

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.

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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.

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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.

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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.

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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.

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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 tarified?
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.

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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.

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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 tarified? 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