

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

In the Matter of the Application of)
Big Island Water & Sewer Company, Inc.)
for a Certificate of Convenience and)
Necessity authorizing it to construct,) Case No. WA-2006-0480
install, own, operate, control, manage,)
and maintain a water and sewer system)
for the public located in an unincorporated)
area in Camden County, Missouri)

INTERVENERS' URGENT REQUEST TO THE COMMISSION TO HALT THE PROCESS OF THE 393 NOT FOR PROFIT WATER AND SEWER CORPS. – THE CORPS ARE NOT LEGITIMATE AND ARE BEING CONTROLLED BY THE DEVELOPER AND ARE INTERFERING WITH THE PROCEDURAL PROCESS OF THE CASES BEFORE THE COMMISSION

1. On 12-06-06, Mr. Golden, Mr. Rusaw, and Ms. Brunk as Applicant in case no. WA-2006-0480 filed with the Commission, a "Motion to Suspend Procedural Schedule."
- a. Page 2, number 4 – the Applicant, (Mr. Golden, Mr. Rusaw, and Ms. Brunk), states: "The Company has been made aware that representatives of the Nonprofit Companies have negotiated with Folsom Ridge LLC, (Folsom Ridge – Mr. Golden and Mr. Rusaw), and with Big Island Homeowners Water and Sewer Association, Inc., (f.k.a. – Big Island Homeowners' Association – the Association), being owned and controlled by Folsom Ridge, toward acquisition of the assets used or useful in connection with the provision of water and sewer service in the service area identified in the Company's Feasibility Study (the Water and Sewer Assets).

- b. Page 3, number 6 – the Applicant, (Mr. Golden, Mr. Rusaw, and Ms. Brunk), states: “Based upon counsel’s information and belief, the negotiations between the Nonprofit Companies, Folsom Ridge, (Mr. Golden and Mr. Rusaw), and the Association, (being owned and controlled by Folsom Ridge – Mr. Golden and Mr. Rusaw), regarding the terms and conditions of a transfer of the Water and Sewer Assets are near conclusion...”
2. On 12-18-06, Mr. Golden, Mr. Rusaw, and Ms. Brunk as Applicant in case no. WA-2006-0480 filed with the Commission, “Applicant’s response to Interveners’ objection to Suspension of the Procedural Schedule; Objection to Transfer of Utility Assets; Request to Reopen Case No. WC-2006-0082 and Submission of a Receiver for Commission Consideration.” Page 2, number 5 – of the Applicant’s response states, “The Association supplies safe and adequate service to the residents on Big Island...” Interveners want to make absolutely certain that the Commission understands that the Association, being owned and Controlled by the developers, Mr. Golden and Mr. Rusaw of Folsom Ridge, LLC., is NOT PROVIDING SAFE AND ADEQUATE UTILITY SERVICE – this is why nine, (9) Formal Complaints were filed with the Commission in case no. WA-2006-0082, et al., and as a result, this Application case, was created.

Therefore, the transfer of utility assets and liabilities to non regulated companies, **DOES NOT EQUATE TO SAFE AND ADEQUATE UTILITY SERVICE;** merely the transfer of a utility that is substandard in its construction, operations, management, and administration.

The 393 Nonprofit Water and Sewer Corps., being presented as a proposed solution by Ms. Holstead to the Big Island utility issues as cited in the Formal Complaints, is NOT LEGITIMATE.

Ms. Holstead’s proposal and its process is being manipulated and coerced by the developers Mr. Golden and Mr. Rusaw, representing Folsom Ridge and Big Island Water and Sewer Association, (f.k.a.

BIHOA), being owned and controlled by Folsom Ridge. Ms. Holstead has presented that there is no outright sale/purchase of the utility assets from the BIWSA, (f.k.a. – BIHOA), or Folsom Ridge, LLC, to the 393's. Instead, utility assets will be transferred to the 393's by the developers, Mr. Golden and Mr. Rusaw representing Folsom Ridge and/or BIWSA, (f.k.a. – BIHOA), in exchange for and in consideration of, all future utility connection fees to be collected and retained by Mr. Golden and Mr. Rusaw. The 393 corps. will **NOT** be independent of the developers' control. Furthermore, the assets, unlike the liabilities of the utility have **NOT** been identified, but are being transferred. Residents are objecting to the transfer of their utility assets. Likewise, residents who are refusing to have the liabilities associated with this utility, imposed upon them with membership in the 393's as a condition, to continue to receive utility service, are apposing the 393's.

1. Not all residential property owners on Big Island, have been contacted by Ms. Holstead regarding the 393's corps. as her proposed solution
2. Ms. Holstead has not called an organized public meeting of all Big Island residents to present her proposed solution
3. Ms. Holstead has not provided and/or presented any by-laws or state statutes governing the 393 corps. to residents
4. Ms. Holstead has not provided and/or presented any documents, agreements, contracts, etc. associated with and/or relating to the transfer of assets and liabilities from the developers, Mr. Golden and Mr. Rusaw of Folsom Ridge, and/or BIWSA, (f.k.a. – BIHOA), to the residents
5. Likewise, Ms. Holstead has not provided and/or presented any documents, agreements, contracts, etc. associated with and/or relating to the future operations of the 393's, and involving the developers, Mr. Golden and Mr. Rusaw of Folsom Ridge to the residents

As outlined in this pleading to the Commission, Ms. Holstead's 393 Not for Profit Water and Sewer Corporations are not legitimate.

Letters from residents who are opposing Ms. Holstead's 393 corps. as a proposed solution to the utility issues of Big Island, were provided as exhibits in the "Intervenors' Statement to the Commission Regarding Big Island Water and Sewer Company's Continued Request for the Suspension of the Proceedings In this Case," filed with the Commission on December 19, 2006.

Wherefore, based on the above and foregoing, the 393 Nonprofit Water and Sewer Corporations as presented by Ms. Holstead as a proposed solution in this case, is not legitimate, and is not independent of the developers. Intervenors respectfully request the Commission to order Ms. Holstead and Mr. Golden and Mr. Rusaw representing Folsom Ridge and the BIWSA, (f.k.a. - BIHOA), to halt the process of the 393's corporations, as they are not legitimate, not independent of the developers, and interfering with the cases before the Commission, by involving the assets and liabilities of the water and sewer utility on Big Island. The Intervenors' requests for a regulated utility remains.

Respectfully submitted,

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