

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

The Staff of the Missouri Public)	
Service Commission,)	
)	
Complainant,)	
)	Case No. WC-2022-0295
v.)	SC-2022-0296
)	
I-70 Mobile City, Inc.)	
d/b/a I-70 Mobile City Park,)	
)	
Respondent.)	

**I-70 MOBILE CITY’S RESPONSE TO STAFF’S MOTION TO COMPEL
ANSWERS TO CERTAIN DATA REQUESTS**

Respondent, I-70 Mobile City, Inc. d/b/a I-70 Mobile City Park (“I-70 Mobile City”), by and through counsel, and for its Response to Staff’s Motion to Compel Answers to Certain Data Requests, states as follows:

REQUEST FOR HEARING

Respondent, I-70 Mobile City respectfully requests a hearing and oral argument on Staff’s Motion to Compel.

STAFF’S MOTION TO COMPEL SHOULD BE DENIED

1. At its core, this case is about a question of law -- whether the Commission has jurisdiction over I-70 Mobile City.
2. On November 23, 2022, Respondent filed their Motion for Summary Determination (the “MSD”) by which I-70 Mobile City asks the Commission to determine the jurisdictional question.
3. Petitioner’s Response to Respondent’s Motion for Summary Determination is due December 23, 2022.

4. The scope of any discovery in this case at this time should be limited to any factual questions specifically related to the jurisdictional question, if any.

5. Whether or not I-70 is subject to the Commission's jurisdiction is based on the statutory definition and the case law. By way of example: Section 386.020(49), RSMo, defines "sewer corporation" as including "every corporation, company, association, joint stock company or association, partnership or person, their lessees, trustees or receivers appointed by any court, owning, operating, controlling or managing any sewer system, plant or property, for the collection, carriage, treatment, or disposal of sewage anywhere within the state for gain, except that the term shall not include sewer systems with fewer than twenty-five outlets..."

6. There are five elements present in the statutory definition: Is I-70 a (1) corporation, company, association, joint stock company or association, partnership, or person that (2) owns, operates, controls, or manages any property (3) for the collection, carriage, treatment, or disposal of sewage (4) for gain (5) with 25 outlets or more?

7. Facts related to those elements are relevant for purposes of the Commission's determination of I-70's Motion for Summary Determination.

8. The other statutes cited by Staff in its Complaint contain similar elements.

9. I-70 has already responded to more than fifty data requests of the Staff, and provided more than 250 pages of documents, some of which related to those five elements.

10. I-70's business practices have not substantially change, since it first started responding to the Staff's inquiries, in September 2021.

11. The additional information sought by Staff either (1) does not have

any relevance to the jurisdictional question at issue in the pending Motion for Summary Determination or (2) is duplicative of information that has already been provided to Staff.

12. Furthermore, the requests are burdensome. Staff's characterizes "copies of all customer bills ... dated July 1, 2022 to the present" as "limited documents." Tenant bills are generated through a portal – someone from I-70 would have to download each one for each customer using the specific software. Assuming 60 tenants and ten months -- that is performing 600 separate downloads.

13. Although the Commission rules separately provide for data requests, the Commission rules do provide: "Discovery may be obtained by the same means and under the same conditions as in civil actions in the circuit court. *See* 20 CSR 4240-2.090.

14. The legislature recently recognized that litigants can often use discovery to harass, annoy, burden, and cause great expense to opposing parties. That recognition led the legislature to limit interrogatories to a total of twenty-five (including subparts) without a court order. *See* Senate Bill 224 (2019); Rule 57.01.

15. I-70 should not be subject to continuing discovery, due to Staff's continued delays in this case, when such discovery is simply the same information for a new time period, without some allegation or evidence that I-70's business has changed in a material way.

WHEREFORE, Respondent, I-70 Mobile City, respectfully requests this Commission deny Staff's Motion to Compel and grant such other and further relief as the Commission deems appropriate in the circumstances.

Respectfully submitted,

ELLINGER BELL LLC

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served upon all of the parties of record or their counsel, pursuant to the Service List maintained by the Data Center of the Missouri Public Service Commission, on this April 24, 2023.

/s/ Stephanie S. Bell
Stephanie S. Bell