

**BEFORE THE PUBLIC SERVICE COMMISSION
STATE OF MISSOURI**

The Staff of the Missouri Public)	
Service Commission,)	
Complainant,)	
)	
v.)	Case No. WC-2007-0452
)	
Suburban Water and Sewer Company)	
and)	
Gordon Burnam,)	
Respondents.)	

**REQUEST SUBPOENA FOR DANA EAVES AND MOTION TO APPOINT SPECIAL
PROCESS SERVER**

COME NOW Respondents Suburban Water and Sewer Company and Gordon Burnam, by and through undersigned counsel, and request and show good cause for the Secretary of the Commission to issue a subpoena requiring Dana Eaves to appear and testify at the July 26 & 27 2007 hearing before the Commission and move to appoint Steve Smith as special process server for this subpoena.

1. On July 13, 2007, notice was received by the Respondents that Dana Eaves, employed with the Utility Services Division of the Missouri Public Service Commission, would be a witness for the Complainant.

2. On July 17, 2007, Dana Eaves was deposed by Respondents.

3. On or about, but not before July 18, 2007, Respondents received from Complainant supplemental written discovery providing additional materials than that which was present at the time of Dana Eaves' deposition.

4. Yesterday, July 23, 2007, Complainant announced its intention to read Dana Eaves deposition into the record as evidence at the July 26 and 27 hearing.

5. Public Service Commission rules require that good cause be shown for the Secretary to issue a subpoena less than twenty (20) days before the date of the hearing.

Showing of Good Cause

6. This action has been expedited and only ten (10) full days have elapsed since Dana Eaves was first declared as a witness to this action.

7. Supplemental written discovery has been filed and received since Dana Eaves' deposition and his testimony, which would be material on these issues, is necessary at the hearing before the Commission.

8. Complainant may attempt to read Dana Eaves deposition into evidence and without Eaves present at the hearing, Respondents would be deprived of their ability to cross-examine the witness.

Motion to Appoint Special Process Server

9. Respondents have called and notified Steve Smith, bail bondsman in Jefferson City of this pending subpoena, and he has expressed his availability to serve said subpoena.

WHEREFORE, Respondents respectfully request the Secretary of the Commission to subpoena Dana Eaves to appear and testify at the July 26 and 27 hearing in front of the Commission and appoint Steve Smith as special process server to serve aforementioned subpoena.

/s/ Matthew S. Volkert
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The undersigned certifies that a complete and conformed copy of the foregoing document was filed electronically and mailed to each attorney who represents any party to the foregoing action, by U.S. Mail, postage prepaid in the proper amount, at said attorney's business address.

/s/ Matthew S. Volkert
Dated: July 24, 2007