

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

RECEIVED-FPSC

90 MAY -7 AM 4: 53

In Re: Application for Original Water)
Certificate by TOWN & COUNTRY)
UTILITY COMPANY in Lee County)
Florida)

RECORDS AND REPORTING

DOCKET NO. 981288-WU

RECEIVED & FILED



FPSC-BUREAU OF RECORDS

TOWN & COUNTRY UTILITY COMPANY'S FIRST SET OF INTERROGATORIES TO LEE COUNTY

Town & Country Utility Company, by and through its undersigned counsel, hereby propounds the following Interrogatories to Lee County and requests that Lee County answer each Interrogatory in writing and under oath within thirty (30) days as required by Rule 28-106.206, Fla. Admin. Code.

DEFINITIONS AND INSTRUCTIONS

As used herein, the following words shall have the meanings indicated:

A. "Petitioners," "you," "your," "yours," or "Lee County" shall mean Lee County in either an individual or joint capacity; all corporations or other business entities owned or controlled by Lee County; and all agents, representatives, consultants, or other entities acting on behalf of Lee County.

B. "Document" and "documents" refer to any written, printed, graphic, digital, aural, or photographic means of recording or preserving thought, expression, information, data, or images.

This shall include all papers or other tangible things from which such information can be read, processed, or transcribed; graphic, schematic, and cartographic representations; film, video, digital, or still photographic images or reproductions (including aerial, satellite, infrared and computer-generated images); and any other information which is stored or processed by means of computer

DOCUMENT NUMBER-DATE

05852 MAY-7 98

FPSC-RECORDS/REPORTING

VFA _____
APP _____
JAF _____
DMU _____
DTR _____
EAG _____
LEG _____
MAS _____
DPC _____
RRR _____
SEC 1 _____
WAW _____
OTH _____

or data processing equipment and can be retrieved in printed or graphic form. The word "document" includes the plural as well as the singular and shall mean all originals (including an original by means of a marginal notation) and copies or reproduction of originals (whether handwritten, printed or otherwise recorded) if the original is unavailable.

C. "PSC," or "Commission," shall mean the State of Florida, Public Service Commission and any affiliated party, employee, agent, representative, or other person acting for or on behalf of the PSC as the context requires.

D. "identify" shall mean, with respect to any document or report: set forth the title, if any, describe the relevant page or pages and line or lines thereof (or annex a copy to the answer to these Interrogatories, with appropriate designations of such page or pages and line or lines), and state the present location and custodian of the original and all copies of the document, who prepared the document, and when it was prepared. Documents or reports to be identified shall include all documents in your possession, custody and control and all other documents of which you have knowledge.

E. "identify" shall mean, with respect to any natural person: set forth the full name, business address, business affiliation and job title both at present and at the time to which the Interrogatory answer refers.

F. All terms not defined in this request and not having ordinary, nontechnical definitions are used in accordance with their meanings in the Florida Rules of Civil Procedure, Florida Statutes, and Florida Administrative Code.

G. To the extent an Interrogatory calls for information which cannot now be precisely and completely furnished, such information as can be furnished should be included in the answer, together with a statement that further information cannot be furnished, and a statement as to the

reasons therefor.

H. In the event any Interrogatory herein calls for information or for the identification of a document which you deem to be privileged, in whole or in part, the information should be given or the document identified to the fullest extent possible consistent with such claim or privilege claimed and specify the grounds relied upon for the claim of privilege.

I. A separate answer shall be furnished for each Interrogatory, although where the context permits, an Interrogatory may be answered by reference to the answer furnished to another Interrogatory.

INTERROGATORIES

1. Identify each person you intend to call or may potentially call as an expert witness in this matter and state in detail the subject matter on which each such expert is expected to testify, the substance of the facts and opinions to which each such expert is expected to testify, and a summary of the grounds for each opinion.

2. Identify each person you intend to call or may potentially call as a witness, other than as an expert witness, at the trial in this matter and state in detail the subject matter on which each such person is expected to testify.

3. Identify each exhibit, document, or other item of tangible evidence that you intend to introduce into evidence or which you may potentially introduce into evidence at trial in this matter.

6. Please state the basis, with specificity and particularity, for your contention in numbered paragraph 5 of your Objection that the "Lee County area" described in the Certificate Application is within the existing service area of Lee County Utilities.

7. Please state the basis, with specificity and particularity, for your contention in numbered paragraph 6 of your Objection that Town & Country's application is inconsistent with, and violates the provisions of the Lee County Comprehensive Plan.

8. Please state the basis, with specificity and particularity, for your contention in numbered paragraph 7 of your Objection that Lee County is the current potable water supplier for the area of Lee County commonly known as the "North Fort Myers Area."

9. Please state the basis, with specificity and particularity, for your contention in numbered paragraph 8 of your Objection that Lee County has current infrastructure in place with respect to the future Lee County water customers within the subject area.

14. Please state the basis, with specificity and particularity, for your contention in numbered paragraph 14 of your Objection that the proposed Town & Country application constitutes direct competition with the Lee County Department of Utilities system, specifically prohibited by § 367.045(5)(a), Fla. Stat.

DATED: May 7, 1999



F. MARSHALL DETERDING

Rose, Sundstrom & Bentley, LLP
2548 Blairstone Pines Drive
Tallahassee, FL 32301
(850) 877-6555

Affiant

STATE OF _____)

COUNTY OF _____)

BEFORE ME, the undersigned authority, personally appeared _____,
who being first duly sworn, deposes and says:

That he (she) occupies the position of _____ and is the person who has furnished
answers to these Interrogatories and further says that said answers are true and correct to the best
of his (her) knowledge and belief.

WITNESS my hand and seal this _____ day of _____, 1999.

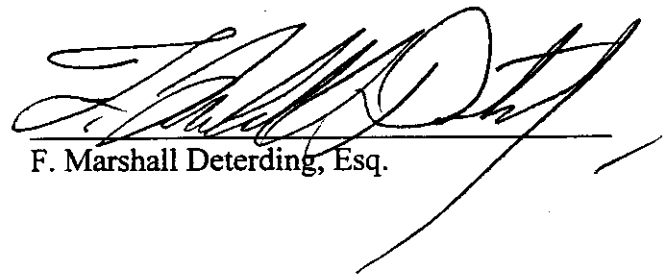
Notary Public
My Commission Expires:

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and accurate copy of the foregoing has been furnished by facsimile and regular U.S. Mail to the following on this 27 day of May, 1999.

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