

Exhibit No.: 6
Issue: Availability Fees
Witness: John R. Summers
Sponsoring Party: Lake Region Water & Sewer Company
Case Nos.: SR-2010-0110 and WR-2010-0111

LAKE REGION WATER & SEWER COMPANY

Case Nos. SR-2010-0110 and WR-2010-0111

SURREBUTTAL TESTIMONY

OF

JOHN R. SUMMERS

Four Seasons, Missouri
March, 2010

Lake
Region Exhibit No. 6
Date 3-29-10 Reporter JF
File No. SR-2010-0110
WR-2010-0111

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

In the Matter of Lake Region Water)
& Sewer Company for Authority) Case No. WR-2010-
to File Tariffs Increasing Rates for) Case No. SR-2010-
Water and Sewer Provided to)
Customers in the Company's)
Missouri Service Area)

AFFADAVIT OF JOHN R. SUMMERS

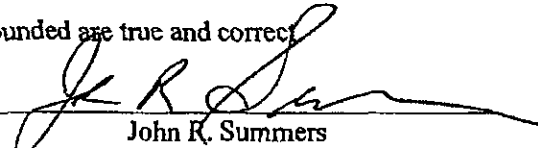
STATE OF MISSOURI)
) ss
VILLAGE OF FOUR SEASONS)

John R. Summers, being first sworn on his oath, states:

1. My name is John R. Summers. I work in The Village of Four Seasons, Missouri, and I am employed by Public Water Supply District Number Four of Camden County as General Manager.

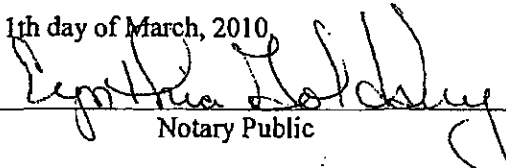
2. Attached hereto and made a part hereof for all purposes is my Surrebuttal Testimony on behalf of Lake Region Water & Sewer Company consisting of 4 pages, all of which have been prepared in written form for introduction into evidence in the above referenced dockets.

3. I here by swear and affirm that my answers contained in the attached testimony to the questions therein propounded are true and correct.



John R. Summers

Subscribed and sworn before me this 11th day of March, 2010,



Notary Public

My commission expires:

10/31/11

1 A. No he does not.

2 **Q. On Page 11 of Mr. Merciel's testimony he mentions two other utilities that have**
3 **included availability fees in their tariffs. Was the tariffing of availability fees by**
4 **the two utilities he refers to --Peaceful Valley Service Company (Peaceful**
5 **Valley) and I.H. Utilities, Inc. (IH)-- appropriate based upon your**
6 **understanding of the Commission's rules and authority?**

7 A. No it could not be. As I testified in my Rebuttal Testimony, my understanding is that
8 the Commission has declined to include availability fees within its regulatory
9 responsibility or jurisdiction. In addition to the Commission's conclusion in the
10 Report and Order in Case Nos. WC-2006-0082 and WO-2007-0277, which I quote on
11 Page 6, Lines 1 through 14 of my Rebuttal Testimony, the Commission has expressed
12 a similar conclusion in its Report an Order in *In the Matter of the Application of*
13 *Central Jefferson County Utilities, Inc., for an Order Authorizing the Transfer and*
14 *Assignment of Certain Water and Sewer Assets to Jefferson County Public Sewer*
15 *District and in Connection Therewith, Certain Other Related Transactions*, Case No.
16 SO-2007-0071, et al. at page 36. In brief, the Commission's historical determinations
17 are that it lacks jurisdiction and authority over availability fees or developer imposed
18 connection fees. The Peaceful Valley and IH availability fee tariffs involve a real
19 estate transaction and do not involve a utility service and are not properly part of their
20 tariffs.

21 **Q Did you submit data requests to the Staff and Mr. Merciel concerning the**
22 **Commission's authority to tariff availability fees?**

1 A. Yes, I did. I submitted a series of data requests, Data Requests 0077 through 0093,
2 which asked for, among other things, the Commission rules or regulations and
3 applicable statutes that would involve tariffing of availability fees.

