

**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' RENEWED MOTION TO DISMISS  
CERTAIN INTERVENING PARTIES AND MOTION TO DISMISS COMPLAINTS OF  
NONPARTICIPATING COMPLAINANTS**

COME NOW Folsom Ridge LLC and Big Island Homeowners Water and Sewer Association, Inc. (sometimes collectively referred to as "Respondents" or "Applicants") and with respect to complaints pending in Case No. WC-2006-0082 move to dismiss the complaints of Ben F. Weir, Joseph Schrader, Judy Kenter, and Dean Leon Fortney on grounds that these complainants failed to appear or participate at hearing, and further failed to supply any evidence

in support of their separately filed complaints. Lacking any evidence in support, the complaints of these parties fail. Respecting Mr. Stan Temares, although he appeared at hearing and offered opening remarks, he submitted no evidence in support of his separately filed complaint or in support of the remarks he made during the opening. Lacking any evidence in support, Mr. Temares' complaint fails.

Respondents further move that Fran Weast, Donald J. Weast, Geary and Mary Mahr, Tom and Sally Thorpe, Bernadette Sears, Sherrie Fields, and Arthur W. Nelson be dismissed as party interveners in Case No. WO- 2007-0277 on grounds that they failed to attend prehearing conferences ordered by the Commission and failed to comply with orders of this Commission pertaining to discovery. On February 27, 2007, the Commission ordered these parties to respond to Respondents' data requests by 7:00 a.m. on February 28, 2007. These parties did not respond to Respondents' data requests and moreover failed to appear at hearing to explain their failure to comply or to offer any evidence in support of the interests they identified in their applications to intervene. Fran Weast, Donald J. Weast, Geary and Mary Mahr, Tom and Sally Thorpe, Bernadette Sears, Sherrie Fields, and Arthur W. Nelson should be dismissed.

Finally, intervener William T. Foley, II failed to participate at scheduled prehearing conferences and failed to appear at hearing. He failed to submit evidence of any kind in connection with his interest in this proceeding and he should be dismissed as a party.

WHEREFORE, Respondents request the Commission enter an order 1) dismissing the separate complaints filed by Ben F. Weir, Joseph Schrader, Judy Kenter, and Dean Leon Fortney; and 2) dismissing as party interveners Fran Weast, Donald J. Weast, Geary and Mary Mahr, Tom and Sally Thorpe, Bernadette Sears, Sherrie Fields, Arthur W. Nelson and William T. Foley II.

Respectfully submitted,

/s/ Mark W. Comley

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ATTORNEYS FOR FOLSOM RIDGE AND BIG ISLAND  
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INC.

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 30th day of April, 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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**/s/ Mark W. Comley** \_\_\_\_\_