

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

The City of Houston Lake, Missouri)	
Complainant)	
)	
vs.)	Case No. WC-2014-0260
)	
Missouri-American Water Company, et al.,)	
Respondent)	

**COMPLAINANT'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS
TO RESPONDENT MISSOURI-AMERICAN WATER COMPANY**

COMES NOW Complainant, The City of Houston Lake, Missouri, by and through its undersigned counsel, and in accordance with the Missouri Rules of Civil Procedure and the Procedural Schedule entered by the Commission in this action, does here request Respondent Missouri-American Water Company respond within the time period prescribed by law and the Commission to the following Requests for Production of Documents:

INSTRUCTIONS:

1. In responding to this request for production, you are required to furnish all information that is available to you, or that is under your control including information in the possession of your attorneys, accountants, advisors or other persons directly or indirectly employed by or connected with you or your attorneys or anyone else otherwise subject to your control.
2. You must respond in full to each request and each subpart of each request unless you object to the request or subpart, in which event you must serve a response which indicates the nature of your objection in lieu of a substantive response. Objection to one or more requests or subparts does not relieve you of your general obligation to provide a substantive response to other requests and subparts over which you do not object.
3. If, for any reason, you are unable to produce in full any document requested:
 - a. Produce each such document to the fullest extent possible;
 - b. Specify the reasons for your inability to produce the remainder; and
 - c. State in detail whatever information, knowledge, or belief you have

concerning the whereabouts and substance of each document not produced in full.

4. If any document requested was at one time in existence, but is no longer in existence, please state for each document as to which that is the case:

- a. The type of document;
- b. The types of information contained therein;
- c. The date upon which it came to exist;
- d. The circumstances under which it came to exist;
- e. The identity of all persons having knowledge of the circumstances under which it came to exist; and
- f. The identity of all persons having knowledge or who had knowledge of the contents thereof.

5. For each document requested which you are unable to produce and which was at any time within your possession, custody or control, or to which you had access at any time, specify in detail:

- a. The nature of the document (i.e., letter, memorandum, etc.);
- b. The author of the document;
- c. All recipients of the document and any copy thereof;
- d. A summary of the information contained in the document;
- e. The date on which you lost, relinquished, or otherwise ceased to have possession, custody, control of or access to the document;
- f. Identify all persons having knowledge of the circumstances whereby you lost, relinquished, or otherwise ceased to have possession, custody, or control of, or access to the document; and
- g. Identify all persons who have or have had knowledge of the contents of the document, in full or in part.

6. In the event you seek to withhold or do withhold any document, in whole or in part, on the basis that it is not subject to discovery, produce a list of all such documents and, as to each such document, state:

- a. The name of each author, writer, sender or initiator of each such document;
- b. The name of each recipient, addressee or party to whom such document was sent or intended to be sent;
- c. The name of each and every person who received a copy of the document;
- d. The date of the document or, if no date appears on the document, the date the document was prepared;
- e. The title of the document, or if it has no title, then such other description of the document and its subject matter as shall be sufficient to identify the document; and
- f. The grounds claimed for withholding the document from discovery (e.g., attorney-client privilege, work product, or any other grounds), and the factual basis for such a claim.

7. This Request is a continuing one, and requires that you produce all responsive documents and tangible objects whenever you obtain or become aware of them, even if they are not in your possession or available to you on the date you first produce documents pursuant to this Request.

DEFINITIONS:

1. “Answer.” The term “Answer” as used herein shall refer to the Answer portion of Respondent Missouri-American Water Company’s Answer filed in this action, including any amendments thereto.
2. “Communication.” The term “Communication” as used herein shall refer to any contact between or among the parties indicated, including but not limited to, all documents (defined below), e-mails, text messages and other electronically transmitted information, telephone or personal conversations, meetings, conferences and discussions. Once identified, a communication may be subsequently identified by use of a common description.
3. “Document.” The term “Document” as used herein shall refer to any written,

printed, typed, electronically stored or other graphic or photographic matter (including, without limitation, photographs, charts, graphs, microfiche, microfilm, videotapes, recordings and motion pictures) and shall include the originals, identical copies and all non-identical copies, whether different from the original by reason of any notation made on each copy or otherwise and shall include, without limiting the generality of the foregoing, all emails, letters, telegrams, teletypes, correspondence, contracts, agreements, notes, mechanical and electronic sound recordings or transcripts thereof (including, without limitation, tapes, cassettes and discs), computer print-outs or other printed matter produced through computers, electronically stored information on any computer device or cell phone, calendar or diary entries, memoranda, notes, or records of all telephone or personal conversations, meetings or any other communication, inter-office and intra-office communications, statements, manuals, summaries or compilations, minutes of meetings, charges, maps, reports, analyses, studies, graphs, prospectuses, returns, statistics, pamphlets, books, offers, bulletins, order papers, articles, catalogs, records, tables, books of account, ledgers, vouchers, canceled checks, invoices, bills, receipts, tickets, worksheets and all drafts, alterations, modifications and changes of memos to any of the foregoing.