4 **Q. What was the response to your data requests.**

5 A. Staff filed general objections to each including an objection that the data requests
6 were irrelevant and not calculated to the discovery of relevant evidence. I have
7 attached as JRS Surrebuttal Schedule 1 a copy of *Objections of Staff of the Missouri*
8 *Public Service Commission to Lake Region Water & Sewer Company's Data Requests*,
9 and I have attached as JRS Surrebuttal Schedule 2 copies of Staff's responses to
10 LRWS's Data Requests 0077 to 0093. The Commission will notice that for some of
11 the responses, Staff supplied partial answers to the inquiry but for most, Staff stood
12 on its objection to the data request.

13 **Q. As exhibits to his Rebuttal Testimony, Mr. Merciel included over 110 pages of**
14 **documents pertaining to the restrictive covenants of certain subdivisions served**
15 **by the company. On Page 15, Lines 1 through 6 Mr. Merciel refers to language**
16 **from the Third Amended and Restated Declaration of Restrictive Covenants.**
17 **What is his interpretation of that language?**

18 A. On Page 16, Lines 4 and 5 of his Rebuttal Testimony he states that lot owners "likely
19 believed that indeed the Commission would provide oversight of availability
20 charges."

21 **Q. Mr. Summers, are you aware of any authority of the Commission to take**
22 **authority over a practice or charge of a utility for the reason that property**
23 **owners expected the Commission to provide oversight?**

1 A. No, I do not and Mr. Merciel does not recite any such authority in his testimony.

2 **Q. On Page 10, Lines 10 through 13 of his Rebuttal Testimony, Mr. Merciel states**
3 **that he believes the developer should recover capital costs and operational**
4 **subsidies through sales prices for lots and not through recurring fees to some lot**
5 **owners and not others. Are the sales prices paid for subdivision lots always that**
6 **inclusive?**

7 A. No, and I would agree with Mr. Merciel at Page 7, Lines 10 and 11 of his Rebuttal
8 Testimony where he testifies that "The value of any given lot, anywhere, is what it is,
9 based on any number of factors including utility availability." Like Mr. Merciel, I
10 believe that the availability of utilities does not necessarily increase the value of the
11 lot to a point where the developer may adequately recover either capital costs or
12 operational subsidies from lot sale price alone.

13 **Q. Does this conclude your Surrebuttal Testimony?**

14 A. Yes, it does.

**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)
Rate Increase in Water & Sewer Service)

File No. SR-2010-0110
Tariff No. YS-2010-0250

In the Matter of Lake Region Water & Sewer)
Company's Application to Implement a General)
Rate Increase in Water & Sewer Service)

File No. WR-2010-0111
Tariff No. YW-2010-0251

**OBJECTIONS OF STAFF OF THE MISSOURI PUBLIC SERVICE COMMISSION TO
LAKE REGION WATER & SEWER COMPANY'S DATA REQUESTS**

Staff of the Missouri Public Service Commission (Staff), pursuant to Commission Rule 4 CSR 240-2.090(2), hereby provides its objections to the data requests submitted by Lake Region Water & Sewer Company (Lake Region) which were received by James A. Merciel, Jr. on February 23, 2010.

Staff incorporates by reference and adopts herein its general objections (General Objections) to Lake Region's Data Request 0077 through 0093.

1. Staff objects to each Data Request that purports to request information outside the scope of requests permitted under the Commission's applicable rules of discovery, or that purports to impose obligations or burdens on Staff beyond those contemplated and permitted by such rules.
2. Staff objects to each Data Request from Lake Region to the extent that it calls for information already in the possession, custody or control of Lake Region or in the public record equally accessible to Lake Region.
3. Staff objects to Lake Region's Data Request insofar as they are not reasonably calculated to lead to the discovery of admissible evidence, are not relevant to the subject matter of this action and beyond the scope of permissible discovery.

