

**DEPARTMENT OF PUBLIC SERVICE REGULATION
BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MONTANA**

IN THE MATTER OF the Joint
Application of Liberty Utilities Co., Liberty
WWH, Inc., Western Water Holdings, LLC,
and Mountain Water Company for
Approval of Sale and Transfer of Stock

REGULATORY DIVISION

DOCKET NO. D2014.12.99

**THE INTERVENORS/EMPLOYEES OF MOUNTAIN WATER COMPANY'S FIRST
SET OF DATA REQUESTS TO THE CITY OF MISSOULA
(INTERVENOR/EMPLOYEES-001 THRU INTERVENOR/EMPLOYEES-015)**

The Employees of Mountain Water Company, by and through its undersigned counsel, pursuant to applicable rules of procedure, submits the attached Data Requests to the City of Missoula. The following response date, definitions and instructions apply to the attached Data Requests:

RESPONSE DATE, DEFINITIONS AND INSTRUCTIONS

Please respond to these Date Requests within fourteen (14) calendar days, *i.e.*, by December 1, 2015.

DEFINITIONS

1. "The City of Missoula," "City," or "you" means the City of Missoula and the employees, officers, directors, agents, consultants, attorneys, experts, and all persons acting under contractual arrangement with or acting or purporting to act on behalf of the City of Missoula.
2. "Document" and "documentation" should be interpreted as broadly as possible, including the original or any copy, regardless of origin or location, of any book, pamphlet, periodical publication, letter, scrapbook, diary, calendar, canceled check, photograph, form, memorandum, schedule, tax return, telegram, telex,

report, record, order or notice of governmental action of any kind, study, minutes, logs, graph, index, tape, disc, internal operating manual, data sheet or data processing card, or any other written, recorded, transcribed, punched, taped, filmed, graphic or retrievable matter or data of any kind, however produced or reproduced, to which you have or have had access. This definition includes all documents which have been created and/or which reside in any type of electronic format.

Any document that is not exactly identical to another document for any reason (such as marginal notations or deletions) should be considered a separate document.

As to any document related to the matters addressed herein that is not currently in your possession but that you know or believe such a document exists, you are requested to identify and indicate to the best of your ability its present or last known location or custodian.

3. "Person or Entity" should be interpreted to denote, unless otherwise specified, any natural person, firm, corporation, association, group, individual or organization of any type whatsoever.
4. "PSC" or "Commission" means the Montana Public Service Commission.
5. Any request to "identify" or "provide" should be interpreted to mean:
 - a. With respect to a natural person, that person's full name, title, job description, and business and home address. Where the identification pertains to a past period, as to each person identified who is still in your employ, or the employment of the group with which such person is identified in response to any requests, provided, in addition, that person's title and job description as of the time of such past period. Where the person is no longer in your employ or the employment of the group with which such person is identified in response to any request, provide that person's affiliate, position, home and business address, if known, or if not known, such person's last known affiliation, position, home and business address, or portions thereof as may be known.
 - b. With respect to an entity other than a natural person, that entity's name, business, type of entity, present status and present or last known address.
 - c. With respect to a document, that document's title, date, author (and, if different, the signer), addresses, recipients, or other persons who assisted in the preparation, subject matter or general nature, and any amendments thereto, present location and custodian, whether or not such document is

in the respondent's possession, custody or control and whether or not the document is claimed to be privileged. The final version and each draft of each document should be identified and produced separately. Each original and each non-identical copy (bearing marks or notations not found on the original) of each final version and draft of each document should be identified and produced separately.

- d. With respect to a physical facility, the location of the facility, the intended purpose of the facility, the actual use of such facility, the operating dates of the facility, the installation date of the facility, the date utilization of the facility terminated if applicable, and whether the facility is subject to the jurisdiction of the Public Service Commission of Montana, the Federal Energy Regulatory Commission, or any other regulatory body.
6. "Communication" should be interpreted to include, but not be limited to, all forms of communication, whether written, printed, oral, pictorial, electronic or otherwise and by any means or type whatsoever.
 7. "Relating To" or "Related To" means pertaining to, presenting, discussing, commenting on, analyzing, or mentioning in any way.

