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SG
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STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

At a Session of the Public Service
Commission held at its office
in Jefferson City on the 2nd
day of June, 1998.

In the Matter of the Application of)
Osage Water Company for Permission,)
Approval, and a Certificate of)
Convenience and Necessity Authorizing)
It to Construct, Install, Own,)
Operate, Control, Manage and Maintain)
a Water System for the Public Located)
in Parkview Bay Subdivision, Osage)
Beach, Missouri.)

Case No. WA-98-236 ✓

Osage Beach Fire Protection District,)
)
)
Complainant,)

v.)
)
Osage Water Company,)
)
Respondent.)

Case No. WC-98-211

ORDER DENYING MOTIONS TO COMPEL AND MOTION TO STRIKE

On April 13, 1998, the Osage Beach Fire Protection District (District) filed a motion to compel answers to data requests (DRs) it had propounded upon Osage Water Company (Osage). The District seeks an order from the Commission compelling Osage to answer DRs 1, 3, 4, 5, 6, 7, 8, 9, 10, 12, 14, 16, 17, 24, 25, 26, and 27. Although the District discussed the topics covered in the DRs and quoted parts of some of the answers, it did not provide copies of the DRs and the answers or objections thereto. On April 29, the District filed a motion to compel answers to DRs 47-66. The District did not provide copies of the DRs and the answers or

objections thereto, nor did it even mention the topics covered. Without the full text of the DR and the full response or objection, the Commission cannot determine that Osage's objections are not valid, or its responses not responsive.

On May 4, Osage filed a motion to strike DRs 46-72 propounded by the District. Osage alleges these DRs are cumulative, repetitive, request extensive and detailed information not relevant or material to any issue in this case, and are unduly burdensome and unreasonable. Osage further requests that the Commission limit all future discovery to matters concerning the provision of water utility service at Parkview Bay Subdivision.

Because Osage did not provide copies of the DRs it seeks to strike, the Commission is unable to determine if they are objectionable. Furthermore, the appropriate procedure for objecting to DRs is set forth in 4 CSR 240-2.090(2). It is unclear from the pleadings whether Osage has complied with this rule. Without copies of the DRs and a specific explanation of why each is objectionable, the Commission will not grant the motion to strike. The Commission also declines to limit further discovery in this case, but notes that all DRs should be reasonably calculated to lead to the discovery of admissible evidence.

IT IS THEREFORE ORDERED:

1. That the motion to compel answers to data requests filed on April 13, 1998, by the Osage Beach Fire Protection District is denied.
2. That the motion to compel answers to data requests filed on April 29, 1998, by the Osage Beach Fire Protection District is denied.
3. That the motion to strike data requests filed on May 4, 1998, by Osage Water Company is denied.

4. That this order shall become effective on June 12, 1998.

BY THE COMMISSION

A handwritten signature in black ink, reading "Dale Hardy Roberts". The signature is written in a cursive style with a large initial "D".

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Lumpe, Ch., Murray, Schemenauer and
Drainer, CC., concur.
Crumpton, C., absent.

Mills, Deputy Chief Regulatory Law Judge