4. Staff objects to Lake Region's Data Request to the extent they are overly broad, unduly burdensome, expensive, oppressive, or require excessively time consuming responses.
5. Staff objects to each Data Request from Lake Region to the extent that Lake Region seeks to impose a burden upon Staff to secure documents or information in the possession, custody or control of persons or entities other than Staff, or create a document which does not exist.
6. Staff further objects to Lake Region's Data Request to the extent such request seeks that Staff provide information that Staff does not maintain in the ordinary course of business.
7. Staff objects to each Data Request from Lake Region to the extent it seeks a legal opinion or information protected by the attorney client privilege or attorney work product doctrine, or any other applicable privilege or discovery exemption.

SPECIFIC OBJECTIONS

- **DR 0077** – Objection: Staff objects to this request because it is irrelevant and not calculated to lead to the discovery of relevant evidence. Further, this request asks for a legal opinion. All General Objections are incorporated by reference and fully adopted into the specific objection regarding this request.
- **DR 0078** – Objection: Staff objects to this request because it is irrelevant and not calculated to lead to the discovery of relevant evidence. Further, it seeks information beyond the scope of discovery asks for a legal opinion. All General Objections are incorporated by reference and fully adopted into the specific objection regarding this request.
- **DR 0079** – Objection: Staff objects to this request because it is irrelevant and not calculated to lead to the discovery of relevant evidence. It is a public record and equally accessible to Lake Region to research and obtain. Further, this request asks for a legal opinion. All General Objections are incorporated by reference and fully adopted into the specific objection regarding this request.
- **DR 0080** – Objection: Staff objects to this request because it is irrelevant and not calculated to lead to the discovery of relevant evidence. Further, this request asks for a legal opinion. All General Objections are incorporated by reference and fully adopted into the specific objection regarding this request.
- **DR 0081** – Objection: Staff objects to this request as it asks for a legal opinion. This question is a public record and equally accessible to Lake Region to research

and obtain. All General Objections are incorporated by reference and fully adopted into the specific objection regarding this request.

- **DR 0082** – Objection: Staff objects to this request because it asks for a legal opinion. All General Objections are incorporated by reference and fully adopted into the specific objection regarding this request.
- **DR 0083** – Objection: This request is irrelevant and not calculated to lead to the discovery of relevant evidence. Further, it seeks information beyond the scope of discovery and outside of Staff's knowledge. Specifically, Staff cannot speak to the intentions and strategies of Peaceful Valley. All General Objections are incorporated by reference and fully adopted into the specific objection regarding this request.
- **DR 0085** – Objection: Staff objects to this request because it assumes facts not in evidence. All General Objections are incorporated by reference and fully adopted into the specific objection regarding this request.
- **DR 0086** – Objection: Staff objects because this request is overly broad, unduly burdensome, oppressive and excessively time-consuming. This question is a public record and equally accessible to Lake Region to research and obtain. All General Objections are incorporated by reference and fully adopted into the specific objection regarding this request.
- **DR 0087** – Objection: Staff objects this request because it is overly broad, unduly burdensome, oppressive and excessively time-consuming. This question is a public record and equally accessible to Lake Region to research and obtain. All General Objections are incorporated by reference and fully adopted into the specific objection regarding this request.
- **DR 0088** – Objection: Staff objects because this request is overly broad, unduly burdensome, oppressive and excessively time-consuming. This question is a public record and equally accessible to Lake Region to research and obtain. All General Objections are incorporated by reference and fully adopted into the specific objection regarding this request.
- **DR 0089** – Objection: Staff objects because this request is irrelevant and not calculated to lead to the discovery of relevant evidence. It seeks information beyond the scope of discovery. Further, this request asks for a legal opinion. All General Objections are incorporated by reference and fully adopted into the specific objection regarding this request.
- **DR 0090** – Objection: Staff objects because this request is overly broad, unduly burdensome, oppressive and excessively time-consuming as numerous Certificates of Convenience and Necessity exist for the area commonly known as Shawnee Bend. Further, this question is a public record and equally accessible to Lake Region to research and obtain. All General Objections are incorporated by reference and fully adopted into the specific objection regarding this request.
- **DR 0091** – Objection: Staff objects because this request is irrelevant and not calculated to lead to the discovery of relevant evidence. Further, it seeks information beyond the scope of discovery. All General Objections are incorporated by reference and fully adopted into the specific objection regarding this request.

