

**STATE OF MISSOURI
MISSOURI PUBLIC SERVICE COMMISSION**

In the Matter of Missouri-American)	
Water Company's Request for Author-)	
ity to Implement a General Rate)	WR-2011-0337
Increase for Water Service Provided)	
in Missouri Service Areas)	

**MOTION TO COMPEL RESPONSES TO DATA REQUESTS
FROM AG PROCESSING INC, A COOPERATIVE**

It would seem that applicant Missouri-American Water Company (MAWC) does not want to answer questions about its future plans for its now several (actually 20) water districts. Nor, apparently, does it want to answer questions about how it plans to finance any capital expenditures that it plans in these districts.

This discovery dispute began with Ag Processing Inc (AGP) requesting information about MAWC's expansion or improvement plans in its several districts and how they expected to pay for these improvements. These requests were originally posed to MAWC on October 14, 2011. The requests that were the subject of objection are attached to this Motion, but quickly summarized they requested identification of any documents that were in the public utility's possession or control concerning its plans for capital expenditures for any period following 2011 (DR 170); the same through 2016 requesting identification of planning documents (DR 174-179); identification of any documented plans regarding operating costs through 2016 (DR 182); any documents generated in

the last two years regarding expected numbers of customers (DR 185); any documents prepared in the last two years indicating expected water volumes by rate class (DR 188); and the names and job responsibilities of any MAWC employees with knowledge or information regarding these matters (DR 191) and relevant documents (DR 194).

These data requests were objected to by a letter dated October 24, 2011 which is also attached to this motion. The substantive content of this letter is as follows:

MAWC objects to these data requests because they are overly broad and burdensome in that they fail to set forth and describe with reasonable particularity the items to be inspected or produced. Further, the discovery requests are designed to place an undue burden or expense upon MAWC. Lastly, MAWC objects to these data requests to the extent they request information that is not in the possession, custody or control of MAWC.

These objections lack merit. For one thing, the objection that AGP is requesting information that is "not in the possession, custody or control of MAWC" simply shows that MAWC has failed to comprehend the instructions at the bottom of each of AGP's data requests, namely that

As used in this request the term "document" includes publications in any format, work papers, letters . . . or written materials of every kind ***in your possession, custody or control or within your knowledge.***^{1/}

Additionally, as with an earlier objection on which a motion to compel was filed, it is difficult to describe with

^{1/} Emphasis added.

"with reasonable particularity the items to be inspected or produced" when the document or documents are not known or previously identified to us, and that we have neither seen and do not know about. Accordingly, AGP's data requests sought an initial acknowledgement from MAWC that pertinent plans existed, had been reduced to writing, and then sought identification and production of those writings.

As to the "undue burden," AGP did not seek to increase its water rates nor solicit MAWC's filing. The burden of proof is upon the applicant utility to provide substantiation for its claims. Moreover, there is a provision in the Commission's discovery procedure for addressing claims that the "burden" is too great, *i.e.*, documents can be made available at reasonable times and conditions, *in situ*.

Upon receipt of this letter, although not required to do so by the Commission's Discovery Order, AGP counsel attempted to contact MAWC counsel to discuss the matter. After finally reaching him, AGP counsel advised Mr. Cooper that the nature of our interest, namely what capital expenditures were planned and what MAWC's plans were about recovering those costs; our interest being that costs or expenses incurred, for example, for Warrensburg, were not proposed to be recovered from St. Joseph.

Mr. Cooper suggested that we wait "and see what you get" which, of course, necessitated patience for an additional week or so, at the end of which the 10/31 discovery conference

had passed but documentation was not forthcoming. Instead we received essentially the same objection letter.

Given that one of the objections in Mr. Cooper's 10/14 letter was that we had "fail[ed] to set forth and describe with reasonable particularity the items to be inspected or produced," AGP counsel thought it would be worthwhile to attempt, again, data requests that were specific and did without question describe with "reasonable particularity" the data we were seeking, *i.e.*, MAWC's own identification. Again, AGP is interested in learning whether or not MAWC has any plans for capital improvements in any of its 20 districts (19 not counting St. Joseph), and for the next five years. Hence we posed a series of data requests, 13 in each series, for each district (except, of course, St. Joseph), for the balance of 2011 and for each individual year for the next 5 years.

Certainly, each series of data requests results in a number of individual data requests. However, as can be seen from inspection of the series that is attached (DRs 197-209), each is keyed to a response whether or not MAWC has a plan, whether it is in writing, and how MAWC plans to recover any capital expenditures that are made and, if they do not, who can testify that they have no plan. If MAWC has no plans for that district for the indicated year, the response should simply be "no" and the rest of the data requests in that series fall away other than disclosing the identity of the person who can testify that MAWC has no plan for that district for that period.

