

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

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| <b>IN THE MATTER OF</b> the Joint Application ) |                        |
| of Liberty Utilities Co., Liberty WWH, Inc., )  | REGULATORY DIVISION    |
| Western Water Holdings, LLC, and Mountain )     |                        |
| Water Company for Approval of a Sale and )      | DOCKET NO. D2014.12.99 |
| Transfer of Stock )                             |                        |

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**WESTERN WATER HOLDINGS' AND MOUNTAIN WATER COMPANY'S  
RESPONSE TO THE CITY'S MOTION FOR A PROTECTIVE ORDER**

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Mountain Water Company (“Mountain Water”) and Western Water Holdings, LLC (“Western Water”), by and through their undersigned counsel, respectfully submit this response to the City of Missoula’s (“City”) motion for a protective order (“Motion”).

As an initial matter, Mountain Water and Western Water disagree with the City’s characterization of the discovery requests directed at the City’s testimony. These requests were not intended to harass the City or to increase the City’s cost or burden of participating in this proceeding. To the contrary, each of the requests was intended to obtain further understanding of the basis for City’s testimony, including the documents used by the City’s experts to support their various assertions.<sup>1</sup> Out of the 53 discovery requests that are subject to the City’s Motion, 44 (or 83%) include specific page and line references to the City’s testimony – testimony where the City voluntarily raised new issues in this proceeding. Out of the remaining nine discovery requests identified in the Motion, five were requests for admission specifically designed to determine exactly what the City believes is at issue in this proceeding, and were focused on

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<sup>1</sup> For example, the discovery requests were designed to obtain a better understanding of why the City put a variety of issues seemingly unrelated to the sale of Western Water stock before the Commission, such as a comparison of public versus private ownership.

adequacy of service and the relationship between a private sale of Western Water's stock and the City's condemnation effort.

Nevertheless, the City's Motion is an improper motion for a protective order under Admin. R. Mont. 38.2.5001 *et seq*, because it does not seek confidential treatment for any of the City's responses or other documents. Instead, the City's Motion is nothing more than an additional objection to Mountain Water's and Western Water's discovery requests. Accordingly, Mountain Water and Western Water will address the substance of the City's Motion through a motion to compel, if necessary, under paragraph 14 of the Commission's procedural order in this proceeding. Of course, Mountain Water and Western Water would confer with the City prior to filing a motion to compel to see if discovery-related issues can be resolved without involving the Commission.

Respectfully submitted this 1st day of December, 2015.

**HOLLAND & HART LLP**

*s/ Thorvald Nelson*

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**ATTORNEYS FOR MOUNTAIN WATER  
COMPANY AND WESTERN WATER  
HOLDINGS**

**CERTIFICATE OF SERVICE**

I hereby certify that on this, the 1st day of December, 2015, **WESTERN WATER HOLDINGS' AND MOUNTAIN WATER COMPANY'S RESPONSE TO THE CITY OF MISSOULA'S MOTION FOR A PROTECTIVE ORDER** was filed with the Montana PSC and served via U.S. Mail and/or e-mail, unless otherwise noted, to the following:

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