



SHERIFF'S AFFIDAVIT OF ATTEMPTED SERVICE

Docket # WR-2020-0275

Sheriff's Case # 20022710

STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

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MISSOURI OFFICE OF THE PUBLIC COUNSEL

PLAINTIFF/PETITIONER

VS

TOM ROONEY

DEFENDANT/RESPONDENT

-----X
STATE OF NEW YORK }
NEW YORK COUNTY } SS:

I, NICHOLAS DESILVIO, Deputy Sheriff of the City and State of New York, authorized pursuant to my special duties to serve process, hereby certifies that: I am not a party to this action or proceeding and over 18 years of age. I further certify that I was unable to serve the process for the below listed reasons:


8/21/2020 @ 1130 HRS: DEPUTIES DESILVIO & ASSENZIO MADE ATTEMPT AT 667 MADISON AVE. AND SPOKE WITH FRONT DESK SECURITY OFFICERS AND RECEPTIONIST PATRCIA FOR SCIENS CAPITAL MANAGEMENT WHO STATED THAT THE DEFT. TOM ROONEY IS A FORMER CONSULTANT WITH THIS COMPANY. THEY HAVE NOT USED HIM RECENTLY AND HAVE NOT SEEN HIM IN SEVERAL MONTHS. HE DOES NOT WORK OUT OF THIS BUILDING.

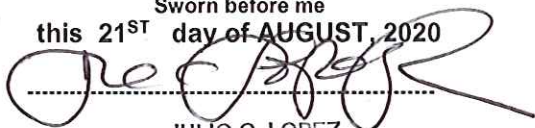
Attempts to serve were made on the following dates and times:

Date: 8/21/2020 @ 11:30 AM - 667 MADISON AVENUE FL. 3 NEW YORK, NY 10065

I understand that false statements made herein are punishable as a class A misdemeanor pursuant to Penal Law §210.45.

Dated: 8/21/2020

BY: 
NICHOLAS DESILVIO
DEPUTY SHERIFF
SHIELD # 412

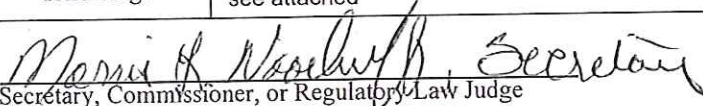
Notary
Sworn before me
this 21ST day of AUGUST, 2020

JULIO C. LOPEZ
Notary Public, State of New York
No. 01106194738
Qualified in New York County
Commission Expires Oct. 6, 2024



State of Missouri
Public Service Commission

SUBPOENA

(order to appear and testify at hearing or deposition, or bring documents, or both)

(Style of Action) In the Matter of Elm Hills Utility Operating Company, Inc.'s Request for a Water and Sewer Rate Increase		(File No.) WR-2020-0275	
State of Missouri to:			
Person to Be Served	(Name) Tom Rooney	(Address) 667 Madison Ave. Fl. 3 New York, NY 10065	
Requesting Party	(Name) Missouri Office of the Public Counsel	(Address) 200 Madison St # 650, Jefferson City, MO 65101	
Requesting Party's Attorney	(Name) John Clizer	(Address) 200 Madison St # 650, Jefferson City, MO 65101	(Phone) (573) 751-5324
You are hereby commanded to:			
<input type="checkbox"/> Appear at	(Address)	(Date)	(Time)
<input checked="" type="checkbox"/> Contact	(Name) John Clizer	, at (Telephone) (573) 751-5324	, who will advise of the time and place to appear.
<input checked="" type="checkbox"/> Testify on behalf of	(Name) See attached	(Address)	
<input type="checkbox"/> Give depositions.			
<input checked="" type="checkbox"/> Bring the following.	(Documents; attach extra page if needed) see attached		
 Secretary, Commissioner, or Regulatory Law Judge			

Return

(must be signed in the presence of a notary unless served by a peace officer)

On the _____ day of _____, 20____,

I served the person to be served with a copy of this subpoena at their address, as listed above, by:

- Delivering to that person; or
- Leaving at the dwelling place or usual place of abode with a member of that person's family over the age of 15 years; or
- Mailing by first class mail in a sealed envelope, postage prepaid; or
- The following other method allowed by law:

Non est.

