

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

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

**THE OFFICE OF THE PUBLIC COUNSEL'S REQUEST FOR
DISCOVERY CONFERENCE**

COMES NOW the Office of the Public Counsel (Public Counsel) and for its Statement of Supports states as follows:

1. On July 16, 2013, Lake Region Water & Sewer Company (Lake Region) filed a formal request with the Missouri Public Service Commission (Commission) to increase rates for it water and sewer utility services.
2. On August 29, 2013, the Commission issued its Order Regarding Discovery which stated that all data requests, subpoenas, or other discovery requests shall be issued no later than January 8, 2014 and all motions to compel a response to any discovery request shall be filed no later than January 14, 2014. The Commission also ordered Discovery Conferences to be held on October 9, 2013, October 30, 2013, December 4, 2013, and January 15, 2014, to discuss discovery disagreements or concerns.
3. On November 7, 2013, Public Counsel sent data request numbers 1000 to 1017 to Lake Region. (Appendix A) The data requests sought discovery of information relating to availability fees as well as related information regarding plant-in-service installed within the Lake Region jurisdiction and contribution-in-aid-of-construction (CIAC) booked in the financial records of Lake Region.

4. On November 15, 2013, Lake Region sent objections to Public Counsel's data requests. (Appendix B) Subsequently, Lake Region answered Public Counsel data request number 1009 and provided the following response to Public Counsel data request number 1013:

The Company does not have such reconciliation. All company records have been made available and remain available to OPC. Beginning balances, ending balances, additions and retirements by year by plant account are included in the Annual Reports on file with the Commission.

Lake Region provided responses to Public Counsel data request numbers 1016 and 1017 which stated "Please see response to 1013." No other responses to Public Counsel's data request numbers 1000 to 1017 were received.

5. On November 22, 2013, Lake Region filed motions seeking to bar the Staff of the Missouri Public Service Commission (Staff) and Public Counsel from conducting discovery or presenting evidence regarding availability fees.

6. Public Counsel disputes Lake Region's objections and partial response to its data requests. However due to Lake Region's unresolved motions, Public Counsel was unable to bring up its discovery issues at the Discovery Conference scheduled for December 4, 2013.

7. On December 18, 2013, the Commission issued its Order Denying Evidentiary Motions finding that Lake Region's motions seeking to bar discovery or presenting evidence regarding availability fees were not appropriate and should be denied.

8. Public Counsel continues to dispute Lake Region's objection and partial response to data request numbers 1000 to 1008 and numbers 1010 to 1017. Given the timeframe set for this case, it is imperative that Public Counsel receive this information as soon as possible.

9. Per the Commission's Order Regarding Discovery, the next opportunity for Public Counsel to discuss its discovery disagreements or concerns would be at the Discovery Conference set for January 15, 2014. However, rebuttal testimony is due to be filed on January

10, 2014. The Commission has also required all data requests, subpoenas, or other discovery requests be issued no later than January 8, 2014, and all motions to compel a response to any discovery request be filed no later than January 14, 2014. Waiting until the next scheduled Discovery Conference would eliminate the ability of Public Counsel to obtain proper discovery in order to present its position to the Commission.

10. Therefore, Public Counsel now requests an additional Discovery Conference be scheduled as soon as possible to discuss the dispute regarding Lake Region's objection and partial response to Public Counsel data request numbers 1000 to 1008 and numbers 1010 to 1017.

WHEREFORE, Public Counsel respectfully submits its request.

Respectfully submitted,

OFFICE OF THE PUBLIC COUNSEL

/s/ Christina L. Baker

By: _____

Christina L. Baker (#58303)

Deputy Public Counsel

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Jefferson City, MO 65102

(573) 751-5565

(573) 751-5562 FAX

christina.baker@ded.mo.gov

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, emailed or hand-delivered to the following this 19th day of December 2013:

General Counsel Office
Missouri Public Service Commission
200 Madison Street, Suite 800
P.O. Box 360
Jefferson City, MO 65102
staffcounsel@psc.mo.gov

Amy Moore
General Counsel Office
Missouri Public Service Commission
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Lake Region Water and Sewer Co.
Mark Comley
P.O. Box 537
601 Monroe Street, Suite 301
Jefferson City, MO 65102-0537
comley@ncrpc.com

/s/ Christina L. Baker

**OFFICE OF THE PUBLIC COUNSEL
DATA REQUEST**

**LAKE REGION WATER & SEWER COMPANY
CASE NOS. WR-2013-0461/SR-2013-0459**

Requested From: John R. Summers

Requested By: Ted Robertson

Date Requested: November 7, 2013

Information Requested: Do employees of the Public Water Supply District Number Four of Camden County still process the billing, collection and reconciliation of payments for availability fees from lot owners that have not connected to the utility system in the Shawnee Bend and Horseshoe Bend jurisdictions of the utility? If yes, please describe, in detail, who performs each of those duties and when the work occurs. If no, please identify who now performs those activities.

