

**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' SEPARATE LIST OF ISSUES
AND ADDITION TO ITS SCHEDULE OF WITNESSES**

COME NOW Folsom Ridge LLC and Big Island Homeowners Water and Sewer Association, Inc. (sometimes collectively referred to as “Respondents” or “Applicants”) and submit this separate statement and list of the issues in these matters joined for hearing, as well as an addition to its schedule of witnesses. The Respondents do not agree entirely with the list of issues prepared by the Staff, and disagree with the list that Ms. Orler apparently has prepared,

most of which are beyond the Commission's jurisdiction. Respondents request the Commission to accept the following as the list of issues presented in these matters:

List of Issues

WC-2006-0082

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' Water and Sewer Association, Inc. (the Association) 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 the Association 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 the Association, 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?

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6. 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?
7. What conditions, if any, should be imposed on the proposed transfer?

Schedule of Witnesses

Respondents agree with Staff's order of opening statements and in general the schedule of witnesses. As staff counsel reported to the Commission time was at a premium when the list was being prepared and this information was not available to him at the time the witness schedule was due to be filed. Respondents modify the proposed schedule for Thursday, March 1, as follows:

Thursday, March 1, 2007, 8:30 a.m.

Respondents' Case (cont.)

Barbara Brunk
William A. Hughes
David G. Krehbiel
Michael T. McDuffey
Custodian of Records DNR (under subpoena)
Excerpts of Deposition of DNR (to be read into the record)

Order of Cross Examination

Respondents concur in Staff's recommended order of cross examination.

Respectfully submitted,

/s/ Mark W. Comley

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ATTORNEYS FOR FOLSOM RIDGE AND BIG ISLAND
HOMEOWNERS WATER AND SEWER ASSOCIATION,
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 27th day of February, 2007, to General Counsel's Office at gencounsel@psc.mo.gov; and Office of Public Counsel at opcservice@ded.mo.gov and via U.S. Mail, postage prepaid, to:

Pamela Holstead, 3458 Big Island Dr., Roach, MO 65787,
William T. Foley, II, 15360 Kansas Ave., Bonner Springs, KS 66012,
Benjamin D. Pugh, 1780 Big Island Dr., Roach, MO 65787,
Cathy Jo Orlor, 3252 Big Island Dr., Roach, MO 65787,
Cindy Fortney, 3298 Big Island Dr., Roach, MO 65787,
Arthur W. Nelson, 2288 Big Island Dr., Roach, MO 65787,
Sherrie Fields, 3286 Big Island Dr., Roach, MO 65787,
Tom and Sally Thorpe, 3238 Big Island Dr., Roach, MO 65787,
Bernadette Sears, Portage Park 3, Lot 10, Big Island, Roach, MO 65787,
Geary and Mary Mahr, 1886 Big Island Dr., Roach, MO 65787,
Donald J. Weast, 3176 Big Island Dr., Roach, MO 65787,
Fran Weast, 3176 Big Island Dr., Roach, MO 65787.

/s/ Mark W. Comley