



# ARMSTRONG TEASDALE LLP

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MISSOURI

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WASHINGTON, DC

SHANGHAI

ATTORNEYS AT LAW

November 29, 2006

**FILED<sup>2</sup>**

DEC 06 2006

Missouri Public  
Service Commission

Colleen M. Dale  
Secretary  
Public Service Commission  
P. O. Box 360  
Jefferson City, MO 65102-0360

**Re: Metropolitan St. Louis Sewer District v. Missouri American Water  
Case No. WC-2007-0040**

Dear Ms. Dale:

Enclosed herewith, please find Complainant's Answers and Objections to Respondent's Second Set of Data Requests to be filed in the above-referenced matter. Please file the original with the Commission and return the extra copy to me stamped-filed in the enclosed, self-addressed, stamped envelope.

Thank you for your cooperation.

Very truly yours,

Byron E. Francis

BEF/lva  
Enclosure

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

FILED  
DEC 06 2006

Missouri Public  
Service Commission

Metropolitan St. Louis Sewer District, )  
)  
Complainant, )  
)  
v. )  
)  
Missouri American Water Company, )  
)  
Respondent. )

Case No. WC -2007-0040

**COMPLAINANT'S ANSWERS AND OBJECTIONS TO RESPONDENT'S  
SECOND SET OF DATA REQUESTS**

COMES NOW Complainant, Metropolitan St. Louis Sewer District ("MSD"), and for its answers and objections to Respondent's Second Set of Data Requests, states as follows:

**GENERAL OBJECTIONS**

1. MSD objects to Respondent's Second Set of Data Requests to the extent that they call for disclosure of information or communications which are protected by the attorney-client privilege or any other applicable privilege, or to the extent that any such materials and documents are otherwise exempted from discovery.

2. MSD objects to Respondent's Second Set of Data Requests to the extent that they call for the disclosure of mental impressions, conclusions, opinions or legal theories of any attorney or other representative as such documents and materials are exempt from discovery. MSD likewise objects to the Data Requests to the extent that they constitute or include materials under the work product doctrine.

3. MSD objects to Respondent's Second Set of Data Requests to the extent that they call for disclosure of information or documents of a confidential or proprietary nature, including documents and materials that contain sensitive business, financial, and/or production information.

4. MSD objects to Respondent's Second Set of Data Requests to the extent that they are vague, overly broad or ambiguous.

5. MSD objects to Respondent's Second Set of Data Requests to the extent that they seek information or communications which are irrelevant and immaterial to the issues in this action, and which are not reasonably calculated to lead to the discovery of admissible evidence, which are unduly burdensome and oppressive, and would cause undue time and expense to MSD which is not commensurate with Respondent's discovery needs.

6. MSD objects to Respondent's Second Set of Data Requests to the extent that they attempt to impose obligations in addition to those provided by the Missouri Rules of Civil Procedure or 4 CSR 240-2.090.

7. MSD reserves the right to amend or supplement these answers to reflect information gathered in discovery, if they find that inadvertent errors or admissions have been made, and/or more accurate information becomes available at a later date.

The following responses reflect MSD's best present knowledge, information and belief based on a reasonably diligent search for responsive documents. MSD reserves the right to change, modify or supplement these answers based on further discovery or on facts or circumstances that hereafter may come to MSD's knowledge and attention. Nothing in these responses should be construed as waiving any rights or objections that otherwise might be available to MSD, and MSD's answer to any of these Data Requests should not be deemed an admission of relevancy, materiality, authenticity or admissibility in evidence of the discovery or the responses thereto.

#### **DATA REQUESTS**

1. Produce all documents concerning the agreements between MSD and MAWC for water usage data and amendments thereto, including but not limited to those agreements dated

February 14, 2002 and June 21, 1993, and identify all persons who participated in any way in the negotiation, preparation and execution of such agreements.

**ANSWER:**

Subject to its above-stated objections, MSD will produce all documents responsive to this data request. Jan Zimmerman; Randy Hayman, Theresa Bellville, Norbert Stevens, Frank Kriz and Willie Horton.

2. Produce all documents relating to the termination of the Water Usage Data Agreement effective December 31, 2003 and the negotiation of a new agreement between MSD and MAWC and identify all person who participated in any manner in such termination.

**ANSWER:**

Subject to its above-stated objections, MSD will produce all documents responsive to this data request. Jan Zimmerman and Randy Hayman.

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**ATTORNEYS FOR COMPLAINANT**

**CERTIFICATE OF SERVICE**

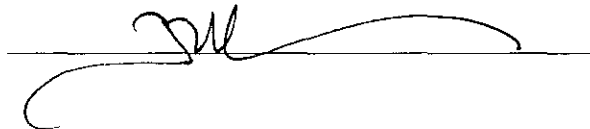
It is hereby certified that a copy of Complainant's Answers and Objections to Respondent's Second Set of Data Requests has been served via hand-delivery, this 28<sup>th</sup> day of November, 2006 to the following parties of record.

Kenneth C. Jones  
Missouri-American Water Company  
727 Craig Road  
St. Louis, MO 63141

And by U.S. Mail, postage prepaid to the following parties of record:

Lewis R. Mills, Jr.  
Public Counsel  
Office of the Public Counsel  
P. O. Box 2230  
Jefferson City, MO 65102

Kevin A. Thompson  
General Counsel  
Missouri Public Service Commission  
P. O. Box 360  
Jefferson City, MO 65102

A handwritten signature in black ink, appearing to be 'SM', is written over a horizontal line.