Rather than take the time to review these data requests MAWC again displayed its reluctance to disclose its plans -- any plans. Instead it submitted the following objection:

MAWC objects to these data requests because they are overly broad and burdensome. Further, both the number and timing of these discovery requests are designed to place an undue burden or expense upon MAWC.

Once again, MAWC's objections are completely lacking in merit. Although AGP at least avoided the "not sufficiently specific" objection, we now have drawn an objection that the data requests are "overly broad." Each series of data requests is specific to a particular district and a particular year, so how such data requests are "overly broad" is not readily apparent.

Burdensome? Not really. If MAWC has no plans for the district for the particular year, then it is no burden to respond to the initial data request of each series. By indicating that it has no plans in that district for that year, the balance of the data requests in that series are obviated save the identification of the period who can testify that MAWC has no plan. Moreover, when we asked a single data request that would have addressed each district for a 5 year period (believed to be a reasonable planning period), MAWC objected to that request on the grounds that it was insufficiently "specific." MAWC should not be allowed to have it both ways.

As to the number and timing of these data requests, it is not AGP who acquired a multiplicity of water districts (20 counting St. Joseph) and the question really becomes whether each

series of data requests seeks information that is reasonably calculated to lead to the discovery of relevant evidence.

Moreover, we are not aware of any particular limit that was placed on either the number or the timing of data requests upon the applicant utility other than a discovery deadline as to which we are well short. Finally, as to burden, again the Commission's discovery rules provide a means of avoiding any "burden." But it is not a valid objection to just broadly claim that having to comply with data requests is "burdensome." This is not a meaningful objection and should be rejected.

It plainly appears that MAWC does not want AGP (and potentially the Commission) to know about its plans. Of course, there is always the possibility that it has none, in which case such a response would have to stand on its own.

In point of fact, AGP has asked nothing out of the ordinary, the data requests, while certainly numerous, are made so by the need to avoid a "not sufficiently specific" objection which, in any event, MAWC ought in the circumstances to be estopped to make. The games need to stop.

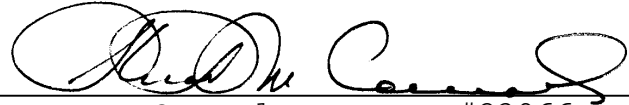
Again, what AGP is interested in is what MAWC plans as for as capital expenditures in each of the districts in this Commission's jurisdiction and in which it provides service, as well as what MAWC's plans are to recover these expenditures from other districts. The Regulatory Law Judge will note that if MAWC has no plans or intention to recover any expenditures from districts other than that in which the expenditures are planned to

be made, responses to these data requests may be quite abbreviated. But AGP is, nonetheless, entitled to an answer. It is simply not up to the applicant utility to determine what data requests it will find "acceptable," and those that it finds are too lacking in "particularity" or that response to which causes an "undue burden."

WHEREFORE MAWC should be directed to respond to these data requests.

Respectfully submitted,

FINNEGAN, CONRAD & PETERSON, L.C.



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(816) 753-1122
Facsimile (816)756-0373
Internet: stucon@fcplaw.com

ATTORNEYS FOR AG PROCESSING INC A
COOPERATIVE

CERTIFICATE OF SERVICE

I certify that I have served a copy of the foregoing pleading on the designated attorneys or representatives of each party in accord with Commission Orders and the service list maintained in this proceeding by the Secretary of the Commission on EFIS.

Dated: November 28, 2011



Stuart W. Conrad, an attorney for
within applicant

MISSOURI-AMERICAN WATER COMPANY

WR-2011-0337

**Data Request
of
Ag Processing Inc a Cooperative
to**

Missouri-American Water Company

October 14, 2011

<u>Item No.</u>	<u>Description</u>
170.	Please refer to data request Ag Proc 105. Does MAWC have in its possession any documents generated in the last two years which identify capital requirements beyond 2011? If yes, please provide identify each. If yes, please provide a copy of each. Document, for purpose of this data request, means any company study, correspondence, notes, e-mails, workpapers, whether prepared by the company, an affiliate, or a contractor working on behalf of the company or an affiliate, and whether maintained in paper or electronically.

The attached or above information provided to the requesting party or parties in response to this data or information request is accurate and complete and contains no material misrepresentations or omissions, based upon present facts to the best of the knowledge, information or belief of the undersigned. The undersigned agrees to immediately inform the requesting party or parties if during the pendency of this case any matters are discovered which would materially affect the accuracy or completeness of the attached information and agrees to regard this as a continuing data request.