4. “MAWC.” The term “MAWC” as used herein shall refer to Respondent Missouri-American Water Company and, where applicable, its Representatives.

5. “Entity.” The term “Entity” as used herein shall refer to any corporation, partnership, limited liability company, association, or other legal entity other than a person.

6. “Houston Lake.” The term “Houston Lake” as used herein shall refer to Complainant the City of Houston Lake, Missouri and, where applicable, its Representatives.

7. “Commission.” The term “Commission” as used herein shall refer to the Missouri Public Service Commission and, where applicable, its Representatives.

8. “Identify.” The term “Identify” as used herein in reference to an Entity shall mean to:

- a. state the full name of the Entity;
- b. state the last known business address of the Entity;
- c. state the last known business telephone number of the Entity; and
- d. identify the Person who is most familiar with the business affairs of the Entity as they relate to the answer to the interrogatory involved.

Once identified, an Entity may be subsequently identified by uniform use of a standard name.

9. “Identify.” The term “Identify” as used herein in reference to a Person shall mean to:

- a. state the full name of the Person;
- b. state the full name of the last known employer of the Person;
- c. state the last known occupation or title of the Person with such employer;
- d. state the last known business telephone number of the Person;
- e. state the last known home address of the Person; and
- f. state the last known home telephone number of the Person.

Once identified, a Person may be subsequently identified by uniform use of a standard name.

10. “Identify.” The term “Identify” as used herein in reference to a Communication shall mean to:

- a. state a complete description of the Communication, including whether it was written or oral;
- b. identify the Person(s) or Entity(ies) participating in the Communication;
- c. state the date(s) on which the Communication took place;
- d. state the location(s) at which the Communication took place; and
- e. if the Communication consists in whole or in part of Document(s), Identify the Document(s) as indicated below.

Once identified, a Communication may be subsequently identified by uniform use of a standard description.

11. “Identify.” The term “Identify” as used herein in reference to a Document shall mean to:

- a. state a complete description of the Document;
- b. identify the Person who prepared the Document;
- c. state the date on which the Document was prepared;
- d. state the location at which the Document was prepared; and
- e. Identify the Person who presently has care, custody and control of the Document.

Once identified, a Document may be subsequently identified by uniform use of a standard description.

12. “Person.” The term “Person” as used herein shall refer to a natural person other than an entity and shall be construed to include groups of natural persons.

13. “Complaint.” The term “Complaint” as used herein shall refer to the Formal Complaint filed by Houston Lake in the above-captioned action, including any amendments thereto.

14. “Relating to” or “in Relation to”. The terms “Relating to” or “in Relation to” as used herein shall mean constituting, consisting of, referring to, regarding, reflecting, concerning, discussing, evidencing, commenting on, or having any logical or factual connection with the matter identified, in whole or in part.

15. “Representatives.” The term “Representatives” as used herein shall refer to any and all present or former agents, employees, servants, officers, directors, accountants, attorneys, consultants, sureties, indemnitors, insurers, subcontractors, and other persons acting or

purporting to act on behalf of the Person or Entity referred to.

16. “You” or “Your.” The terms “You” and “Your” as used herein shall refer to MAWC.

17. The words “AND” and “OR” as used herein are to be considered both conjunctively and disjunctively.

18. The term “ANY” as used herein is understood to include and encompass “ALL.”

19. The word “ALL” as used herein also includes “EACH” and vice versa.

20. The singular form of a noun or pronoun used herein also includes the plural form and vice versa.

DOCUMENTS TO BE PRODUCED:

REQUEST NO. 1: All written, oral, or recorded statements taken from any Person Relating to the facts and circumstances alleged, referenced or contained in the Complaint, Answer, or Affirmative Defenses.

RESPONSE:

REQUEST NO. 2: All photographs, motion pictures, audio or video recordings, or the like, taken of any thing Relating to the facts and circumstances alleged, referenced or contained in the Complaint, Answer, or Affirmative Defenses.

RESPONSE:

REQUEST NO. 3: All Communications and Documents reviewed by, provided to, created by, or other materials which form a basis, either in whole or in part, for the opinions of, any expert who is expected to be called as a witness, including material prepared by any other

expert who will not be called to testify.