- **DR 0092** – Objection: Staff objects to this question as it asks for a legal opinion. All General Objections are incorporated by reference and fully adopted into the specific objection regarding this request.
- **DR 0093** – Objection: Staff objects to this question as it asks for a legal opinion. This is requesting irrelevant information and not calculated to lead to the discovery of relevant evidence. Further, it seeks information beyond the scope of discovery. All General Objections are incorporated by reference and fully adopted into the specific objection regarding this request.

Dated: March 1, 2010

Respectfully submitted,

/s/ Jaime N. Ott

Jaime N. Ott
Assistant General Counsel
Missouri Bar No. 60949

Attorney for the Staff of the
Missouri Public Service Commission
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(573) 751-9285 (Fax)
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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 1st day of March, 2010.

/s/ Jaime N. Ott

Missouri Public Service Commission

Respond Data Request

Data Request No.	0077
Company Name	MO PSC Staff-(All)
Case/Tracking No.	SR-2010-0110
Date Requested	2/23/2010
Issue	Other - Other
Requested From	James Merciel
Requested By	John R Summers
Brief Description	Commission Jurisdiction
Description	What is the authority for the Commission to tariff fees which are not for utility service? Please supply all documents or references to state statutes or regulations providing such authority.
Response	Objection: Staff objects to this request because it is irrelevant and not calculated to lead to the discovery of relevant evidence. Further, this request asks for a legal opinion. All General Objections are incorporated by reference and fully adopted into the specific objection regarding this request.
Objections	Please see Staff's objections filed on March 1, 2010.

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** if, during the pendency of Case No. **SR-2010-0110** 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 **MO PSC Staff-(All)** 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 **MO PSC Staff-(All)** and its employees, contractors, agents or others employed by or acting in its behalf.

Security :	Public
Rationale :	NA

Missouri Public Service Commission

Respond Data Request

Data Request No.	0078
Company Name	MO PSC Staff-(All)
Case/Tracking No.	SR-2010-0110
Date Requested	2/23/2010
Issue	Other - Other
Requested From	James Merciel
Requested By	John R Summers
Brief Description	Merciel Rebuttal Testimony
Description	On pages 12 and 13 of Mr. Merciel' Rebuttal Testimony he states that Cause No. 07CM-CC0013 in Camden County Circuit Court was a civil proceeding in which availability charges were an issue. Please explain why you believe this court case involved availability fees and provide all documents supporting this belief.
Response	Objection: Staff objects to this request because it is irrelevant and not calculated to lead to the discovery of relevant evidence. Further, it seeks information beyond the scope of discovery asks for a legal opinion. All General Objections are incorporated by reference and fully adopted into the specific objection regarding this request. Without waiving Staff's objections filed on March 1, 2010, Staff obtained its information from the deposition transcript of Robert P. Schwermann dated 9/12/2007 pages 36-45.
Objections	Please see Staff's objections filed on March 1, 2010.

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 if, during the pendency of Case No. SR-2010-0110 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 MO PSC Staff-(All) 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 MO PSC Staff-(All) and its employees, contractors, agents or others employed by or acting in its behalf.

Security : Public
Rationale : NA

Missouri Public Service Commission

Respond Data Request

Data Request No.	0079
Company Name	MO PSC Staff-(All)
Case/Tracking No.	SR-2010-0110
Date Requested	2/23/2010
Issue	Other - Other
Requested From	James Merciel
Requested By	John R Summers
Brief Description	Commission Jurisdiction
Description	Regarding Peaceful Valley Service Company (Peaceful Valley), please provide all applicable commission rules or state statutes which either allow or require these charges to be tariffed.
Response	Objection: Staff objects to this request because it is irrelevant and not calculated to lead to the discovery of relevant evidence. It is a public record and equally accessible to Lake Region to research and obtain. Further, this request asks for a legal opinion. All General Objections are incorporated by reference and fully adopted into the specific objection regarding this request.
Objections	Please see Staff's objections filed on March 1, 2010.