As used in this request the term "document" includes publications in any format, work papers, letters, memoranda, notes, reports, analyses, computer analyses, test results, studies or data recordings, transcriptions and printer, typed or written materials of every kind in your possession, custody or control or within your knowledge. The pronoun "you" or "your" refers to the party to whom this request is tendered and named above and includes its employees, contractors, agents or others employed by or acting in its behalf.

Signed: _____

Date: _____

MISSOURI-AMERICAN WATER COMPANY

WR-2011-0337

**Data Request
of
Ag Processing Inc a Cooperative
to**

Missouri-American Water Company

October 14, 2011

<u>Item No.</u>	<u>Description</u>
172.	Please identify any document generated in the last two years that identifies plans, projects, improvements, enhancements, and changes to the capital equipment at any time during the period 2011 through 2016. Document, for purpose of this data request, means any company study, correspondence, notes, e-mails, workpapers, whether prepared by the company, an affiliate, or a contractor working on behalf of the company or an affiliate, and whether maintained in paper or electronically.

The attached or above information provided to the requesting party or parties in response to this data or information request is accurate and complete and contains no material misrepresentations or omissions, based upon present facts to the best of the knowledge, information or belief of the undersigned. The undersigned agrees to immediately inform the requesting party or parties if during the pendency of this case any matters are discovered which would materially affect the accuracy or completeness of the attached information and agrees to regard this as a continuing data request.

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MISSOURI-AMERICAN WATER COMPANY

WR-2011-0337

**Data Request
of
Ag Processing Inc a Cooperative
to**

Missouri-American Water Company

October 14, 2011

<u>Item No.</u>	<u>Description</u>
173.	Please identify all planning work by MAWC in the last three years that indicates that it will have continuing need to attract new capital after 2011. Please provide a copy of all documents that in any way describe or relate to such work. Document, for purpose of this data request, means any company study, correspondence, notes, e-mails, workpapers, whether prepared by the company, an affiliate, or a contractor working on behalf of the company or an affiliate, and whether maintained in paper or electronically.

The attached or above information provided to the requesting party or parties in response to this data or information request is accurate and complete and contains no material misrepresentations or omissions, based upon present facts to the best of the knowledge, information or belief of the undersigned. The undersigned agrees to immediately inform the requesting party or parties if during the pendency of this case any matters are discovered which would materially affect the accuracy or completeness of the attached information and agrees to regard this as a continuing data request.

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MISSOURI-AMERICAN WATER COMPANY

WR-2011-0337

**Data Request
of
Ag Processing Inc a Cooperative
to**

Missouri-American Water Company

October 14, 2011

<u>Item No.</u>	<u>Description</u>
174.	Please provide a copy of all documents generated in the last two years that identify capital requirements after 2011 through and including 2016. Document, for purpose of this data request, means any company study, correspondence, notes, e-mails, workpapers, whether prepared by the company, an affiliate, or a contractor working on behalf of the company or an affiliate, and whether maintained in paper or electronically.

The attached or above information provided to the requesting party or parties in response to this data or information request is accurate and complete and contains no material misrepresentations or omissions, based upon present facts to the best of the knowledge, information or belief of the undersigned. The undersigned agrees to immediately inform the requesting party or parties if during the pendency of this case any matters are discovered which would materially affect the accuracy or completeness of the attached information and agrees to regard this as a continuing data request.

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Signed: _____

Date: _____

MISSOURI-AMERICAN WATER COMPANY

WR-2011-0337

**Data Request
of
Ag Processing Inc a Cooperative
to**

Missouri-American Water Company

October 14, 2011

<u>Item No.</u>	<u>Description</u>
175.	Please provide a copy of all documents generated in the last two years that identify projects that may lead to capital requirements 2011 through and including 2016. Please provide a breakdown of capital requirements by district. Document, for purpose of this data request, means any company study, correspondence, notes, e-mails, workpapers, whether prepared by the company, an affiliate, or a contractor working on behalf of the company or an affiliate, and whether maintained in paper or electronically.

The attached or above information provided to the requesting party or parties in response to this data or information request is accurate and complete and contains no material misrepresentations or omissions, based upon present facts to the best of the knowledge, information or belief of the undersigned. The undersigned agrees to immediately inform the requesting party or parties if during the pendency of this case any matters are discovered which would materially affect the accuracy or completeness of the attached information and agrees to regard this as a continuing data request.

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Signed: _____

Date: _____

MISSOURI-AMERICAN WATER COMPANY

WR-2011-0337

**Data Request
of
Ag Processing Inc a Cooperative
to**

Missouri-American Water Company

October 14, 2011

<u>Item No.</u>	<u>Description</u>
176.	For each District, please provide a copy of all documents generated in the last two years that identify projects that may lead to capital requirements 2011 through and including 2016. Document, for purpose of this data request, means any company study, correspondence, notes, e-mails, workpapers, whether prepared by the company, an affiliate, or a contractor working on behalf of the company or an affiliate, and whether maintained in paper or electronically.

