

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

In the Matter of the Application of Oakview)	
Estates Water & Sewer Company, LLC for)	
a Certificate of Convenience and Necessity)	
Authorizing It to Participate in the Ownership,)	<u>Case No. WA-2007-0201, et al.</u>
Operation, Maintenance, Removal, Replacement,)	
Control and Management of a Water and Sewer)	
Utility in Warren County, Missouri.)	

RESPONSE TO ORDER DIRECTING FILING

COMES NOW the Staff of the Missouri Public Service Commission and for its Response to the Commission's June 29, 2007 Order Directing Filing respectfully states as follows:

1. The attached document, labeled Attachment A, contains a detailed list of the 17 items Staff has requested the applicant to provide in order to process its application. This list is contained in a January 2, 2007 letter from Jerry Scheible from Staff's Water and Sewer Department to applicant's attorney. A copy of this letter was also sent to Mark Harrison, who has Power of Attorney for Joe Hybl. Mr. Scheible sent a follow-up letter to applicant's attorney and Mr. Harrison on January 19, 2007. This letter reiterated a request for the information contained in the January 2 letter's 17-item list. The attached document also contains a copy of Data Request 001 sent to applicant. The Data Request likewise references the January 2, 2007 letter and requests that applicant provide information regarding the 17 items in the list contained in that letter.

WHEREFORE, Staff submits Attachment A in response to the Commission's June 29, 2007 Order Directing Filing.

Respectfully submitted,

/s/ Jennifer Heintz

Jennifer Heintz

Assistant General Counsel

Missouri Bar No. 57128

Attorney for the Staff of the

Missouri Public Service Commission

PO Box 360

Jefferson City, MO 65102

(573) 751-8701 (Telephone)

(573) 751-9285 (Fax)

jennifer.heintz@psc.mo.gov

Certificate of Service

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to all counsel and parties of record this 5th day of July 2007.

/s/ Jennifer Heintz

Missouri Public Service Commission**Data Request**

Data Request No. 0001
Company Name Oakview Estates Water & Sewer Company, LLC
Case/Tracking No. WA-2007-0201
Date Requested 1/19/2007
Issue Other - Other
Requested From Donald A. Baerveldt Jr.
Requested By Susan Sundermeyer
Brief Description Response from January 2, 2007 letter

See Attachment

Description Commission Staff requests a response to the letter dated January 2, 2007, prepared by Jerry Scheible. The response should specifically address each of the seventeen (17) items listed in the "Recommendations of Water and Sewer Department Regarding Information to be Included in Economic Feasibility Studies to Accompany Water and Sewer Applications for Certificates of Convenience and Necessity" as attached to the January 2, 2007 letter. A copy of the January 2, 2007 letter is attached for your reference.

Due Date 2/13/2007

The attached information provided to Missouri Public Service Commission Staff in response to the above data information request is accurate and complete, and contains no material misrepresentations or omissions, based upon present facts of which the undersigned has knowledge, information or belief. The undersigned agrees to immediately inform the Missouri Public Service Commission Staff if, during the pendency of Case No. before the Commission, any matters are discovered which would materially affect the accuracy or completeness of the attached information.

If these data are voluminous, please (1) identify the relevant documents and their location (2) make arrangements with requestor to have documents available for inspection in the Oakview Estates Water & Sewer Company, LLC office, or other location mutually agreeable. Where identification of a document is requested, briefly describe the document (e.g. book, letter, memorandum, report) and state the following information as applicable for the particular document: name, title number, author, date of publication and publisher, addresses, date written, and the name and address of the person (s) having possession of the document. As used in this data request the term "document(s)" includes publication of any format, workpapers, letters, memoranda, notes, reports, analyses, computer analyses, test results, studies or data, recordings, transcriptions and printed, typed or written materials of every kind in your possession, custody or control or within your knowledge. The pronoun "you" or "your" refers to Oakview Estates Water & Sewer Company, LLC and its employees, contractors, agents or others employed by or acting in its behalf.

Security Public
Rationale NA

Attachment A

With Proprietary and Highly Confidential Data Requests a Protective Order must be on file.



Commissioners

JEFF DAVIS
Chairman

CONNIE MURRAY

STEVE GAW

ROBERT M. CLAYTON III

LINWARD "LIN" APPLING

Missouri Public Service Commission

POST OFFICE BOX 360
JEFFERSON CITY MISSOURI 65102
573-751-3234
573-751-1847 (Fax Number)
<http://www.psc.mo.gov>

WESS A. HENDERSON
Executive Director

DANA K. JOYCE
Director, Administration and
Regulatory Policy

ROBERT SCHALLENBERG
Director, Utility Services

WARREN WOOD
Director, Utility Operations

COLLEEN M. DALE
Secretary/Chief Regulatory Law Judge

KEVIN A. THOMPSON
General Counsel

January 19, 2007

Donald A. Baerveldt, Jr
Baerveldt Law Firm, LLC
566 First Capitol Drive
St. Charles, MO 63301

RE: Oakview Water and Sewer Co., LLC - Case No. WA-2007-0201, et al.

