

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

The Staff of the Missouri Public Service )  
Commission, )

Complainant, )

v. )

Universal Utilities, Inc., and Nancy Carol )  
Croasdell, )

Respondents. )

Case No. WC-2008-0079

**MOTION TO COMPEL ANSWERS TO DATA REQUESTS**

COMES NOW, the Staff of the Missouri Public Service Commission, by counsel, and moves the Commission for an order directing Respondents to answer Staff's data requests and for authority to proceed to circuit court to compel compliance with discovery, including the authority to obtain sanctions and a contempt citation. In support of Staff's motion:

1. On September 26, 2007, counsel mailed, by certified mail, return receipt requested, the attached data requests to the Respondents. Exhibit A.
2. The data requests were received by Universal on September 28, 2007, as evidenced by the attached certified mail receipt, making answers to the data requests due on October 18, 2007. Exhibit B.
3. On October 9, 2007, counsel for Respondents objected to Staff's data requests. Exhibit C.

4. On October 18, 2007, counsel for Staff and counsel for Respondents participated in a conference with the Regulatory Law Judge as required by 4 CSR 240-2.090(8).
5. Respondents continue to fail and refuse to answer Staff's data requests.
6. Respondents' objections are general in nature and not specifically addressed to each particular data request. Therefore, Respondents' objections are not cognizable by the Commission and should be overruled. "An objection to interrogatories 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." *State ex rel. Williams v. Vardeman*, 422 S.W.2d 400, 404 (Mo. App. W.D. 1967)
7. Even if data requests or interrogatories are inappropriate, counsel propounding same is entitled to reframe and resubmit data requests so they are not objectionable. Respondents' objections are so general in nature they require the Commission to "laboriously sift through a bulk of interrogatories containing improper questions in order to find those which are germane to the case." *Id. at 409*.
8. The time for Respondents to state specific objections to Staff's data requests came and went ten days after the data requests were served upon Respondents. See 4 CSR 240-2.090(2).
9. Respondents' objections are clearly improper and should be overruled.
10. Counsel states with regard to each objection as follows:

- A. Jurisdiction: the Staff is requesting that the Commission assert jurisdiction over Universal because it is operating at a public utility at Blue Acres Mobile Home Park and may be so operating in many other parts of the State. The data requests seek information regarding all of Universal's utility activities in Missouri. The Commission has statutory jurisdiction over a complaint against any corporation or person acting in violation of Chapters 386 and 393. Section 386.250 and 386.390 RSMo. 2000.
- B. Scope: Wherever Universal is acting as a water corporation and public utility and is not supervised by the PSC, it is acting illegally. In addition, Staff anticipates seeking to amend its complaint to encompass any and all areas where Universal is acting as a public utility in the State of Missouri. Counsel for Staff believes that Universal may be acting as a public utility at Green Hills Trailer Park in Columbia, Missouri and in other locations throughout Missouri. Counsel seeks discovery of information exclusively within the possession and control of Respondents regarding Universal's statewide operations.
- C. Burdensome: The information sought is reasonably calculated to lead to the discovery of admissible evidence.
- D. Public Records: The information sought is within the custody and control of Universal.

- E. Legal conclusion: None of the requests seek a legal conclusion, rather they seek facts and documents.
- F. Privileged: Universal has failed to establish that the information sought is privileged. Rule 57.01 (c)(3) provides that “the objecting party shall state information that will permit others to assess the applicability of the privilege...” Universal’s assertion of privilege is broad and vague and not supported by any facts that would bring it under the protection of any privilege.
- G. Create documents: The information sought exists and is in the possession and control of Universal.
- H. Proprietary: Universal has failed to establish that any information sought is proprietary or highly confidential; even if it were, Universal could seek the Commission’s standard protective order.

Wherefore, the Staff prays that the Commission direct Respondents to provide the requested data within five days of the date the Commission orders Respondent to do so, and that the Commission authorize the General Counsel to proceed to circuit court to enforce its discovery requests and obtain sanctions.

Respectfully Submitted,

**/s/ Steven C. Reed**

Steven C. Reed  
Missouri Bar No. 40616

Attorney for the Staff of the  
Missouri Public Service Commission

P.O. Box 360  
Jefferson City, MO 65102  
573-751-3015 (telephone)  
573-751-9285 (facsimile)  
steve.reed@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 of record this 19<sup>th</sup> day of October 2007.

