

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

In the Matter of Lake Region Water & Sewer)	
Company's Application to Implement a General)	<u>File No. WR-2013-0461</u>
Rate Increase in Water and Sewer Service)	

**OBJECTION TO LAKE REGION'S FIRST SET OF DATA REQUESTS TO THE
MISSOURI PUBLIC SERVICE COMMISSION STAFF AND REQUEST FOR
PROTECTIVE ORDER**

COMES NOW the Staff ("Staff") of the Missouri Public Service Commission ("Commission"), by and through counsel, and respectfully objects to Lake Region Water & Sewer Company's ("Lake Region" or "Company") *First Set of Data Requests to the Missouri Public Service Commission Staff* and requests a protective order, stating as follows:

On November 22, 2013, Lake Region filed what it has called its *First Set of Data Requests to the Missouri Public Service Commission Staff*, incorporated herein by reference and attached as Appendix A, requesting that Staff either admit or deny 18 separate statements of fact. Lake Region suggests that these requests for admission or denial are data requests made pursuant to 4 CSR 240-2.090, the Commission rule on discovery.¹

Staff objects to the method of discovery used by Lake Region and seeks a protective order from complying with the request pursuant to Supreme Court Rule 56.01(c)(3). These requests to admit or deny are improperly characterized as data requests, which would significantly restrict the time Staff has to respond. Commission Rule 4 CSR 240-2.090(2) defines data request to mean "...an informal written request for documents or information..." Here Lake Region does not request documents or information, but admissions of fact that must be pursued under another means of

¹ *First Set of Data Requests to the Missouri Public Service Commission Staff*, p. 1.

discovery.² Given the weight and importance that response time has on the effect of these requests, it would be against the interests of justice and an undue burden on Staff to, by mischaracterizing requests for admission as data requests, shorten Staff's response time from 30 days to 10 days.³

WHEREFORE, for the reasons set forth above, Staff requests the Commission issue a protective order relieving Staff from responding to Lake Region's *First Set of Data Requests*.

Respectfully Submitted,

/s/ Tim Opitz

Tim Opitz
Legal Counsel
Missouri Bar No. 65082

Amy E. Moore
Deputy Counsel
Missouri Bar No. 61759

Attorneys for the Staff of the
Missouri Public Service Commission
P. O. Box 360
Jefferson City, MO 65102
(573) 751-4227 (Telephone)
(573) 751-9285 (Fax)
amy.moore@psc.mo.gov
timothy.opitz@psc.mo.gov

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed with first-class postage, hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record this 9th day of December, 2013.

/s/ Tim Opitz

² Commission Rule 4 CSR 240-2.090(1) provides that "Discovery may be obtained by the same means and under the same conditions as in civil actions in the circuit court."

³ "A failure to timely respond to requests for admissions in compliance with this Rule 59.01 shall result in each matter being admitted." Supreme Court Rule 59.01(a); The response time allowed under Supreme Court Rule 59.01(d) for requests for admissions is 30 days. At this point in the current case, the response time for data requests is 10 days pursuant to the August 29, 2013 *Order Regarding Discovery*.

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

In the Matter of Lake Region Water and Sewer)	
Company's Application to Implement a General)	Case No. SR-2013-0459
Increase in Water and Sewer Service)	

In the Matter of Lake Region Water and Sewer)	
Company's Application to Implement a General)	Case No. WR-2013-0461
Increase in Water and Sewer Service		

**LAKE REGION'S FIRST SET OF DATA REQUESTS TO THE
MISSOURI PUBLIC SERVICE COMMISSION STAFF**

Lake Region Water and Sewer Company ("Lake Region") hereby submits the following data requests pursuant to 4 CSR 240-2.090 to the Staff of the Missouri Public Service Commission ("Staff").

I. Instructions

1. Responses to the following data requests should be served upon the undersigned counsel no later than the time prescribed by Commission rule or order. These data requests are continuing in nature and, should there be a change or modification necessary in your answer, a supplement to your original answer should be provided. Please identify at the end of each answer the person or persons most knowledgeable about each response and the person or persons responsible for the preparation of such response.

2. You need not answer these data requests under oath, but your response must be signed by a person who is able to attest to the truthfulness and correctness of the answers.

3. The singular form of a word shall be interpreted to include the plural, and the plural form of a word shall be interpreted to include the singular whenever appropriate.

4. The past tense of a word shall be interpreted to include the present tense and vice-versa.

5. Any requests for documents contained herein are intended to include all documents in your possession, or subject to your custody or control, whether directly or indirectly.

6. Provide all requested data electronically **in Excel file format** to the extent your response is adaptable to that format.

