

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

In the Matter of the Application of Missouri-American)
Water Company for a Certificate of Convenience and)
Necessity Authorizing it to Install, Own, Acquire,)
Construct, Operate, Control, Manage and Maintain a)
Water System and Sewer System in and Around the)
City of Eureka, Missouri)

Case No. WA-2021-0376

**STAFF’S REQUEST FOR A FINDING OF GOOD CAUSE TO ISSUE SUBPOENA
DUCES TECUM LESS THAN 20 DAYS BEFORE A HEARING**

COMES NOW Staff of the Missouri Public Service Commission (Staff), through counsel, and files *Staff’s Request for a Finding of Good Cause to Issue Subpoena Duces Tecum Less than 20 Days Before a Hearing*.

1. On April 11, 2022, Staff requested that the Commission reopen the record in this case to further develop evidence whether residents of the Arbors of Rockwood subdivision will pay twice for the water system serving their subdivision if the sale of the City of Eureka’s water system to MAWC is completed.

2. MAWC and the Office of the Public Counsel responded to Staff’s request on April 15, 2022.

3. On April 21, 2022 the Commission granted Staff’s request and ordered that an evidentiary hearing be held May 5, 2022.

4. Staff requests a subpoena for Craig Sabo to appear at this hearing. Mr. Sabo is the City Administrator for the City of Eureka, as well as the Secretary/Treasurer for the Arbors of Rockwood Community Improvement District.

5. Commission Rule 20 CSR 4240-2.100(2) states that a subpoena *duces tecum* shall not be issued less than twenty days before hearing, except for a showing of good cause.

6. Good cause exists to issue a subpoena *duces tecum* in this matter less than 20 days before the hearing, because the Commission's order setting the evidentiary hearing is not 20 days before the hearing.

WHEREFORE, Staff respectfully requests the Commission issue an order finding good cause to issue a subpoena *duces tecum* less than twenty days before the May 5, 2022 hearing.

Respectfully submitted,

/s/ Karen E. Bretz

Karen E. Bretz
Deputy Director
Missouri Bar No. 70632
Attorney for the Staff of the
Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO 65102
573-751-5472 (Voice)
573-751-9285 (Fax)
Karen.Bretz@psc.mo.gov

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been electronically mailed to all parties and/or counsel of record on this 22nd day of April, 2022.

/s/ Karen E. Bretz



State of Missouri
Public Service Commission

SUBPOENA

(order to appear and testify at hearing or deposition, or bring documents, or both)

(Style of Action)		(File No.)	
State of Missouri to:			
Person to Be Served	(Name)	(Address)	
Requesting Party	(Name)	(Address)	
Requesting Party's Attorney	(Name)	(Address)	(Phone)
You are hereby commanded to:			
<input type="checkbox"/> Appear at	(Address)	(Date)	(Time)
<input type="checkbox"/> Contact	(Name)	, at (Telephone)	, who will advise of the time and place to appear.
<input type="checkbox"/> Testify on behalf of	(Name)	(Address)	
<input type="checkbox"/> Give depositions.			
<input type="checkbox"/> Bring the following.	(Documents; attach extra page if needed)		
_____ Secretary, Commissioner, or Regulatory Law Judge			

Return

(must be signed in the presence of a notary unless served by a peace officer)

On the _____ day of _____, 20____,
<input type="checkbox"/> I served the person to be served with a copy of this subpoena at their address, as listed above, by: <ul style="list-style-type: none"> <input type="checkbox"/> Delivering to that person; or <input type="checkbox"/> Leaving at the dwelling place or usual place of abode with a member of that person's family over the age of 15 years; or <input type="checkbox"/> Mailing by first class mail in a sealed envelope, postage prepaid; or <input type="checkbox"/> The following other method allowed by law:
<input type="checkbox"/> Non est.
_____ Process Server's Signature
_____ Process Server's Printed Name

Notarization

(required unless served by a peace officer)

Subscribed and sworn before me on this _____ day of _____, 20____,	
_____ Notary's Signature	[NOTARY SEAL]

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**ATTACHMENT TO SUBPOENA DUCES TECUM
DOCUMENTS TO BRING TO EVIDENTIARY HEARING ON MAY 5, 2022**

1. Ordinance 2394 passed by the City of Eureka's Board of Aldermen on October 18, 2016.
2. All resolutions passed by the Arbors of Rockwood Community Improvement District (Arbors CID).
3. Development Agreement between the City of Eureka, the Arbors of Rockwood Community Improvement District, and Brewster Road, LLC entered into on or around February 22, 2017.
4. All receipts and financial records related to the water system at the Arbors of Rockwood subdivision, to include ledgers, invoices, receipts, and images of cancelled checks.