

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office in
Jefferson City on the 28th day
of April, 2010.

In the Matter of Lake Region Water & Sewer)	File No. <u>SR-2010-0110</u>
Company's Application to Implement a General)	Tariff No. YS-2010-0250
Rate Increase in Water and Sewer Service)	
In the Matter of Lake Region Water & Sewer)	File No. <u>WR-2010-0111</u>
Company's Application to Implement a General)	Tariff No. YW-2010-0251
Rate Increase in Water and Sewer Service)	

ORDER REGARDING MOTIONS TO QUASH SUBPOENAS

Issue Date: April 28, 2010

Effective Date: April 28, 2010

On April 8, 2010, the Commission directed its Staff to conduct additional discovery. Approximately one week later, Staff served subpoenas on Vernon Stump, John R. Summers, Cynthia Goldsby, Peter N. Brown, Sally Stump and RPS Properties, L.P. ("RPS"). The subpoenas required the named individuals to appear and provide deposition testimony and to produce certain documents. In the case of RPS, the subpoena requires it to designate an officer, director or agent to testify and also to produce certain documents.

All of these persons or entities have filed objections to the subpoenas and have moved to quash them. The arguments raised against the subpoenas include:

- (1) the information sought is irrelevant;
- (2) the information sought is outside of the Commission's subject matter jurisdiction;
- (3) the information sought is duplicative and repetitive given the other subpoenas issued and testimony already adduced;

(4) the documents sought are not in the control of the various people subpoenaed;

(5) the Commission has no authority to serve a subpoena compelling a non-party to attend a deposition and give testimony;

(6) the Commission has no authority to serve a subpoena duces tecum for production of records, documents or other materials by a non-party;

(7) the subpoenas are overly burdensome, both in terms of the times scheduled and the number of documents Staff sought;

(8) Staff has failed to advance witness fees and expenses for the individuals subpoenaed;

(9) the subpoena served on Mr. Brown seeks information, documents and materials from him individually, not as an officer or custodian of records who would have access to such records.

All of the depositions were scheduled for April 27, 2010.

On April 26, 2010, the Commission convened a True-Up hearing. At the hearing the Regulatory Law Judge denied the motions to quash filed by Vernon Stump, John R. Summers, Cynthia Goldsby, and RPS. The Commission reserved judgment on the motion filed by Peter N. Brown, because Mr. Brown had requested a hearing on his motion. Sally Stump's motion to quash was filed after the True-Up hearing and the Commission has not yet ruled upon it.

During the hearing Staff offered to confer with the individuals subpoenaed and consider rescheduling the date and times for the depositions. Mr. Stump and Mr. Summers made an agreement with Staff to execute their subpoenas at a later date.

On April 27, 2010, Staff filed a status report indicating that Mr. Brown, Ms. Goldsby, RPS Properties, L.P., and Ms. Stump, the persons and business entity without agreements with Staff to execute the subpoenas at a later date, failed to appear for the scheduled depositions. Because Mr. Stump and Mr. Summers made an agreement with Staff to

execute their subpoenas at a later date, and because the Commission intends to grant Mr. Brown's hearing request, the Commission will not take any further action with regard to the subpoenas served on these individuals in this order. Since Peter N. Brown requested a hearing on his motion, the Commission will grant that request. The Commission finds Ms. Stump's motion to quash to be meritless and will deny it. The Commission will authorize its General Counsel to seek enforcement of the remaining subpoenas in which the person or business entity has not requested a hearing or made arrangements with Staff to execute the subpoena at a later date.

THE COMMISSION ORDERS THAT:

1. The motion to quash the subpoena filed by Sally Stump is denied.
2. General Counsel is authorized to seek enforcement of the subpoenas served upon Cynthia Goldsby, Sally Stump and RPS Properties, L.P. in the circuit court.
3. Peter N. Brown's request for a hearing on his motion to quash the subpoenas is granted.
4. Peter N. Brown's motion hearing is set for Monday, May 3, 2010, beginning at 1:00 p.m. in Room 305, of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. The Governor Office Building meets accessibility standards required by the Americans with Disabilities Act. Any party requiring additional accommodations to participate in this hearing shall call the Public Service Commission's Hotline at 1-800-392-4211 (voice) or Relay Missouri at 711 before the hearing.
5. The Commission's Staff shall file a status report with regard to executing the subpoenas served upon Mr. Stump and Mr. Summers no later than May 10, 2010.

6. This order shall become effective immediately upon issuance.

BY THE COMMISSION

(S E A L)

A handwritten signature in black ink, appearing to read 'S. Reed', is positioned above the printed name of the Secretary.

Steven C. Reed
Secretary

Clayton, Chm., Davis, Jarrett, Gunn,
and Kenney, CC., concur.

Stearley, Senior Regulatory Law Judge