

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

Cathy J. Orlor,)	
)	
Complainant,)	
)	
v.)	Case No. WC-2006-0082, et al.
)	
Folsom Ridge, LLC, (Owning and))	
Controlling the Big Island)	
Homeowners' Association),)	
)	
Respondent.)	

February 14, 2007

Judge Harold Stearley
Presiding Regulatory Judge
Missouri Public Service Commission

Ref: Case No. WC-2006-0082, et al.
Case No. WO-2007-0277

Judge Stearley:

Thank you for allowing me the opportunity to explain myself, and my intent and objective of the "Complainant's Urgent Request to the Commission for Reconsideration of Commission's Order Denying Motion to Amend Procedural Schedule to Permit Live Testimony But Allowing Additional Time to File Written Direct Testimony."

I will attempt to provide a brief overview summary of the procedural events prompting the filing of the above referenced motion, in addition to the specific information requested in your Order.

Overview summary:

In August and September of 2005, nine, (9) Formal Complaints were filed with the Missouri Public Service Commission, by individual Complainants in this case. Each case was assigned a separate case number. On November 14, 2005, an Order was issued, consolidating the case numbers under my case number WC-2006-0082, which was designated as the lead case. The order further explained that any Order issued by the Commission that is applicable to each of the complaints must be issued separately in nine cases. Similarly, any motion filed by a party must be filed nine times. To avoid the repetition of effort necessitated by the existence of nine separate cases, the Commission will consolidate all of the complaints into a single proceeding. Furthermore, it was the understanding of the Complainants, from Presiding Senior Regulatory Law Judge, Morris Woodruff, if Complainants were in agreement with the same thinking, this concurrence could be presented by a single individual in the written pleadings being filed, as well as the verbal statements of presentation being made. Since not all individuals possess the written or verbal language communications skills required as necessary before the Commission in these judicial proceedings, by default, I have emerged as this transitional individual. Therefore, the intent implied in referencing "Complainants" or "Interveners", in pleadings filed, refers to thinking that is common to all, and a shared agreement among those individuals being referenced. If further clarification regarding this matter is necessary, and/or suggestions for improvement are in order, I and the other Complainants and Interveners welcome the constructive censures as a means to enable us to better present our case.

1. On January 11, 2007, the Commission issued an Order, "Lifting the Suspensions of the Proceedings," in case no. WC-2006-0082. It was the Complainants', (all individual complainants being of the same thinking), understanding that the procedural process of the case would be resumed with no modifications,

as none were noted in the Order lifting the stay.

2. On January 26, 2007, The Commission issued the “Order Acknowledging Withdrawal of Application and Dismissing Case No. WA-2006-0480 and Order Adopting Joint Procedural Schedule for Case Nos. WC-2006-0082 and WO-2007-0277.” The Commission’s Order reflected a change in the procedural process from the live testimony that had been scheduled in the case prior to the proceedings being suspended, to now, that of written and prefiled testimonies.
3. On February 01, Cathy Orlor, I, the Complainant, on my own behalf, represented by individual signature, filed the “Complainants’ Motion to Amend Procedural Schedule to Reflect the Status Prior to the Stay.” All Complainants were in agreement with, and shared the same thinking, as reflected in the entitlement of the document.

Since the Complainants are waiting for clarification from the Commission at this point, no actions are being taken regarding testimonies of any type.

4. On February 02, 2007, Complainants and Interveners in the cases before the Commission, also filed a claim against the assets of the water and sewer utility on Big Island in a petition in the Circuit Court of Camden County, Missouri – Case number 07CM – CC00040. Complainants and Interveners are now Plaintiffs in this civil case, and the Defendants are listed as follows: Folsom Ridge Development, LLC., Big Island Water and Sewer Association, Inc. (f.k.a. – Big Island Homeowners’ Association, Inc., Big Island Water and Sewer Company Inc., Big Island Water Company and Big Island Sewer Company. This civil situation does not allow personal communications between the parties, and therefore creates a questionable situation regarding the contact necessary for written and prefiled testimonies required by the Commission, and a certain atmosphere of hostility and adversarial behavior among the individual Defendants, that Complainants would be calling as witnesses in the cases before the Commission. Lewis Mills, of the Office of Public Counsel and Kevin

Thompson, of the General Counsel's Office, can confirm the hostile and adversarial nature of the individuals opposed to PSC regulation to be called as witness in this case.

These persons will be listed individually as a listing in this document, as per your request.

5. On February 08, 2007, the Commission responded to my request to amend the procedural schedule, in the "Order Denying Motion to Amend Procedural Schedule to Permit Live Testimony But Allowing Additional Time to File Written Direct Testimony." The Order modified the procedural schedule to require all parties to file direct testimony on February 13, 2007. From the issue date of the order, to the date direct testimonies were due, allowed a total of 4 days to complete testimonies; 2 of which were weekend days, and one was a holiday.
6. On February 13, 2007 Complainants Benjamin D. Pugh, Cindy Fortney, and myself, filed direct testimonies in case numbers WC-2006-0082 and WO-2007-0027. These direct testimonies were filed to comply with Commission Rule 4 CSR 240-2.160 (3).; while still awaiting a response from the Commission regarding a reconsideration of the procedural schedule and live testimony. Since Complainants had not received clarification from the Commission as requested in "Complainants' Motion to Amend Procedural Schedule to Reflect Status Prior to Stay," regarding case no. WO-2007- 0027 and its procedural sequence being parallel with, or combined with the Complaint case, Complainants included both case numbers in the direct testimonies.

