

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

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

**STAFF’S RESPONSE TO RESPONDENT SUBURBAN WATER AND SEWER
CO.’S OBJECTION TO STAFF’S FIRST SET OF REQUESTS FOR
PRODUCTION OF DOCUMENTS**

COMES NOW the Staff of the Missouri Public Service Commission (Staff) and for its Response to Respondent Suburban Water and Sewer Co.’s (Suburban) Objection to Staff’s First Set of Requests for Production of Documents respectfully states as follows:

General Objections

1. Suburban has a duty to “state information that will permit others to assess the applicability of the privilege or work product doctrine.” Missouri Rule of Civil Procedure 58.01(3). Suburban has not supplied such information.
2. Commission Rule 4 CSR 2.090(1) provides that “discovery may be obtained by the same means and under the same conditions as in civil actions in the circuit court.” Rule 58 of the Missouri Rules of Civil Procedure governs the scope and issuance of requests for production of documents. Staff’s First Set of Requests for Production of Documents does not impose greater or different obligations in discovery

than are required by applicable Commission Rules, the Missouri Rules of Civil Procedure, or case law.

3. Staff's First Set of Requests for Production of Documents requests information that is relevant to the subject matter of this action, is relevant to Staff's claim, and is reasonably calculated to lead to the discovery of admissible evidence in accordance with Missouri Rule of Civil Procedure 56.01.

4. Staff's First Set of Requests for Production of Documents is not vague or ambiguous.

5. Staff submits that Suburban's ongoing discovery process should not operate to delay Staff's discovery in accordance with Missouri Rule of Civil Procedure 56.01(d). Suburban has a duty to seasonably amend its responses to Staff's First Set of Requests for Production of Documents "if the party learns that the response is in some material respect incomplete or incorrect and if the additional corrective information has not otherwise been made known to the other parties during the discovery process or in writing" in accordance with Missouri Rule of Civil Procedure 56.01(e).

6. Staff's First Set of Requests for Production of Documents does not call for legal argument, analysis, opinion, or conclusion.

7. Staff's First Set of Requests for Production of Documents does not seek information that is a matter of public record or otherwise equally accessible to all parties. Suburban's contention that the requested information is publicly available or accessible to all parties is inconsistent with its claim of privilege.

Specific Objections

1. Paragraph 1 of Staff's First Set of Requests for Production of Documents is not vague, overbroad, or unduly burdensome.
2. Paragraph 2 of Staff's First Set of Requests for Production of Documents is not vague, overbroad, or unduly burdensome.
3. Paragraph 3 of Staff's First Set of Requests for Production of Documents is not vague, overbroad, or unduly burdensome.
4. Paragraph 4 of Staff's First Set of Requests for Production of Documents is not vague, overbroad, or unduly burdensome.
5. Paragraph 5 of Staff's First Set of Requests for Production of Documents is not vague, overbroad, or unduly burdensome.
6. Paragraph 6 of Staff's First Set of Requests for Production of Documents is not vague, overbroad, or unduly burdensome.
7. Paragraph 7 of Staff's First Set of Requests for Production of Documents is not vague, overbroad, or unduly burdensome.
8. Paragraph 8 of Staff's First Set of Requests for Production of Documents is not vague, overbroad, or unduly burdensome.
9. Paragraph 9 of Staff's First Set of Requests for Production of Documents is not vague, overbroad, or unduly burdensome.
10. Paragraph 10 of Staff's First Set of Requests for Production of Documents is not vague, overbroad, or unduly burdensome.
11. Paragraph 11 of Staff's First Set of Requests for Production of Documents is not vague, overbroad, or unduly burdensome.

12. Paragraph 12 of Staff's First Set of Requests for Production of Documents is not vague, overbroad, or unduly burdensome.

13. Paragraph 13 of Staff's First Set of Requests for Production of Documents is not vague, overbroad, or unduly burdensome.

14. Paragraph 14 of Staff's First Set of Requests for Production of Documents is not vague, overbroad, or unduly burdensome.

15. Paragraph 15 of Staff's First Set of Requests for Production of Documents is not vague, overbroad, or unduly burdensome.

16. Paragraph 16 of Staff's First Set of Requests for Production of Documents is not vague, overbroad, or unduly burdensome.

17. Paragraph 17 of Staff's First Set of Requests for Production of Documents is not vague, overbroad, or unduly burdensome.

18. Paragraph 18 of Staff's First Set of Requests for Production of Documents is not vague, overbroad, or unduly burdensome.

19. Paragraph 19 of Staff's First Set of Requests for Production of Documents is not vague, overbroad, or unduly burdensome.

20. Paragraph 20 of Staff's First Set of Requests for Production of Documents is not vague, overbroad, or unduly burdensome.

21. Paragraph 21 of Staff's First Set of Requests for Production of Documents is not vague, overbroad, or unduly burdensome.

22. Staff submits that a discovery conference the week of June 25 is the most expeditious way to resolve any remaining discovery disputes. Staff believes that a timely discovery conference is necessary because Staff has requested expedited treatment in this

case. This conference cannot be scheduled on June 29, as undersigned counsel are scheduled to appear before Judge Crane in Boone County Circuit Court on that date.

WHEREFORE, Staff requests that the Commission overrule Suburban's Objections to Staff's First Set of Requests for Production of Documents. Staff further requests a discovery conference be held prior to June 29, 2007 in order to resolve any additional discovery disputes.

Respectfully submitted,

/s/ Jennifer Heintz

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been served via electronic mail to Christina Baker, Office of the Public Counsel, at Christina.Baker@ded.mo.gov; and to Thomas M. Harrison and Matthew S. Volkert, Attorneys for Respondent Suburban Water and Sewer Company, and for Respondent Gordon Burnam, at tom@vanmatre.com and matt@vanmatre.com on this 20th day of June, 2007.

/s/ Jennifer Heintz