

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

The Staff of the Missouri	)	
Public Service Commission,	)	
	)	
Complainant,	)	
v.	)	<u>Case No. WC-2007-0452</u>
	)	<u>and WO-2007-0444</u>
Suburban Water and Sewer Co. and Gordon	)	
Burnam,	)	
	)	
Respondents.	)	

**STAFF’S RESPONSE TO GORDON BURNAM’S MOTION TO QUASH**

COMES NOW, the Staff of the Public Service Commission, by counsel, and for *Staff’s Response to Gordon Burnam’s Motion to Quash* portions of Staff’s Subpoena, specifically the production of personal tax returns for Gordon Burnam (Respondent herein) and supporting tax records for 2000 to 2006, states the requested information is material and relevant to this case, and supports that assertion as follows:

1. Staff served a subpoena duces tecum on Gordon Burnam at his deposition, July 17, 2007. One set of items requested was the personal tax returns for Gordon Burnam and supporting tax records for 2000 to 2006.

2. Then, on Monday, July 23, 2007, at 5:00 p.m.<sup>1</sup> Respondent Gordon Burnam filed a motion to quash Staff’s subpoena for the above referenced tax records.

3. Respondent testified at the deposition that Suburban has no employees.<sup>2</sup> Yet all manual work for Suburban is performed by employees of Vista Home Management, Inc.<sup>3</sup> whose stock is owned by Gordon and Bonnie Burnam.<sup>4</sup> Furthermore, Vista bills Suburban for the hours

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<sup>1</sup> At 4:50 p.m. the same date Staff was sent an electronic copy of Respondent’s Motion to Quash.

<sup>2</sup> Depo. Tr. Gordon Burnam, 7-17-07, p. 14, ln. 15-18.

<sup>3</sup> Depo. Tr. Bonnie Burnam, 7-17-07, p. 15, ln. 17-24.

<sup>4</sup> Depo. Tr. Gordon Burnam, 7-17-07, p. 18, ln. 4-6.

worked on Suburban tasks by Vista's employees.<sup>5</sup> This intertwining of businesses via Gordon Burnam reasonably leads Staff to surmise that material and relevant information to Suburban's finances is likely to be found in those personal tax records.

4. In case no. WR-2005-0455, Suburban Water and Sewer Co. received a rate increase of \$4,192, conditioned upon the specific improvements set forth in the disposition agreement. This case is premised on Staff's well-founded belief that the terms of that Order were violated.<sup>6</sup> The evidence shows that the 2005 rate increase itself has not been applied to certain terms of the agreement, such as installing meters, flush valves, a standpipe inlet, and so on, as agreed upon in the disposition agreement. Respondent has testified that Suburban has notes outstanding "to—it could be one of our other companies, but Gordon and Bonnie Burnam."<sup>7</sup> Since it is the case that Gordon Burnam or some of his other companies are lending money in the thousands to Suburban, then Staff's request to review Mr. Burnam's personal tax returns and review the extent of the intertwining of the assets is material and reasonable.

5. Staff notes that Respondents may seek a protective order, pursuant to Commission Rule 2.085, if a claim of confidentiality exists within documents provided to the Commission.

WHEREFORE, Staff respectfully requests that Respondent's Motion to Quash be denied, and the subpoena duces tecum requesting material and relevant information, served on Gordon Burnam on July 17, 2007, be enforced in its entirety.

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<sup>5</sup> Depo. Tr. Bonnie Burnam, 7-17-07, p. 16, ln. 4-11.

<sup>6</sup> See Staff's First Amended Complaint and Notice of Dismissal of Count II for specific terms asserted as violated.

<sup>7</sup> Depo. Tr., Gordon Burnam, 7-17-07, p. 23, ln. 18-20.

Respectfully Submitted,

/s/ **Shelley Syler Brueggemann**

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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of this Response has been provided, either by first-class mail, by electronic mail, by facsimile transmission or by hand-delivery, to each attorney and/or party of record for this case on this 25th day of July 2007.

/s/ **Shelley Syler Brueggemann**