7. These data requests may contain requests for admissions. A FAILURE TO TIMELY RESPOND TO REQUESTS FOR ADMISSIONS IN COMPLIANCE WITH THE COMMISSION'S RULES OR RULE 59.01 SHALL RESULT IN EACH MATTER BEING ADMITTED BY YOU AND NOT SUBJECT TO FURTHER DISPUTE.

II. Definitions

For purposes of these data requests, the terms set forth below shall have the following meanings:

1. The terms "you" and "your" shall mean and refer to the Staff of the Missouri Public Service Commission, particularly those members of the Staff who participated in preparation of the Staff Report.

2. "Staff Report" shall mean and refer to the Revenue Requirement/Cost of Service report filed by members of the Staff in this consolidated case on November 15, 2013.

3. The terms "and" and "or" as used herein shall be construed as both conjunctive and disjunctive.

4. The term "any" shall be construed to include "all," and "all" shall be construed to include "any."

5. "Identify," when referring to a person, means: to state the person's name; to give the person's present or last known address; to give the name of his or her employer and position

during the relevant time and to state the official name of and the present or last known address of the employer.

III. Admissions

Admit or deny that each of the following statements is true:

1. RPS Properties, LP and Sally Stump acquired the outstanding shares of Lake Region.

ADMITTED _____

DENIED _____

2. RPS Properties, LP and Sally Stump borrowed money from Alterra Bank to acquire the outstanding shares of Lake Region (“the RPS/Stump Loan”).

ADMITTED _____

DENIED _____

3. RPS Properties, LP and Sally Stump pledged the outstanding shares in/of Lake Region as security for the loan from Alterra Bank.

ADMITTED _____

DENIED _____

4. The outstanding shares in/of Lake Region are not classified as assets of Lake Region for accounting purposes.

ADMITTED _____

DENIED _____

5. The outstanding shares in/of Lake Region are not classified as assets of Lake Region for purposes of the Staff Report.

ADMITTED _____

DENIED _____

6. RPS Properties, LP does not own any Lake Region assets.

ADMITTED _____ DENIED _____

7. Sally Stump does not own any Lake Region assets.

ADMITTED _____ DENIED _____

8. Lake Region's assets are not the collateral or security for the RPS/Stump Loan.

ADMITTED _____ DENIED _____

9. On December 31, 2012, Vernon Stump acquired Sally Stump's shares in Lake Region.

ADMITTED _____ DENIED _____

10. Vernon Stump does not own any Lake Region assets.

ADMITTED _____ DENIED _____

11. An individual may purchase shares in Lake Region without approval of the Missouri Public Service Commission.

ADMITTED _____ DENIED _____

12. An individual may sell shares in Lake Region without approval of the Missouri Public Service Commission.

ADMITTED _____

DENIED _____

13. Debts of regulated utility shareholders are not debts of the regulated utility.

ADMITTED _____

DENIED _____

14. Debts of shareholders incurred for purposes of purchasing shares in regulated utilities are not debts of the utility.

ADMITTED _____

DENIED _____

15. The term “acquisition loan” used in the Staff Report on page 6, line 23 means and refers to the RPS/Stump Loan.

ADMITTED _____

DENIED _____

16. The amount of debt on Lake Region’s books at June 30, 2013 was \$1,396,731.04.

ADMITTED _____

DENIED _____

17. The Equity Ratio of Lake Region based upon the amount of debt on Lake Region’s books at June 30, 2013 is 47%.

ADMITTED _____

DENIED _____

18. The Business Loan agreement dated May 10, 2013 and which Lake Region supplied in its response to Staff Data Request 0021 requires personal guaranties of the debt.

ADMITTED _____

DENIED _____

IV. Data Request

1. If you denied any of the foregoing requests for admission then for each denial:
 - a. State the reasons, facts and circumstances upon which you base your denial; and
 - b. Identify the persons who have personal knowledge of such reasons, facts and circumstances.

RESPONSE:

Respectfully submitted,

/s/ Mark W. Comley

Mark W. Comley MBE #28847
NEWMAN, COMLEY & RUTH P.C.
601 Monroe Street, Suite 301
P.O. Box 537
Jefferson City, MO 65102-0537
Tel: (573) 634-2266
Fax: (573) 636-3306
Email:comleym@ncrpc.com

Attorneys for Lake Region Water & Sewer
Company

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing document was sent via e-mail on this 3rd day of December, 2013, to Amy Moore Amy.Moore@psc.mo.gov and General Counsel's Office at staffcounsel@psc.mo.gov .

/s/ Mark W. Comley