RESPONSE:

REQUEST NO. 4: All Communications and Documents setting forth any compensation agreements between MAWC and any expert(s).

RESPONSE:

REQUEST NO. 5: All Communications and Documents, including curriculum vitae, which MAWC contends will establish the qualifications of any expert(s) for trial purposes.

RESPONSE:

REQUEST NO. 6: All Communications and Documents which MAWC intends to offer into evidence or to use for demonstrative purposes during the trial or at any deposition or hearing.

RESPONSE:

REQUEST NO. 7: All Communications and Documents reviewed, relied upon or referenced by MAWC in answering the Interrogatories propounded by Houston Lake.

RESPONSE:

REQUEST NO. 8: All Communications and Documents that You have ever sent to, received from or exchanged with Houston Lake in Relation to the facts and circumstances alleged, referenced or contained in the Petition, Answer, or Affirmative Defenses.

RESPONSE:

REQUEST NO. 9: All Communications and Documents that You have ever sent to, received from or exchanged with the Commission in Relation to the facts and circumstances alleged, referenced or contained in the Petition, Answer, or Affirmative Defenses.

RESPONSE:

REQUEST NO. 10: All Communications and Documents that You have ever sent to, received from or exchanged with any other Person or Entity in Relation to the facts and circumstances alleged, referenced or contained in the Petition, Answer, or Affirmative Defenses.

RESPONSE:

REQUEST NO. 11: All Communications and Documents that You have ever sent to, received from or exchanged with Houston Lake in Relation to the gross receipts tax that you collected on the sale of water to the residents of Houston Lake since January 1, 1986.

RESPONSE:

REQUEST NO. 12: All Communications and Documents that You have ever sent to, received from or exchanged with the Commission in Relation to the gross receipts tax that you collected on the sale of water to the residents of Houston Lake since January 1, 1986.

RESPONSE:

REQUEST NO. 13: All Communications and Documents that You have ever sent to, received from or exchanged with the Commission in Relation to any tariff increases exceeding seven percent (7%) that You were granted from the Commission from January 1, 1986 to the present on Your sale of water to the residents of Houston Lake.

RESPONSE:

REQUEST NO. 14: All Communications and Documents that You have ever sent to, received from or exchanged with any other Person or Entity in Relation to the gross receipt tax that you collected on the sale of water to the residents of Houston Lake since January 1, 1986.

RESPONSE:

REQUEST NO. 15: All Communications and Documents that You allege or believe support, disprove or otherwise Relate to Your allegations in paragraph 6 of Your Answer that Houston Lake did not have “the authority to collect from or impose on MAWC a gross receipt tax as referenced in the Complaint.”

RESPONSE:

REQUEST NO. 16: All Communications and Documents that You allege or believe support, disprove or otherwise Relate to Your allegations in paragraph 7 of Your Answer that Houston Lake did not have “the authority to collect from or impose on MAWC an occupational license fee as referenced in the Complaint.”

RESPONSE:

REQUEST NO. 17: All Communications and Documents that You allege or believe support, disprove or otherwise Relate to Your allegations in paragraph 9 of Your Answer that Houston Lake did not have “the authority to collect from or impose on MAWC” a “penalty as referenced in the Complaint.”

RESPONSE:

REQUEST NO. 18: All Communications and Documents that You allege or believe support, disprove or otherwise Relate to Your allegations in paragraph 28 of Your Answer that “any damages which may have been sustained by Houston Lake were the direction and proximate result of the acts and/or omission of Houston Lake or others.”

RESPONSE:

REQUEST NO. 19: All Communications and Documents that You allege or believe support, disprove or otherwise Relate to Your allegations in paragraph 30 of Your Answer that “Houston Lake has failed to mitigate any damages suffered by it.”

RESPONSE:

REQUEST NO. 20: All Communications and Documents that You allege or believe support, disprove or otherwise Relate to Your allegations in paragraph 31 of Your Answer that Houston Lake's claim is barred by the equitable doctrine of estoppel.

RESPONSE:

REQUEST NO. 21: All Communications and Documents that You allege or believe support, disprove or otherwise Relate to Your allegations in paragraph 31 of Your Answer that Houston Lake's claim is barred by the equitable doctrine of unclean hands.

RESPONSE:

REQUEST NO. 22: All Communications and Documents that You allege or believe support, disprove or otherwise Relate to Your allegations in paragraph 31 of Your Answer that Houston Lake's claim is barred by the equitable doctrine of laches.

RESPONSE:

REQUEST NO. 23: All Communications and Documents that You allege or believe support, disprove or otherwise Relate to Your allegations in paragraph 32 of Your Answer that Houston Lake's claim is barred in whole or in part by the applicable statutes of limitations.