/s/ Steven C. Reed



**Commissioners**

**JEFF DAVIS**  
Chairman

**CONNIE MURRAY**

**ROBERT M. CLAYTON III**

**LINWARD "LIN" APPLING**

**TERRY JARRETT**

***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  
Interim Director, Operations

**DANA K. JOYCE**  
Director, Administration and  
Regulatory Policy

**ROBERT SCHALLENBERG**  
Director, Utility Services

**COLLEEN M. DALE**  
Secretary/Chief Regulatory Law Judge

**KEVIN A. THOMPSON**  
General Counsel

Paul DeFord  
Lathrop & Gage  
2345 Grand Blvd.  
Suite 2500  
Kansas City, MO 64108-2684

September 26, 2007

**RE: Staff of the Missouri Public Service Commission v. Universal Utilities, Inc. & Nancy Carol Croasdell, Case No. WC-2008-0079.**

Dear Paul:

Enclosed please find a courtesy copy of Staff's First Set of Data Requests filed in Case No. WC-2008-0079. Please call me at 573-751-8701 if you have any questions.

Sincerely,

Jennifer Heintz  
Associate General Counsel  
[jennifer.heintz@psc.mo.gov](mailto:jennifer.heintz@psc.mo.gov)

**Exhibit A**

7004 1350 0003 1351 7671

<b>U.S. Postal Service™</b>	
<b>CERTIFIED MAIL™ RECEIPT</b>	
<i>(Domestic Mail Only; No Insurance Coverage Provided)</i>	
For delivery information, visit our website at <a href="http://www.usps.com">www.usps.com</a>	
<b>OFFICIAL USE</b>	
Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$
Postmark Here  9-26-07 WC-2008-0079	
Sent To <b>UNIVERSAL UTILITIES</b>	
Street, Apt. No., or PO Box No. <b>5251 FENTON RD POB18</b>	
City, State, ZIP+4 <b>FENTON MI 48430</b>	
PS Form 3800, June 2002 See Reverse for Instructions	

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

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

**STAFF'S FIRST SET OF DATA REQUESTS**

COMES NOW Complainant, and pursuant to Commission Rule 4 CSR 240-2.090(2) propound the following data requests directed to Respondents, to be answered fully, completely, and pursuant to law within twenty (20) days. These data requests must be signed by a person able to attest to their truthfulness. These data requests are deemed to be continuing in nature, and should you, your counsel, or anyone acting on your behalf learn of any additional person or information relating to the matters to which these data requests inquire, you are required and directed to furnish such supplemental information to Complainant by giving timely notice to the attorneys of record. Where knowledge or information is requested, such request shall be deemed by you to include your knowledge or information, and the knowledge or information of your attorneys, and those acting on your behalf.



## INSTRUCTIONS AND DEFINITIONS

The following definitions are applicable to these data requests and, unless otherwise specifically stated, to all concurrent and future requests for discovery submitted by Complainant.

1. The term "person" means any natural person, firm, partnership, association, joint venture, corporation, governmental agency, or other organization or legal or business entity, without any limitation, or any party to this litigation.

2. The term "document" means the original and any non-identical copy, regardless of origin or location, of any letter, memorandum, report, record, book, manual, pamphlet, brochure, form, court finding, study, handwritten notes, working paper, chart, paper, graph, photograph, tape, video tape, index, electronic recording or data processing card, or any other written, recorded, transcribed, punched, taped, filmed, or graphic materials, however produced or reproduced, to which the Respondent or Respondents have or have had access.

3. "Identify" or "identity," when used with reference to a "person" which is an "organization," means state the organization's full name and the address of its principal place of business. When used with reference to a natural person, state the person's full name and present or last known residence address and present or last known position of employment or business affiliation and the last known address of such employment or business. When used with reference to a document as defined herein, identify the author or individual who prepared it, identify each person who signed it, state the type of document, state its designated recipient, state its present location, and identify each and all of its current custodians. If any such document formerly was, but no longer

is, in your possession or control because it is now missing or lost, identify each individual who last had custody thereof and fully explain the circumstances surrounding its loss or disappearance. If any such document was within your possession or control but has now been destroyed, identify all the individuals who authorized its destruction. If any such document was formerly in your possession or control but has been transferred (voluntarily or involuntarily) to others, identify all persons who last had possession and control of such document and identify all persons to whom such document was transferred.

4. The word "individual," when referring to a person, means a natural person.

5. The word "organization" means any corporation or affiliated business entity, any government entity or subdivision or agency thereof, business trust, estate, trust, partnership of any sort, association, two or more persons having a joint or common interest, or any other legal or commercial entity.

6. The terms "and" and "or" shall be construed disjunctively or conjunctively as necessary in order to bring within the scope of each individual data request all information or documents as defined herein which might otherwise be construed to be outside its scope.