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MISSOURI-AMERICAN WATER COMPANY

WR-2011-0337

**Data Request
of
Ag Processing Inc a Cooperative
to**

Missouri-American Water Company

October 14, 2011

<u>Item No.</u>	<u>Description</u>
177.	For each district, please identify all projects, improvements, enhancements, and changes to the capital equipment with capital requirements during the next five years. Please provide a brief description of each and provide a breakdown of capital requirements by district and by year.

The attached or above information provided to the requesting party or parties in response to this data or information request is accurate and complete and contains no material misrepresentations or omissions, based upon present facts to the best of the knowledge, information or belief of the undersigned. The undersigned agrees to immediately inform the requesting party or parties if during the pendency of this case any matters are discovered which would materially affect the accuracy or completeness of the attached information and agrees to regard this as a continuing data request.

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Signed: _____

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MISSOURI-AMERICAN WATER COMPANY

WR-2011-0337

**Data Request
of
Ag Processing Inc a Cooperative
to**

Missouri-American Water Company

October 14, 2011

<u>Item No.</u>	<u>Description</u>
178.	Please identify all personnel that work on MAWC plans that have capital requirements.

The attached or above information provided to the requesting party or parties in response to this data or information request is accurate and complete and contains no material misrepresentations or omissions, based upon present facts to the best of the knowledge, information or belief of the undersigned. The undersigned agrees to immediately inform the requesting party or parties if during the pendency of this case any matters are discovered which would materially affect the accuracy or completeness of the attached information and agrees to regard this as a continuing data request.

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Date: _____

MISSOURI-AMERICAN WATER COMPANY

WR-2011-0337

**Data Request
of
Ag Processing Inc a Cooperative
to**

Missouri-American Water Company

October 14, 2011

<u>Item No.</u>	<u>Description</u>
179.	Please identify documents generated in the last two years that provide a sources and uses of funds statement for any or all of the next five years. Document, for purpose of this data request, means any company study, correspondence, notes, e-mailes, workpapers, whether prepared by the company, an affiliate, or a contractor working on behalf of the company or an affiliate, and whether maintained in paper or electronically.

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Signed: _____

Date: _____

MISSOURI-AMERICAN WATER COMPANY

WR-2011-0337

**Data Request
of
Ag Processing Inc a Cooperative
to**

Missouri-American Water Company

October 14, 2011

<u>Item No.</u>	<u>Description</u>
182.	Please refer to data request Ag Proc 107. Does MAWC have in its possession any documents generated in the last two years which identify operating costs beyond 2011? If yes, please provide identify each. If yes, please provide a copy of each. Document, for purpose of this data request, means any company study, correspondence, notes, e-mails, workpapers, whether prepared by the company, an affiliate, or a contractor working on behalf of the company or an affiliate, and whether maintained in paper or electronically.

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Signed: _____

Date: _____

MISSOURI-AMERICAN WATER COMPANY

WR-2011-0337

**Data Request
of
Ag Processing Inc a Cooperative
to**

Missouri-American Water Company

October 14, 2011

<u>Item No.</u>	<u>Description</u>
185.	Please refer to data request Ag Proc 109. Does MAWC have in its possession any documents generated in the last two years which identify numbers of customers by rate beyond 2011? If yes, please provide identify each. If yes, please provide a copy of each. Document, for purpose of this data request, means any company study, correspondence, notes, e-mailes, workpapers, whether prepared by the company, an affiliate, or a contractor working on behalf of the company or an affiliate, and whether maintained in paper or electronically.

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MISSOURI-AMERICAN WATER COMPANY

WR-2011-0337

**Data Request
of
Ag Processing Inc a Cooperative
to**

Missouri-American Water Company

October 14, 2011

<u>Item No.</u>	<u>Description</u>
188.	Please refer to data request Ag Proc 110. Does MAWC have in its possession any documents generated in the last two years which identify water volumes by rate beyond 2011? If yes, please provide identify each. If yes, please provide a copy of each. Document, for purpose of this data request, means any company study, correspondence, notes, e-mailes, workpapers, whether prepared by the company, an affiliate, or a contractor working on behalf of the company or an affiliate, and whether maintained in paper or electronically.

