

9/18
BEFORE THE PUBLIC SERVICE COMMISSION

OF THE STATE OF MISSOURI

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.)

Case No. WC-98-211

Osage Water Company,)
)
Respondent.)

ORDER GRANTING MOTION TO QUASH

On September 15, 1998, the Secretary of the Commission issued subpoenas in this case for the depositions of Dave Hancock, Pat Mitchell, and Greg Williams. Also on September 15, the Osage Beach Fire Protection District (District) filed notices to take depositions of those three individuals. On September 17, the Commission issued an order in this case extending the May 25 deadline for taking depositions until September 23. Also on September 17, Osage Water Company (Osage) filed a Motion to Quash Notices to Take Depositions, or in the Alternative, for Protective Order. In that motion, counsel for Osage states that he has previously scheduled commitments for September 23 including the taking of

depositions in a pending civil lawsuit before the Circuit Court of Camden County, Missouri. Osage claims that the notices of depositions would impose an unreasonable burden on its counsel in that they would require attendance of counsel at two different depositions simultaneously, or the hiring of additional counsel.

The Commission agrees that requiring Osage's counsel to be at two places at the same time would place an unreasonable burden upon him. The Commission will accordingly quash the subpoenas issued on September 15 and the Notices of Deposition filed that same day.

Should the District desire to reschedule depositions, it would behoove the District to confirm that counsel for Osage or any of the deponents do not have conflicting important prior commitments such as other depositions or court appearances.

IT IS THEREFORE ORDERED:

1. That the Motion to Quash Notices to Take Depositions, or in the Alternative, for Protective Order filed on September 17, 1998, by the Osage Water Company is granted.

2. That this order shall become effective on September 23,
1998.

BY THE COMMISSION



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Lewis R. Mills, Deputy Chief Regulatory
Law Judge, by delegation of authority
pursuant to 4 CSR 240-2.120(1),
(November 30, 1995) and Section 386.240,
RSMo 1994.

Dated at Jefferson City, Missouri,
on this 18th day of September, 1998.

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COMMISSION COUNSEL
PUBLIC SERVICE COMMISSION