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** if, during the pendency of Case No. **SR-2010-0110** 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 **MO PSC Staff-(All)** 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 **MO PSC Staff-(All)** and its employees, contractors, agents or others employed by or acting in its behalf.

Security :	Public
Rationale :	NA

Missouri Public Service Commission

Respond Data Request

Data Request No.	0080
Company Name	MO PSC Staff-(All)
Case/Tracking No.	SR-2010-0110
Date Requested	2/23/2010
Issue	Other - Other
Requested From	James Merciel
Requested By	John R Summers
Brief Description	Commission Jurisdiction
Description	Regarding Peaceful Valley, the tariff (Tariff Sheet No. 6) allows the company to require payment of all unpaid availability charges back to 1985 before connecting water service. In Mr. Merciel's Rebuttal Testimony at page 6, lines 18-21 he states that the owner of an undeveloped lot paying availability charges is not receiving utility "service". Is Peaceful Valley's tariff in violation of 4 CSR 240-13.035 and/or Section 386.250 of Missouri Revised Statutes which allows denial of service only for unpaid utility bills for service? Please provide all documents supporting your response.
Response	Objection: Staff objects to this request because it is irrelevant and not calculated to lead to the discovery of relevant evidence. Further, this request asks for a legal opinion. All General Objections are incorporated by reference and fully adopted into the specific objection regarding this request.
Objections	Please see Staff's objections filed on March 1, 2010.

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Security :	Public
Rationale :	NA

Missouri Public Service Commission

Respond Data Request

Data Request No.	0081
Company Name	MO PSC Staff-(All)
Case/Tracking No.	SR-2010-0110
Date Requested	2/23/2010
Issue	Other - Other
Requested From	James Merciel
Requested By	John R Summers
Brief Description	Availability Charges
Description	To the best of your knowledge, is there any state statute or regulation, requiring an availability charge to be used in any certain manner? Please provide all documents supporting your response.
Response	Objection: Staff objects to this request as it asks for a legal opinion. This question is a public record and equally accessible to Lake Region to research and obtain. Further, it is overly broad, unduly burdensome, oppressive and excessively time-consuming. All General Objections are incorporated by reference and fully adopted into the specific objection regarding this request.
Objections	Please see Staff's objections filed on March 1, 2010.

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** if, during the pendency of Case No. **SR-2010-0110** 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 **MO PSC Staff-(All)** 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 **MO PSC Staff-(All)** and its employees, contractors, agents or others employed by or acting in its behalf.

Security :	Public
Rationale :	NA

Missouri Public Service Commission

Respond Data Request

Data Request No. 0082
Company Name MO PSC Staff-(All)
Case/Tracking No. SR-2010-0110
Date Requested 2/23/2010
Issue Other - Other
Requested From James Merciel
Requested By John R Summers
Brief Description Commission Jurisdiction
Description On Page 6, Line 26 of his Rebuttal Testimony Mr. Merciel states "I believe it is clearly a regulated and lawful 'rate' if it is included in a regulated utility's tariff." Is it Staff's position that the Commission has the authority to regulate contractual relationships between a developer and lot purchasers? Please provide all documents supporting this position.
Response Objection: Staff objects to this request because it asks for a legal opinion. All General Objections are incorporated by reference and fully adopted into the specific objection regarding this request.
Objections Please see Staff's objections filed on March 1, 2010.

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** if, during the pendency of Case No. **SR-2010-0110** 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 **MO PSC Staff-(All)** 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 **MO PSC Staff-(All)** and its employees, contractors, agents or others employed by or acting in its behalf.

