# BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

Cathy J. Orler, et al.  Complainants, v.  Folsom Ridge, LLC. (Owning and Controlling the BIHOA)  Respondent.	Case No. WC-2006-0082, et al.  FILED <sup>3</sup> MAR 1 0 2006
· ·	Missouri Public Service Commission

## COMPLAINANT'S MOTION TO COMPEL

Comes now, Complainant Cathy Orler, and her Motion to Compel, states as follows:

- 1. On September 24, 2005 a "Complainant Data Request," was made by Ms. Orler to Mark W. Comley, (attorney for Folsom Ridge, LLC), requesting a membership listing of the Big Island Homeowners' Association (BIHOA), including a listing of all individuals being billed and/or serviced by the BIHOA, relating to the water and sewer; and signed and ratified copies of the "Amended and Restated Declaration of Covenants and Conditions," and signed and ratified copies of the "Amended and Restated By-Laws of the BIHOA."
- 2. On November 29, 2005 in an effort to maximize the purposed results of the prehearing conference, Ms. Orler sent a second data request requesting the same information to the BIHOA, (a copy of the data request is attached).
- 3. At the prehearing conference on December 08, 2005 the Commission denied the motion to compel because Folsom Ridge and the BIHOA are separate legal entities.

- '4. On January 31, 2006 the Commission ordered: "....the Big Island Water and Sewer Association Inc. F/K/A BIHOA is made a respondent to each of the complaints."
- 5. On February 09, 2006 the Commission staff filed its response to "Order Directing Filing," made by the Commission. In its report, the staff purported, (from a source assumingly representing Folsom Ridge, LLC, (Owning and Controlling the BIHOA), and/or BIHOA), that the water and sewer utility on Big Island currently has approximately 50 customers. Since this statement of information provided to the Commission staff as fact, is critical in achieving a resolve to this case, the Complainants request documentation to verify and confirm this statement.
- 6. As of the date of this filing, NO PRODUCTION OF ANY INFORMATION, AND/OR DOCUMENTATION to any of the numerous requests, has been made by either Folsom Ridge, LLC, (Owning and Controlling the BIHOA), and/or the BIHOA. This information is necessary as a critical and integral component to a resolve in this case. It is unlikely that either Folsom Ridge, LLC, and/or BIHOA can be "....without sufficient knowledge or information to form a belief as to the truth of the allegations....and therefore denies the same." This documentation alone, in and of itself, disputes the Respondents' allegations denials. The Respondents, also being "without sufficient knowledge or information to form a belief", additionally suggests and supports the claims of the complaints, as to the "misoperation" and "mismanagement" of the water and sewer utility of Big Island, and the fact that it is operating as an unlicensed public utility, and therefore should be regulated as a public utility by the Public Service Commission. It is the Complainants' opinions, that if properly managed and operated, this water and sewer utility should contain the appropriate bookkeeping and record keeping information, essential and fundamental to its management operations, (i.e. - a listing of its customers and all individuals

being billed and/or being serviced), and therefore should be readily available to the Respondents to provide them with the information necessary to possess the sufficient knowledge or information with which to form a belief.

Wherefore, the Complainants request the Commission:

1. To compel the BIHOA to produce the documents requested

Respectfully submitted,

Cathy J. Orler

#### Certificate of Service

I hereby certify that a true and correct copy of the above and foregoing document was sent this 07<sup>th</sup> day of March, 2006 via U.S. mail, postage prepaid to: the General Counsel's Office, and the Office of Public Counsel, and Mark W. Comley, 601 Monroe Street, Suite 301, P.O. Box 537, Jefferson City, MO. 65102

Requested From:	Charles E. McElyea -	- Big Island Water and Sewer Association, Inc. f/k/a Big Island Homeowners Association, Inc. Phillips, McElyea, Carpenter, & Welch, PC 85 Court Circle P. O. Box 559 Camdenton, MO. 65020 Attorneys for Big Island Water and Sewer Association, Inc.		
Date Requested:	November 29, 2005			
-	mplete listing of all in	listing of the Big Island Homeowners' Association adividuals being billed by the BIHOA, relating to		
Also provide all such documents for the period of January 01, 2000 to the date of this request. Please treat this request as an ongoing one, and provide any updates to these documents as they are made.				
Please send copies to:				
Cathy J. Orler 3252 Big Island Drive Roach, MO. 65787				
Requested By: Cathy		Phone: 573-317-1490 Fax: 573-317-1490		
material misrepresentati immediately inform the	ons or omissions based upon	e information request is accurate and complete, and contains no present facts known to the undersigned. The undersigned agrees to are discovered which would materially affect the accuracy or to the above information.		
Date Received:	Signed	I By:		
	Title	;		

Requested From:	Charles E. McElyea -	Big Island Water and Sewer Association, Inc. f/k/a Big Island Homeowners Association, Inc. Phillips, McElyea, Carpenter, & Welch, PC 85 Court Circle P. O. Box 559 Camdenton, MO. 65020 Attorneys for Big Island Water and Sewer Association, Inc.	
Date Requested:	November 29, 2005		
Information Requested: A signed and ratified copy of the "Amended and Restated Declaration of Covenants and Conditions," and a signed and ratified copy of the "Amended and Restated By-Laws of the Big Island Homeowners Association, Inc."			
<b>-</b>	eat this request as an o	Period of January 01, 2000 to the date of this ngoing one, and provide any updates to these	
Please send copies to:			
Cathy J. Orler 3252 Big Island Drive Roach, MO. 65787			
Requested By: Cath	y Orler	Phone: 573-317-1490 Fax: 573-317-1490	
material misrepresentat immediately inform th	ions or omissions based upon	e information request is accurate and complete, and contains no present facts known to the undersigned. The undersigned agrees to a are discovered which would materially affect the accuracy or to the above information.	
Date Received:	Signed	Ву:	
	Title	;	

Requested From:	Robin Engen -	Office Manager for Folsom Ridge, LLC, and/or Big Island Homeowners' Association at P. O. Box 54, Longmont, CO 80502
Date Requested:	November 2¶,	2005
	mplete listing of	ership listing of the Big Island Homeowners' Association f all individuals being billed by the BIHOA, relating to
	eat this request	for the period of January 01, 2000 to the date of this as an ongoing one, and provide any updates to these
Please send copies to: Cathy J. Orler 3252 Big Island Drive Roach, MO. 65787		
Requested By: Cathy	o Orler	Phone: 573-317-1490 Fax: 573-317-1490
material misrepresentati immediately inform the	ons or omissions base Complainant if any	ne above information request is accurate and complete, and contains no ed upon present facts known to the undersigned. The undersigned agrees to y matters are discovered which would materially affect the accuracy or response to the above information.
Date Received:		Signed By:
		Title:

Requested From:	÷ i	at P. O. Box 54, Longmont CO 80502
Date Requested:	November 29, 2005	
Declaration of Cove	enants and Conditions," a	d copy of the "Amended and Restated and a signed and ratified copy of the sland Homeowners Association, Inc."
-	nt this request as an ongoi	ed of January 01, 2000 to the date of this ng one, and provide any updates to these
Please send copies to:		
Cathy J. Orler 3252 Big Island Drive Roach, MO. 65787		
Requested By: Cathy	Orier	Phone: 573-317-1490 Fax: 573-317-1490
material misrepresentation immediately inform the	ns or omissions based upon prese	rmation request is accurate and complete, and contains no not facts known to the undersigned. The undersigned agrees to discovered which would materially affect the accuracy or eabove information.
Date Received:	Signed By:	
	Title:	