

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

In the Matter of the Application of Rate            )  
Increase Request for Liberty Utilities (Missouri )  
Water), LLC d/b/a Liberty Utilities                )

**File No. WR-2018-0170**

**MOTION TO COMPEL DISCOVERY**

**COMES NOW** the Staff of the Missouri Public Service Commission, by and through counsel, and for its *Motion to Compel Discovery* hereby respectfully states:

1. On December 15, 2017, Liberty Utilities (Missouri Water), LLC d/b/a Liberty Utilities (“Liberty Utilities” or “Company”) filed its rate increase request with the Missouri Public Service Commission (“Commission”).

2. Staff has submitted several data requests (DRs) to Liberty Utilities, many of which to date remain insufficiently answered.

3. Staff is concerned with the Company’s inability to answer DRs sufficiently and, in an effort to ensure it has the necessary information available to complete its investigation and report, Staff brings these concerns to the Commission’s attention. The following DRs have been responded to in an insufficient manner:

a) **8** – This DR asks Liberty Utilities to provide dates of any major improvements that have occurred since the Company’s last water and sewer rate cases by operating system. It also asks for any major improvements under design or construction. Liberty Utilities responded to this DR on December 28, 2017 and supplemented on February 16, 2018. Both answers lack much of the requested information.

b) **24** – Asks for operations and maintenance expense ratio for calendar years 2015, 2016, and 2017 along with calculations of how the expense ratio was determined. Liberty Utilities responded to this DR on January 8, 2018 but contained an insufficient response.

c) **29** – Asks for copies of all contracts for vendors that provide services for water and sewer operations of Liberty Utilities including the management and operations contract. Liberty Utilities responded to this DR on January 8, 2018, but the response did not contain all of the requested contracts.

d) **30** – Asks for copies of the 2015 and 2016 property tax assessments, real estate, corporate franchise tax receipts and the amounts of all of these taxes actually paid. Liberty Utilities responded to this DR on January 8, 2018; they also submitted a supplemental response on February 16, 2018, but the response lacked invoices that made information provided insufficient.

e) **34** – Asks for all invoices for any major investments/expenditures since the end of the last Liberty Utilities rate case or bids for any planned investments/expenditures in the future. The Company responded to this DR on January 8, 2018 but did not include all necessary invoices.

f) **40** – Asks for all customer complaints for calendar years 2015, 2016, and 2017. Liberty Utilities responded to this DR on January 8, 2018, but only included complaints submitted to the Commission.

g) **81** – Asks for a copy of the Company's complaint/inquiry log for 2016 and 2017, including dates, reasons for customer contact, and the resolution provided. Liberty Utilities responded to this DR on January 22, 2018. The response

referenced the Company's response to DR 40, which does not contain the information requested.

4. Commission Rule 4 CSR 240-2.090 allows for discovery under the same conditions as civil actions. Missouri Supreme Court Rule 56.01(a)(1) provides:

Parties may obtain discovery regarding any matter, not privileged, that is relevant to the subject matter involved in the pending action.... It is not ground for objection that the information sought will be inadmissible at the trial if the information sought appears reasonably calculated to lead to the discovery of admissible evidence.

For each DR above, Staff has outlined why the DR is reasonably calculated to lead to the discovery of admissible evidence, pursuant to Missouri Supreme Court Rule 56.01(a)(1).

5. Staff has been in communication with Liberty Utilities' counsel and staff via email and phone to discuss these discovery issues. Fortunately, the Company has provided responses and supplemental responses to many DRs that Staff has brought to its attention as being overdue or insufficient. However, further responses to the DRs listed are still necessary for Staff to complete its investigation and report in this case.

**WHEREFORE**, Staff requests the Commission issue an order requiring Liberty Utilities to respond to this motion to compel; compelling Liberty Utilities to provide the discovery requested in all of the outstanding or insufficient data requests listed above; and grant such other and further relief as is appropriate under the circumstances.

Respectfully submitted,

**/s/ Casi Aslin**

Casi Aslin

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**CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing have been mailed, hand delivered, transmitted by facsimile or electronically mailed to all counsel of record this 12<sup>th</sup> day of March, 2018.

**/s/ Casi Aslin**