

**Orler et al. v. Folsom Ridge, LLC, and BIHOA**  
**WC-2006-0082**  
**WO-2007-0277**

1. Is Folsom Ridge, LLC, a water corporation within the intendments of § 386.020(58), RSMo Supp. 2006, in that it owns, controls, operates, or manages a water system, plant or property and distributes, sells or supplies water for gain?

2. Is Big Island Homeowners' Association (BIHOA) a water corporation within the intendments of § 386.020(58), RSMo Supp. 2006, in that it owns, controls, operates, or manages a water system, plant or property and distributes, sells or supplies water for gain?

3. Is Folsom Ridge, LLC, a sewer corporation within the intendments of § 386.020(48), RSMo Supp. 2006, in that it owns, controls, operates, or manages sewer plant with twenty-five or more outlets and is in the business of collecting, carrying, treating, or disposing of sewage for gain?

4. Is BIHOA a sewer corporation within the intendments of § 386.020(48), RSMo Supp. 2006, in that it owns, controls, operates, or manages sewer plant with twenty-five or more outlets and is in the business of collecting, carrying, treating, or disposing of sewage for gain?

5. Are Folsom Ridge, LLC, and BIHOA, or both of them, a public utility within the intendments of § 386.020(42), RSMo Supp. 2006, and thus subject to the jurisdiction, control and regulation of the Missouri Public Service Commission (Commission) pursuant to § 386.250, RSMo Supp. 2006?

6. Has Folsom Ridge, LLC, or BIHOA, or both of them, violated § 393.170, RSMo 2000, by constructing and operating a water system or a sewer

system, or both, without having first obtained authority from the Commission in the form of a Certificate of Public Convenience and Necessity?

7. Has Folsom Ridge, LLC, or BIHOA, or both of them, failed to provide safe and adequate water and sewer service in violation of § 393.130.1, RSMo 2000, and violated Commission Rule 4 CSR 240-60.020(2) by constructing, and Commission Rule 4 CSR 240-60.020(1) by operating, a sewer system in violation of the requirements prescribed by law in that:

A. Water and sewer lines were installed in the same trenches, in violation of the Missouri Clean Water Law and the Missouri Safe Drinking Water Law;

B. The wastewater treatment facility leaks or has leaked.

8. Has Folsom Ridge, LLC, or BIHOA, or both of them, discriminated against some customers and provided preferences to others in its rates and charges for water and sewer service and tap-on and connection fees?

9. Would Applicants' proposed transfer of the water and sewer assets to Big Island Water Company and Big Island Sewer Company be detrimental to the public interest?

10. What conditions, if any, should be imposed on the proposed transfer?