Specific witness requested:

- a. **A list of all prospective witnesses, names and addresses, for which Ms. Orler believes she will be unable to obtain direct testimony to prefile.**

Since the date for direct testimony has passed, I will be unable to obtain direct written testimony to prefile, from any of the individuals listed:

Phil Hiley
3184 Big Island Drive
Roach, MO. 65787

Stanford Zeldin
124 Portage Park
Roach, MO. 65787

Permanent Address:
11301 Madison
Kansas City, MO. 64114

Phil Cadwell
1554 Big Island Drive
Roach, MO. 65787

Mary Liberton
1554 Big Island Drive
Roach, MO. 65787

Mike McDuffey
McDuffey Lab
Route 2, PO Box 314
Camdenton, MO. 65020

Cheryl Boos
2974 Big Island Drive
Roach, MO. 65787

Permanent Address:
P.O. Box 213
New Hampton, Iowa 50659

Pam Holstead
3458 Big Island Drive
Roach, Mo. 65787

Kenny Carroll
PO Box 3478
Camdenton, MO. 65020

Helen Riggins
Lake Rd. 5-48
Sunrise Beach MO. 65079

Lisa Peters
Chalfant & Tompkins Title Ins. Co.
106 North State Highway 5
Camdenton, MO. 65020

Martin Hummel (PSC Staff)
Engineer Water & Sewer Dept
PO Box 360
Jefferson City, MO. 65102

Don Bracken
2810 Big Island Drive
Roach, MO. 65787

Jim Merceil (PSC Staff)
Engineer Water & Sewer Dept.
PO Box 360
Jefferson City, MO. 65102

Breck Summerford (DNR)
PO Box 176
Jefferson City, MO. 65102

John MacEachen (DNR)
PO Box 176
Jefferson City, MO. 65102

Bruce Martin (DNR)
PO Box 176
Jefferson City, MO. 65102

Cynthia Davies (DNR)
PO Box 176
Jefferson City, MO. 65102

Christine Ricketts (DNR)
PO Box 176
Jefferson City, MO. 65102

Elaina Seon (DNR)
PO Box 176
Jefferson City, MO. 65102

R.V.(Reggie) Golden
PO Box 54
2020 Terry Street, Suite A
Longmont, Colorado 80501

Charles McElyea
Firm: Phillips McElyea Carpenter & Welsh
190 Court Circle
PO Box 559
Camdenton, Mo. 65020

b. A statement for each named prospective witness explaining why no other means is available to obtain that witness's testimony:

Parties to the Complaint case as Respondent and civil case as Plaintiff:

Charles McElyea – attorney for Respondent and Plaintiff; numerous data requests to Mr. McElyea, including 2 Commission Orders compelling production of documents, with no requested documents being provided. Prefiled testimony regarding this information would not be possible, since 2 orders from the Commission were ignored. Commission records confirm.

Rick Rusaw – Respondent and Plaintiff; (same as Charles McElyea)

Reginald Golden – Respondent and Plaintiff; (same as Charles McElyea)

Pamela Holstead – Plaintiff; numerous requests written and verbal, for by-laws, operating agreements, warranty deeds, property titles, etc. with only minimal success that resulted from PSC staff members suggesting to Ms. Holstead that this information should be provided. Prefiled testimony regarding this information would not be possible. Other Complainants can confirm.

Phil Hiley – possible Plaintiff; Mr. Hiley is responsible for sending out Ms. Holstead's communications. Previous attempts to establish lines of open communications between Mr. Hiley and Complainants were denied by Mr. Hiley. Prefiled testimony regarding this information would not be possible. Other Complainants can confirm.

Mike McDuffey – employed by Respondent and Plaintiff; a personal visit to Mr. McDuffey’s business to request and obtain copies of water sampling testing results were denied. Mr. McDuffey referred me to DNR. Prefiled testimony regarding this information would not be possible. Another Complainant can confirm.

Kenny Carroll – employed by Respondent and Plaintiff; telephone calls to Mr. Carroll were never returned.

c. A separate list of the prospective witnesses identifying which ones have actually refused to provide direct testimony so as to be classified as being hostile:

DNR – Shelley A. Woods (Assistant Attorney General)

In a telephone conversation with Ms. Woods to schedule witnesses, Ms. Woods informed me, that the Department would not be prefiling testimony.

Prospective DNR witnesses:

Breck Summerford
John MacEachen
Bruce Martin
Christine Ricketts
Cynthia Davies
Elena Seon

Prospective Big Island resident witnesses – telephone request to testify; witnesses refused and indicated they would not be available to testify on any date:

Prospective witnesses:

Gail Snyder
Don Bracken
Jim Grayam

The following is a listing of individuals as prospective witnesses to be called in this case. These individuals did file direct testimonies in the respective cases indicated, although it was not at my request:

Rick, (Richard Rusaw)
(party to cases as Respondent and Defendant)
Case no. WC-2006-0082; Case no. WO-2007-0277

Mike McDuffey
(employed by Respondent and Defendant)
Case no. WC-2006-0082; Case no. WO-2007-0277

Barbara Brunk
(employed by Respondent and Defendant)
Case no. WC-2006-0082; Case no. WO-2007-0277

Gail Snyder
(party to case as Defendant)
Case no. WO-20070277

This information has been provided in response to the "Order Requiring Clarification of Motion for Reconsideration," at the request of Presiding Regulatory Law Judge, Harold Stearley.

Respectfully submitted,

Cathy Orlor