax: (850) 224-8832  
E-Mail: [bruce.may@hklaw.com](mailto:bruce.may@hklaw.com)  
[gigi.rollini@hklaw.com](mailto:gigi.rollini@hklaw.com)

-and-

**Kimberly A. Joyce, Esquire**  
Aqua America, Inc.

DOCUMENT NUMBER-DATE  
07266 OCT-5 =  
FPSC-COMMISSION CLERK

762 West Lancaster Avenue  
Bryn Mawr, PA 19010  
(610) 645-1077 (Telephone)  
(610) 519-0989 (Facsimile)

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

**CERTIFICATE OF SERVICE**

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

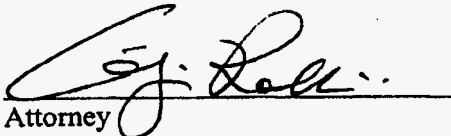
U.S. Mail this 19th day of August, 2011 to:

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

J.R. Kelly  
Patricia Christensen  
Office of Public Counsel  
c/o The Florida Legislature  
111 W Madison St, Room 812  
Tallahassee, FL 32399-1400

Kelly Sullivan  
570 Osprey Lakes Circle  
Chuluota, FL 32667-6658

Kenneth M. Curtin  
Adams and Reese LLP  
150 Second Avenue North, Suite 1700  
St. Petersburg, Florida 33701

  
Attorney

#10555855\_v1

# EXHIBIT D

DOCUMENT NUMBER-DATE

07266 OCT-5 =

FPSC-COMMISSION CLERK



**Gillis, Jennifer (TAL - X35605)**

---

**From:** May, D Bruce (TAL - X35607)  
**Sent:** Monday, September 26, 2011 7:08 PM  
**To:** kelly.sullivan.woods@gmail.com  
**Subject:** Docket No. 100330-WS--Outstanding Discovery Requests

Kelly:

This confirms my telephone call to you earlier today regarding Ms. Wambsgan's overdue responses to AUF's First Set of Interrogatories (Nos.1-37) and First Request for Production of Documents (Nos.1-38) ("Discovery Requests"). The Discovery Requests were served on you by email on August 19, 2011. As you know, the deadline for filing objections to the Discovery Requests was September 8, 2011, and the deadline for Ms. Wambsgan's answers and responses to the Discovery Requests past over a week ago-- September 19, 2011. During our conversation, you advised me for the first time that you have not been able to complete the discovery responses due to illness. I agreed to hold off on a motion to compel if you can get the discovery responses in by Friday, September 30, 2011. As we discussed, my client has a limited amount of time to prepare rebuttal testimony and complete discovery. Your complete responses to the Discovery Requests are very much needed in order to timely schedule future depositions and otherwise prepare the case for trial. Thank you.

Bruce

**D. Bruce May | Holland & Knight**

Partner

315 South Calhoun Street, Suite 600 | Tallahassee FL 32301

Phone 850.425.5607 | Fax 850.224.8832

bruce.may@hklaw.com | www.hklaw.com

---

Add to address book | View professional biography

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