Response Provided:

The information provided to the Office of the Public Counsel in response to the above information request is accurate and complete, and contains no material misrepresentations or omissions based upon present facts known to the undersigned. The undersigned agrees to immediately inform the Office of the Public Counsel if any matters are discovered which would materially affect the accuracy or completeness of the information provided in response to the above information.

Date Received: _____ Received By: _____

Prepared By: _____

**OFFICE OF THE PUBLIC COUNSEL
DATA REQUEST**

**LAKE REGION WATER & SEWER COMPANY
CASE NOS. WR-2013-0461/SR-2013-0459**

Requested From: John R. Summers

Requested By: Ted Robertson

Date Requested: November 7, 2013

Information Requested: If the PWSD No. 4 is still performing the billing and collection duties of availability fees for the owners of the utility, are the payments of availability fees received from lot owners that have not connected to the utility system in the Shawnee Bend and Horseshoe Bend jurisdictions of the utility still booked in the financial records of the utility? If yes, please identify and describe, in detail, all general ledger accounts by name, number and year, utilized for the processing of the availability fees subsequent to the utility's last rate case.

Response Provided:

The information provided to the Office of the Public Counsel in response to the above information request is accurate and complete, and contains no material misrepresentations or omissions based upon present facts known to the undersigned. The undersigned agrees to immediately inform the Office of the Public Counsel if any matters are discovered which would materially affect the accuracy or completeness of the information provided in response to the above information.

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Prepared By: _____

**OFFICE OF THE PUBLIC COUNSEL
DATA REQUEST**

**LAKE REGION WATER & SEWER COMPANY
CASE NOS. WR-2013-0461/SR-2013-0459**

Requested From: John R. Summers

Requested By: Ted Robertson

Date Requested: November 7, 2013

Information Requested: If Company's response to OPC Data Request No. 1001 is yes, for each general ledger account identified, please identify and describe, in detail, any other costs, expenses, monies, etc., that are not availability fees that were/are also booked in each respective account.

Response Provided:

The information provided to the Office of the Public Counsel in response to the above information request is accurate and complete, and contains no material misrepresentations or omissions based upon present facts known to the undersigned. The undersigned agrees to immediately inform the Office of the Public Counsel if any matters are discovered which would materially affect the accuracy or completeness of the information provided in response to the above information.

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**OFFICE OF THE PUBLIC COUNSEL
DATA REQUEST**

**LAKE REGION WATER & SEWER COMPANY
CASE NOS. WR-2013-0461/SR-2013-0459**

Requested From: John R. Summers

Requested By: Ted Robertson

Date Requested: November 7, 2013

Information Requested: It is my understanding that availability fees are billed and collected by the utility's owners only for undeveloped lots attributed to Four Seasons Lakesites, Inc., and subsequent assignees, within the Shawnee Bend water and sewer jurisdiction of the utility and that the Horseshoe Bend sewer jurisdiction does not have an availability fee. Is that correct? If no, please explain why it is not correct.

Response Provided:

The information provided to the Office of the Public Counsel in response to the above information request is accurate and complete, and contains no material misrepresentations or omissions based upon present facts known to the undersigned. The undersigned agrees to immediately inform the Office of the Public Counsel if any matters are discovered which would materially affect the accuracy or completeness of the information provided in response to the above information.

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**LAKE REGION WATER & SEWER COMPANY
CASE NOS. WR-2013-0461/SR-2013-0459**

Requested From: John R. Summers

Requested By: Ted Robertson

Date Requested: November 7, 2013

Information Requested: It is my understanding that all "lots" in the development attributed to Four Seasons Lakesites, Inc., and subsequent assignees, within the Shawnee Bend water and sewer jurisdiction of the utility have been sold. Is that correct? If no, please explain why it is not correct. If it is correct, please identify the date (month and year) that the last lot was sold.

