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April 25, 1991

**ORIGINAL
FILE COPY**

Mr. Steve Tribble
Division of Records and Reporting
Florida Public Service Commission
101 East Gaines Street
Tallahassee, Florida 32399-0850

Re: ~~Docket No. 900816-WS~~, Petition for Rate Increase in Martin
County by SAILFISH POINT UTILITY CORPORATION

Dear Mr. Tribble:

Enclosed for filing are the original and 12 copies of the
Utility's Second Status Report On Responses to Citizens First and
Second Requests for Production in the above styled proceeding.

Thank you for your assistance.

Sincerely yours,


Ben E. Girtman

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ACK _____
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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Petition for Rate Increase) Docket No.: 900816-WS
in Martin County by SAILFISH POINT)
UTILITY CORPORATION) Submitted for filing:
) April 19, 1991

UTILITY'S OBJECTIONS TO
CITIZENS SECOND REQUEST FOR PRODUCTION OF
DOCUMENTS AND FOR INSPECTION OF
PROPERTY OF SAILFISH POINT UTILITY CORPORATION

COMES NOW, Sailfish Point Utility Corporation, Petitioner for a rate increase in the above styled proceeding, and in support of its objections states that:

I. Background

A. On April 15, 1991, OPC hand delivered to the Utility's counsel its Second Request for Production of Documents.

B. PSC Order No. 24136, Order Establishing Procedure, issued February 19, 1991 requires that an objection or request for clarification of a discovery request must be made within ten (10) days of service of the discovery request, rather than the normal thirty (30) days provided under the applicable Florida Rules of Civil Procedure.

C. For the purposes of facilitating the handling of discovery and for raising objections and for clarification, the Utility responds to the OPC request as follows.

II. General Objections

In addition to objections raised in Part III, the Utility

raises the following general objections:

1. The Utility objects if any document, other than as understood to be requested and as described herein, is subsequently interpreted to be included in the OPC Request for Production. The Utility is responding to the Request for Production as it reasonably interprets the Request, and another interpretation (if there is any) would result only from vagueness of the request.

2. Some requested documents are not within the possession, custody or control of the Utility, and to the extent that the Utility may attempt to acquire access to any or all of such documents for the purpose of responding to the OPC Request, the Utility reserves the right to object to this or any future request on the basis of lack of possession, custody or control. Furthermore, the Utility does not have authority to waive any objections or defenses that may now or hereafter be available to any person or entity which may have possession, custody or control.

3. By hand delivery on April 11, counsel for the Utility received OPC's letter dated April 10, acknowledging receipt of certain documents in response to the Citizens' First Request for Production. The Utility objects to representations in that letter that any documents or information would be made available except through an appropriate discovery request. The utility's counsel did not attend the three-day discovery visit to the utility so as to help minimize rate case expenses, but the Utility's counsel was available by telephone to discuss any additional matters. Therefore, the Utility takes exception and objects to any

representation that any document or information would be made available in response to an improper discovery request made directly to any employee / Utility-related personnel, regardless of that person's response. The Utility further requests that any discovery by OPC be filed in accordance with the controlling rules of discovery so that it can be reviewed and handled in the proper manner.

4. If any Request is interpreted in a manner which would require production of duplicative, unwieldy or large numbers of documents, the Utility objects to any such interpretation or the production of any such documents on the grounds of duplication, annoyance, oppression, undue burden and expense.

5. If any Request is interpreted in a manner which would require the production either of documents which have not been completed and published, or of any documents which are used in the preparation of such documents, the Utility objects on the grounds that they are protected by privilege, that they are confidential proprietary business information, and that they represent confidential communications in aid of accounting services governed by the accountant-client privilege.

6. If any request is interpreted to include documents or information not relevant to this proceeding, or not reasonably calculated to lead to discoverable or admissible evidence, the Utility objects to such interpretation and to such request.

III. Documents Requested

1. The Utility objects to the request to produce the purchase price of each lot. At the agenda conference on June 5, 1990, in Docket No. 891114-WS, the Commissioners prohibited the mention of the purchase price of the lots as being irrelevant. Therefore, it cannot be relevant here. A list of the lots sold will be provided identifying the lots sold and the month and year of sale.

2. A list of meter installations will be provided identified by lots and by dates installed (month and year) for the periods 1986 - 1990 and for the year 1991 to the present will be provided.

3. The Utility objects to the request to produce the tax workpapers in that they are not in the possession, custody or control of the Utility. However, the Utility has requested a copy.

4. The Utility objects to the request to produce the schedule M adjustments for the years 1983 and 1984 in that they are not in the possession, custody or control of the Utility. However, the Utility has requested a copy.

5. The Utility objects to the request to produce the Consolidated tax returns as it relates to SPI for the years 1983 and 1984 in that they are not in the possession, custody or control of the Utility. Furthermore, the relevant portion of the tax return is the Schedule M included in request# 4 above.

Respectfully submitted this 19th day of April, 1991.



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(904) 656-3232

Attorney for
Sailfish Point Utility Corporation

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been sent to Mr. Stephen C. Reilly, Office of Public Counsel, 111 West Madison Street, 812 Claude Pepper Building, Tallahassee, FL 32399-1400, Wm. Reeves King, Esq., 500 Australian Avenue So., Suite 600, Clearlake Plaza, West Palm Beach, FL 33401, and Catherine Bedell, Esq., Florida Public Service Commission, Division of Legal Services, 101 East Gaines Street, Tallahassee, FL 32399-0873 by U.S. Mail, this 19th day of April, 1991.

* By hand delivery



Ben E. Girtman