RESPONSE:

REQUEST NO. 24: All Communications and Documents that You allege or believe support, disprove or otherwise Relate to Your allegations in paragraph 32 of Your Answer that Houston Lake's claim is barred in whole or in part by the time limitations contained in the applicable tariffs.

RESPONSE:

REQUEST NO. 25: All organizational documents for MAWC, including, but not limited to, articles of incorporation, operating agreements, bylaws, constitutions, and other similar documents.

RESPONSE:

REQUEST NO. 26: All organizational documents for any predecessor in interest to MAWC, including, but not limited to, articles of incorporation, operating agreements, bylaws, constitutions, and other similar documents.

RESPONSE:

REQUEST NO. 27: All Communications and Documents evidencing all payments made by MAWC to Houston Lake in Relation to gross receipt taxes collected by MAWC from the sale of water to the residents in Houston Lake from January 1, 1986 through the date of Your answers herein.

RESPONSE:

REQUEST NO. 28: All Communications and Documents evidencing all statements You have filed with Houston Lake detailing the gross receipts collected by You from the sale of water to the residents of Houston Lake as required pursuant to Houston Lake Code Section 605.040(C) since January 1, 1986.

RESPONSE:

REQUEST NO. 29: All Communications and Documents in Relation to each tariff increase that exceeded seven percent (7%) approved by the Commission in Relation to Your sale of water to the residents of Houston Lake from January 1, 1986 through the date of Your answers herein.

RESPONSE:

REQUEST NO. 30: All Communications and Documents which contain information provided by You in Your answer to paragraph 37 of Complainant's First Interrogatories to Respondent Missouri-American Water Company.

RESPONSE:

REQUEST NO. 31: All Communications and Documents which contain information provided by You in Your answer to paragraph 38 of Complainant's First Interrogatories to Respondent Missouri-American Water Company.

RESPONSE:

REQUEST NO. 32: All Communications and Documents which contain information

provided by You in Your answer to paragraph 39 of Complainant's First Interrogatories to Respondent Missouri-American Water Company.

RESPONSE:

REQUEST NO. 33: All Communications and Documents which contain information provided by You in Your answers to paragraphs 40 and 41 of Complainant's First Interrogatories to Respondent Missouri-American Water Company.

RESPONSE:

REQUEST NO. 34: All Communications and Documents which contain information provided by You in Your answers to paragraphs 43 and 44 of Complainant's First Interrogatories to Respondent Missouri-American Water Company.

RESPONSE:

REQUEST NO. 35: All Communications and Documents which contain information provided by You in Your answers to paragraphs 45 and 46 of Complainant's First Interrogatories to Respondent Missouri-American Water Company.

RESPONSE:

REQUEST NO. 36: All Communications and Documents which contain information provided by You in Your answers to paragraphs 47 and 48 of Complainant's First Interrogatories to Respondent Missouri-American Water Company.

RESPONSE:

REQUEST NO. 37: All Communications and Documents which contain information provided by You in Your answers to paragraphs 49 and 50 of Complainant's First Interrogatories to Respondent Missouri-American Water Company.

RESPONSE:

REQUEST NO. 38: All Communications and Documents which contain information provided by You in Your answers to paragraphs 53 and 54 of Complainant's First Interrogatories to Respondent Missouri-American Water Company.

RESPONSE:

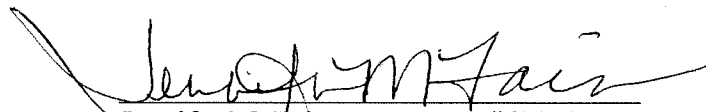
REQUEST NO. 39: All Communications, Documents, or statements sent by MAWC to Houston Lake since January 1, 1986 which contain information in Relation to the gross receipt tax collected by MAWC on it sale of water to the residents of Houston Lake since January 1, 1986.

RESPONSE:

REQUEST NO. 40: All Communications, Documents, or statements sent by MAWC to Houston Lake since January 1, 1986 which contain information in Relation to the gross receipts collected by MAWC on it sale of water to the residents of Houston Lake since January 1, 1986.

RESPONSE:

WITT, HICKLIN & SNIDER, P.C.

A handwritten signature in black ink, appearing to read "Jennifer M. Fain", is written over a horizontal line.

Jennifer M. Fain #62128
2300 Higgins Road, P.O. Box 1517
Platte City, Missouri 64079
Telephone (816) 858-2750
Fax (816) 858-3009
jfain@wittlaw.com
Attorney for Complainant