

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

The Staff of the Missouri Public Service Commission,	)	
	)	
Complainant,	)	
v.	)	<b><u>Case No. WC-2022-0295</u></b>
I-70 Mobile City, Inc. d/b/a I-70 Mobile City	)	
	)	
I-70 Mobile City, Inc. d/b/a I-70 Mobile City Park.	)	
	)	
Respondent	)	

**MOTION TO SET HEARING DATE**

**COMES NOW** Staff of the Missouri Public Service Commission (“Staff”), by and through counsel, and for its *Motion to Set Hearing Date* states as follows:

1. On April 14, 2023, Staff filed a *Motion to Compel* Respondent I-70 Mobile City Park (hereafter “I-70 MCP”) to respond to certain data requests. The Motion was filed so that Staff could obtain necessary discovery and information in order to respond to a *Motion for Summary Determination* previously filed by Respondent I-70 MCP on November 23, 2022.

2. Following a hearing on June 7, 2023, Staff’s *Motion to Compel* was granted and I-70 MCP was ordered to produce documents requested by Staff<sup>1</sup> that it had been asking for since Staff first began sending out its Data Requests (DRs), back in June 2022<sup>2</sup>.

3. On August 8, 2023, Counsel for Respondent I-70 MCP provided the information requested on a thumb drive to Staff counsel.

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<sup>1</sup> See Commission *Order Granting Staff’s Motion to Compel with Modifications*, File No. WC-2023-0295, Issue date July 12, 2023, Effective date July 27, 2023.

<sup>2</sup> See Staff’s *Motion to Compel Answers to Certain Data Requests*, filed April 24, 2023, File No. WC-2023-0295.

4. The Commission's July 12, 2023 Order granting Staff's *Motion to Compel* stated that the Staff shall inform the Commission whether the information provided by Respondent I-70 MCP sufficiently responded to Staff's DRs, which were the subject of the aforementioned *Motion to Compel*. Counsel for Staff so notified the Commission on August 23, 2023, via email.

5. Counsel for the parties were then asked by the Judge for a mutually agreeable date for responding to the pending *Motion for Summary Determination*. Counsel for Staff responded via email on August 31, 2023, that "at least 30 days or the end of September" would be sufficient.

6. On the same day, Counsel for Respondent I-70 MCP emailed the Judge and informed the parties that she intended "to file an Amended Motion which would then start the clock automatically under the rules."

7. To date, no such "Amended Motion" has been filed by Respondent I-70 MCP, and no date has been set for Staff's response to the pending *Motion for Summary Determination*.

8. After months of delays in obtaining discovery and information from I-70 MCP, which have been documented extensively throughout the proceedings in this case and range from attempts to settle, to discovery conferences, to Motions to Compel, to Circuit Court hearings, and everything in between, the Staff has finally obtained the discovery it has been seeking since the case began. Staff is ready to proceed.

9. But Respondent continues to delay. Instead of agreeing to a date certain for a responsive pleading to its own Motion for Summary Determination from Staff,

Counsel for I-70 MCP suggests it file an Amended Motion to “start the clock” over; to delay a decision or a hearing even more.

10. If Respondent I-70 MCP wanted to file an Amended Motion for Summary Determination, it could have done so already. It filed its original Motion last November 2022. Waiting until that motion is ready for a response and decision, then asking to amend it only serves as a delay tactic.

11. Therefore, Staff asks that this case be set for a hearing. Staff anticipates up to three days will be needed for the hearing, and requests that it be set at least 60 - 90 days from the date of this filing to provide the parties time to prepare for the hearing and file testimony.

12. This motion is made in the interest of justice and not with the intent to unreasonably delay or hinder these proceedings in any manner.

**WHEREFORE**, for the foregoing reasons, Staff requests the Commission to set this matter for hearing and requests that it be set at least 60 - 90 days from the date of this filing, and for such other orders it deems reasonable and just under the circumstances.

Respectfully submitted,

**/s/ Carolyn H. Kerr**  
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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was served by electronic mail, or First Class United States Postal Mail, postage prepaid, on this 8th day of September, 2023, to all counsel of record.

**/s/ Carolyn H. Kerr**