

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office in
Jefferson City on the 1st day of
November, 2007.

The Staff of the Missouri Public Service Commission,)	
)	
)	
Complainant,)	
)	
v.)	<u>Case No. WC-2008-0079</u>
)	
Universal Utilities, Inc., and)	
Nancy Carol Croasdell,)	
)	
Respondents.)	

ORDER GRANTING STAFF'S MOTION TO COMPEL DISCOVERY

Issue Date: November 1, 2007

Effective Date: November 11, 2007

On October 19, 2007, the Staff of the Commission filed a motion asking the Commission to compel the Respondents, Universal Utilities, Inc. and Nancy Croasdell, to respond to certain data requests propounded by Staff. Staff served those data requests on the Respondents on September 26, and counsel for Respondents objected to the data requests on October 9. On October 23, the Commission ordered that any party wishing to reply to Staff's motion to compel do so no later than 1:00 p.m. on October 26. No response has been filed.

Staff asks the Commission to order the Respondents to answer 28 data requests that ask the Respondents to provide background information on Universal Utilities'

operations and customers in the state of Missouri. Respondent's October 9 objection to Staff's data requests offers only the following general objections to the 28 individual data requests:

- A. Universal objects to each data request because they seek information outside the jurisdiction of the MoPSC.
- B. Universal objects to each data request because they seek information beyond the scope of this complaint.
- C. Universal objects to each data request to the extent it is unduly burdensome, vague, ambiguous, overbroad, and/or lacking in sufficient specificity and/or seeks information not reasonably calculated to lead to the admission of discoverable evidence.
- D. Universal objects to each data request to the extent the information sought is maintained in public records, and/or the burden of obtaining the information is substantially the same for the Staff as for Universal.
- E. Universal objects to each data request to the extent that it seeks a legal conclusion.
- F. Universal objects to each data request to the extent it seeks information protected by the attorney-client privilege, the work product doctrine, and any other applicable privilege or immunity.
- G. Universal objects to each data request to the extent that it calls for UNIVERSAL to create a document which does not exist or is not within Universal's custody or control.
- H. Universal objects to identifying or producing any documents containing information which is proprietary to individuals or competitively sensitive.

The Respondents' sweeping objections to Staff's data requests are merely a listing of nearly every conceivable objection that could be made to a discovery request. The Respondents make no attempt to relate any of their general objections to any of the individual data requests made by Staff. As the Missouri Court of Appeals has indicated "an objection which is so general that it would require the court to particularly examine each question propounded to determine if the objection applies, is not good."¹ Therefore,

¹ *State ex rel. Williams v. Vardeman*, 422 S.W.2d 400, 404 (Mo. App. K.C. 1967), quoting, *Stover v. Central Broadcasting Company*, 247 Iowa, 1325, 1330, 78 N.W.2d 1,4 (1956).

the Commission will not undertake the daunting task of examining each of Staff's questions to determine whether any of the Respondent's objections might apply.

The rule in Missouri is that interrogatories, which are essentially similar to the data requests used in discovery before the Commission, may properly inquire into any matter that is reasonably calculated to lead to the discovery of admissible evidence.² Staff's complaint alleges that the Respondents are operating a public utility in this state without having first obtained a certificate of convenience and necessity from this Commission. Staff's data requests are seeking information from the Respondents about the nature and extent of their operations in this state. That information is properly discoverable.

Staff's motion to compel requests that the Commission direct the Respondents to answer the data requests within five days, and seeks authority to proceed to circuit court to enforce its discovery requests and to obtain sanctions. The Commission will order the Respondents to answer the data requests within five business days, and will authorize Staff to take any action in circuit court to enforce this discovery order if the Respondents fail to comply.

IT IS ORDERED THAT:

1. Staff's Motion to Compel Answers to Data Requests is granted.
2. Universal Utilities, Inc. and Nancy Carol Croasdell shall answer Staff's First Set of Data Requests no later than November 8, 2007.

² *State ex rel. Martel v. Gallagher*, 797 S.W.2d 730 (Mo. App. E.D. 1990).

3. Staff is authorized to take any action in circuit court it deems necessary to enforce this order if Universal Utilities, Inc. and Nancy Carol Croasdell fail to comply.

BY THE COMMISSION

A handwritten signature in black ink, appearing to read 'Colleen M. Dale', written over a horizontal line.

Colleen M. Dale
Secretary

(S E A L)

Davis, Chm., Murray, Clayton, Jarrett, CC., concur
Appling, C., absent

Woodruff, Deputy Chief Regulatory Law Judge