

LAW OFFICES  
**BRYDON, SWEARENGEN & ENGLAND**  
PROFESSIONAL CORPORATION

DAVID V.G. BRYDON, Retired  
JAMES C. SWEARENGEN  
WILLIAM R. ENGLAND, III  
JOHNNY K. RICHARDSON  
GARY W. DUFFY  
PAUL A. BOUDREAU  
CHARLES E. SMARR  
DEAN L. COOPER

312 EAST CAPITOL AVENUE  
P.O. BOX 456  
JEFFERSON CITY, MISSOURI 65102-0456  
TELEPHONE (573) 635-7166  
FACSIMILE (573) 635-0427

BRIAN T. MCCARTNEY  
DIANA C. CARTER  
SCOTT A. HAMBLIN  
JAMIE J. COX  
L. RUSSELL MITTEN  
ERIN L. WISEMAN  
JOHN D. BORGMEYER

COUNSEL  
GREGORY C. MITCHELL

May 25, 2010

**HAND DELIVERED**

Steven C. Reed  
General Counsel  
Missouri Public Service Commission  
P.O. Box 360  
Jefferson City, MO 65102

*Re: Subpoena to RPS Properties, L.P., in Public Service Commission Case Nos. SR-2010-0110 and WR-2010-0111, Lake Region Water & Sewer Company*

Dear Steve:

Enclosed please find the affidavit of W. Brian Schwermann, on behalf of RPS Properties, L.P., which responds to each of the questions contained in your May 20<sup>th</sup> letter to me.

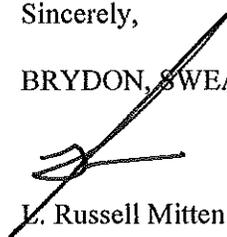
In the "Staff Response to Affidavits" filed yesterday, I was somewhat distressed to learn that Staff may still decide to pursue its efforts to take Mr. Schwermann's deposition despite the fact that RPS has promptly and completely responded to both sets of written questions submitted to it. Given the fact that RPS has fully responded to all written questions submitted to it, I can't imagine what additional, useful information Staff believes it will be able to obtain through a formal deposition.

Please call me if you have any questions regarding the enclosed affidavit and exhibits.

Sincerely,

BRYDON, SWEARENGEN & ENGLAND P.C.

By:



L. Russell Mitten

cc: W. Brian Schwermann

STATE OF KANSAS                    )  
  )  
COUNTY OF JOHNSON                )

**AFFIDAVIT OF W. BRIAN SCHWERMANN**

I, W. Brian Schwermann, of lawful age and being first duly sworn on oath, hereby state that I am a designated representative of RPS Properties, L.P. ("RPS"), and that each of the following responses to the questions posed by the Missouri Public Service Commission Staff, in its letter dated May 20, 2010, which I am providing on behalf of RPS, is true and correct to the best of my knowledge, information, and belief.

**QUESTIONS AND RESPONSES**

1. On the "Simple Audit Receipts" with customer names provided by RPS, one of the columns is called "Paid Thru." Please explain what this term means and what the date in the column represents.

RESPONSE: "Paid Thru" is short for "Date Paid Thru." This column is not used and we do not pay attention to the date shown in the column.

2. Please explain why the payment amounts differ in the column called "Pymnt Recd."

RESPONSE: The amount in the "Pymnt Recd" column represents the actual amount paid by the customer on that date.

3. Please explain what the term "Usage" means on the Simple Audit Receipts and what the symbol "1" or "0" represents.

RESPONSE: The "Usage" column is exactly as indicated. Because an availability fee is not a utility service, it is not based on usage. Values are listed in the column because the field must be populated to generate a flat rate bill. We use the "0" and "1" values for that purpose.

4. What does RPS pay Cynthia Goldsby for any services she provides to RPS?

RESPONSE: RPS makes no payments to Cynthia Goldsby.

5. Does RPS pay the Camden County Public Water Supply District #4 for services rendered that pertain to RPS?

RESPONSE: No.

6. Please provide the amount of money received for availability fees for the calendar years 2006, 2007, and 2009.

RESPONSE: 2006 - \$416,536.19; 2007 - \$393,644.82; and 2009 - \$365,413.61.

*W. Brian Schwermann*

W. Brian Schwermann

The foregoing was subscribed and sworn before me this 24 day of May, 2010.

*Brandi Williams*

Notary Public

My commission expires: 10-10-2012

