

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

The Staff of the Missouri Public  
Service Commission,

Complainant,

v.

Hurricane Deck Holding Company,  
Chelsea Rose Land Owners Association,  
Inc., Gregory D. Williams, Debra J.  
Williams, and Charles H. Williams,

Case No. WC-2006-0303

Respondents.

**MOTION TO STRIKE AND MOTION FOR EXPEDITED TREATMENT**

**COMES NOW** the Staff of the Missouri Public Service Commission (Staff) and respectfully submits as follows for its Motion to Strike and Motion for Expedited Treatment:

1. On January 23, 2006, Staff filed its verified Complaint against the Respondents. (Complaint at p. 1-12, and the Affidavit of Dale W. Johansen). The Complaint contains five specific counts specifying Respondents' unlawful provision of water and sewer services to the public, for gain, without certification or other authority from the Missouri Public Service Commission (Complaint at p. 1-12, and the Affidavit of Dale W. Johansen).

2. On April 3, 2006, Respondents filed their Motion for Continuance of the Prehearing. The Commission issued an Order granting the Motion and resetting Prehearing for April 17, 2006.

3. On April 3, 2006, Respondents also filed their "Request for Admissions."

4. Commission Rule 4 CSR 240-2.090(1) provides as follows:

Discovery may be obtained by the same means and under the same conditions as in civil actions in the circuit court. Sanctions for abuse of the discovery process or failure to comply with commission orders regarding discovery shall be the same as those provided for in the rules of civil procedure.

5. Supreme Court Rule 59.01 sets out the process for Requests for Admissions. Supreme Court Rule 59.01(c)(3) expressly provides, in pertinent part:

...At the time of service, a certificate of service, **but not the requests**, (emphasis added) shall be filed with the court as provided in Rule 59.01(d).

6. Respondents violated this rule by filing the actual Requests for Admission with the Commission. Staff requests that the Request for Admissions be stricken. By this request, Staff asks that the Commission order the Request for Admissions be stricken from Commission records and removed from EFIS. Staff is not requesting that the Requests for Admission be disallowed, only removed from the Commission records. Staff is already working on answering the Requests for Admission and preparing its own discovery.

7. Staff also seeks Expedited Treatment of this Motion pursuant to Commission Rule 4 CSR 240-2.080(16). Staff asks that the Commission rule as promptly as possible and shorten the time for Response to seven (7) days. The harm to be avoided is that Requests for Admission are not supposed to be filed with the Commission and this has been done. The rule has the purpose of not submitting discovery to the Commission. A prompt ruling removing the Requests for Admission from EFIS will promptly remedy this situation. There will be a positive impact on the general public in that the Commission will have cured a rule violation and continued with

the prompt resolution of this case. This pleading was filed as soon as possible after receiving Respondents' Request for Admissions on April 3, 2006.

**WHEREFORE**, Staff respectfully requests that the Commission grant its Motion for Expedited Treatment, shorten the response time to seven days, and remove the Request for Admissions from EFIS.

Respectfully submitted,

**/s/ Robert V. Franson**

Senior Counsel

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### **Certificate of Service**

I hereby certify that copies of the foregoing have been mailed, hand-delivered, or transmitted by facsimile or electronic mail to all counsel of record this 4th day of April, 2006.

**/s/ Robert V. Franson**