



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

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JUN 21 PM 4:31

RECORDS AND
REPORTING

June 21, 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. 981781-SU

Dear Ms. Bayó:

Enclosed are an original and fifteen copies of Citizens' Notice of Service of Responses to North Fort Myers Utility's First Set of Interrogatories 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,

Stephen C. Reilly
Associate Public Counsel

FA _____
FP _____
CAF _____
CMU _____
CTR _____
EAG _____
LEG _____
SAS 3 _____
CPC _____
RRR _____
REG 1 _____
VIAW _____
OTH _____

SCR/dsb
Enclosures

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FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE
07504 JUN 21 99
FPSC-RECORDS AND REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Application of)
NORTH FORT MYERS UTILITY, INC.)
for extension of wastewater)
service in Lee County, Florida.)
_____)

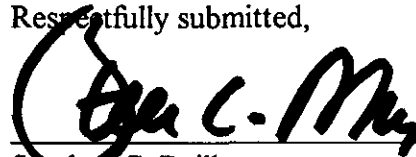
Docket No. 981781-SU
Filed: June 21, 1999

**CITIZENS' NOTICE OF SERVICE
OF RESPONSES TO NORTH FORT MYERS UTILITY'S
FIRST SET OF INTERROGATORIES**

The Citizens of the State of Florida ("Citizens"), by and through their undersigned attorney, hereby file this Notice that they have served responses to North Fort Myers Utility's First Set of Interrogatories by hand-delivery to the Rose, Sundstrom & Bentley, LLP, Law Firm at 2548 Blairstone Pines Drive, Tallahassee, Florida 32301, on this 21st day of June, 1999.

Copies of the responses have also been served on all other parties of record in the manner reflected on the attached Certificate of Service on this same date.

Respectfully submitted,



Stephen C. Reilly
Associate Public Counsel

Office of Public Counsel
111 W. Madison Street, Room 812
Tallahassee, FL 32399-1400
(850) 488-9330

Attorney for the Citizens
of the State of Florida

DOCUMENT NUMBER-DATE

07504 JUN 21 1999

FPSC-RECORDS/REPORTING

**CERTIFICATE OF SERVICE
DOCKET NO. 981781-SU**

I HEREBY CERTIFY that a correct copy of the foregoing Response to NFMU's First Set of Interrogatories has been furnished by U.S. Mail or *hand delivery to the following parties on this 21st day of June, 1999.

Martin S. Friedman, Esquire*
Rose, Sundstrom & Bentley, LLP
2548 Blairstone Pines Drive
Tallahassee, FL 32301

Jennifer Brubaker, Esquire*
Division of Legal Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Mr. Donald Gill
674 Brigantine Blvd.
North Ft. Myers, FL 33917

Mr. Joseph Devine
688 Brigantine Blvd.
North Ft. Myers, FL 33917

Mr. Ronald Ludington
509 Avanti Way Blvd.
North Ft. Myers, FL 33917



Stephen C. Reilly
Associate Public Counsel

INTERROGATORIES

1. State with specificity all relevant facts upon which you rely in your assertion that the Buccaneer Estates wastewater treatment plant and disposal facilities would have been able to be permitted by the Florida Department of Environmental Protection.

Response: Please refer to the prefiled direct testimony of Mr. Ted L. Bidby, filed this day.

2. List the names and addresses of all persons whom you consider an expert who have facts or express opinions that the Buccaneer Estates wastewater treatment plant and disposal facilities would have been able to be permitted by the Florida Department of Environmental Protection.

Response: Name: Ted L. Bidby
Address: 2308 Clara Kee Boulevard
Tallahassee, Florida 32303

3. State with specificity all relevant facts upon which you rely in your assertion that awarding North Fort Myers Utility, Inc.'s certificate to serve Buccaneer Estates is not in the public interest.

Response: The Citizens have not yet formed an opinion as to whether or not it is in the public interest for NFMU to be granted a certificate to serve the customers of Buccaneer Estates. The Citizens, however, do not believe that it is in the public interest for NFMU to serve Buccaneer Estates as retail customers, as proposed by NFMU and the Park Owner, because it results in a rate increase to customers of Buccaneer Estates in excess of 400%. Had NFMU followed the rules of the Commission for obtaining a certificate to serve Buccaneer Estates before it illegally interconnected to Buccaneer Estates, the customers would have had a voice in the process prior to the premature dismantlement of the wastewater treatment plant. Had NFMU followed the rules of the Commission for obtaining a certificate to serve Buccaneer Estates, the customers of Buccaneer Estates could have developed a more informed decision concerning the options available to the Park Owner and how these options would affect the cost of providing wastewater service to Buccaneer Estates. After evaluation of information received from discovery requests made to NFMU and the Park Owner the Citizens hope to be able to make more specific recommendations, and offer them as alternatives to the proposal being advanced by NFMU.

