BEFORE THE PUBLIC SERVICE COMMISSION

**OF THE STATE OF MISSOURI**

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| In the Matter of Ridge Creek Water Company, LLC's Application to Implement a General Rate Increase in Water Service | **)**  **)**  **)**  **)**  **)**  **)** | Case No. WR-2017-0042 |

**MOTION FOR WAIVER & TO COMPEL DISCOVERY OR, IN THE ALTERNATIVE, MOTION TO STAY PROCEEDINGS**

**COMES NOW** the Missouri Office of the Public Counsel (“OPC”) and for its Motion for a Waiver in Discovery Rules and, subsequently, for a Motion to Compel Discovery or, in the Alternative, to Stay Proceedings on the above-captioned rate case initiated by Ridge Creek Water Company, LLC (“the Company”) and states as follows:

1. The Company filed its Notice to file an Application to Implement a General Rate Increase on August 12th of 2016.

2. This Application was filed pursuant to a Stipulation and Agreement reached by applicable parties on September 2nd of 2015 that allowed the Company to provide water service partially on the condition that a “general rate case be filed within 30 days of the 1st anniversary of the effective date of the order approving (said) Stipulation and Agreement.”

3. After request sought by the Company and, without objection from the Public Service Commission Staff, the Public Service Commission (“Commission”) granted the Company until November 14th of 2016 to file its Rate Increase.

4. OPC, in an attempt to determine if it would challenge this rate increase, sent twenty-nine data requests (“DR”’s) the Company on November 15th of 2016. While initially sent to the counsel of record, OPC also directly sent these to the Company on November 18th.

5. Also on November 18th, the Commission issued a Small Water Company Procedural Schedule outlining deadlines for the completion of certain matters including when discovery information was due.

5. No objection was lodged by the Company and said DR’s were due to the OPC on December 5th with no answers provided.

6. On December 12th, OPC initiated communication with the Company’s counsel of record who indicated it was appropriate to communicate directly with the Company.

7. Despite sending emails and making phone calls, the Company has failed to respond to OPC seeking any response regarding these DR’s.

8. OPC has engaged with Staff on meaningful ways to resolve this issue – including scheduling a visit to the Company to go through records. However, these parties have been unable to reach a mutually-agreeable solution.

9. Discussions have also occurred during these conversations that the Company may be voluntarily seeking a receivership but that no formal filing has occurred.

10. As the Company has not returned any emails or phone calls, it is impracticable to engage in the proscribed discovery resolution methods outlined in the Commission regulations.

11. As a result, OPC seeks an Order compelling the Company discovery with sanctions including the voiding and nullification of the Stipulation and Agreement.

12. In the alternative, OPC believes that staying this procedure until a voluntary receivership is filed would result in a fair and equitable solution to all interested parties.

WHEREFORE, the Office of the Public Counsel respectfully requests that the Commission waive all requirements until its regulations and file an Order compelling Ridge Creek Water Company, LLC to comply with producing responsive answers to the Office of Public Counsel data requests with a specific provision that a failure to comply with said Order will void and nullify the Stipulation and Agreement approved on September 2nd of 2015. In the alternative, the Office of Public Counsel would seek a stay in the proceedings of the above-captioned matter until the commencement of a Voluntary Receivership Petiton.

Respectfully submitted,

OFFICE OF THE PUBLIC COUNSEL

By: **/s/ James M. Owen**

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**Certificate of Service**

I hereby certify that copies of the foregoing have been mailed, emailed or hand-delivered to the parties of record on this 27th day of December 2016.

**/s/ James M. Owen**