Response Provided:

The information provided to the Office of the Public Counsel in response to the above information request is accurate and complete, and contains no material misrepresentations or omissions based upon present facts known to the undersigned. The undersigned agrees to immediately inform the Office of the Public Counsel if any matters are discovered which would materially affect the accuracy or completeness of the information provided in response to the above information.

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**LAKE REGION WATER & SEWER COMPANY
CASE NOS. WR-2013-0461/SR-2013-0459**

Requested From: John R. Summers

Requested By: Ted Robertson

Date Requested: November 7, 2013

Information Requested: If PWSD No. 4 is still performing the billing and collection duties of availability fees for the owners of the utility, are the monthly/annual fees the same as identified in the prior rate case? If no, please explain what has changed and when.

Response Provided:

The information provided to the Office of the Public Counsel in response to the above information request is accurate and complete, and contains no material misrepresentations or omissions based upon present facts known to the undersigned. The undersigned agrees to immediately inform the Office of the Public Counsel if any matters are discovered which would materially affect the accuracy or completeness of the information provided in response to the above information.

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Prepared By:_____

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DATA REQUEST**

**LAKE REGION WATER & SEWER COMPANY
CASE NOS. WR-2013-0461/SR-2013-0459**

Requested From: John R. Summers

Requested By: Ted Robertson

Date Requested: November 7, 2013

Information Requested: If PWSD No. 4 is still performing the billing and collection duties of availability fees for the owners of the utility, are you aware of any changes or modifications, subsequent to the utility's last rate case, to the Declaration of Restrictive Covenants under which the fees are defined and assessed? If yes, please explain what has changed and when.

Response Provided:

The information provided to the Office of the Public Counsel in response to the above information request is accurate and complete, and contains no material misrepresentations or omissions based upon present facts known to the undersigned. The undersigned agrees to immediately inform the Office of the Public Counsel if any matters are discovered which would materially affect the accuracy or completeness of the information provided in response to the above information.

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DATA REQUEST**

**LAKE REGION WATER & SEWER COMPANY
CASE NOS. WR-2013-0461/SR-2013-0459**

Requested From: John R. Summers

Requested By: Ted Robertson

Date Requested: November 7, 2013

Information Requested: For the Shawnee Bend Water and Sewer jurisdiction, respectively, 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, please provide a listing showing the name of each lot owner billed, how many lots each owner was billed for (single lot, double lot, etc.), the amount of the water availability fee billed and collected applicable to each owner and the amount of the sewer availability fee billed and collected applicable to each owner.

Response Provided:

The information provided to the Office of the Public Counsel in response to the above information request is accurate and complete, and contains no material misrepresentations or omissions based upon present facts known to the undersigned. The undersigned agrees to immediately inform the Office of the Public Counsel if any matters are discovered which would materially affect the accuracy or completeness of the information provided in response to the above information.

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**OFFICE OF THE PUBLIC COUNSEL
DATA REQUEST**

**LAKE REGION WATER & SEWER COMPANY
CASE NOS. WR-2013-0461/SR-2013-0459**

Requested From: John R. Summers

Requested By: Ted Robertson

Date Requested: November 7, 2013

Information Requested: Please provide a reconciliation of the total availability fees collected from lot owners in the Shawnee Bend Water and Sewer jurisdiction that were booked in the utility general ledger accounts, 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.

Response Provided:

The information provided to the Office of the Public Counsel in response to the above information request is accurate and complete, and contains no material misrepresentations or omissions based upon present facts known to the undersigned. The undersigned agrees to immediately inform the Office of the Public Counsel if any matters are discovered which would materially affect the accuracy or completeness of the information provided in response to the above information.

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**OFFICE OF THE PUBLIC COUNSEL
DATA REQUEST**

**LAKE REGION WATER & SEWER COMPANY
CASE NOS. WR-2013-0461/SR-2013-0459**

Requested From: John R. Summers

Requested By: Ted Robertson

Date Requested: November 7, 2013

Information Requested: Is it the Company's belief that utility plant-in-service is utilized and necessary in the provision of the services it provides to ratepayers?

