

To: Public Service Commission
From: Larry and Rita Toombs
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Missouri Public
Service Commission

We are writing to express our concern over the pending action concerning the water and sewer system on Big Island.

First of all, Let us sincerely say that we appreciate the opportunity you have given us to have this input in the procedures. May we say that we have been users of both the water and sewer services since their installation, without a problem or complaint. We have used these services in two different houses in two locations, first in one of the original homes on Big Island and secondly in a new home which we built several years later.

We would like to make several points which we feel are pertinent to the matters before you:

1. Those persons who have filed complaints are in the minority on Big Island. In fact, they represent a minority faction which has always, in all matters, acted in an adversarial manner toward the developer. These complaints are just the latest in a long history of complaints.
2. The control of the Board of the HOA would have been turned over to the homeowners some time ago, except for the action of this group of complainants. The turn over of the system was scheduled, but this group insisted the developer retain responsibility for the

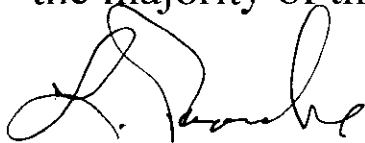
Exhibit No. 4
Date 6-2-06 Case No. WC-2006-0082
Reporter Sarah Pekerski

system for another five years. In an attempt to appease them, the developer conceded. The present turnover is scheduled for September of this year.

3. Last year a group of residents, including the complainants, met and decided to employ an attorney, and pursue the 393 corporation route. An attorney was selected and the process was underway. When, after just a couple of months, these complaints were filed. This process was put on hold for concern that their action, and your action, would make this effort mute.
4. A complaint has been filed stating that "illegal" fees had been charged to residents who had a tap but were not actually hooked to the system. Again, this practice stemmed from a meeting the developer had with the complainants years ago. In that meeting, both sides agreed that those folks with a tap could be charged a nominal fee to support the upkeep of the system, Subsequently, the Board of the HOA proceeded with that practice.
5. We still believe that it is possible to form a 393 corporation for the long term control and management of the system. This could be accomplished with third party management of the system. If the developer is to continue to be involved, such a system could have built in protection of the developer's rights to further develop.
This protection could be insured through the insertion of an arbitration clause or something similar.
6. Finally, with all due respect, we think there is a

Procedural question which should be addressed in the manner in which the Commission has handled this complaint process. Those people who filed complaints were involved from the beginning, as was the Commission, and similarly the developer, then almost as an after thought, and many months later, the majority of the people who will be affected by this decision were involved by means of a public hearing. It seems there must be a more efficient way, and more time pertinent way to involve the majority.

Thank you very much for hearing us, and we are certain a decision will be forthcoming which benefits the majority of the residents of Big Island.

A handwritten signature in black ink, appearing to read "L. Toombs", with a stylized, cursive script.

Larry Toombs

A handwritten signature in black ink, appearing to read "R. Toombs", with a stylized, cursive script.

Rita Toombs