4. Do you dispute that the Buccaneer Estates' wastewater collection system had a value of \$146,119.68 as of the date of purchase by North Fort Myers Utility, Inc.? If so, state with specificity all relevant facts upon which you rely in disputing that value, and list the names and addresses of all persons whom you consider an expert who have facts or opinions that dispute that value.

Response: The Citizens have formed no opinion concerning the value of the wastewater collection system of Buccaneer Estates. However, we have requested information from NFMU and

the Park Owner concerning this issue which we have not yet received.

5. Please state the full name and address of each person who assisted in the preparation of the answers to these interrogatories, setting forth for each person the number of the Interrogatory to which each contributed.

Response: The following person assisted the affiant in the preparation of the responses to these Interrogatories:

Kimberly H. Dismukes
6455 Overton Street
Baton Rouge, LA 70708

Ms. Dismukes assisted with responses to interrogatories 1, 2, 3, 4, 5, 7, and 8.

6. With regard to any person, other than an expert, whom you expect to call as a witness in any hearing in this matter, please state:

- (a) the name, street address at work, title, employer and work telephone number;
- (b) the subject matter of the person's testimony;
- (c) the substance of the facts to which the person is expected to testify; and
- (d) whether the subject matter or facts to which such person is expected to testify is or are contained in any documents and, if so, identify each such document.

Response: As counsel for NFMU is aware, the Commission will receive public testimony at the hearing. The Office of Public Counsel technically sponsors all of the public testimony offered at the hearing by securing the names and addresses of every member of the public (usually customers) who wish to provide live testimony to the Commission, and who take an oath that their testimony is truthful. The opinions and information offered by these members of the public may or may not support positions taken by the Office of Public Counsel in the docket. The name and address information announced to the Commission panel prior to the person taking the stand is collected just before and even during the public testimony portion of the hearing. The content of this live testimony will become known to the Office of Public Counsel at the same time it becomes known to the Commission, its Staff and NFMU.

7. Please identify (by title or description, date, author, addressee, subject matter and current custodian) every document you intend to introduce into evidence or make reference to at the final hearing in this cause. In lieu of identifying each such document in this manner, you may attach a copy to your answers to these Interrogatories.

Response: The Citizens have not yet determined the documents they intend to introduce into evidence or make reference to at the final hearing in this case. However, at this stage of the proceeding, the Citizens believe that all documents that they might use at the hearing are documents which will have been produced by NFMU, including documents attached to Mr. Reeves prefiled testimony, documents which have been authored by counsel for NFMU, documents relating to Buccaneer Estates which are on file with the Department of Environmental Protection, and/or documents which have been authored by the Florida Public Service Commission. The Citizens have not received documents sought from the Park Owner that may be relevant to this docket and ultimately used by our office at the hearing. In addition to documents attached to Ted L. Bidy's prefiled testimony, certain basic documents will likely be used at the hearing, including the following:

- (1) DEP Permit/Certification Number D036-224510, issued 11/23/93, Expiration date 11/23/98, for Buccaneer Mobile Estates WWTP.
- (2) DEP Monthly Operating Reports for the Buccaneer Mobile Estates WWTP for the years 1997 and 1998.
- (3) Proposed, unexecuted Consent Order between DEP and Manufactured Home Communities, Inc. (MHC), concerning the Buccaneer Mobile Estates WWTP. OGC File No. 98-1791-36-DW.
- (4) August 27, 1998, Notice from Snowbirdland Vistas, Inc. and MHC-DeANZA Financing Limited Partnership and Manufactured Homes Communities, Inc. to the Homeowners of Buccaneer Estates Manufactured Home Community concerning Notice of Reduction in Utilities and Notice of Increase in Lot Rental Amount due to Pass-Through charge.

8. Please state whether you have engaged the services of, consulted with, or expect to call as a witness at hearing, any experts regarding the subject of these proceedings. If your answer is yes, please provide the following information for each such expert:

- (a) name, street address at work, job title and description and work telephone number;
- (b) the field or fields in which the person is considered an expert;
- (c) a resume or curriculum vitae which sets forth the expert's qualifications;
- (d) whether such expert will be called as a witness in this proceeding;
- (e) the subject matter upon which the expert is expected to testify;
- (f) the substance of the facts and opinions to which the expert is expected to

testify;

- (g) a summary of the grounds for each opinion to which the expert is expected to testify; and
- (h) whether the facts or opinions to which the expert will testify are contained in any documents, and if so, identify each such document.

