

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held at its office in Jefferson City on the 12th day of July, 2023.

The Staff of the Missouri Public Service Commission,
Complainant,
v.
I-70 Mobile City, Inc. d/b/a I-70 Mobile City Park.
Respondent.

File No. WC-2022-0295

ORDER GRANTING STAFF’S MOTION TO COMPEL WITH MODIFICATIONS

Issue Date: July 12, 2023

Effective Date: July 27, 2023

On April 14, 2023, the Staff of the Commission (Staff) filed a motion to compel I-70 Mobile City, Inc. d/b/a I-70 Mobile City Park to respond to certain data requests. I-70 Mobile City Park responded to Staff’s motion on April 24, 2023. I-70 Mobile City Park asked that the Commission deny Staff’s motion and requested a hearing on its motion. The Commission granted two continuances of the motion hearing based upon the parties’ representation that they were engaged in settlement negotiations and needed additional time to draft a settlement agreement. Ultimately, that endeavor did not succeed and the Commission held a hearing on Staff’s motion to compel on June 7, 2023.

Parties appearing before the Commission use data requests to accomplish discovery in cases like this water complaint. Prior to its motion to compel, Staff filed a motion requesting a discovery conference to address I-70 Mobile City Park’s failing to

answer specific data requests and failing to update previous data request answers. That discovery conference did not resolve the issues between the parties and Staff was authorized to file a motion to compel.

Staff seeks to compel I-70 Mobile City Park to answer outstanding data requests and update answers to previous data requests. Staff originally requested the Commission issue an order compelling I-70 Mobile City Park provide full and complete responses to data requests 14, 19, 20, 42, and 44 within 10 days of a Commission order. Staff's motion asserts that I-70 Mobile City Park failed to answer specific data requests and failed to update other requests. Prior to the motion hearing, I-70 Mobile City Park adequately responded to Staff data requests 19 and 20, so those data requests are not addressed in this order.

The remaining data requests at issue are as follows:

- **Data request 14** - Asks Respondents to provide a complete explanation of the billing process for water and sewer service provided to tenants/customers at I-70 Mobile City Park. Also, that I-70 Mobile City Park provide copies of all customer bills dated January 1, 2017, to the present.
- **Data request 42** - Asks Respondents to provide copies of any water bills received by I-70 Mobile City Park from the Public Water District that are used to calculate tenant bills. Also, that I-70 Mobile City Park provide copies of all applicable bills received dated January 1, 2017, to the present.
- **Data request 44** – Asks Respondents to provide copies of all lease agreements and/or contracts between I-70 Mobile City Park and its tenants/customers currently in effect.

I-70 Mobile City Park objected to answering Staff's data requests as irrelevant, duplicative, vague, and overly burdensome. I-70 Mobile City Park stated that it had already responded to more than 50 data requests, and had provided more than 250 documents to Staff.

At the motion hearing I-70 Mobile City Park explained some of its objections further. There are 56 spots for tenants at the mobile home park. If all spots were occupied, and water and sewer were billed together, it would result in 672 bills per year; double that if water and sewer are billed separately. I-70 Mobile City Park clarified that tenants are not mailed bills, but access their individual bills electronically. I-70 Mobile City Park cannot batch print bills for particular months or years. So, for a year of bills, I-70 Mobile City Park would have to access the electronic portal and print bills individually, which would take significant time and effort for a company the size of I-70 Mobile City Park.

Commission Rule 20 CSR 4240-2.090(1) states that discovery may be obtained by the same means and under the same conditions as in civil actions in the circuit court. Missouri Rule of Civil Procedure 56.01(b) states that parties may obtain discovery regarding any matter, not privileged, that is relevant to the subject matter involved in the pending action. Parties may inquire into any matter that is reasonably calculated to lead to admissible evidence.¹

An examination of Staff's outstanding data requests shows that they are necessary to determine whether I-70 Mobile City Park is providing water and sewer services that would require Commission regulation, and also necessary to answer I-70 Mobile City Park's summary determination motion. Staff's motion demonstrates that its data requests

¹ *State ex. rel. Martel v. Gallagher*, 797 S.W.2d 730 (Mo. App. E.D. 1990).

are relevant and likely to lead to admissible evidence. Additionally, Staff has attempted to make it easier for I-70 Mobile City Park to provide discovery. Staff has offered, as an alternative to providing all bills from January 1, 2017, to present, that I-70 Mobile City Park provide copies of all customer bills from July 1, 2022, to present.