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Signed: _____

Date: _____

MISSOURI-AMERICAN WATER COMPANY

WR-2011-0337

**Data Request
of
Ag Processing Inc a Cooperative
to**

Missouri-American Water Company

October 14, 2011

<u>Item No.</u>	<u>Description</u>
191.	Please provide the name and job responsibility of every person employed by you that you believe has knowledge or information regarding the facts of this case.

The attached or above information provided to the requesting party or parties in response to this data or information request is accurate and complete and contains no material misrepresentations or omissions, based upon present facts to the best of the knowledge, information or belief of the undersigned. The undersigned agrees to immediately inform the requesting party or parties if during the pendency of this case any matters are discovered which would materially affect the accuracy or completeness of the attached information and agrees to regard this as a continuing data request.

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Signed: _____

Date: _____

LAW OFFICES
BRYDON, SWEARENGEN & ENGLAND

PROFESSIONAL CORPORATION

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October 24, 2011

VIA ELECTRONIC MAIL

Mr. Stuart W. Conrad
Finnegan, Conrad & Peterson, L.C.
1209 Penntower Office Center
3100 Broadway
Kansas City, Missouri 64111
stucon@fcplaw.com

RE: Case No. WR-2011-0337
Missouri Public Service Commission

Dear Stuart:

We are in receipt of several Ag Processing Inc. (AGP) Data Requests related to the above-referenced case that were received on October 14, 2011.

This letter should be considered an objection on behalf of Missouri-American Water Company (MAWC) to the identified data requests, in accordance with Commission Rule 4 CSR 240-2.090(2), for the reasons described in the following paragraphs.

DRs 170, 172-179, 182, 185, 188, 191, 194.

MAWC objects to these data requests because they are overly broad and burdensome in that they fail to set forth and describe with reasonable particularity the items to be inspected or produced. Further, the discovery requests are designed to place an undue burden or expense upon MAWC. Lastly, MAWC objects to these data requests to the extent they request information that is not in the possession, custody or control of MAWC.

Without waiving this objection, MAWC will provide a response to each of these data requests.

Mr. Stuart W. Conrad

Page 2 of 2

October 24, 2011

Thank you for your attention to this matter.

Sincerely,

BRYDON, SWEARENGEN & ENGLAND P.C.

By: 

Dean L. Cooper

Cc: John Reichart

MISSOURI-AMERICAN WATER COMPANY

WR-2011-0337

**Data Request
of
Ag Processing Inc a Cooperative
to**

Missouri-American Water Company

November 11, 2011

<u>Item No.</u>	<u>Description</u>
197.	Does MAWC plan to expend any capital so as to provide, continue or enhance the provision of service in and for the benefit of the Brunswick District during the balance of 2011?

The attached or above information provided to the requesting party or parties in response to this data or information request is accurate and complete and contains no material misrepresentations or omissions, based upon present facts to the best of the knowledge, information or belief of the undersigned. The undersigned agrees to immediately inform the requesting party or parties if during the pendency of this case any matters are discovered which would materially affect the accuracy or completeness of the attached information and agrees to regard this as a continuing data request.

As used in this request the term "document" includes publications in any format, work papers, letters, memoranda, notes, reports, analyses, computer analyses, test results, studies or data recordings, transcriptions and printer, typed or written materials of every kind in your possession, custody or control or within your knowledge. The pronoun "you" or "your" refers to the party to whom this request is tendered and named above and includes its employees, contractors, agents or others employed by or acting in its behalf.

Signed: _____

Date: _____

MISSOURI-AMERICAN WATER COMPANY

WR-2011-0337

**Data Request
of
Ag Processing Inc a Cooperative
to**

Missouri-American Water Company

November 11, 2011

<u>Item No.</u>	<u>Description</u>
198.	If your response to the foregoing Data Request is in the affirmative, identify separately each capital expenditure planned for the referenced period in the referenced district.

The attached or above information provided to the requesting party or parties in response to this data or information request is accurate and complete and contains no material misrepresentations or omissions, based upon present facts to the best of the knowledge, information or belief of the undersigned. The undersigned agrees to immediately inform the requesting party or parties if during the pendency of this case any matters are discovered which would materially affect the accuracy or completeness of the attached information and agrees to regard this as a continuing data request.

As used in this request the term "document" includes publications in any format, work papers, letters, memoranda, notes, reports, analyses, computer analyses, test results, studies or data recordings, transcriptions and printer, typed or written materials of every kind in your possession, custody or control or within your knowledge. The pronoun "you" or "your" refers to the party to whom this request is tendered and named above and includes its employees, contractors, agents or others employed by or acting in its behalf.

Signed: _____

Date: _____

MISSOURI-AMERICAN WATER COMPANY

WR-2011-0337

**Data Request
of
Ag Processing Inc a Cooperative
to**

Missouri-American Water Company

November 11, 2011

<u>Item No.</u>	<u>Description</u>
199.	For each capital expenditure you identify in your response to the preceding Data Request, state the amount of each expenditure identified.

