

**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.

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

DIVISION: IV

**CITY OF GAINESVILLE'S RESPONSE TO PLAINTIFFS'  
PROPOSED STIPULATION AS TO MATERIAL FACTS**

Defendant, the City of Gainesville ("City") d/b/a Gainesville Regional Utilities (GRU) files this Response to the correspondingly numbered paragraphs of Plaintiffs' Proposed Stipulation as to Material Facts:

1. Admit that Case Numbers 2014-SC-4051, 2014-SC-4234 and 2014-SC-4285 have been consolidated.
2. Deny.
3. Admit that the City of Gainesville imposes a municipal public service tax on the purchase of electricity, metered natural gas, liquefied petroleum gas, manufactured gas and water service pursuant to Section 166.231, Fla. Stat. and Section 25.17, Gainesville Code of Ordinances. Admit that Gainesville Regional Utilities collects the City's municipal public service tax on its utility bills and remits it to the City.
4. Admit that Gainesville Regional Utilities prepares and distributes handouts reflecting how it calculates the bills. Admit that the documents attached to Plaintiffs' proposed

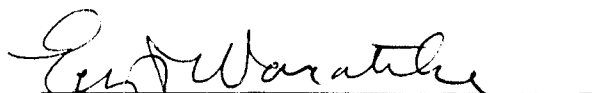
stipulation are handouts prepared and given out by GRU as to electric and gas. There is no handout attached as to water. Otherwise deny.

5. Admit that the City of Gainesville imposes and GRU collects a 10% municipal public service tax on the purchase of electric, gas, and water, which includes the customer charge portion of the utility bill. Admit that the City of Gainesville imposes and GRU collects a 10% municipal public service tax on the purchase of electric, gas, and water which includes the gross receipts tax on electric and gas. In the past, GRU was under collecting municipal public service tax on the gas utility by not including gross receipts in the calculation, but this has been corrected as of September 2014.

6. Admit.

#### CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by regular US Mail delivery to James J. Konish, P.O. Box 6020, Gainesville, FL 32627 on this 20 day of February 2015.



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