

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

In the Matter of Lake Region Water & Sewer)	<u>File No. SR-2010-0110</u>
Company's Application to Implement a General)	Tariff No. YS-2010-0250
Rate Increase in Water & Sewer Service)	

In the Matter of Lake Region Water & Sewer)	<u>File No. WR-2010-0111</u>
Company's Application to Implement a General)	Tariff No. YW-2010-0251
Rate Increase in Water & Sewer Service)	

**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
P. O. Box 360
Jefferson City, MO 65102
(573) 751-8700 (Telephone)
(573) 751-9285 (Fax)
jaime.ott@psc.mo.gov

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record this 1st day of March, 2010.

/s/ Jaime N. Ott