Response: The following response pertains to Ms. Kimberly H. Dismukes, who the Citizens intend to call as an expert witness in the instant proceeding.

- (a) Kimberly H. Dismukes
Regulatory Consultant
6455 Overton Street
Baton Rouge, LA 70808

(255) 769-4490
- (b) Ms. Dismukes is considered an expert in the field of public utility regulation. With respect to water and wastewater utilities, Ms. Dismukes has been accepted as an expert in the following areas: finance, accounting, engineering, and rate design.
- (c) Ms. Dismukes qualifications are attached to her prefiled direct testimony.
- (d) Yes, Ms. Dismukes will be called as an expert in this proceeding.
- (e) Ms. Dismukes will testify on whether or not it is in the public interest for NFMU to extend its service territory to include Buccaneer Mobile Estates, and whether it is in the public interest to serve the customers of Buccaneer Mobile Estates as retail customers.
- (f) The substance of the facts are those that are outlined in the prefiled direct testimony of Ms. Dismukes.
- (g) The grounds for each opinion of Ms. Dismukes are set forth in her prefiled direct testimony.
- (h) The facts and opinions to which Ms. Dismukes will testify are contained in her prefiled direct testimony.

The following response pertains to Mr. Ted L. Bidy, who the Citizens intend to call as an expert witness in the instant proceeding.

(a) Ted L. Bidy
Engineering Consultant
2308 Clara Kee Boulevard
Tallahassee, Florida 32303

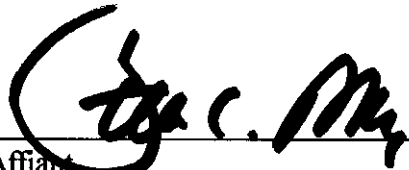
(850) 536-0928

- (b) Mr. Bidy is considered an expert in the fields of civil engineering, structural engineering, sanitary engineering, soils and foundation engineering and precise surveying. He has had considerable experience with and is considered an expert in water withdrawal, treatment and distribution, as well as wastewater collection, treatment and disposal.
- (c) Mr. Bidy's qualifications are discussed in his testimony.
- (d) Yes, Mr. Bidy will be called as an expert in this proceeding.
- (e) Mr. Bidy will testify on whether or not it is in the public interest for NFMU to extend its service territory to include Buccaneer Mobile Estates, and whether it is in the public interest to serve the customers of Buccaneer Estates as retail customers.
- (f) The substance of the facts are those that are outlined in the prefiled direct testimony of Mr. Bidy.
- (g) The grounds for each opinion of Mr. Bidy are set forth in his prefiled direct testimony.
- (h) The facts and opinions to which Mr. Bidy will testify are contained in his prefiled direct testimony.

CERTIFICATION AND SIGNATURE

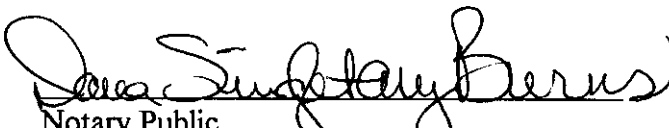
STATE OF FLORIDA
COUNTY OF LEON

Stephen C. Reilly being by the undersigned authority first duly sworn, says that the Answers to the Interrogatories (questions) made on the foregoing document are true and correct to the best of the Affiant's information, knowledge and belief.



Affiant

WITNESS my hand and official seal at Tallahassee, Florida, this 21st day of June, 1999.



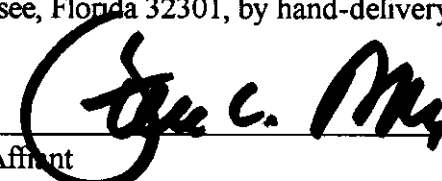
Notary Public

Dana Singletary Burns
MY COMMISSION # CC808158 EXPIRES
February 10, 2003
BONDED THRU TROY FAIN INSURANCE, INC.



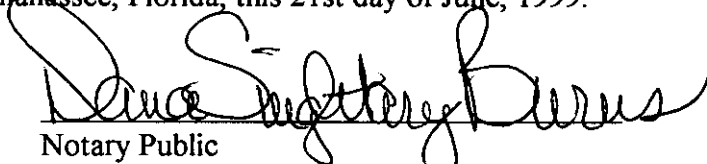
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the original of the foregoing has been returned to Martin S. Friedman, Esquire 2548 Blairstone Pines Drive, Tallahassee, Florida 32301, by hand-delivery this 21st day of June, 1999.



Affiant

WITNESS my hand and official seal at Tallahassee, Florida, this 21st day of June, 1999.



Notary Public



Dana Singletary Burns
MY COMMISSION # CC808158 EXPIRES
February 10, 2003
BONDED THRU TROY FAIN INSURANCE, INC.