The attached or above information provided to the requesting party or parties in response to this data or information request is accurate and complete and contains no material misrepresentations or omissions, based upon present facts to the best of the knowledge, information or belief of the undersigned. The undersigned agrees to immediately inform the requesting party or parties if during the pendency of this case any matters are discovered which would materially affect the accuracy or completeness of the attached information and agrees to regard this as a continuing data request.

As used in this request the term "document" includes publications in any format, work papers, letters, memoranda, notes, reports, analyses, computer analyses, test results, studies or data recordings, transcriptions and printer, typed or written materials of every kind in your possession, custody or control or within your knowledge. The pronoun "you" or "your" refers to the party to whom this request is tendered and named above and includes its employees, contractors, agents or others employed by or acting in its behalf.

Signed: _____

Date: _____

MISSOURI-AMERICAN WATER COMPANY

WR-2011-0337

**Data Request
of
Ag Processing Inc a Cooperative
to**

Missouri-American Water Company

November 11, 2011

<u>Item No.</u>	<u>Description</u>
200.	Is any expenditure contained or referenced in your response to the preceding Data Request identified, referenced or referred to in any document as defined below (including without limitation electronic documents and e-mails) that are in the possession, custody or control of MAWC?

The attached or above information provided to the requesting party or parties in response to this data or information request is accurate and complete and contains no material misrepresentations or omissions, based upon present facts to the best of the knowledge, information or belief of the undersigned. The undersigned agrees to immediately inform the requesting party or parties if during the pendency of this case any matters are discovered which would materially affect the accuracy or completeness of the attached information and agrees to regard this as a continuing data request.

As used in this request the term "document" includes publications in any format, work papers, letters, memoranda, notes, reports, analyses, computer analyses, test results, studies or data recordings, transcriptions and printer, typed or written materials of every kind in your possession, custody or control or within your knowledge. The pronoun "you" or "your" refers to the party to whom this request is tendered and named above and includes its employees, contractors, agents or others employed by or acting in its behalf.

Signed: _____

Date: _____

MISSOURI-AMERICAN WATER COMPANY

WR-2011-0337

**Data Request
of
Ag Processing Inc a Cooperative
to**

Missouri-American Water Company

November 11, 2011

<u>Item No.</u>	<u>Description</u>
201.	If your response to the preceding Data Request is in the affirmative, identify the document to which your response refers in an manner that would be sufficient if you were requested to produce that document using that identification through a motion to produce under Missouri Rule of Civil Procedure 58.

The attached or above information provided to the requesting party or parties in response to this data or information request is accurate and complete and contains no material misrepresentations or omissions, based upon present facts to the best of the knowledge, information or belief of the undersigned. The undersigned agrees to immediately inform the requesting party or parties if during the pendency of this case any matters are discovered which would materially affect the accuracy or completeness of the attached information and agrees to regard this as a continuing data request.

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Signed: _____

Date: _____

MISSOURI-AMERICAN WATER COMPANY

WR-2011-0337

**Data Request
of
Ag Processing Inc a Cooperative
to**

Missouri-American Water Company

November 11, 2011

<u>Item No.</u>	<u>Description</u>
202.	Provide a legible and non-redacted copy of each document identified in your response to the preceding Data Request.

The attached or above information provided to the requesting party or parties in response to this data or information request is accurate and complete and contains no material misrepresentations or omissions, based upon present facts to the best of the knowledge, information or belief of the undersigned. The undersigned agrees to immediately inform the requesting party or parties if during the pendency of this case any matters are discovered which would materially affect the accuracy or completeness of the attached information and agrees to regard this as a continuing data request.

As used in this request the term "document" includes publications in any format, work papers, letters, memoranda, notes, reports, analyses, computer analyses, test results, studies or data recordings, transcriptions and printer, typed or written materials of every kind in your possession, custody or control or within your knowledge. The pronoun "you" or "your" refers to the party to whom this request is tendered and named above and includes its employees, contractors, agents or others employed by or acting in its behalf.

Signed: _____

Date: _____

MISSOURI-AMERICAN WATER COMPANY

WR-2011-0337

**Data Request
of
Ag Processing Inc a Cooperative
to**

Missouri-American Water Company

November 11, 2011

<u>Item No.</u>	<u>Description</u>
203.	If your response to Data Request No. 197 is in the negative identify the person or persons who could respond to questions about the absence of specific plans for capital expenditures for the district and the time period referenced in Data Request No. 197.