7. The term "communication" means any oral, written, mechanical, electronic, or other transmission of words, symbols, numbers or depictions to a person or persons, entity, file, or repository of data or information.

8. In the event that any information requested is withheld on the basis of a claim of privilege, state the ground or grounds of the privilege claimed, and, if any

documents as defined herein are claimed to be privileged, set forth the author, addressee, indicated or blind copies, date, number of pages, attachments or appendices, all persons to whom distributed, or shown or explained, present custodian, and a general description (e.g., letters or memorandums, etc.) of such document and the subject matter thereof, in sufficient detail to allow Complainant to assess the claim of privilege.

9. If any requested information is not provided on the basis that the disclosure would be burdensome or oppressive, state the number of documents to be identified, the approximate number of person-hours to be incurred in the identification, and the estimated cost of responding to the data request.

10. In the event that any document requested to be identified has been destroyed or otherwise disposed of since its preparation or receipt, identify the author, addressee, indicated or blind copies, date, number of pages, attachments or appendices; all persons to whom such document was distributed, shown or explained; present custodian; and a general description of the content of such document.

#### **DATA REQUESTS**

1. Please provide the number of customers to whom Universal Utilities, Inc. sends invoices for metered water service in Missouri.

2. Please state the frequency of Universal Utilities, Inc.'s invoices to its customers for metered water service in Missouri.

3. Please state the number of days, from the rendition of an invoice until the due date, Missouri metered water service customers are allotted to pay an invoice to Universal Utilities, Inc.

4. Please provide the number of customers to whom Universal Utilities, Inc. sends invoices for metered wastewater services in Missouri.

5. Please state the frequency of Universal Utilities, Inc.'s invoices to its customers for metered wastewater services in Missouri.

6. Please state the number of days, from the rendition of an invoice until the due date, Missouri metered wastewater service customers are allotted to pay an invoice to Universal Utilities, Inc.

7. Please state whether Universal Utilities, Inc. has obtained authorization to do business in Missouri from the Missouri Secretary of State.

8. Please state whether Universal Utilities, Inc. has reported any revenue earned in Missouri to the Missouri Department of Revenue.

9. Please state whether Universal Utilities, Inc. enters into a customer agreement with each customer for whom it has installed a meter.

10. Please explain the procedures Universal Utilities, Inc. has in place to resolve complaints from Missouri customers to whom it sends an invoice for metered water and wastewater service.

11. Please explain the procedures Universal Utilities, Inc. has in place to resolve billing disputes from Missouri customers to whom it sends an invoice for metered water and wastewater service.

12. Please state where Universal Utilities Inc.'s books and records concerning each customer it invoices for metered water and wastewater service in Missouri are kept.

13. Please provide the date when Universal Utilities, Inc. began to install meters in Missouri.

14. Please provide the date when Universal Utilities, Inc. began to issue invoices for metered water and wastewater service in Missouri.

15. Please state how Universal Utilities, Inc. determines the amount to invoice metered water and wastewater customers in Missouri, including the amount to charge for usage and any applicable fees.

16. Please explain how Universal Utilities, Inc. decides on and implements changes in the water usage rates for customers to whom it sends an invoice for metered water and wastewater service in Missouri.

17. Please explain how Universal Utilities, Inc. decides and implements changes in service fees such as: termination fee, disconnection fee, reconnection fee, late fee, monthly service fee, ready to serve fee, fee to initiate service, equipment fee, for each customer to whom it sends an invoice for metered water and wastewater service in Missouri.

18. Please provide a customer list including the name, billing address, contact information for each customer showing each customer to whom Universal Utilities, Inc. sends an invoice for metered water and wastewater service in Missouri. Please separate the customer list by location (i.e. one list per mobile home park or other service area).

19. Please provide copies of any correspondence Universal Utilities, Inc. has had with the Missouri Secretary of State's Office relating to its business activities in Missouri.

20. Please provide copies of any tax returns or records that Universal Utilities, Inc. has filed with the Missouri Department of Revenue relating to revenues Universal Utilities, Inc. has derived from its business activities in Missouri.

21. Please provide a copy of the customer agreement between Universal Utilities, Inc. and customers to whom Universal Utilities, Inc. issues an invoice for metered water and wastewater service in Blue Acres Mobile Home Park.

22. Please provide copies of customer agreements between Universal Utilities, Inc. and any customer to whom Universal Utilities, Inc. issues an invoice for metered water and wastewater service in Missouri.

