

**In the Matter of Lake Region Water & Sewer
Company's Application to Implement a General
Rate Increase in Water and Sewer Service**)
) File No. WR-2013-0461, et. al
)

COMES NOW the Staff of the Missouri Public Service Commission, by and through counsel, and asks the Commission to deny Lake Region Water & Sewer Company's (Lake Region) Motion to Quash, stating:

1. On January 2, 2014, Staff served RPS with a *Subpoena Duces Tecum*, *Order to Produce Documents*, pursuant to Missouri Court Rule 58.02, which requested that RPS Properties, L.P.'s (RPS) produce:

Pursuant to Rule 58.02(d), Staff sought and acquired the agreement of all parties to this case that RPS need not appear in person with the documents but could instead send the documents to Staff. The time specified for production of the requested documents was 10:30 a.m. on the 13th day of January.

2. By 10:30 a.m. on the 13th, Staff had received neither the requested documents nor objections, and RPS did not appear at the location specified in the subpoena.

3. On the January 14th, Lake Region filed its *Objections to Subpoena(s) and Motion to Quash*. Rule 58.02(e)(2) requires that a non-party commanded to produce documents serve the issuing party with written objections or a motion to quash “within 10 days after service of the subpoena or before the time specified for compliance, *whichever is earlier*.” [emphasis added] Lake Region, though a party to this action, should be held to the same timeline so that all parties and non-parties involved may have adequate notice of any objections to the subpoena at issue. Therefore, Lake Region was required to file its objections before the time specified for compliance by RPS, which was 10:30 a.m. on the 13th. Lake Region filed its objections and motion to quash on January 14th; thus, Lake Region’s motion is not timely and should be denied. Without timely and specific objection, Staff is entitled to inspect and copy the documents it requested (Rule 58.02(e)(3)). Further, Lake Region’s motion is not timely according to 4 CSR 240-2.080(13), which states that unless the Commission orders otherwise, parties have 10 calendar days to respond to any pleading.

4. Although Staff believes Lake Region’s motion is not timely and should therefore be denied, Staff also asserts that any of the incorporated objections are unfounded, are inapplicable to the subpoena at issue, or are substantive arguments regarding the relevance of availability fees to the underlying case, which are themselves not relevant to whether Staff’s subpoena should be quashed. Staff more fully explains these assertions in its *Response to RPS Properties, L.P.’s Objections and to Motion to Quash* filed concurrently with this pleading, which Staff incorporates by reference herein.

WHEREFORE, Staff submits this *Response to Lake Region Water & Sewer Company's Objection(s) and to Motion to Quash*, asking that the Commission deny Lake Region's *Motion to Quash* based on the forgoing reasons and grant what other relief it deems just and necessary.

/s/ Amy E. Moore
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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed with first-class postage, hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record this 17th day of January, 2014.

/s/ Amy E. Moore