

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

In the Matter of Lake Region Water and Sewer)
Company's Application to Implement a General) Case No. SR-2013-0459
Increase in Water and Sewer Service)

In the Matter of Lake Region Water and Sewer)
Company's Application to Implement a General) Case No. WR-2013-0461
Increase in Water and Sewer Service)

**LAKE REGION WATER & SEWER COMPANY'S
OBJECTIONS AND RESPONSES TO
OFFICE OF PUBLIC COUNSEL'S DATA REQUESTS**

Pursuant to Missouri Public Service Commission ("Commission") Rule 4 CSR 240-2.090(2), Lake Region Water & Sewer Company ("Lake Region") submits objections and responses, subject to such objections, to the following data requests served by the Office of Public Counsel (OPC). In addition to the specific objections asserted below, each of the data requests is subject to the following general objection(s)::

General Objection: To the extent the following data requests served by the Office of Public Counsel pertain, directly or indirectly, to availability fees charged to owners of undeveloped lots within real estate developments or residential subdivisions in which Lake Region provides water and sewer service:

- a) Each is irrelevant and the inquiry is not calculated to lead to the discovery of admissible evidence. In its Report and Order in Case Nos. SR-2010-0110 and WR-2010-0111, the Commission determined that availability fees could not be imputed to the revenue of Lake Region, or any other utility, without the lawful promulgation of a specific rule addressing when and if imputation of such income was appropriate. The Commission opened a special workshop docket to

lead the rulemaking which was anticipated, but the docket, assigned Case Nos. SW-2011-0042 and WW-2011-0043, was closed without recommendations. No rule has been promulgated. Whether or not Lake Region engages in the charging or collection of availability fees, which it does not, the revenue derived therefrom, the amounts thereof or means of collecting or enforcing the same are matters unquestionably irrelevant to this proceeding.

- b) Much, if not all, of the information sought in the data requests can be ascertained from the Commission's 123 page report and order in Case Nos. SR-2010-0110 and WR-2010-0111.

OPC Data Request 1018.

Please provide a reconciliation of the total availability fees billed, utilizing the Lake Region regulated utility billing processes and monthly service bills, and also the associated amounts collected from lot owners in the Shawnee Bend Water and Sewer jurisdiction, by year, for each and every year that the PWSD No. 4 has processed the billing and collection duties of availability fees for the owners of the utility. If a breakdown of the fees between water and sewer is available, please provide that too.

Objection:

The Commission lacks jurisdiction over the creation, collection or enforcement of availability fees. Furthermore, this request seeks information within the possession, control or knowledge of nonparty(ies) to this matter and therefore falls outside the scope of permitted discovery. Any response to this data request is subject to and without waiver of these and the general objections.

Response:

Lake Region has neither billed nor collected any availability fees and has no such reconciliation. PWSD4 has no authority to release any information regarding availability fees and also has no reconciliation.

OPC Data Request 1019.

It is my understanding that the billing of availability fees are included on Lake Region regulated utility monthly service bills on or about January of each new year, but the resultant collections of availability fees are not included in the regulated utility's general ledger. If that is accurate, please explain the process to deposit and book collections of availability fees where a customer sends a single check to pay both the regulated utility monthly service costs and the availability fees billed on the regulated utility monthly service bills. For example, is the check containing payment for both monthly service costs and availability fees deposited in the regulated utility's checking account, i.e., Account 131, and then a check for the availability fees is prepared and deposited in the LUAF I checking account? If this is not how the process works in such a situation, please explain, in detail, the processing utilized in such a situation. Furthermore, please identify the approximate number of availability fees collections received by year, during the time that the PWSD No. 4 has processed the billing and collection duties of availability fees, that were not included in a single non-cash payment that also included payment of regulated monthly service costs.

Objection:

See Objection to OPC Data Request 1018. Any response to this data request is subject to and without waiver of these and the general objections.

Response:

Availability fees are not billed on Lake Region bills. If a customer were to confuse the \$300 annual payment for a separate property with their monthly utility bill the company would either credit the utility account for the \$300 payment or refund the money to the customer based on the customer's choice. The billing clerk does not recall ever receiving an availability fee payment included on the same check as a monthly utility payment.

Respectfully submitted,

/s/ Mark W. Comley

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing document was sent via email, on this 3rd day of January, 2014, to Christina L. Baker, christina.baker@ded.mo.gov.

/s/ Mark W. Comley