Security : Public
Rationale : NA

Missouri Public Service Commission

Respond Data Request

Data Request No.	0083
Company Name	MO PSC Staff-(All)
Case/Tracking No.	SR-2010-0110
Date Requested	2/23/2010
Issue	Other - Other
Requested From	James Merciel
Requested By	John R Summers
Brief Description	Availability Charges
Description	Is it possible that Peaceful Valley agreed to include the availability charges in their tariff in order to gain leverage to collect unpaid bills going back to 1985? Does the \$5.00 per quarter late fee apply all the way back to 1985 or only since the date of the tariff?
Response	Objection: This request is irrelevant and not calculated to lead to the discovery of relevant evidence. Further, it seeks information beyond the scope of discovery and outside of Staff's knowledge. Specifically, Staff cannot speak to the intentions and strategies of Peaceful Valley. All General Objections are incorporated by reference and fully adopted into the specific objection regarding this request. Without waiving Staff's objections filed on March 1, 2010, as to the second question, the \$5.00 late fee could apply to delinquent bills after July 1, 1985, when the late fee became effective. Please note that the tariff does not call it a "\$5 per quarter" late fee as this question implies.
Objections	Please see Staff's objections filed on March 1, 2010.

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 if, during the pendency of Case No. SR-2010-0110 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 MO PSC Staff-(All) 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 MO PSC Staff-(All) and its employees, contractors, agents or others employed by or acting in its behalf.

Security : Public
Rationale : NA

Missouri Public Service Commission

Respond Data Request

Data Request No.	0084
Company Name	MO PSC Staff-(All)
Case/Tracking No.	SR-2010-0110
Date Requested	2/23/2010
Issue	Other - Other
Requested From	James Merciel
Requested By	John R Summers
Brief Description	Merciel Rebuttal Testimony
Description	Under Peaceful Valley's tariff (Tariff Sheet No. 6), is the company authorized to refuse to provide service to the current owner of a given lot on which availability charges are owed regardless of how many times the lot has been sold?
Response	Without waiving Staff's objections filed on March 1, 2010, no.
Objections	Please see Staff's objections filed on March 1, 2010.

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** if, during the pendency of Case No. **SR-2010-0110** 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 **MO PSC Staff-(All)** 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 **MO PSC Staff-(All)** and its employees, contractors, agents or others employed by or acting in its behalf.

Security :	Public
Rationale :	NA

Missouri Public Service Commission

Respond Data Request

Data Request No.	0085
Company Name	MO PSC Staff-(All)
Case/Tracking No.	SR-2010-0110
Date Requested	2/23/2010
Issue	Other - Other
Requested From	James Merciel
Requested By	John R Summers
Brief Description	Merciel's Rebuttal Testimony
Description	In Mr. Merciel's Rebuttal Testimony on Page 16, Line 23 he estimates annual availability revenues to be \$300,000 to \$400,000. Assuming these amounts are correct are you advocating that the rates for utility service be reduced by this amount? If so, please explain which customers are to be subsidized and how you proposed to allocate the reduction. Will the Four Seasons availability customers subsidize lower rates for those customers in the areas in which no availability fees are applicable?
Response	Objection: Staff objects to this request because it assumes facts not in evidence. All General Objections are incorporated by reference and fully adopted into the specific objection regarding this request. Without waiving Staff's objections filed on March 1, 2010, Staff states at this time, Staff has not included estimated or any actual revenues in the Class Cost of Service. Further, Staff believes at this point there has been no demonstration that the inclusion of availability fees will cause any group of customers to subsidize any other customers.
Objections	Please see Staff's objections filed on March 1, 2010.

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Security : Public
Rationale : NA

Missouri Public Service Commission

Respond Data Request

Data Request No.	0086
Company Name	MO PSC Staff-(All)
Case/Tracking No.	SR-2010-0110
Date Requested	2/23/2010
Issue	Other - Other
Requested From	James Merciel
Requested By	John R Summers
Brief Description	Merciel's Rebuttal Testimony
Description	In Mr. Merciel's Rebuttal Testimony on Page 6, Line 27 he states "Some utilities do in fact include availability charges in tariffs". What utilities, other than Peaceful Valley, currently include such charges in their tariffs? How long have these charges been included in the tariff? How long had the charge been effective before being tariffed?
Response	Objection: Staff objects because this request is overly broad, unduly burdensome, oppressive and excessively time-consuming. This question is a public record and equally accessible to Lake Region to research and obtain. All General Objections are incorporated by reference and fully adopted into the specific objection regarding this request. Without waiving Staff's objections filed on March 1, 2010, Staff has not done an exhaustive search of each tariff for each regulated industry, including water and sewer. However, Staff's general search of current water and sewer tariffs has not identified any other tariffs containing an availability fees besides Peaceful Valley Water.
Objections	Please see Staff's objections filed on March 1, 2010.