Response Provided:

The information provided to the Office of the Public Counsel in response to the above information request is accurate and complete, and contains no material misrepresentations or omissions based upon present facts known to the undersigned. The undersigned agrees to immediately inform the Office of the Public Counsel if any matters are discovered which would materially affect the accuracy or completeness of the information provided in response to the above information.

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**OFFICE OF THE PUBLIC COUNSEL
DATA REQUEST**

**LAKE REGION WATER & SEWER COMPANY
CASE NOS. WR-2013-0461/SR-2013-0459**

Requested From: John R. Summers

Requested By: Ted Robertson

Date Requested: November 7, 2013

Information Requested: Please provide documentation identifying the total number of "lots" that were developed by Four Seasons Lakesites, Inc., and subsequent assignees, within the Shawnee Bend Water and Sewer jurisdiction. Include within the documentation a reconciliation of the number of "lots" that are currently taking water and/or sewer services from the utility and the number of "lots" that are not currently taking water and/or sewer services from the utility.

Response Provided:

The information provided to the Office of the Public Counsel in response to the above information request is accurate and complete, and contains no material misrepresentations or omissions based upon present facts known to the undersigned. The undersigned agrees to immediately inform the Office of the Public Counsel if any matters are discovered which would materially affect the accuracy or completeness of the information provided in response to the above information.

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DATA REQUEST**

**LAKE REGION WATER & SEWER COMPANY
CASE NOS. WR-2013-0461/SR-2013-0459**

Requested From: John R. Summers

Requested By: Ted Robertson

Date Requested: November 7, 2013

Information Requested: It is my understanding the Section 19.3(b) of the 4th Amendment to the Declaration of Restrictive Covenants that governs the assessment of availability fees states, "The Declaration may be amended at any time by the Developer at the request or with the consent of the Board until such time as all lots are sold, at which such time the Declaration may be amended by the affirmative vote of two-thirds of the owners of all of the lots entitled to vote." Is this language still in effect? If not when was it changed or modified? If changed or modified, please provide copies of all subsequent amendments. Lastly, what is the Company's interpretation of the language and why have lot owners within the Shawnee Bend Water and Sewer jurisdiction of the utility not voted to change the Declaration of Restrictive Covenants to eliminate the availability fees?

Response Provided:

The information provided to the Office of the Public Counsel in response to the above information request is accurate and complete, and contains no material misrepresentations or omissions based upon present facts known to the undersigned. The undersigned agrees to immediately inform the Office of the Public Counsel if any matters are discovered which would materially affect the accuracy or completeness of the information provided in response to the above information.

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Prepared By: _____

**OFFICE OF THE PUBLIC COUNSEL
DATA REQUEST**

**LAKE REGION WATER & SEWER COMPANY
CASE NOS. WR-2013-0461/SR-2013-0459**

Requested From: John R. Summers

Requested By: Ted Robertson

Date Requested: November 7, 2013

Information Requested: Is it the Company's belief that the purpose of the availability fees was to recover the infrastructure investment in the water and sewer systems within the Shawnee Bend Water and Sewer jurisdiction? If no, please explain, in detail, why that is not correct.

Response Provided:

The information provided to the Office of the Public Counsel in response to the above information request is accurate and complete, and contains no material misrepresentations or omissions based upon present facts known to the undersigned. The undersigned agrees to immediately inform the Office of the Public Counsel if any matters are discovered which would materially affect the accuracy or completeness of the information provided in response to the above information.

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Prepared By: _____

**OFFICE OF THE PUBLIC COUNSEL
DATA REQUEST**

**LAKE REGION WATER & SEWER COMPANY
CASE NOS. WR-2013-0461/SR-2013-0459**

Requested From: John R. Summers

Requested By: Ted Robertson

Date Requested: November 7, 2013

Information Requested: For all plant-in-service installed within the Shawnee Bend Water and Sewer jurisdiction by Four Seasons Lakesites, Inc., and subsequent assignees, please provide a reconciliation identifying, by year, the total actual costs incurred and booked to the individual USOA plant accounts. Also, for each year the information is provided, include the costs associated with any retirements and any other changes or modification to the individual plant-in-service balances.

Response Provided:

The information provided to the Office of the Public Counsel in response to the above information request is accurate and complete, and contains no material misrepresentations or omissions based upon present facts known to the undersigned. The undersigned agrees to immediately inform the Office of the Public Counsel if any matters are discovered which would materially affect the accuracy or completeness of the information provided in response to the above information.