The attached or above information provided to the requesting party or parties in response to this data or information request is accurate and complete and contains no material misrepresentations or omissions, based upon present facts to the best of the knowledge, information or belief of the undersigned. The undersigned agrees to immediately inform the requesting party or parties if during the pendency of this case any matters are discovered which would materially affect the accuracy or completeness of the attached information and agrees to regard this as a continuing data request.

As used in this request the term "document" includes publications in any format, work papers, letters, memoranda, notes, reports, analyses, computer analyses, test results, studies or data recordings, transcriptions and printer, typed or written materials of every kind in your possession, custody or control or within your knowledge. The pronoun "you" or "your" refers to the party to whom this request is tendered and named above and includes its employees, contractors, agents or others employed by or acting in its behalf.

Signed: _____

Date: _____

MISSOURI-AMERICAN WATER COMPANY

WR-2011-0337

**Data Request
of
Ag Processing Inc a Cooperative
to**

Missouri-American Water Company

November 11, 2011

<u>Item No.</u>	<u>Description</u>
204.	If your response to Data Request No. 197 is in the affirmative, do you have a plan or an intention to earn a return on or to recover the capital expenditures referenced in that response?

The attached or above information provided to the requesting party or parties in response to this data or information request is accurate and complete and contains no material misrepresentations or omissions, based upon present facts to the best of the knowledge, information or belief of the undersigned. The undersigned agrees to immediately inform the requesting party or parties if during the pendency of this case any matters are discovered which would materially affect the accuracy or completeness of the attached information and agrees to regard this as a continuing data request.

As used in this request the term "document" includes publications in any format, work papers, letters, memoranda, notes, reports, analyses, computer analyses, test results, studies or data recordings, transcriptions and printer, typed or written materials of every kind in your possession, custody or control or within your knowledge. The pronoun "you" or "your" refers to the party to whom this request is tendered and named above and includes its employees, contractors, agents or others employed by or acting in its behalf.

Signed: _____

Date: _____

MISSOURI-AMERICAN WATER COMPANY

WR-2011-0337

**Data Request
of
Ag Processing Inc a Cooperative
to**

Missouri-American Water Company

November 11, 2011

<u>Item No.</u>	<u>Description</u>
205.	If your response to the preceding Data Request is in the affirmative, provide detailed information about your intention or plan to earn a return on or to recover the capital expenditures referenced in that response.

The attached or above information provided to the requesting party or parties in response to this data or information request is accurate and complete and contains no material misrepresentations or omissions, based upon present facts to the best of the knowledge, information or belief of the undersigned. The undersigned agrees to immediately inform the requesting party or parties if during the pendency of this case any matters are discovered which would materially affect the accuracy or completeness of the attached information and agrees to regard this as a continuing data request.

As used in this request the term "document" includes publications in any format, work papers, letters, memoranda, notes, reports, analyses, computer analyses, test results, studies or data recordings, transcriptions and printer, typed or written materials of every kind in your possession, custody or control or within your knowledge. The pronoun "you" or "your" refers to the party to whom this request is tendered and named above and includes its employees, contractors, agents or others employed by or acting in its behalf.

Signed: _____

Date: _____

MISSOURI-AMERICAN WATER COMPANY

WR-2011-0337

**Data Request
of
Ag Processing Inc a Cooperative
to**

Missouri-American Water Company

November 11, 2011

<u>Item No.</u>	<u>Description</u>
206.	Does your plan or intention to earn a return on or recover the capital expenditures referenced in Data Request No. 197 propose to earn a return on or recover those capital expenditures from any district other than the district referenced in Data Request 197?

The attached or above information provided to the requesting party or parties in response to this data or information request is accurate and complete and contains no material misrepresentations or omissions, based upon present facts to the best of the knowledge, information or belief of the undersigned. The undersigned agrees to immediately inform the requesting party or parties if during the pendency of this case any matters are discovered which would materially affect the accuracy or completeness of the attached information and agrees to regard this as a continuing data request.

As used in this request the term "document" includes publications in any format, work papers, letters, memoranda, notes, reports, analyses, computer analyses, test results, studies or data recordings, transcriptions and printer, typed or written materials of every kind in your possession, custody or control or within your knowledge. The pronoun "you" or "your" refers to the party to whom this request is tendered and named above and includes its employees, contractors, agents or others employed by or acting in its behalf.

Signed: _____

Date: _____

MISSOURI-AMERICAN WATER COMPANY

WR-2011-0337

**Data Request
of
Ag Processing Inc a Cooperative
to**

Missouri-American Water Company

November 11, 2011

<u>Item No.</u>	<u>Description</u>
207.	If your response to the preceding Data Request is in the affirmative, is the plan or intention referenced in that response contained, referenced or referred to in any document as defined below (including without limitation electronic documents and e-mails) that is in the possession, custody or control of MAWC?

