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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 22nd  
day of February, 1995.

In the matter of Missouri-American Water     )  
Company's tariff revisions designed to     )  
increase rates for water service provided     )     **CASE NO. WR-95-205**  
to customers in the Missouri service area     )  
of the company.     )

In the matter of Missouri-American Water     )  
Company's tariff revisions designed to     )  
increase rates for sewer service provided     )     **Case No. SR-95-206**  
to customers in the Missouri service area     )  
of the company.     )

**ORDER REGARDING STAFF MOTION TO COMPEL**  
**IN RE: DATA REQUEST NO. 4701**

On February 8, 1995, the Public Service Commission Staff  
(Staff) filed its Motion to Compel an Answer to Data Request No. 4701.  
Staff stated in its Motion that on December 2, 1994, Staff served Data  
Request No. 4701 on Missouri-American Water Company (Missouri-American) in  
Case No. WR-95-174. Although that case is no longer an active case on the  
Commission docket, the motions and pleadings from that docket have been  
transferred and continued into this docket. Staff has noted in its Motion  
that Missouri-American did not file an objection to Data Request 4701 as  
would be required by 4 CSR 240-2.090 within the ten (10) day time limit,  
nor did Missouri-American state its inability to answer the Data Request  
within the twenty (20) day time limit.

On February 15, 1995, Missouri-American filed its Response to  
the Staff's Motion to Compel an Answer to Data Request No. 4701 and in its  
Response, Missouri-American states that ". . . The issue is not whether  
Missouri-American will provide the information requested by Staff but

whether Missouri-American will be able to provide the information as quickly as Staff would like." Missouri-American also stated in its Response that as of February 14, 1995, it had submitted to Staff the requested information for approximately thirty-three (33) of the thirty-five (35) accounts. On February 21, 1995, Staff filed its reply to Missouri-American's reply in which staff states that it initially received data in a form which was unusable and as of this date has not yet received usable responses to the entirety of its request.

Missouri-American has not suggested that it would not comply with the Data Request nor has it requested additional time. The Commission's Rule on Discovery (4 CSR 240-2.090(2)) sets out clearly the rules regarding data requests and requires, absent any other consideration, the party to whom the data request is presented *shall* answer the request within twenty (20) days. (Emphasis added.)


The Commission finds that the Data Request herein was served on December 2, 1994. Assuming, arguendo, that all data requested had been supplied by February 15, 1995, as asserted by Missouri-American, then this is an indication that the data was supplied fifty-four (54) days outside of the Commission twenty (20) day limit. Any information which has yet to be provided under Data Request No. 4701 shall be ordered provided herein.

**IT IS THEREFORE ORDERED:**

1. That any data which has not yet been provided in response to Data Request No. 4701 shall be provided not later than March 1, 1995.

2. That this order shall become effective on the date hereof.

BY THE COMMISSION

A handwritten signature in cursive script, reading "David L. Rauch".

David L. Rauch  
Executive Secretary

(S E A L)

Mueller, Chm., McClure, Perkins,  
Kincheloe and Crumpton, CC., Concur.