23. Please provide a fee schedule showing the fee charged by Universal Utilities, Inc. to any customer to whom it issues an invoice for metered water and wastewater service for each of the following: billing and administrative costs, meter installation, monthly service charges, late fees, disconnection of water and wastewater service, reconnection of water and wastewater service.

24. Please provide copies of any written rules and/or terms of service supplied by Universal Utilities, Inc. to any customer to whom it sends an invoice for metered water and wastewater service in Missouri.

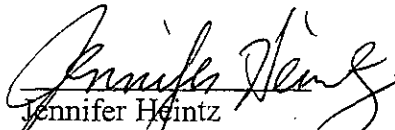
25. Please provide copies of any written internal procedures followed by Universal Utilities, Inc. in disconnecting any customer to whom it sends an invoice for metered water and wastewater service in Missouri.

26. Please state who is responsible for paying for equipment and repairs of equipment installed at the premises of Missouri customers of Universal Utilities, Inc.

27. Please provide a list of all employees or agents of Universal Utilities, Inc. that are working on behalf for or on behalf of Universal Utilities, Inc. in Missouri.

28. Please state the name of the person who supervises employees and agents of Universal Utilities in Missouri.

Respectfully submitted,

  
Jennifer Heintz  
Associate General Counsel  
Missouri Bar No. 57128

Steven C. Reed  
Litigation Counsel  
Missouri Bar No. 40616

Attorneys 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](mailto:jennifer.heintz@psc.mo.gov)  
[steve.reed@psc.mo.gov](mailto:steve.reed@psc.mo.gov)

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

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

**CERTIFICATE OF SERVICE OF COMPLAINANT'S FIRST SET OF DATA  
REQUESTS TO RESPONDENTS**

The undersigned hereby certifies that copies of the Complainant's First Set of Data Requests were served on Respondents Universal Utilities, Inc. and Nancy Carol Croasdell via certified mail on this 26<sup>th</sup> day of September, 2007.

Respectfully submitted,

/s/ Jennifer Heintz

Jennifer Heintz  
Associate General Counsel  
Missouri Bar No. 57128

Steven C. Reed  
Litigation Counsel  
Missouri Bar No. 40616

Attorneys 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](mailto:jennifer.heintz@psc.mo.gov)  
[steve.reed@psc.mo.gov](mailto:steve.reed@psc.mo.gov)



### **Certificate of Service**

I hereby certify that the foregoing has been sent via first class mail postage prepaid to all parties of record this 26<sup>th</sup> day of September 2007.

/s/ Jennifer Heintz

9/20/07

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<p>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p>		<p>A. Signature  <input checked="" type="checkbox"/> Agent  <input type="checkbox"/> Addressee  <i>Mary Senta</i> </p>	
<p>1. Article Addressed to:</p> <p><b>Universal Utilities  P. O. Box 18  5251 Fenton Road  Fenton MI 48430</b></p>		<p>B. Received by (Printed Name) C. Date of Delivery  <i>MARY Senta 9-28-07</i></p>	
		<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes  If YES, enter delivery address below: <input type="checkbox"/> No  <i>Box 18</i></p>	
		<p>3. Service Type  <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>	
		<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	
<p>2. Article Number (transfer from service label)</p>		<p>7004 1350 0003 1351 7671</p>	
PS Form 3811, February 2004		Domestic Return Receipt 102595-02-M-1540	

UNITED STATES POSTAL SERVICE



RECEIVED

First-Class Mail  
Postage & Fees Paid  
USPS  
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •  
OCT 04 2007

COMMISSION COUNSEL  
MO PUBLIC SERVICE COMMISSION  
P.O. BOX 360  
JEFFERSON CITY, MO 65102

GEO-JH

WC-2008-0079

Exhibit B

PAUL S. DEFORD  
(816) 460-5827  
EMAIL: [PDeFord@LathropGage.com](mailto:PDeFord@LathropGage.com)

SUITE 2800  
2345 GRAND BOULEVARD  
KANSAS CITY, MISSOURI 64108-2612  
(816) 292-2000, FAX (816) 292-2001

October 9, 2007

***Via e-mail  
and U.S. Mail***

Ms. Jennifer Heintz  
Associate General Counsel  
Missouri Public Service Commission  
PO Box 360  
Jefferson City, MO 65102

**RE: *Staff v. Universal Utilities, Inc, Case No. WC-2008-0079***

Dear Jennifer:

This correspondence is in response to Staff's Data Requests received on September 28, 2007. Universal Utilities, Inc. ("Universal") objects to the Data Requests on the following grounds

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.

**Exhibit C**

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.

Very truly yours,

LATHROP & GAGE L.C.

By:



Paul S. DeFord

PSD/dl