GENERAL INSTRUCTIONS

1. Where a request can be answered in whole or in part by reference to the response to a preceding or subsequent request, it is sufficient to so indicate by specifying the response to the preceding or subsequent request by number and specifying whether it is claimed that the response to the preceding or subsequent request is a full or partial response. If the latter, the response to the balance of the request shall be completed.
2. If various individuals are the authors of different responses to the Data Requests, please indicate the name of the author and his/her position within Applicants, or if he/she is an expert or a consultant, please provide a current curriculum vitae for each such expert or consultant.
3. As to any requests consisting of a number of separate subdivisions, or related parts or portions, a complete response is required to each part or portion with the same effect as if it were propounded as a separate request. Should objection to a request be interposed it should clearly indicate to which part or portion of the request it is directed.
4. For each document identified in a response which is computer generated, state

separately (a) what types of data files or tapes are included in the input and the source thereof, (b) the form of the data which constitutes machine input (punch cards, tapes, etc.), (c) a description of the recordation system employed (including program descriptions, flow charts, etc.), and (d) the identity of the person or persons, during the designed period, who was in charge of the collection of input materials, the processing of input materials, the data bases utilized, and/or the programming to obtain such output.

5. Responses to requests referring to documents shall include all documents relating to the time period specified in each request or in these instructions, whether prepared before, during or after that period.
6. Individual response of more than one page should be stapled or bound, and each page consecutively numbered.
7. If any document covered by this request is withheld for whatever reason, please furnish a list identifying all withheld documents in the following manner:
 - a. the reasons for withholding;
 - b. date of the document;
 - c. name of each author or preparer;
 - d. name of each person who received the document; and
 - e. statement of facts constituting the basis for withholding the document.
8. If you assert that documents, records, or information responsive to any requests have been destroyed and are thus not available, state when and explain why any such document, record or information was destroyed, identify the person directing the destruction and identify all documents relevant to such destruction or explanation. If a claim is made that the destruction occurred pursuant to your document destruction program, identify and produce a copy of the guideline, policy, or company manual describing such document destruction program, and any correspondence or communication relating to the destruction of responsive documents, records or information.
9. If any of these requests are not answered on the ground that the material or information requested is confidential, privileged or otherwise immune to discovery, set forth in detail the factual and legal basis which support your decision to withhold production. Please also state whether a protective order or protective conditions regarding disclosure would satisfy or resolve your concern.

10. Each document or written response shall designate the respective question (and subpart of the question) under which it is being produced.
11. Each document produced shall be an authentic original document or a true duplicate of an authentic original document.
12. Each of these requests shall be considered to be continuing and to require supplemental or amended answers as readily as information and knowledge is acquired.
13. If, in answering a request, you encounter any ambiguity in interpreting either the request or a definition or instruction applicable thereto, please secure a clarification by contacting undersigned counsel as soon as the ambiguity is known.
14. The term “and” and “or” should be construed either disjunctively or conjunctively whenever appropriate in order to bring within the scope of each request any information or document which might otherwise be considered to be beyond its scope.
15. The singular form of a word should be interpreted as plural, and the plural form of a word should be interpreted as singular, whenever appropriate in order to bring within the scope of each request.

DATA REQUESTS

INTERVENOR/EMPLOYEES-001 RE: Mountain Water Company

Employee’s being made whole upon City acquisition.

The City of Missoula in its Amended Complaint, Paragraphs 91-95 promised to make the Employees whole. Explain in detail how the City of Missoula plans to make the Employees whole with respect to their employment, including but not limited to:

- (a) Wages,
- (b) Benefits,
- (c) Retirement Plans,
- (d) Waiver of Five Year Vesting Requirement under Public Employees

Retirement System,

- (e) Credit for years of service and seniority as it affects benefits,
- (f) Paid time off,
- (g) Sick leave,
- (h) Working conditions,
- (i) Job descriptions, duties and responsibilities; and
- (j) Retention of all Mountain Water Company Employees as full-time

permanent employees subject to discharge only for cause.

INTERVENORS/EMPLOYEES-002 RE: Direct Testimony of Dale Bickell

Produce all drafts and final documents regarding the City's operational and organizational plan for Mountain Water Company Employees if the City acquires the water system.

