

BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

In the Matter of Mountain Sewer Corporation and Lakeview Water Corporation -
Formal Complaint and Supplemental Notice of Intent to Sell Mountain Sewer Corp. and Lakeview Water Corp., and Application of Mountain Sewer for a General Rate Case Increase

:

Docket Nos. 11-097-01, 11-097-02, and 11-097-03

Complainants Motion to Compel Data Response; Request for Extension of Filing Deadline; and Request for Expedited Treatment June 15, 2012

:

Larry and Sharon Zini
Complainants
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Complainants, by and through Larry and Sharon Zini (Zinis), the undersigned, request an order from the Public Service Commission (the PSC) commanding petitioner Mountain Sewer Corp. and Lakeview Water Corp. and their counsel, J.Craig Smith to respond to Zinis' Intervener's Initial Data Request on Docket Nos. 11-097-01, 11-097-02 and 11-097-03 propounded on April 27, 2012 within three days of the PSC's order for them to do so. In addition, because filing of direct testimony on these issues is due August 16, 2012 the Complainants request that the Commission extend the deadline for

filing direct testimony for two weeks from receipt of a full response from Mountain Sewer and Lakeview Water to the Complainants data request listed above. The Complainants further ask for sanctions in the form of an extension of two weeks for both the rebuttal and sur-rebuttal filings due in September and the Evidentiary Hearing currently scheduled for October 16 and 17, 2012.

The Complainants also ask for expedited treatment of this motion. In support of our request for this Motion we state that:

1. Zinis propounded our Initial Data Request on April 27, 2012, asking that Mountain Sewer and Lakeview Water respond within 30 days of receipt (16 days more than ordered by Mr. Clark in his May 14, 2012 scheduling order, issued subsequent to the data requests at issue). Mountain Sewer, Lakeview Water and their counsel have ignored the Intervener's Initial Data Request. After 14 additional days, Mountain Sewer, Lakeview Water and their counsel continued to ignore them.

2. On June 11, 2012 the Zinis emailed J. Craig Smith and Melven E. Smith, (counsel of record as of the Notice of Withdrawal dated May 31, 2012 Docket Nos. 11-097-01, 11-097-02 and 11-097-03) and asked for responses by Thursday, June 14. A copy of said email is attached hereto. None of the attorneys representing Mountain Sewer and Lakeview Water have acknowledged the effort of the Zinis to avoid having to file this Motion to Compel. Needless to say, no responses to the Data Request have been forthcoming either.

3. Whether J. Craig Smith may believe he can ignore data requests regarding Mountain Sewer and Lakeview Water from the complainants because we are not represented by counsel, or whether he is intentionally delaying responding to put the complainants at a disadvantage in preparing our positions on the issues presented is unknown. What is known is that without meaningful and timely responses to our Initial Data Request, the data request process is at a standstill for the Complainants.

We ask the PSC to remind the experienced attorneys for Mountain Sewer and Lakeview Water that they cannot ignore the Data Requests from the Complainants; that orders from Mr. Clark have meaning; and that their failure to respond is not acceptable and should have consequences.

Respectfully submitted,

Larry Zini, Complainant

Sharon Zini, Complainant

Attachment: E-mail dated June 11, 2012

Cc: David Clark, Legal Counsel, Utah Public Service Commission

Certificate of Service

I hereby certify that all parties as noted below were furnished with an electronic copy of this Motion to Compel and that a copy of the Motion to Compel was mailed to Mountain Sewer this 15th day of June 2012.

By U.S. Mail postage prepaid:

Ray and Peggy Bowden
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Via E-mail to:

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