The attached or above information provided to the requesting party or parties in response to this data or information request is accurate and complete and contains no material misrepresentations or omissions, based upon present facts to the best of the knowledge, information or belief of the undersigned. The undersigned agrees to immediately inform the requesting party or parties if during the pendency of this case any matters are discovered which would materially affect the accuracy or completeness of the attached information and agrees to regard this as a continuing data request.

As used in this request the term "document" includes publications in any format, work papers, letters, memoranda, notes, reports, analyses, computer analyses, test results, studies or data recordings, transcriptions and printer, typed or written materials of every kind in your possession, custody or control or within your knowledge. The pronoun "you" or "your" refers to the party to whom this request is tendered and named above and includes its employees, contractors, agents or others employed by or acting in its behalf.

Signed: _____

Date: _____

MISSOURI-AMERICAN WATER COMPANY

WR-2011-0337

**Data Request
of
Ag Processing Inc a Cooperative
to**

Missouri-American Water Company

November 11, 2011

<u>Item No.</u>	<u>Description</u>
208.	If your response to the preceding Data Request is in the affirmative, identify the document in a manner that would be sufficient if you were requested to produce that document using that identification through a motion to produce under Missouri Rule of Civil Procedure 58.

The attached or above information provided to the requesting party or parties in response to this data or information request is accurate and complete and contains no material misrepresentations or omissions, based upon present facts to the best of the knowledge, information or belief of the undersigned. The undersigned agrees to immediately inform the requesting party or parties if during the pendency of this case any matters are discovered which would materially affect the accuracy or completeness of the attached information and agrees to regard this as a continuing data request.

As used in this request the term "document" includes publications in any format, work papers, letters, memoranda, notes, reports, analyses, computer analyses, test results, studies or data recordings, transcriptions and printer, typed or written materials of every kind in your possession, custody or control or within your knowledge. The pronoun "you" or "your" refers to the party to whom this request is tendered and named above and includes its employees, contractors, agents or others employed by or acting in its behalf.

Signed: _____

Date: _____

MISSOURI-AMERICAN WATER COMPANY

WR-2011-0337

**Data Request
of
Ag Processing Inc a Cooperative
to**

Missouri-American Water Company

November 11, 2011

<u>Item No.</u>	<u>Description</u>
209.	Provide a legible and non-redacted copy of each document identified in your response to the preceding Data Request.

The attached or above information provided to the requesting party or parties in response to this data or information request is accurate and complete and contains no material misrepresentations or omissions, based upon present facts to the best of the knowledge, information or belief of the undersigned. The undersigned agrees to immediately inform the requesting party or parties if during the pendency of this case any matters are discovered which would materially affect the accuracy or completeness of the attached information and agrees to regard this as a continuing data request.

As used in this request the term "document" includes publications in any format, work papers, letters, memoranda, notes, reports, analyses, computer analyses, test results, studies or data recordings, transcriptions and printer, typed or written materials of every kind in your possession, custody or control or within your knowledge. The pronoun "you" or "your" refers to the party to whom this request is tendered and named above and includes its employees, contractors, agents or others employed by or acting in its behalf.

Signed: _____

Date: _____



MISSOURI
AMERICAN WATER

John J. Reichart
Corporate Counsel
727 Craig Road
St. Louis, Missouri 63141

P 314-996-2287
F 314-997-2451
E John.Reichart@amwater.com

November 21, 2011

VIA ELECTRONIC MAIL & U.S. MAIL

Mr. Stuart W. Conrad
Finnegan, Conrad & Peterson, L.C.
1209 Penntower Office Center
3100 Broadway
Kansas City, Missouri 64111
stucon@fcplaw.com

RE: Case No. WR-2011-0337
Missouri Public Service Commission

Dear Stuart:

We are in receipt of the one thousand four hundred eighty-two Ag Processing Inc. (AGP) Data Requests related to the above-referenced case that were received on November 11, 2011 at 5:43pm.

This letter should be considered an objection on behalf of Missouri-American Water Company (MAWC) to the identified data requests, in accordance with Commission Rule 4 CSR 240-2.090(2), for the reasons described in the following paragraphs.

DRs 197 through 1678.

MAWC objects to these data requests because they are overly broad and burdensome. Further, both the number and timing of these discovery requests are designed to place an undue burden or expense upon MAWC.

Without waiving this objection, MAWC will provide a response to the requests that addresses the substance of the requests.

Thank you for your attention to this matter.

Sincerely,



John J. Reichart
Corporate Counsel – Missouri American Water