Date Received: _____ Received By: _____

Prepared By: _____

**OFFICE OF THE PUBLIC COUNSEL
DATA REQUEST**

**LAKE REGION WATER & SEWER COMPANY
CASE NOS. WR-2013-0461/SR-2013-0459**

Requested From: John R. Summers

Requested By: Ted Robertson

Date Requested: November 7, 2013

Information Requested: It is my understanding that on or about April 12, 2000 a previous owner of the utility assigned the availability fees rights from the utility's ownership to his personal possession (i.e., Mr. Waldo I. Morris). Is that correct? If no, please explain, in detail, why that is not correct. If my understanding is correct, by what authority did the utility consummate the financial transaction? For example, did the utility seek and receive authorization from the MPSC to effectuate the assignment? If no, why did it believe that no such authorization was required?

Response Provided:

The information provided to the Office of the Public Counsel in response to the above information request is accurate and complete, and contains no material misrepresentations or omissions based upon present facts known to the undersigned. The undersigned agrees to immediately inform the Office of the Public Counsel if any matters are discovered which would materially affect the accuracy or completeness of the information provided in response to the above information.

Date Received: _____ Received By: _____

Prepared By: _____

**OFFICE OF THE PUBLIC COUNSEL
DATA REQUEST**

**LAKE REGION WATER & SEWER COMPANY
CASE NOS. WR-2013-0461/SR-2013-0459**

Requested From: John R. Summers

Requested By: Ted Robertson

Date Requested: November 7, 2013

Information Requested: Please provide a complete copy of the April 15, 2005 settlement agreement in Civil Case No. CV103-760CC.

Response Provided:

The information provided to the Office of the Public Counsel in response to the above information request is accurate and complete, and contains no material misrepresentations or omissions based upon present facts known to the undersigned. The undersigned agrees to immediately inform the Office of the Public Counsel if any matters are discovered which would materially affect the accuracy or completeness of the information provided in response to the above information.

Date Received: _____ Received By: _____

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**OFFICE OF THE PUBLIC COUNSEL
DATA REQUEST**

**LAKE REGION WATER & SEWER COMPANY
CASE NOS. WR-2013-0461/SR-2013-0459**

Requested From: John R. Summers

Requested By: Ted Robertson

Date Requested: November 7, 2013

Information Requested: For all plant-in-service installed within the Shawnee Bend Water and Sewer jurisdiction by Four Seasons Lakesites, Inc., and subsequent assignees, please provide a reconciliation identifying, by year, the total actual costs incurred and booked to the individual USOA plant accounts that was donated to the utility by the developers.

Response Provided:

The information provided to the Office of the Public Counsel in response to the above information request is accurate and complete, and contains no material misrepresentations or omissions based upon present facts known to the undersigned. The undersigned agrees to immediately inform the Office of the Public Counsel if any matters are discovered which would materially affect the accuracy or completeness of the information provided in response to the above information.

Date Received: _____ Received By: _____

Prepared By: _____

**OFFICE OF THE PUBLIC COUNSEL
DATA REQUEST**

**LAKE REGION WATER & SEWER COMPANY
CASE NOS. WR-2013-0461/SR-2013-0459**

Requested From: John R. Summers

Requested By: Ted Robertson

Date Requested: November 7, 2013

Information Requested: Regarding Company's response to OPC Data Request No. 1016, please provide a reconciliation of the contribution-in-aid-of-construction (CIAC) booked in the financial records for each year associated with infrastructure donated by the developers.

Response Provided:

The information provided to the Office of the Public Counsel in response to the above information request is accurate and complete, and contains no material misrepresentations or omissions based upon present facts known to the undersigned. The undersigned agrees to immediately inform the Office of the Public Counsel if any matters are discovered which would materially affect the accuracy or completeness of the information provided in response to the above information.

Date Received: _____ Received By: _____

Prepared By: _____

**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 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") objects to the following data requests served by the Office of Public Counsel. 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.

DR 1000: Do employees of the Public Water Supply District Number Four of Camden County still process the billing, collection and reconciliation of payments for availability fees from lot owners that have not connected to the utility system in the Shawnee Bend and Horseshoe Bend jurisdictions of the utility? If yes, please describe, in detail, who performs each of those duties and when the work occurs. If no, please identify who now performs those.

