

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

Cathy J. Orler, et al.	)	
	)	
Complainants,	)	
v.	)	Case No. WC-2006-0082, et al.
	)	
Folsom Ridge, LLC,	)	
	)	
and	)	
	)	
Big Island Homeowners	)	
Water and Sewer Association, Inc.,	)	
f/k/a Big Island Homeowners	)	
Association, Inc.	)	
	)	
Respondents.	)	
	)	
	)	
In the matter of the Application of	)	
Folsom Ridge LLC and Big Island	)	
Homeowners Water and Sewer Association,	)	
Inc. for an order authorizing the transfer	)	Case No. WO-2007-0277
and Assignment of Certain Water and	)	
Sewer Assets to Big Island Water	)	
Company and Big Island Sewer	)	
Company, and in connection therewith	)	
certain other related transactions.	)	

**RESPONDENTS'/APPLICANTS' SECOND SET OF OBJECTIONS TO**  
**TESTIMONY OF COMPLAINANTS/ INTERVENERS**  
**(ANCILLARY HEARING)**

COME NOW Folsom Ridge LLC and Big Island Homeowners Water and Sewer Association, Inc. (sometimes collectively referred to as "Applicants") and assert the following objections to the below described written testimony filed by the identified complainants/intervenors in the ancillary segment of these matters joined for hearing:

### Cathy Orlor Rebuttal Testimony (March 19, 2007)

Page and Lines	Objection
Page 1, lines 11-15.	Argumentative; presumes that such qualifications of the witness are required.
Page 1, lines 16-19 continuing to page 2, lines 1-6	Irrelevant; argumentative; presumes that the schedule is required.
Page 2, lines 7-9	Irrelevant; argumentative; presumes that the schedule is required.
Page 2, lines 10-13	Irrelevant; argumentative; presumes that the definition is required.
Page 2, lines 14-18	Irrelevant; beyond scope of the ancillary proceeding and not proper rebuttal to direct testimony in ancillary proceeding.
Page 3, lines 2-15	Expert opinion without foundation, irrelevant; beyond scope of the ancillary proceeding and not proper rebuttal to direct testimony in ancillary proceeding.
Page 3, lines 16-20 continuing to page 4, lines 3-10	Legal conclusion (page 4 lines 1-2); expert opinion without foundation; irrelevant; beyond scope of the ancillary proceeding and not proper rebuttal to direct testimony in ancillary proceeding.
Page 4, lines 11-15	Expert opinion without foundation.
Page 4, lines 16-20	Irrelevant; argumentative; renders legal opinion on scope of the Settlement Agreement; assumes that Folsom Ridge had a duty under the Settlement Agreement not provided for in its terms; beyond scope of the ancillary proceeding and not proper rebuttal to the direct testimony in the ancillary proceeding.
Page 5, all lines	Irrelevant; beyond scope of the ancillary proceeding and not proper rebuttal to the direct testimony in the ancillary proceeding; objection is posed to all schedules referred to on the page.
Page 6, all lines	Cumulative of testimony already admitted or objected to, which objections are reasserted here, including objections if any to schedule referred to on that page which is a copy of an exhibit already admitted.
Page 7, all lines	Irrelevant; beyond scope of the ancillary proceeding and not proper rebuttal to the direct testimony in the ancillary proceeding.

Page 8, all lines	Irrelevant; beyond scope of the ancillary proceeding and not proper rebuttal to the direct testimony in the ancillary proceeding; argumentative; assumes without foundation that ten feet separation is a requirement (lines 5-6).
Page 9, lines 1-15	Irrelevant; beyond scope of the ancillary proceeding and not proper rebuttal to the direct testimony in the ancillary proceeding.
Page 11, lines 6-10	Speculation; hearsay; referenced schedule has not been authenticated.
CO Schedule 1	Irrelevant; beyond scope of the ancillary proceeding and not proper rebuttal to the direct testimony in the ancillary proceeding.
CO Schedule 2	Cumulative of testimony already admitted subject to objections which are reasserted herein; irrelevant; beyond scope of the ancillary proceeding and not proper rebuttal to the direct testimony in the ancillary proceeding.
CO Schedule 4	Irrelevant; beyond scope of the ancillary proceeding and not proper rebuttal to the direct testimony in the ancillary proceeding.
CO Schedule 5	Irrelevant; beyond scope of the ancillary proceeding and not proper rebuttal to the direct testimony in the ancillary proceeding; no foundation.
CO Schedules 6 - 9	Irrelevant; beyond scope of the ancillary proceeding and not proper rebuttal to the direct testimony.
CO Schedule 10	Irrelevant; beyond scope of the ancillary proceeding and not proper rebuttal to the direct testimony in the ancillary proceeding; hearsay, no authentication.

**Cathy Orlor Surrebuttal Testimony (March 26, 2007)**

<b>Pages and Lines</b>	<b>Objection</b>
All pages generally	Ms. Orlor has filed surrebuttal to surrebuttal which is not provided for by the rules. The testimony should not be admitted.
Page 2, lines 12-17	The document referred to in the question speaks for itself. The question assumes material not in the document referred to. Furthermore, CO Schedule 1 is incomplete. This is the first page of Exhibit 59 (substituted for Mr. Pugh's initial offering of this exhibit) already admitted. CO Schedule 1 should be stricken.
Page 2, lines 18-19 continuing to page 3, lines 1-14	The question refers to an unauthenticated document and calls for hearsay. Furthermore, the document, if genuine, speaks for itself and needs no interpretation or argument.

**Benjamin Pugh Rebuttal Testimony (March 19, 2007)**

<b>Page and line</b>	<b>Objection</b>
Pages 1, lines 5-19	Argumentative and cumulative of other objected to testimony filed by Mr. Pugh earlier.
Page 2, lines 11-22	Question is argumentative.

WHEREFORE, Applicants respectfully request the Commission to sustain these objections and strike the objected to portions of the testimony identified above.

Respectfully submitted,

/s/ Mark W. Comley

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ATTORNEYS FOR FOLSOM RIDGE AND BIG ISLAND  
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Certificate of Service

I hereby certify that a true and correct copy of the above and foregoing document was sent via e-mail on this 29<sup>th</sup> day of March, 2007, to General Counsel's Office at [gencounsel@psc.mo.gov](mailto:gencounsel@psc.mo.gov); and Office of Public Counsel at [opcservice@ded.mo.gov](mailto:opcservice@ded.mo.gov) and via U.S. Mail, postage prepaid, to:

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