Mr. Baerveldt:

Due to a lack of response to the letter dated January 2, 2007, under my signature and the inability to establish contact via telephone with you, please find attached a Data Information Request.

Also find attached an excerpt from Chapter 2 of *Code of State Regulations Title 4 - Department of Economic Development Division 240 - Public Service Commission* regarding the Data Request procedure.

Finally, I am requesting an email address for you so that future correspondence and filings can be done electronically, if it is appropriate to do so. My email address is included in my signature block below, for your reference.

Oakview Water and Sewer Company, LLC
Case No. Wa-2007-0201, et al
January 19, 2007
Page 2 of 2

If you have questions, please contact me at (573) 526-6029 or via email.

Respectfully Submitted,



Jerry Scheible, P.E.
Utility Regulatory Engineer
Water & Sewer Department
jerry.scheible@psc.mo.gov

enclosures

cc: Mark Harrison – Oakview Water and Sewer Company, LLC



PUBLIC SERVICE COMMISSION

DATA INFORMATION REQUEST

REQUEST
NUMBER 0001

COMPANY NAME

Oakview Water and Sewer Company, LLC

CASE NUMBER

WA-2007-0201

REQUESTED FROM

Donald A. Baerveldt, Jr.

DATE REQUESTED

1/19/2007

INFORMATION REQUESTED

Commission Staff requests a response to the letter dated January 2, 2007, prepared by Jerry Scheible. The response should specifically address each of the seventeen (17) items listed in the 'Recommendations of Water and Sewer Department Regarding Information to be Included in Economic Feasibility Studies to Accompany Water and Sewer Applications for Certificates of Convenience and Necessity' as attached to the January 2, 2007 letter. A copy of the January 2, 2007 letter is attached for your reference.

REQUESTED BY

Jerry Scheible, Utility Regulatory Engineer

DATE RESPONSE NEEDED

2/13/2007

INFORMATION PROVIDED

The attached information provided to the Missouri Public Service Commission Staff in response to the above data information request is accurate and complete, and contains no material misrepresentations or omissions, based upon present facts of which the undersigned has knowledge, information or belief. The undersigned agrees to immediately inform the Missouri Public Service Commission Staff if, during the pendency of Case No. WA20010201 before the Commission, any matters are discovered which would materially affect the accuracy or completeness of the attached information.

If these data are voluminous, please (1) identify the relevant documents and their location and (2) make arrangements with requestor to have documents available for inspection in the Jefferson City office, or other location mutually agreeable. Where identification of a document is requested, briefly describe the document (e.g. book, letter, memorandum, report) and state the following information as applicable for the particular document: name, title, reference number, author, date of publication and publisher, addresses, date written, and the name and address of the person(s) having possession of the document. As used in this data request the term "document(s)" includes, but is not limited to, publication of any format, workpapers, letters, memoranda, notes, reports, analyses, computer analyses, test results, studies of data, recordings, transcriptions and printed, typed or written materials of every kind in your possession, custody or control within your knowledge. The pronoun "you" or "your" refers to Oakview Water and Sewer Company and its employees, contractors, agents or others employed by or acting in its behalf.

SIGNED BY

RESPONSE PREPARED BY

DATE RESPONSE RECEIVED



Commissioners

JEFF DAVIS
Chairman

CONNIE MURRAY

STEVE GAW

ROBERT M. CLAYTON III

LINWARD "LIN" APPLING

Missouri Public Service Commission

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WARREN WOOD
Director, Utility Operations

COLLEEN M. DALE
Secretary/Chief Regulatory Law Judge

KEVIN A. THOMPSON
General Counsel

January 2, 2007

Donald A. Baerveldt, Jr
Baerveldt Law Firm, LLC
566 First Capitol Drive
St. Charles, MO 63301

Mr. Baerveldt:

In response to the Applications which you submitted on behalf of the Oakview Water and Sewer Company, LLC., to the Missouri Public Service Commission for Certificates of Convenience and Necessity for water and sewer utilities in Warren County, I offer this response.

Enclosed is a copy of the Water and Sewer Department's recommendations on what information should be included in an economic feasibility study, as required to be a part of an application for new service areas. The feasibility studies included with the application material do not address the majority of the recommendations listed. The purpose of a feasibility study is to show the cost of service, which is information used to develop rates. Actual cost information should be used to the extent it is available, but pro-forma estimates will be needed for some or perhaps all expenses. One of our auditors is normally assigned to review actual expenses if there are any.

Although Staff is aware that not all of the items listed will be applicable to Oakview's situation, it is imperative that as much information as possible is available in order to determine if the systems are viable and what rates are required to allow safe and adequate service as well as a fair return on investment.

Please review and submit any pertinent information at your earliest convenience. As you are likely aware, the Commission has ordered that its Staff file a recommendation or a status report indicating when it expects to file a recommendation no later than January 29, 2007.