Objection: This request seeks information from or about a nonparty(ies) to this matter and therefore falls outside the scope of permitted discovery. Furthermore it is irrelevant and not calculated to lead to the discovery of relevant evidence. Lake Region does not charge or collect availability fees. Lake Region does not have direct knowledge or information concerning Public Water Supply District Four and its relationship with its staff, employees or others. The request seeks information purportedly in the possession or control of Public Water Supply District Number Four and about the operations of Public Water Supply District Number Four. Public Water Supply District Number Four is not a party to this matter.

DR 1001: If the PWSD No. 4 is still performing the billing and collection duties of availability fees for the owners of the utility, are the payments of availability fees received from lot owners that have not connected to the utility system in the Shawnee Bend and Horseshoe Bend jurisdictions of the utility still booked in the financial records of the utility? If yes, please identify and describe, in detail, all general ledger accounts by name, number and year, utilized for the processing of the availability fees subsequent to the utility's last rate case.

Objection: See objection to DR 1000.

DR 1002: If Company's response to OPC Data Request No. 1001 is yes, for each general ledger account identified, please identify and describe, in detail, any other costs, expenses, monies, etc., that are not availability fees that were/are also booked in each respective account.

Objection: See objections to DR 1000 and DR 1001.

DR 1003: It is my understanding that availability fees are billed and collected by the utility's owners only for undeveloped lots attributed to Four Seasons Lakesites, Inc., and subsequent assignees, within the Shawnee Bend water and sewer jurisdiction of the utility and that the Horseshoe Bend sewer jurisdiction does not have an availability fee. Is that correct? If no, please explain why it is not correct.

Objection: 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. Furthermore it is irrelevant and not calculated to lead to the discovery of relevant evidence. Lake Region does not charge or collect availability fees.

DR 1004: It is my understanding that all "lots" in the development attributed to Four Seasons Lakesites, Inc., and subsequent assignees, within the Shawnee Bend water and sewer jurisdiction of the utility have been sold. Is that correct? If no, please explain why it is not correct. If it is correct, please identify the date (month and year) that the last lot was sold.

Objection: 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. Furthermore it is irrelevant and not calculated to lead to the discovery of relevant evidence. Sale of lots in subdivisions within which Lake Region may have customers is irrelevant to the issues in this rate case.

DR 1005: If PWSD No. 4 is still performing the billing and collection duties of availability fees for the owners of the utility, are the monthly/annual fees the same as identified in the prior rate case? If no, please explain what has changed and when.

Objection: This request seeks information from or about a nonparty(ies) to this matter and therefore falls outside the scope of permitted discovery. Furthermore it is irrelevant and not calculated to lead to the discovery of relevant evidence. Lake Region does not charge or collect availability fees. Lake Region does

not have direct knowledge or information concerning Public Water Supply District Four and its relationship with its staff, employees or others. The request seeks information purportedly in the possession or control of Public Water Supply District Number Four and about the operations of Public Water Supply District Number Four. Public Water Supply District Number Four is not a party to this matter.

DR 1006: If PWSD No. 4 is still performing the billing and collection duties of availability fees for the owners of the utility, are you aware of any changes or modifications, subsequent to the utility's last rate case, to the Declaration of Restrictive Covenants under which the fees are defined and assessed? If yes, please explain what has changed and when.

Objection: This request seeks information from or about a nonparty(ies) to this matter and therefore falls outside the scope of permitted discovery. Furthermore it is irrelevant and not calculated to lead to the discovery of relevant evidence. Lake Region does not charge or collect availability fees. Lake Region does not have direct knowledge or information concerning Public Water Supply District Four and its relationship with its staff, employees or others. The request seeks information purportedly in the possession or control of Public Water Supply District Number Four and about the operations of Public Water Supply District Number Four. Public Water Supply District Number Four is not a party to this matter.

DR 1007: For the Shawnee Bend Water and Sewer jurisdiction, respectively, 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, please provide a listing showing the name of each lot owner billed, how many lots each owner was billed for (single lot, double lot, etc.), the amount of the water availability fee billed and collected applicable to each owner and the amount of the sewer availability fee billed and collected applicable to each owner.

