

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

Cathy J. Orler,)	
Complainant,)	
)	
v.)	<u>Case No. WC-2006-0082, et al.</u>
)	
Folsom Ridge, LLC, (Owning and Controlling)	
the Big Island Homeowners' Association),)	
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 and Assignment))	<u>Case No. WO-2007-0277</u>
of Certain Water and Sewer Assets to Big)	
Island Water Company and Big Island Sewer)	
Company, and in Connection Therewith)	
Certain Other Related Transactions)	

COMPLAINANTS' PETITION TO THE COMMISSION TO
REOPEN RECORD FOR TAKING OF ADDITIONAL
EVIDENCE

COMES NOW, Cathy Orler, on her own behalf, to state the following to the
Commission:

1. An Evidentiary Hearing was held in this case February 28, 2007 through March 02, 2007. Case number WO-2007-0227 was combined with case number WC-2006-0082 for hearing. An ancillary hearing was held on March 30, 2007. Many exhibits were entered into evidence at this hearing. Additional exhibits were also ordered by the Commission to be late filed.
2. Exhibit # 20 – Joint Application for Approval of Transfer of Assets to Nonprofit Companies Organized Under Chapter 393, RSMO, and Containing, the “Agreement for Sale and Transfer of Water Distribution System and Wastewater System,” was filed as evidence during the hearing by the Respondents. Exhibit #20, containing the “Agreement for Sale and Transfer of Water Distribution System and Wastewater System,” and the exhibits attached thereto, is an incomplete document. Exhibits referenced as exhibits “B,” “C,” “D,” “F,” “G,” and “H,” attached thereto, are incomplete, omitting information, and/or blank.
 - 2(a): Exhibit B – “An itemization of said accounts and equipment is attached to this agreement and identified as Exhibit B.”
Exhibit B information as itemization has been omitted from evidence.
 - 2(b): Exhibit C – Specimen Warranty Deed; Warranty Deed by Corporation. “The real estate described in the warranty deed as Exhibit C on which the wastewater collection plant has been constructed and the water well and holding tanks have been constructed, in addition to easements, right-of-ways, and other present interests in real property acquired by Seller and used or useful in Sellers’ collection, transportation and treatment of wastewater or delivery and distribution of potable water (sometimes

collectively referred to hereinafter as “the Assets”). Exhibit C information of an accurate and complete warranty deed has been omitted from evidence, and the legal description of said real estate from the title commitment has been omitted from evidence.

2(c): Exhibit D – Specimen Assignment of Easements and Right-of-way.

“Easements shall be assigned by written assignment, the specimen for which is attached as Exhibit D.

Exhibit D Specimen as submitted evidence, is an incomplete document that omits information from evidence.

2(d): Exhibit F – Folsom Parcels. “Buyers acknowledge that Folsom is the title owner of the property described on Exhibit F (the Folsom Parcels”).

Exhibit F is a blank document and no information has been provided as evidence.

2(e): Exhibit G – Specimen Extension Agreement; Big Island Water Company Developer Extension Agreement. “For future improvements and extensions of the Big Island Wastewater system and the Big Island Water System the parties have adopted a form of extension or improvement agreement the specimen for which is attached as Exhibit G.”

Exhibit G Specimen as submitted evidence, is an incomplete document that omits information from evidence, and omits Exhibits A and C allegedly attached thereto.

2(f): Exhibit H – Exhibit H is a blank document and no information has been provided as evidence.

3. Pursuant to Commission Rule 4 CSR 240-2.110 Hearings – (8):

“A party may request that the Commission reopen a case for the taking of additional evidence if the request is made after the hearing has been concluded, but before briefs have been filed or oral argument presented, or before a decision has been issued in the absence of briefs or argument.”

No decision has been issued in this case, and pursuant to the Order issued by the Commission on April 27, 2007, the deadline for filing Post Hearing Briefs and Proposed Findings of Fact and Conclusions of Law, is May 01, 2007 at 8: 00 A. M.

The facts that constitute grounds in justification for the request to reopen this case for the taking of additional evidence, are as follows:

- a. Exhibit #20 - filed as evidence, is an incomplete document and is omitting information from evidence
- b. Information omitted from evidence is not a part of the public record
- c. Exhibit #20 – “Joint Application for Approval of Transfer of Assets to Nonprofit Companies Organized Under Chapter 393, RSMO,” and containing, the “Agreement for Sale and Transfer of Water Distribution System and Wastewater System,” filed as incomplete evidence, are documents that should be made available to the public. The “Buyer” is the Big Island Sewer Company and the Big Island Water Company, and as Missouri nonprofit corporations, their

members are owners of utility assets acquired as said "Buyer." The "Seller," is the Big Island Homeowners Water and Sewer Association, Inc, a Missouri nonprofit corporation, in which property owners of Big Island have contributed monies towards the construction of the said assets being transferred.

- d. Exhibit #20 – " Joint Application for Approval of Transfer of Assets to Nonprofit Companies Organized Under Chapter 393, RSMO," and containing, the "Agreement for Sale and Transfer of Water Distribution System and Wastewater System," are documents that are involved in and associated with the transfer of utility assets, and as such, should be made available to the public.
- e. Exhibit #20 – " Joint Application for Approval of Transfer of Assets to Nonprofit Companies Organized Under Chapter 393, RSMO," and containing, the "Agreement for Sale and Transfer of Water Distribution System and Wastewater System," Item B continued from page 6 to page 7:

"Notwithstanding the foregoing, nothing in this agreement shall prevent any resident within the Big Island Service Area from voicing their objections, beliefs or opinions before any governmental entity on any issue that may affect that person in his or her capacity as a resident or property owner on Big Island."

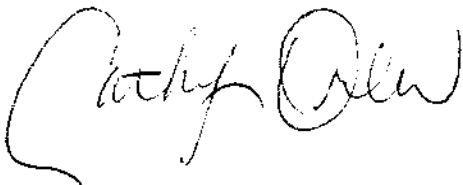
- f. It is detrimental to the public of Big Island for Exhibit #20 - " Joint Application for Approval of Transfer of Assets to Nonprofit Companies Organized Under Chapter 393, RSMO," and containing, the "Agreement for Sale and Transfer of Water Distribution System and

Wastewater System,” not to be made available to each residential property owner in its complete form, as a hard copy format mailed via U. S. mail, certified and postage prepaid to every residential property owner on Big Island. Furthermore, thirty, (30), days should be allowed for residents to voice objections, beliefs or opinions to the Missouri Public Service Commission, (as the governmental entity responsible for issuing a final determination and ruling in this case), in the form of a public hearing and/or written comments, after receipt of said public documents.

WHEREAS, Complainant petitions the Commission to:

1. Reopen this case for the taking of evidence that Respondents omitted from evidence.
2. Order the Respondents to make available to each residential property owner, Exhibit #20, in its complete form, as a hard copy format mailed via U. S. mail, certified and postage prepaid to every residential property owner on Big Island.
3. Allow Big Island residents to voice their objections, beliefs, or opinions to the MPSC thirty, (30), days after receipt of Exhibit #20 in its completed form.

Respectfully submitted,



Cathy Orlor