

January 17, 2006

**FILED<sup>2</sup>**  
JAN 19 2006  
Missouri Public  
Service Commission

The Honorable Colleen M. Dale  
Secretary/Chief Regulatory Law Judge  
Missouri Public Service Commission  
P. O. Box 360  
Jefferson City, MO. 65102-0360

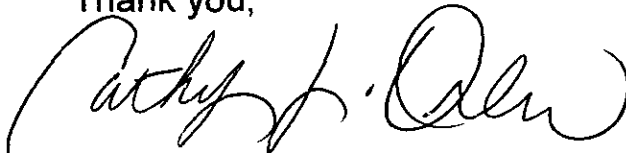
Re: Case Nos. WC-2006-0082, WC-2006-0090, WC-2006-0107,  
WC-2006-0122, WC-2006-0121, WC-2006-0120, WC-2006-0129,  
WC-2006-0139, WC-2006-0138

The Honorable Judge Dale:

Please find enclosed for filing, the "Complainants' Response to Respondent's Motion to Continue Holding Pending Motions in Abeyance and For Rescheduling of Second Prehearing Conference." Five additional copies are also enclosed for the appropriate Commission personnel; if you would be so kind as to bring this filing to their attention.

Please contact me, if you should have any questions regarding this filing.

Thank you,



Cathy J. Orlor  
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(573)317-1490

BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE  
OF MISSOURI

Cathy J. Orlor,	)	
	)	
Complainant,	)	
	)	
v.	)	Case No. WC-2006-0082, et al.
	)	
	)	
Folsom Ridge, LLC (Owning and	)	
Controlling the Big Island	)	
Homeowners' Association	)	
	)	
	)	
Respondent.	)	

**COMPLAINANTS' RESPONSE TO RESPONDENT'S MOTION TO  
CONTINUE HOLDING PENDING MOTIONS IN ABEYANCE AND  
FOR RESCHEDULING OF SECOND PREHEARING CONFERENCE**

Comes now, the Complainants, and for its above entitled response,  
submits the following to the Commission:

1. The Complainants ARE IN COMPLETE AGREEMENT with the Respondents' statement in the January 09, 2006 motion to the Commission that, "nine separate complaints were filed by individual homeowners against Folsom Ridge, LLC, (Owning and Controlling the Big Island Homeowners' Association)." The Complainants also, ARE IN COMPLETE AGREEMENT with the Respondents' statement that, "Each complaint is somewhat different, but all allege that Folsom Ridge, LLC, (Owning and Controlling the Big Island Homeowners' Association), and the Big Island Homeowners' Association, or some combination of the two, is operating a water and sewer utility that should be subject to regulation by the Commission."

2. There is no disagreement from the Complainants that both of these statements were discussed and determined to be accurate, at the first prehearing conference held on December 08, 2005. And, as a result of that prehearing conference, it was also agreed, that "Respondent (Folsom Ridge, LLC, Owning and Controlling the Big Island Homeowners' Association), would evaluate and supply a proposal to Staff and the Complainants regarding transforming the water and sewer services to regulated enterprises." However, the prehearing conference, was held to: "clarify the issues raised by the Complainants, determine which of those issues are under the jurisdiction of the Commission, determine the proper parties to the complaints, and develop some milestones that may lead to the resolution of the identified issues." All of these objectives of the first prehearing conference, were not, and have not, yet been met.
3. For clarification of the said issues, and to facilitate a resolve to those issues, on November 29, 2005, an information data request was made by Cathy Orler, complainant, to Charles McElyea – Big Island Water and Sewer Association, Inc, f/k/a Big Island Homeowners' Association and Robin Engen Office Manager for Folsom Ridge, LLC, and/or Big Island Homeowners' Association for a membership listing of the Big Island Homeowners' Association and including a complete listing of all individuals being billed and/or serviced by the BIHOA, relating to the water/sewer system, and 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."
4. On December 08, 2005, the presiding officer of the prehearing conference, denied Ms. Orler's motion to compel the production of the requested documents by Folsom Ridge, LLC.
5. Ms. Orler's motion to compel the production of the requested documents by the Big Island Homeowners' Association remains in abeyance.

6. On January 09, 2006, the respondent, Folsom Ridge, LLC, (Owning and Controlling the Big Island Homeowners' Association), filed its motion. In that motion, "Folsom Ridge believes that there is merit to establishing regulated water and sewer service;" .....and requests a second prehearing conference "so the parties may consider Folsom Ridge's proposal for regulated service and proposals by which to dispose of the instant complaints."
7. With so many issues in the (9) complaints yet to be addressed by the Commission, the Complainants see no need for a second prehearing conference, since the first prehearing conference was unproductive in meeting its objectives. This is unnecessary, and only creates a further delay. Folsom Ridge's request for a 30 day postponement at the first prehearing conference, was to consider becoming a regulated utility, which, has now been qualified by the Respondent in its January 09, 2006, motion. The Complainants feel that no "proposal" is necessary in this matter, since the criteria for regulation is set forth by the Commission. In addition, the Complainants are not receptive to any proposals from Folsom Ridge, LLC, (Owning and Controlling the Big Island Homeowners' Association), as a means of "disposing of the instant complaints." Instead, the Complainants are in agreement, and confident, that by moving forward with the "Formal Complaint Process" afforded them through the Public Service Commission, this regulatory procedure will identify, clarify, and ultimately, make a determination and ruling of the issues in the Formal Complaints, thereby resolving them in this manner.
8. Nearly (6) months have passed, since the first complaint was filed with the Public Service Commission, alleging that Folsom Ridge, LLC, (Owning and Controlling the Big Island Homeowners' Association), or some combination of the two, is operating a water and sewer utility, that should be subject to regulation by the Missouri Public Service Commission. Therefore, the Complainants request that the Commission proceed according to the process of the Commission, with: the Report from the Commission Staff; a Ruling on all Pending Motions, (most importantly and in particular, the information

data request submitted to BIHOA for documents); a  
Determination and Ruling on the Commission Staff's Report;  
and scheduling of a Public Hearing.

WHEREFORE, on the basis of the above and foregoing, the  
Complainants request the Commission NOT schedule a second  
prehearing conference. The Complainants request that the  
Commission make a ruling on all pending motions, proceed with the  
report from the Commission staff, rule on the Commission's staff's  
report, and schedule a public hearing.

Respectfully submitted,

Cathy J. Orlor

#### Certificate of Service

I hereby certify that a true and correct copy of the above and  
foregoing document was sent this 17<sup>th</sup> day of January, 2006, via U.S.  
mail, postage prepaid to the General Counsel's Office, and the Office  
of Public Counsel, and to Mark W. Comley, 601 Monroe Street, Suite  
301, P.O. Box 537, Jefferson City, MO. 65102