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Security : Public
Rationale : NA

Missouri Public Service Commission

Respond Data Request

Data Request No.	0087
Company Name	MO PSC Staff-(All)
Case/Tracking No.	SR-2010-0110
Date Requested	2/23/2010
Issue	Other - Other
Requested From	James Merciel
Requested By	John R Summers
Brief Description	Merciel's Rebuttal Testimony
Description	Referring to your response to DR 86, which utilities were ordered by the Commission to tariff these charges and which agreed to such treatment in a stipulation?
Response	Objection: Staff objects this request because it is overly broad, unduly burdensome, oppressive and excessively time-consuming. This question is a public record and equally accessible to Lake Region to research and obtain. All General Objections are incorporated by reference and fully adopted into the specific objection regarding this request.
Objections	Please see Staff's objections filed on March 1, 2010.

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 if, during the pendency of Case No. SR-2010-0110 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 MO PSC Staff-(All) 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 MO PSC Staff-(All) and its employees, contractors, agents or others employed by or acting in its behalf.

Security :	Public
Rationale :	NA

Missouri Public Service Commission

Respond Data Request

Data Request No. 0088
Company Name MO PSC Staff-(All)
Case/Tracking No. SR-2010-0110
Date Requested 2/23/2010
Issue Other - Other
Requested From James Merciel
Requested By John R Summers
Brief Description Merciel's Rebuttal Testimony
Description Regarding Mr. Merciel's Rebuttal Testimony, Page 13, in Case WR-99-183 and all previous cases going back to Case No. 17,954 has the Commission ever ruled on this issue after an evidentiary hearing or have all such inclusions of revenue been a matter of stipulation and settlement? If the Commission has ruled on this issue after an evidentiary hearing please provide the ruling.
Response Objection: Staff objects because this request is overly broad, unduly burdensome, oppressive and excessively time-consuming. This question is a public record and equally accessible to Lake Region to research and obtain. All General Objections are incorporated by reference and fully adopted into the specific objection regarding this request. Without waiving Staff's objections filed on March 1, 2010, Staff is unaware of any case in which the inclusion of revenue was not through a stipulation and agreement or disposition agreement but Staff has not completed an exhaustive search.
Objections Please see Staff's objections filed on March 1, 2010.

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Security : Public
Rationale : NA

Missouri Public Service Commission

Respond Data Request

Data Request No.	0089
Company Name	MO PSC Staff-(All)
Case/Tracking No.	SR-2010-0110
Date Requested	2/23/2010
Issue	Other - Other
Requested From	James Merciel
Requested By	John R Summers
Brief Description	Commission Jurisdiction
Description	In the Report and Order in Case WA-2007-0277, the Commission stated "If the Commission lacks statutory power, it is without subject matter jurisdiction, and subject matter jurisdiction cannot be enlarged or conferred by consent or agreement of the parties." Does Staff disagree with this statement?
Response	• DR 0089 – Objection: Staff objects because this request is irrelevant and not calculated to lead to the discovery of relevant evidence. It seeks information beyond the scope of discovery. Further, this request asks for a legal opinion. All General Objections are incorporated by reference and fully adopted into the specific objection regarding this request.
Objections	Please see Staff's objections filed on March 1, 2010.

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 if, during the pendency of Case No. SR-2010-0110 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 MO PSC Staff-(All) 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 MO PSC Staff-(All) and its employees, contractors, agents or others employed by or acting in its behalf.

