

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Analysis of UTILITIES, INC.'S  
financial accounting and customer service  
computer system

---

Docket No.: 120161-WS

UTILITIES, INC.'S OBJECTIONS TO CITIZENS' FIRST REQUEST TO PRODUCE

UTILITIES, INC. ("UI"), by and through its undersigned attorneys, files this objection to Citizens' First Request to Produce which was served on January 28, 2014, and states as follows:

At the outset, UI would point out that the "Instructions" will be ignored to the extent they exceed the requirements of Fla. R. Civ. P. 1.350. UI objects to providing electronic data responses with formulae, links, and cells, formatting, metadata and other original features intact. Production in such format would result in the disclosure of attorney work product, and would tempt OPC's counsel to be unethical and unprofessional by obtaining confidential information including metadata. Further, it is a breach of duty to a client for the undersigned to provide documents containing metadata. *See*, Professional Ethics of The Florida Bar, Opinion 06-2 (Sept. 15, 2006).

1. Please provide a copy of all contracts related to Project Phoenix, including the contract(s) to design and implement Project Phoenix, any subsequent Project Phoenix contracts, and any contracts for on-going maintenance and operations of Project Phoenix.

Objection: UI Objects to providing any subsequent Project Phoenix contracts, and contracts for on-going maintenance and operations of Project Phoenix. This docket was opened pursuant to UI's Petition For Establishment of Generic Docket

“to address the impact of divested systems on the recovery of the cost of UI’s financial accounting and customer service system referred to as ‘Project Phoenix’”, and the request for relief was limited to addressing “the impact of divested systems on the Project Phoenix costs.” Seeking documentation of on-going operation and maintenance costs goes beyond the scope of the Docket.

2. Please provide a copy of all documents supporting the capitalization of additional Project Phoenix costs since June 2008 referenced in Interrogatory No. 7. These documents should include contracts, work orders, invoices, timesheets, allocation calculations and the basis of allocation, and all electronic or Excel worksheets with all formulas intact with no encryptions or pass-word protections. For any capitalized labor, please provide supporting timesheets or documentation to verify that the capitalized time was spent on the referenced project.

**Objection:** UI Objects to providing this documentation. This Docket is not an all encompassing for all Project Phoenix issues. This docket was opened pursuant to UI’s Petition For Establishment of Generic Docket “to address the impact of divested systems on the recovery of the cost of UI’s financial accounting and customer service system referred to as ‘Project Phoenix’ ”, and the request for relief was limited to addressing “the impact of divested systems on the Project Phoenix costs.” Seeking this documentation goes beyond the scope of the Docket.

3. Please provide a copy of documents that support how the general ledger was adjusted or subsidiary ledgers or worksheets were maintained to record or reflect the impact of the Commission ordered adjustments related to Project Phoenix referenced in Interrogatory No. 8.

Objection: UI Objects to providing this documentation. This Docket is not an all encompassing all Project Phoenix issues. This request has nothing to do with the divestitures. In fact, this docket was opened pursuant to UI's Petition For Establishment of Generic Docket "to address the impact of divested systems on the recovery of the cost of UI's financial accounting and customer service system referred to as 'Project Phoenix' ", and the request for relief was limited to addressing "the impact of divested systems on the Project Phoenix costs." Seeking this documentation goes beyond the scope of the Docket. Further, until this Commission rules on this issue adjustments to the general ledger are irrelevant.

4. Please provide a copy of all documents and electronic worksheets in Excel format that support the calculations used to determine the costs included in the balance of the regulatory asset, by system, as permitted by the Eagle Ridge Settlement referenced in Interrogatory No. 9. These documents should include contracts, work orders, invoices, timesheets, allocation calculations and the basis of allocation, and all electronic or Excel worksheets with all formulas intact with no encryptions or pass-word protections. For any capitalized labor, please provide supporting timesheets or documentation to verify that the capitalized time was spent on the referenced project.

Objection: UI Objects to providing this documentation. This Docket is not an all encompassing all Project Phoenix issues. This docket was opened pursuant to UI's Petition For Establishment of Generic Docket "to address the impact of divested systems on the recovery of the cost of UI's financial accounting and customer service system referred to as 'Project Phoenix' ", and the request for relief was

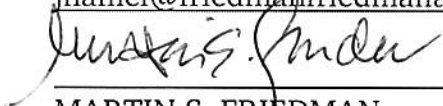
limited to addressing “the impact of divested systems on the Project Phoenix costs.” Seeking this documentation goes beyond the scope of the Docket. Further, until this Commission rules on this issue adjustments to the general ledger are irrelevant.

5. Regarding Interrogatories Nos. 1-15, please provide any documents identified or referenced in the response to those interrogatories, or any documents otherwise responsive to those interrogatories.

Objection: UI Objects to providing this documentation. This Docket is not an all encompassing all Project Phoenix issues. This request has nothing to do with the divestitures. In fact, this docket was opened pursuant to UI’s Petition For Establishment of Generic Docket “to address the impact of divested systems on the recovery of the cost of UI’s financial accounting and customer service system referred to as ‘Project Phoenix’ ”, and the request for relief was limited to addressing “the impact of divested systems on the Project Phoenix costs.” Seeking this documentation goes beyond the scope of the Docket.

Respectfully submitted this 14<sup>th</sup> day of  
February, 2014, by:

FRIEDMAN, FRIEDMAN & LONG, P.A.  
766 North Sun Drive, Suite 4030  
Lake Mary, FL 32746  
Phone: (407) 830-6331  
Fax: (407) 878-2178  
[mfriedman@ffllegal.com](mailto:mfriedman@ffllegal.com)  
[drudolf@friedmanfriedmanandlong.com](mailto:drudolf@friedmanfriedmanandlong.com)  
[jhamel@friedmanfriedmanandlong.com](mailto:jhamel@friedmanfriedmanandlong.com)

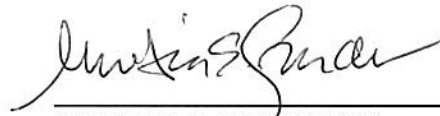
  
MARTIN S. FRIEDMAN  
Florida Bar No.: 474797  
For the Firm

**CERTIFICATE OF SERVICE**  
**DOCKET NO. 130161-WS**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. Mail and E-Mail to the following parties this 14<sup>th</sup> day of February, 2014:

Erik Sayler, Esquire  
OFFICE OF PUBLIC COUNSEL  
c/o The Florida Legislature  
111 West Madison Street  
Room 812  
Tallahassee, FL 32399-1400  
SAYLER.ERIK@leg.state.fl.us

Martha Barrera, General Counsel  
Office of General Counsel  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850  
MBARRERA@PSC.STATE.FL.US



---

MARTIN S. FRIEDMAN  
Florida Bar No.: 474797  
For the Firm