If you have questions, please contact me at (573) 526-6029.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Jerry Scheible".

Jerry Scheible, P.E.
Utility Regulatory Engineer
Water & Sewer Department

enclosures

cc: Mark Harrison – Oakview Water and Sewer Company, LLC

RECOMMENDATIONS OF WATER AND SEWER DEPARTMENT REGARDING INFORMATION TO BE
INCLUDED IN ECONOMIC FEASIBILITY STUDIES TO ACCOMPANY WATER AND SEWER
APPLICATIONS FOR CERTIFICATES OF CONVENIENCE AND NECESSITY

1. Description of company, its objectives, and area proposed to be served.
2. Plan or plat showing total proposed system and detailed estimate of costs.
3. Description of existing facilities (if any) and detailed costs.
4. Description of facilities in place and their costs and facilities to be constructed immediately and estimates of costs.
5. Description of additional facilities proposed to be constructed in each of the next three years and estimates of costs.
6. Type of existing dwelling units, population, and actual water used, if applicable.
7. Type of dwelling units and population estimated to be added in each of the next three years and estimates of water usage, or sewage flow.
8. Proposed rates, connection fees, and other charges (also existing rates and charges if any).
9. Statement of current income from any existing facilities.
10. Detailed estimate of income per year for each of the next three years from water sales and other proposed charges, or from sewer service charges.
11. Statement of operating expenses in connection with existing facilities, if any.
12. Detailed estimate of operating expenses for each of the next three years.
13. Plans for financing and proposed capital structure of company.
14. Plans for protection of the financial integrity of the utility during the development years.
15. Name of the professional operator and his/her qualifications, or operation-management firm to be responsible for operation and maintenance of the facilities.
16. Name of the person or management firm to be responsible for managing the utility's business activities, and contact person for customer inquiries.
17. Copy of proposed management contracts.

Rule 2.090 re: Data Requests

(2) Parties may use data requests as a means for discovery. The party to whom data requests are presented shall answer the requests within twenty (20) days after receipt unless otherwise agreed by the parties to the data requests. If the recipient objects to data requests or is unable to answer within twenty (20) days, the recipient shall serve all of the objections or reasons for its inability to answer in writing upon the requesting party within ten (10) days after receipt of the data requests, unless otherwise ordered by the commission. If the recipient asserts an inability to answer the data requests within the twenty (20)-day time limit, the recipient shall include the date it will be able to answer the data requests simultaneously with its reasons for its inability to answer. Upon agreement by the parties or for good cause shown, the time limits may be modified. As used in this rule, the term data request shall mean an informal written request for documents or information which may be transmitted directly between agents or employees of the commission, public counsel or other parties. Answers to data requests need not be under oath or be in any particular format, but shall be signed by a person who is able to attest to the truthfulness and correctness of the answers. Sanctions for failure to answer data requests may include any of those provided for abuse of the discovery process in section (1) of this rule. The responding party shall promptly notify the requesting party of any changes to the answers previously given to a data request.

(8) Except when authorized by an order of the commission, the commission will not entertain any discovery motions, until the following requirements have been satisfied:

(A) Counsel for the moving party has in good faith conferred or attempted to confer by telephone or in person with opposing counsel concerning the matter prior to the filing of the motion. Merely writing a demand letter is not sufficient. Counsel for the moving party shall certify compliance with this rule in any discovery motion; and

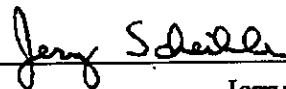
(B) If the issues remain unresolved after the attorneys have conferred in person or by telephone, counsel shall arrange with the commission for an immediate telephone conference with the presiding officer and opposing counsel. No written discovery motion shall be filed until this telephone conference has been held.

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

AFFIDAVIT OF JERRY SCHEIBLE

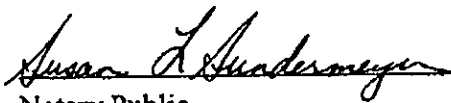
STATE OF MISSOURI)
) SS CASE NO. WA-2007-0201, et al.
COUNTY OF COLE)

COMES NOW Jerry Scheible, being of lawful age, and on his oath states the following:
(1) that he is a Utility Regulatory Engineer in the Missouri Public Service Commission's Water & Sewer Department; (2) that he conducted a review of the certificate application filing made by Oakview Water and Sewer Co., LLC ("the Company") on November 28, 2006, which is the subject of the foregoing Data Request 0001; (3) that he conducted a review of other Commission cases possibly involving the Company; (4) that he participated in the preparation of the foregoing Data Request 0001; and (5) that the information presented in the foregoing Data Request 0001 is true and correct to the best of his knowledge, information and belief.



Jerry Scheible

Subscribed and sworn to before me this 5th day of July 2007.



Notary Public



SUSAN L. SUNDERMEYER
My Commission Expires
September 21, 2010
Callaway County
Commission #06942086

My Commission Expires: 9-21-10