Security :	Public
Rationale :	NA

Missouri Public Service Commission

Respond Data Request

Data Request No.	0090
Company Name	MO PSC Staff-(All)
Case/Tracking No.	SR-2010-0110
Date Requested	2/23/2010
Issue	Other - Other
Requested From	James Merciel
Requested By	John R Summers
Brief Description	Merciel's Rebuttal Testimony
Description	Regarding Attachment 7 to Mr. Merciel's Rebuttal Testimony, when was the Certificate of Convenience and Necessity approved and made effective for the area commonly known as Shawnee Bend?
Response	Staff objects because this request is overly broad, unduly burdensome, oppressive and excessively time-consuming as numerous Certificates of Convenience and Necessity exist for the area commonly known as Shawnee Bend. Further, this question is a public record and equally accessible to Lake Region to research and obtain. All General Objections are incorporated by reference and fully adopted into the specific objection regarding this request. Without waiving Staff's objections filed on March 1, 2010, Staff has not done an exhaustive search of all of the Certificate of Convenience and Necessity on the area commonly known as Shawnee Bend. However, it appears to be associated with Order Approving Unanimous Stipulation and Agreement, Granting Certificate of Convenience and necessity, Approving Tariffs, and Denying Application To Intervene and tariff in WA-95-164 effective July 11, 1997.
Objections	Please see Staff's objections filed on March 1, 2010.

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 if, during the pendency of Case No. SR-2010-0110 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 MO PSC Staff-(All) 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 MO PSC Staff-(All) and its employees, contractors, agents or others employed by or acting in its behalf.

Security : Public
Rationale : NA

Missouri Public Service Commission

Respond Data Request

Data Request No.	0091
Company Name	MO PSC Staff-(All)
Case/Tracking No.	SR-2010-0110
Date Requested	2/23/2010
Issue	Other - Other
Requested From	James Merciel
Requested By	John R Summers
Brief Description	Merciel's Rebuttal Testimony
Description	Regarding Mr. Merciel's Rebuttal Testimony on Page 13, Line 13 please explain why Staff has waited 37 years to propose tariffing the availability charges for LRWS? Does Staff propose to allow LRWS the same treatment as Peaceful Valley, i.e., refuse to connect service for unpaid charges dating back to 1973? If you are advocating a different treatment than that afforded Peaceful Valley please explain why and provide all documents supporting such different treatment.
Response	Objection: Staff objects because this request is irrelevant and not calculated to lead to the discovery of relevant evidence. Further, it seeks information beyond the scope of discovery. All General Objections are incorporated by reference and fully adopted into the specific objection regarding this request. Without waiving Staff's objections filed on March 1, 2010, the testimony referenced does not propose tariffing availability fees. As to the second question, Staff does not have a position on that at this time. The third question is not applicable at this time.
Objections	Please see Staff's objections filed on March 1, 2010.

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Security : Public
Rationale : NA

Missouri Public Service Commission

Respond Data Request

Data Request No.	0092
Company Name	MO PSC Staff-(All)
Case/Tracking No.	SR-2010-0110
Date Requested	2/23/2010
Issue	Other - Other
Requested From	James Merciel
Requested By	John R Summers
Brief Description	Commission Jurisdiction
Description	Does the Commission have the authority to increase, reduce or abolish the availability charge set forth in the deed restrictions once it is tariffed? If the Commission reduces or abolishes the availability charge does the Commission have the authority to stop the developer from charging a fee set forth in the deed restrictions? Please provide all documents which support your response.
Response	Objection: Staff objects to this question as it asks for a legal opinion. All General Objections are incorporated by reference and fully adopted into the specific objection regarding this request.
Objections	Please see Staff's objections filed on March 1, 2010.

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Security :	Public
Rationale :	NA

Missouri Public Service Commission

Respond Data Request

Data Request No.	0093
Company Name	MO PSC Staff-(All)
Case/Tracking No.	SR-2010-0110
Date Requested	2/23/2010
Issue	Other - Other
Requested From	James Merciel
Requested By	John R Summers
Brief Description	Commission Jurisdiction
Description	Is it Staff's position that the Commission is authorized to require a developer or utility shareholder to turn over private assets to the utility? Please provide all documents which support your response.
Response	Objection: Staff objects to this question as it asks for a legal opinion. This is requesting irrelevant information and not calculated to lead to the discovery of relevant evidence. Further, it seeks information beyond the scope of discovery. All General Objections are incorporated by reference and fully adopted into the specific objection regarding this request.
Objections	Please see Staff's objections filed on March 1, 2010.

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Security :	Public
Rationale :	NA