

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

In the Matter of the Application of Elm Hills )  
Utility Operating Company, Inc. and )  
Missouri Utilities Company for Elm Hills to )  
Acquire Certain Water and Sewer Assets of )  
Missouri Utilities Company, for a Certificate )  
of Convenience and Necessity, and, in )  
Connection therewith, to Issue Indebtedness )  
And Encumber Assets )

**Case No. SM-2017-0150**

**MOTION TO WAIVE OR SCHEDULE DISCOVERY CONFERENCE**

**COMES NOW** the Staff of the Missouri Public Service Commission, by and through counsel, and for its *Motion to Waive or Schedule Discovery Conference* in this matter hereby states:

1. Elm Hills Utility Operating Company (Elm Hills) in conjunction with Missouri Utilities Company filed a Joint Application November 22, 2016, for Elm Hills to acquire certain assets and the Certificate of Convenience and Necessity of Missouri Utilities Company. Staff began its investigation according to standard procedure, including sending out several data requests to Elm Hills and Missouri Utilities.

2. The only request Staff sent to Missouri Utilities was a letter containing 22 separate standard data requests under the care of Gary Cover as representative of that entity. The requests were dated December 8, 2016, with a response date of December 28. Staff emailed Mr. Cover December 29 as no contact or response had been received from Missouri Utilities. Receiving no response to its email, Staff Counsel contacted Mr. Cover by telephone January 4, 2017, and received assurances that Missouri Utilities was assembling its response and would submit it to Staff by Friday January 6.

3. To date, Staff has still not received a response to its requests, nor any contact from the Company. The requested information is vital to Staff's investigation necessary to complete a recommendation in this matter, and has delayed its abilities to conduct such an investigation.

4. Staff emailed the Regulatory Law Judge on this matter, on January 11, requesting directive on this discovery issue.

5. Pursuant to 4 CSR 240-2.090(8), recommended procedure for obtaining a past-due discovery response is to first confer with opposing counsel by telephone or in person and then if the issue remains unresolved, to arrange with the Commission for an immediate telephone conference with the assigned regulatory law judge and opposing counsel. After completing those steps, the rule permits Staff to file a discovery motion.

6. Pursuant to 4 CSR 240-2.090(8) (B) and 4 CSR 240-2.015, Staff respectfully requests that the Commission, via the RLJ, order a discovery conference either in-person or by telephone between the parties to resolve this matter, or waive the requirement of 4 CSR 240-2.090(8)(B), and permit Staff to file a Motion to Compel in this matter.

**WHEREFORE**, Staff prays that the Commission will schedule a discovery conference in this matter to resolve any discovery issues, or waive the conference requirement of 4 CSR 240-2.090(8)(B) and permit Staff to file a Motion to Compel; and grant such other and further relief as the Commission considers just in the circumstances.

**/s/ Whitney Payne**

Whitney Payne

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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was served by electronic mail, or First Class United States Postal Mail, postage prepaid, on this 17th day of January, 2017, to all counsel of record.

**/s/Whitney Payne**