

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

In the Matter of the Application of Confluence)
Rivers Utility Operating Company, Inc., for)
Authority to Acquire Certain Water and Sewer)
Assets and for a Certificate of Convenience)
and Necessity)
File No. WA-2019-0299
File No. SA-2019-0300


NOTICE OF DEPOSITION AND SUBPOENA DUCES TECUM

TO: Parties of Record

You and each of you are hereby notified that the undersigned counsel for Lake Perry Lot Owners Association will take the deposition of Michael Yamnitz on Wednesday, July 31, 2019, at the offices of McCarthy, Leonard & Kaemmerer, located at 825 Maryville Centre Drive, Suite 300, Town and Country, Missouri 63017 beginning at 9:00 a.m. The deposition will continue until completed or as otherwise agreed to by the parties.

Please take further notice that, pursuant to Rule 58.02 of the Missouri Rule of Civil Procedure, the deponent is hereby directed to bring to the deposition all documents and materials as described on Exhibit A attached hereto and incorporated herein by reference.

Respectfully submitted,

By: 

David C. Linton, #32198
314 Romaine Spring View
Fenton, MO 63026
Telephone: 314-341-5769
Email: dlinton@mlklaw.com

Attorney for Lake Perry Lot Owners
Association

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing Notice of Deposition was sent to all parties of record via electronic transmission this 23rd day of July, 2019.



Exhibit A

1. Please provide copies of any and all written agreements between Lake Perry Land Company and Port Perry Service Company, including but not limited to the agreement between Lake Perry Land Company and Port Perry Service Company whereby Messrs. Yamnitz and Moll acquired an ownership interest in Port Perry Service Company or ownership of the assets which are the subject matter in this case.
2. Please identify and provide a copy of all documents, correspondence and communications exchanged between employees, counsel, representatives or agents of Confluence Rivers on the one hand, and employees, counsel, representatives or agents of Port Perry Service Company on the other, related to the Contract, this case or Case Nos. WM-2018-0116 and SM-2018-0117.
3. Please provide a list and a copy of each and every “existing asset” Port Perry anticipates, expects, or plans to transfer to Confluence Rivers pursuant to and as described in sections 1 and 2 of the Contract, including any and all documents representing such existing assets recorded in the Recorder of Deeds office in Perry County, Missouri.
4. Please identify and provide a list and a copy of each and every document, correspondence or communication between Port Perry on the one hand and any other Entity on the other hand regarding the Abatement Order on Consent No. 2019-WPCB-1582, issued by the Missouri Department of Natural Resources.
5. Please identify and provide a list and a copy of each and every document, correspondence or communication between Port Perry on the one hand and Lake Perry Lot Owners Association or any member thereof on the other hand regarding the Contract, this case or Case Nos. WM-2018-0116 and SM-2018-0117.

Definitions:

“Confluence Rivers” means Confluence Rivers Utility Operating Company, Inc., any affiliate thereof and any employee, agent, or counsel of the same.

“Contract” means the Agreement for Sale of Utility System, by and between Central States Water Resources, Inc. and Port Perry Service Company, dated June 20, 2017.

“Correspondence” shall have the broadest meaning possible, including but not limited to, all written or printed matter or electronically stored matter or copies thereof, including the originals and all non-identical copies thereof and any attachments to or enclosures in, including without limitation e-mails, attachments to e-mails, letters, facsimiles, notes of communications, summary of communications, memoranda, opinions about communications, compilations of communications, inter-office and intra-office communications, notations of any sort of conversations or communications, diaries, appointment books or calendars, teletypes, telefax, thermafax, confirmations, computer data (including information or programs stored in a computer, server or other data storage device, whether or not ever printed out or displayed), text messages, and all drafts, alterations, modification, changes and amendments of any of the foregoing, and all graphic or manual records or representations of any kind.

Exhibit A

“Communications” means all occasions on which information was conveyed from one person to another (a) by means of a document, including electronically, or (b) verbally, including but not limited to, by means of a telephone or other mechanical device. The word “communications” shall have the broadest meaning possible, including but not limited to, all written or printed matter or electronically stored matter or copies thereof, including the originals and all non-identical copies thereof and any attachments to or enclosures in, including without limitation e-mails, attachments to e-mails, letters, facsimiles, notes of communications, summary of communications, memoranda, opinions about communications, compilations of communications, inter-office and intra-office communications, notations of any sort of conversations or communications, diaries, appointment books or calendars, teletypes, telefax, thermafax, confirmations, computer data (including information or programs stored in a computer, server or other data storage 2 device, whether or not ever printed out or displayed), text messages, and all drafts, alterations, modifications, changes and amendments of any of the foregoing, and all graphic or manual records or representations of any kind.

“Document” shall be construed in accordance with Missouri Supreme Court Rule 58.01 and shall mean the original and every draft or non-identical copy (whether different from the original because of handwritten notes or underlining or checkmarks on the copy or otherwise) of every paper, electronic record, electronic mail or other record, regardless of origin, location or format, whether sent or received or made or used internally, in whatever form, electronic or otherwise, in the possession, custody, or control of Confluence Rivers, Port Perry or the person to whom the particular data request is directed, or in the possession, custody or control of the attorneys for Confluence Rivers, Port Perry or the attorneys for the person to whom the particular data requests are directed.

“Entity” means an individual, a company, a governmental unit or any other form of organization or association.

“Identify” with respect to a person means to provide, to the extent available, the person’s name, employer and business address.

“Port Perry Land Company” means Port Perry Land Co. LLC and any of its affiliates that may have had an ownership interest at any time in the assets which are the subject of this case.

“Port Perry” means Port Perry Service Company.