INTERVENORS/EMPLOYEES-003 RE: Direct Testimony of Dale Bickell

Produce all meeting minutes, agendas, memoranda and documents concerning the City's plan to integrate all Mountain Water operations and employees if the City acquires the water system.

INTERVENORS/EMPLOYEES-004 RE: Direct Testimony of Dale Bickell

Produce all plans, analysis and writings pertaining to the City's plan to integrate the Mountain Water Company's billing system, mapping system and all other systems to ensure seamless transition for the Employees and customers of Mountain Water System should the City acquire the system.

INTERVENORS/EMPLOYEES-005 RE: Direct Testimony of Dale Bickell

Produce all analysis, plans and writings pertaining to maintenance and operation of the water system including IT support and software for the operation of the Mountain Water Company's computerized water system operation.

INTERVENORS/EMPLOYEES-006 RE: Direct Testimony of Dale Bickell

Produce all analysis, plans and writings pertaining to the City's plan to maintain the Mountain Water Company retirees' health benefits should the City acquire the water system.

INTERVENORS/EMPLOYEES-007 RE: Direct Testimony of Dale Bickell

Produce all analysis, plans and writings pertaining to the maintenance, continuation, funding and operation of the Mountain Water Company Employees' retirement plan administration including payment of costs of administration.

INTERVENORS/EMPLOYEES-008 RE: Direct Testimony of Dale Bickell

Produce all meeting minutes, agendas, memoranda and documents concerning any and all employment, wage, or benefit changes that would impact Mountain Water employees in the future and the timing of such changes if the City acquires the water system.

INTERVENORS/EMPLOYEES-009 RE: Direct Testimony of Dale Bickell

Produce all meeting minutes, agendas, memoranda and documents concerning employment probationary periods, health insurance enrollment waiting periods, retirement benefit vesting period and other employment-related waiting periods.

INTERVENORS/EMPLOYEES-010 RE: Direct Testimony of Dale Bickell

Produce all meeting minutes, agendas, memoranda and documents concerning the

City's plan to integrate Mountain Water employees and the anticipated affect it will have with City unions and Mountain Water employees if the City acquires the water system.

INTERVENORS/EMPLOYEES-011 RE: Direct Testimony of Dale Bickell

Produce all meeting minutes, agendas, memoranda and documents concerning the City's Ordinance Number 3495 requiring that City department heads and supervisory managers reside continuously within city limits and how this will affect Mountain Water employees' opportunities to hold management positions.

INTERVENORS/EMPLOYEES-012 RE: Direct Testimony of Craig Close

Produce all financial calculations of HDR regarding Mountain Water Company Employee's pay, job reductions, benefits, job protection, working conditions, if the City acquires the water system.

INTERVENORS/EMPLOYEES-013 RE: Direct Testimony of Craig Close

Produce all communications between the City, its consultants and HDR pertaining to the Employees of Mountain Water Company including wages, benefits, cost savings to the City through changes in the number of employees, reductions in force, terminations and reductions in wages and benefits in the event City acquires the water system.

INTERVENORS/EMPLOYEES-014 RE: Direct Testimony of Craig Close

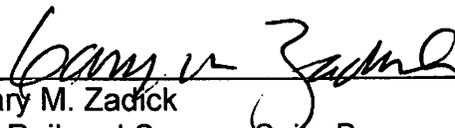
Admit that the financial calculations of HDR included proposed cost savings for the City by eliminating employees, and reductions in wages and benefits.

INTERVENORS/EMPLOYEES-015 RE: Direct Testimony of Craig Close

State the dollar amount of savings to the City projected by HDR relating to reductions in force, cuts in pay or benefits, wage and benefit freezes and all other aspects of employment of the Mountain Water Company Employees in the event the City acquires the water system.

DATED this 13 day of November, 2015.

UGRIN, ALEXANDER, ZADICK & HIGGINS, P.C.

By:  _____

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CERTIFICATE OF MAILING

I hereby certify that the foregoing was duly served upon the following by mail, Federal Express, Hand-delivery, Facsimile or Email transmission:

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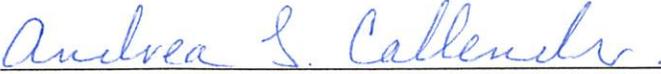
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DATED this 13th day of November, 2015.



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