Missouri Rule of Civil Procedure 56.01(b) also provides that discovery be proportional to the needs of the case. This necessitates an inquiry of what discovery is sufficient for what purpose. Staff is seeking to determine how I-70 Mobile City Park customers are billed for utility service over time. Staff also needs to be able to relate that information to particular tenants and across a number of tenants. The Commission believes this can be accomplished by scaling Staff's request so that it's easier for I-70 Mobile City Park to comply with, but still sufficient for Staff's purpose.

During the motion hearing, the Regulatory Law Judge discussed I-70 Mobile City Park providing a representative sample of bills and leases across customers and over time. To date, I-70 Mobile City Park has only provided sample bills and leases not associated with a particular tenant or unit. Staff stated that April 26, 2023, was an ideal date for the leases it requested. Accordingly, the Commission will order that I-70 Mobile City Park provide Staff with a copy of all leases or rental agreements for all tenants of the mobile home park in effect during April 26, 2023, one year of utility bills for five customers that resided in the mobile home park for the period of June 2022 through June 2023, all water and sewer bills from June 2022 through June 2023 from whatever entities bill I-70 Mobile City Park for water and sewer service (i.e. – Bates City or a public water district), and 100 randomly selected utility bills for tenants between June 2022 and June 2023. I-70 Mobile City Park shall also provide a complete explanation of the billing process for

water and sewer service provided to tenants/customers at I-70 Mobile City Park. All utility bills provided to Staff must contain the customer and unit/pad identification. Staff shall take sufficient precautions to ensure that specifically identifiable customer information remain confidential.

The Commission will order I-70 Mobile City Park to answer outstanding data requests as provided in the body of this order. Upon receipt of I-70 Mobile City Park's discovery information, Staff shall inform the Commission whether the information provided is sufficient so the Commission may set a date by which Staff must answer I-70 Mobile City Park's outstanding summary determination motion. The Commission finds it reasonable to make this order effective in less than 30 days.

THE COMMISSION ORDERS THAT:

1. Staff's motion to compel is granted in part. Within ten days of the effective date of this order, I-70 Mobile City Park must answer Staff's data requests as set forth in the body of this order and update its answers to previous data requests.
2. All other requests for relief are denied.
3. This order shall be effective July 27, 2023.



BY THE COMMISSION

A handwritten signature in cursive script that reads "Nancy Dippell".

Nancy Dippell
Secretary

Rupp, Chm., Coleman, Holsman, Kolkmeier
and Hahn CC., concur.

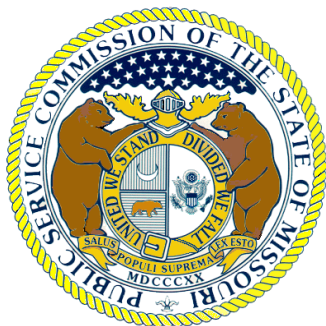
Clark, Senior Regulatory Law Judge

STATE OF MISSOURI

OFFICE OF THE PUBLIC SERVICE COMMISSION

I have compared the preceding copy with the original on file in this office and I do hereby certify the same to be a true copy therefrom and the whole thereof.

WITNESS my hand and seal of the Public Service Commission, at Jefferson City, Missouri, this 12th day of July, 2023.



Nancy Dippell

Nancy Dippell
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

July 12, 2023

File/Case No. WC-2022-0295

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Enclosed find a certified copy of an Order or Notice issued in the above-referenced matter(s).

Sincerely,



**Nancy Dippell
Secretary**

Recipients listed above with a valid e-mail address will receive electronic service. Recipients without a valid e-mail address will receive paper service.