

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its Office in
Jefferson City on the 18th day of
January, 2017.

In The Matter of Ridge Creek Water Company, LLC's)
Application to Implement a General Rate Increase in)
Water Service)

File No. WR-2017-0042

**ORDER DIRECTING RIDGE CREEK WATER COMPANY TO RESPOND
TO PUBLIC COUNSEL'S DISCOVERY REQUESTS**

Issue Date: January 18, 2017

Effective Date: January 18, 2017

On November 11, 2016, Ridge Creek Water Company, LLC filed a request for a water rate increase using the Commission's small utility company rate case procedure. On December 28, the Office of the Public Counsel filed a motion asking the Commission to compel Ridge Creek to respond to data requests it has submitted to the company.

The motion explains that Public Counsel submitted certain data requests to Ridge Creek on November 18. Answers to those data requests were due on December 5, but Ridge Creek has not answered the data requests, nor has it objected to any of the data requests. Public Counsel has attempted to contact Ridge Creek regarding its discovery requests, but has not been able to obtain any answers from the company. The motion asks the Commission to compel Ridge Creek to respond to Public Counsel's data requests, to waive certain provisions of the Commission's rules regarding discovery issue resolution, and to specify sanctions the Commission will pursue if Ridge Creek fails to obey the Commission's Order.¹

¹ As an alternative, Public Counsel asks the Commission to stay the rate case proceedings until Ridge Creek files a voluntary receivership petition. Public Counsel makes that suggestion based on

After receiving Public Counsel's motion, the Commission ordered that any party wishing to respond to that motion do so no later than January 6, 2017. The Commission's Staff responded to Public Counsel's motion on January 6. Ridge Creek has not responded.

Staff's response does not object to requiring Ridge Creek to respond to Public Counsel's data requests, but opposes Public Counsel's motion to compel because it believes Public Counsel should first be required to comply with the informal discovery dispute resolution provisions contained in Commission Rule 4 CSR 240-2.090(8). Staff also opposes the contingent sanctions for failure to respond proposed by Public Counsel. Staff indicates it has also had problems obtaining discovery responses from Ridge Creek, but has obtained some documents, which it has shared with Public Counsel. Public Counsel replied to Staff's response on January 10.

As a party to this case, Public Counsel is allowed to submit data request to Ridge Creek.² Ridge Creek must comply with Public Counsel's data requests.

The Commission's rules require parties to undertake informal steps to enforce their discovery rights before bringing their disputes to the Commission's attention. However, the Commission can waive this requirement for good cause.³ In this case, Ridge Creek's failure to respond to Public Counsel's inquiries, and indeed its failure to respond to Public Counsel's motion, indicate that additional informal attempts to obtain discovery responses would likely be futile. The Commission finds there is good cause to waive that Public Counsel has satisfied the requirements of Commission Rule 4 CSR 240-2.090(8).

discussions with Staff that indicate Ridge Creek may be considering such an action. There is insufficient information in the record to justify staying the rate case proceedings at this time.

² Commission Rule 4 CSR 240-2.090(2).

³ Commission Rule 4 CSR 240-2.015(1).

If Ridge Creek fails to answer Public Counsel's data requests after having been ordered to do so, the Commission may impose sanctions against the company.⁴ Those sanctions may include the sanctions allowed for discovery violations under Missouri's rules of civil procedures.⁵ However, the Commission does not believe that it is necessary or appropriate to specify the sanctions that may be imposed for violation of this order. Rather, the Commission presumes that Ridge Creek will promptly comply with its obligations to respond to data requests and will comply with this order. If that presumption is incorrect, the Commission will address the question of sanctions in a subsequent order.

THE COMMISSION ORDERS THAT:

1. Ridge Creek Water Company, LLC shall respond to Public Counsel's previously submitted data requests no later than January 27, 2017.
2. This order shall be effective when issued.

BY THE COMMISSION



A handwritten signature in black ink that reads "Morris L. Woodruff".

Morris L. Woodruff
Secretary

Hall, Chm., Stoll, Kenney, Rupp, and
Coleman, CC., concur.

Woodruff, Chief Regulatory Law Judge

⁴ Commission Rule 4 CSR 240-2.090(2)(I).

⁵ Commission Rule 4 CSR 240-2.090(1). The Missouri Rule of Civil Procedure on sanctions for failure to make discovery is Rule 61.01.


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 18th day of January 2017.




Morris L. Woodruff
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

January 18, 2017

File/Case No. WR-2017-0042

**Missouri Public Service
Commission**

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**Ridge Creek Water Company,
LLC**

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

Sincerely,



**Morris L. Woodruff
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.