Objection: This request seeks information from or about a nonparty(ies) to this matter and therefore falls outside the scope of permitted discovery. Furthermore it is irrelevant and not calculated to lead to the discovery of relevant evidence. Lake Region does not charge or collect availability fees. Lake Region does not have direct knowledge or information concerning Public Water Supply District Four and its relationship with its staff, employees or others. The request seeks information purportedly in the possession or control of Public Water Supply District Number Four and about the operations of Public Water Supply District Number Four. Public Water Supply District Number Four is not a party to this matter. Additionally, it is vague and ambiguous and burdensome in that it does not narrow its requests to a definite period of time.

DR 1008: Please provide a reconciliation of the total availability fees collected from lot owners in the Shawnee Bend Water and Sewer jurisdiction that were booked in the utility general ledger accounts, by year, for each and every year that the PWSN 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: This request seeks information from or about a nonparty(ies) to this matter and therefore falls outside the scope of permitted discovery. Furthermore it is irrelevant and not calculated to lead to the discovery of relevant evidence. Lake Region does not charge or collect availability fees. Lake Region does not have direct knowledge or information concerning Public Water Supply District Four and its relationship with its staff, employees or others. The request seeks information purportedly in the possession or control of Public Water Supply District Number Four and about the operations of Public Water Supply District Number Four. Public Water Supply District Number Four is not a party to this matter.

DR 1010: Please provide documentation identifying the total number of "lots" that were developed by Four Seasons Lakesites, Inc., and subsequent assignees, within the Shawnee Bend Water and Sewer jurisdiction. Include within the documentation a reconciliation of the number of "lots" that are currently taking water and/or sewer services from the utility and the number of "lots" that are not currently taking water and/or sewer services from the utility.

Objection: 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. Furthermore it is irrelevant and not calculated to lead to the discovery of relevant evidence. Development of lots for sale and their condition in subdivisions within which Lake Region may have customers is irrelevant to the issues in this rate case.

DR 1011: It is my understanding the Section 19.3(b) of the 4th Amendment to the Declaration of Restrictive Covenants that governs the assessment of availability fees states, "The Declaration may be amended at any time by the Developer at the request or with the consent of the Board until such time as all lots are sold, at which such time the Declaration may be amended by the affirmative vote of two-thirds of the owners of all of the lots entitled to vote." Is this language still in effect? If not when was it changed or modified? If changed or modified, please provide copies of all subsequent amendments. Lastly, what is the Company's interpretation of the language and why have lot owners within the Shawnee Bend

Water and Sewer jurisdiction of the utility not voted to change the Declaration of Restrictive Covenants to eliminate the availability fees?

Objection: 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. Furthermore it is irrelevant and not calculated to lead to the discovery of relevant evidence. Moreover, it asks Lake Region to speculate on the intentions, conclusions or thought processes of owners of lots in subdivisions.

DR 1012: Is it the Company's belief that the purpose of the availability fees was to recover the infrastructure investment in the water and sewer systems within the Shawnee Bend Water and Sewer jurisdiction? If no, please explain, in detail, why that is not correct.

Objection: Inquiry about availability fees is irrelevant and not calculated to lead to the discovery of admissible evidence. Additionally, this request asks Lake Region to speculate on why real estate developers instituted an availability fee as part of a real estate development.

DR 1014: It is my understanding that on or about April 12, 2000 a previous owner of the utility assigned the availability fees rights from the utility's ownership to his personal possession (i.e., Mr. Waldo I. Morris). Is that correct? If no, please explain, in detail, why that is not correct. If my understanding is correct, by what authority did the utility consummate the financial transaction? For example, did the utility seek and receive authorization from the MPSC to effectuate the assignment? If no, why did it believe that no such authorization was required?

Objection: This request seeks information from or about a nonparty(ies) to this matter and therefore falls outside the scope of permitted discovery. Furthermore it is irrelevant and not reasonably calculated to lead to the discovery of relevant evidence. Lake Region does not charge or collect availability fees. The request concerns transactions between shareholders in Lake Region who are not parties to this matter.

DR 1015: Please provide a complete copy of the April 15, 2005 settlement agreement in Civil Case No. CV103-760CC.

Objection: This request is irrelevant and is not reasonably calculated to lead to the discovery of relevant evidence. Furthermore, the document requested is subject to a confidentiality agreement which forbids public disclosure thereof.

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 15th day of November, 2013, to Christina L. Baker, christina.baker@ded.mo.gov.

/s/ Mark W. Comley