Process Server's Signature

Process Server's Printed Name

Notarization

(required unless served by a peace officer)

Subscribed and sworn before me on this _____ day of _____, 20____,

_____ Notary's Signature	[NOTARY SEAL]
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Testify on behalf of:

One or more of Sciens Capital Management LLC; US Water Systems LLC; US Water Systems Management LLC; Gullfoss Investments LLC; any other affiliates of Sciens Capital Management LLC or any affiliates of an investment funds managed by Sciens Capital Management LLC created for purposes of Sciens Capital Management LLC's investment in CSWR LLC and Fresh Start Venture LLC for whom Mr. Rooney represents the interest of Sciens Capital Management LLC or for which Mr. Rooney sits on the board of directors or otherwise represents Sciens Capital Management LLC's equity membership interest.

Bring the following documents:

Regarding US Water Systems LLC:

1. Documents that fully define the organization structure which may include but are not limited to the LLC agreement, membership agreement, operating agreement, and/or management agreement.
2. Minutes, presentations, financial reports, financial statements and/or other handouts provided pursuant to any organizational meetings.
3. Federal and State income tax returns for 2018 and 2019. If US Water Systems LLC does not file separate tax returns, then provide the consolidated tax return for the entity that files returns on behalf of US Water Systems LLC.
4. General ledger since July 30, 2018.
5. Audited and unaudited quarterly and annual financial statements (to include, but not be limited to a balance sheet, income statement and a cash flow statement) for US Water Systems LLC since July 30, 2018. If US Water Systems LLC does not create financial statements, then please provide the financial statements of the entity that reports the financial performance of US Water Systems LLC to its equity owners.
6. Documentation of all debt instruments issued by US Water Systems LLC.
7. Financial reports since July 30, 2018, provided to US Water Systems LLC's equity members.

Regarding US Water Systems Management LLC and entities managed by US Water Systems Management LLC:

1. List of entities managed by US Water Systems Management LLC and an explanation of the purpose for such entities.

5. General ledger since July 30, 2018.
6. Audited and unaudited quarterly and annual financial statements (to include, but not be limited to a balance sheet, income statement and a cash flow statement) for Gullfoss Investments LLC and the entities it manages since July 30, 2018. If Gullfoss Investments LLC and the entities it manages do not create financial statements, then please provide the financial statements of the entity that reports the financial performance of Gullfoss Investments LLC and/or the entities it manages to its equity owners.
7. Documentation of all debt instruments issued by Gullfoss Investments LLC and the entities it manages.
8. Financial reports since July 30, 2018, provided to investors of Gullfoss Investments LLC's and the entities it manages.

Please provide all third party auditor workpapers for the 2018 and 2019 audits as it relates to the following entities: CSWR LLC, Gullfoss Investment LLC, the entities Gullfoss Investment LLC manages, US Water Systems LLC, US Water Systems Management LLC and the entities US Water Systems Management LLC manages. If any of these entities' financials are consolidated with other entities for purposes of creating audited financial statements, please identify such entities and provide the audited financial statements and the auditor workpapers.

Provide the financial statements, general ledger and income tax returns since July 31, 2018 for the entity or entities that either directly or indirectly owns Fresh Start Venture LLC.

Provide an organizational chart or document that identifies all investment entities created for purpose of investment in US Water Systems LLC. For example, CSWR LLC's annual audited financial statements indicates the following: "The Company [CSWR LLC] is a wholly owned subsidiary of US Water Systems, LLC (the "Parent"). The Parent was formed by investment funds affiliated and managed by Gullfoss Investments, LLC." Please provide any documents that identify the "investment funds" that were used to form US Water System LLC and how these investment funds directly or indirectly determine if they will invest additional capital in US Water Systems LLC. Please also provide any documents that identify how these investment funds raise the capital used to invest in US Water System LLC.

Please provide Tom Rooney's employment agreement/contract as it relates to his representation of Sciens Capital Management LLC's investment interest in CSWR LLC and Fresh Start Venture LLC.

Please identify Tom Rooney's official capacity for all entities created for purposes of Sciens Capital Management LLC's investment interest in CSWR LLC and Fresh Start Venture LLC. For example, officer, board member, LLC member, LLC manager, etc.