

Staff of the Missouri Public Service  
Commission,

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Respondents.

3. Staff has received information that Respondents “intend” to make Mr. Ries available on the 16<sup>th</sup> for deposition, but Staff does not consider that to be any type of

guarantee that he will actually appear, produce all of the documents listed in the Subpoena and answer questions.

4. There is no agreement between Staff and the Respondents regarding the taking of the deposition or production of subpoenaed documents.

5. This Commission through its subpoena power has already ordered Mr. Ries to produce documents, appear for deposition, and answer questions. The Commission could also issue a direct order that Mr. Ries appear and produce the subpoenaed documents. Otherwise, the Staff renews its request for an order that Staff may proceed to Circuit Court to enforce the Commission's subpoena.

WHEREFORE Staff requests the Commission issue its order that Mr. Ries appear for deposition and produce all requested documents or permit Staff to proceed to Circuit Court to enforce the Commission's Subpoena *duces tecum* issued to David Ries.

Respectfully submitted,

/s/ Lera L. Shemwell  
Lera L. Shemwell  
Deputy General Counsel  
Missouri Bar No. 43792

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### **Certificate of Service**

I hereby certify that copies of the foregoing have been mailed, hand-delivered, or transmitted by facsimile or electronic mail to all counsel of record this 10<sup>th</sup> day of October, 2006.

/s/ Lera L. Shemwell\_\_\_\_\_