

**IN THE COUNTY COURT OF THE EIGHTH JUDICIAL CIRCUIT
IN AND FOR ALACHUA COUNTY, FLORIDA**

JAMES J. KONISH, et al.,

Plaintiffs,

v.

CITY OF GAINESVILLE and
GAINESVILLE REGIONAL UTILITIES (GRU),

Defendants.

CASE NO.: 2014-SC-4051, consolidated
with CASE NOS. 2014-SC-4234 and
2014-SC-4285

DIVISION: IV

CITY OF GAINESVILLE'S PRE-TRIAL STATEMENT

In compliance with the Court's Order dated March 13, 2015, the City of Gainesville ("City") files its Pre-Trial Statement.

3 (A). A Statement of the Facts Constituting Plaintiff's Cause of Action, Including Damages, Which Defendant Will Admit.

The City agrees that Plaintiffs have challenged the application of the City's public service tax. The City is unable to agree to the stated amount of Plaintiffs damages, as it is unable to duplicate Plaintiffs' calculations.

(B). If Defendant Has Filed Affirmative Defenses, a Statement of the Facts on which Defendant Bases Such Defenses.

Not applicable.

(C). If Defendant Has Filed a Counterclaim or Cross-claim, Defendant Will Comply with Plaintiff's Instructions 3(a) and 3(b).

Not applicable.

(D). A Schedule of All Exhibits and Documentary Evidence Defendant Will Offer During Trial.

The City anticipates offering exhibits or documentary evidence at trial, including:

- 1) City of Gainesville Code of Ordinances, Chapters 25 (Taxation) and 27 (Utilities);
- 2) Calculating your GRU residential electric bill;
- 3) Calculating your GRU residential gas bill (prior to August 2014);
- 4) Calculating your GRU residential gas bill (subsequent to August 2014);
- 5) Calculating your GRU water/wastewater bill;
- 6) GRU Fact Sheet - Definitions;
- 7) GRU Tariff Filings with the PSC from 2007 to 2015;
- 8) PSC Definitions 25-6.003;
- 9) PSC Order 6990;
- 10) Florida Attorney General Opinion 89-11;
- 11) Florida Attorney General Opinion 87-45;
- 12) Rule 12B-6.0015 F.A.C.;
- 13) Florida Attorney General Opinion 79-26;
- 14) Sections 11 and 12 of Chapter 91-112 Laws of Florida and associated staff analysis;
- 15) Florida Attorney General Opinion 93-35;
- 16) Florida Attorney General Opinion 94-76;
- 17) Bills from other utilities, including but not limited to JEA, Orlando, Kissimmee, TECO, Duke, FPL and Gulf.

E. **A Complete List of Witnesses To Be Used At Trial, Together With Their Addresses and Telephone Numbers.**

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P.O. Box 3209
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Florida Municipal Power Agency
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Herb Firsching
Interim Director of Customer Operations
Gainesville Regional Utilities
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William Shepherd
Assistant General Manager – Customer/Administrative Services
Gainesville Regional Utilities
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Diane Wilson
Managing Utility Analyst Planning
Gainesville Regional Utilities
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Todd Kamhoot
Analyst Lead
Gainesville Regional Utilities
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Gainesville, FL 32614
(352) 393-1279

Audrey Lewis
4307 NW 56th Way
Gainesville, FL 32606

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by electronic mail to James J. Konish, Esquire (falr@falr.com; accts@falr.com; falr@bellsouth.net) on this 27th day of April 2015.



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