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March 16, 2006

**FILED<sup>4</sup>**

MAR 16 2006

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

Missouri Public  
Service Commission

Re: Case Nos. WC-2006-0082, et al.

Dear Judge Dale:

Please find enclosed for filing in the referenced matters the original and five copies of a Motion for an Order to Show Cause Why the Complaints Should Not Be Dismissed on Grounds that a Complainant is Engaging in the Unauthorized Practice of Law; Respondents' Traverse and Motion to Strike Complainant's Response to Answers of Folsom Ridge and Big Island Homeowners Water and Sewer Association, Inc.; and Respondents' Suggestions in Opposition to Complainants' Motion to Compel.

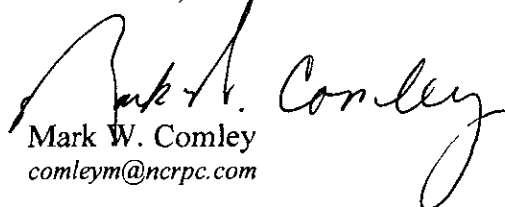
Would you please bring these filings to the attention of the appropriate Commission personnel.

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

Very truly yours,

NEWMAN, COMLEY & RUTH P.C.

By:

  
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MWC:ab

Enclosure

cc: Office of Public Counsel  
General Counsel's Office  
Cathy Orler  
Cindy Fortney  
Dean Leon Fortney  
Judy Kenter  
Benjamin D. Pugh

Joseph J. Schrader  
Stan Temares  
Ben F. Weir  
Duane Stoyer  
Charles E. McElyea  
Reginald V. Golden

**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.	)	

**FILED**<sup>4</sup>  
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**RESPONDENTS' SUGGESTIONS IN OPPOSITION TO COMPLAINANTS'  
MOTION TO COMPEL**

On or about March 9, 2006, Cathy Orler, for herself, and ostensibly for all other complainants,<sup>1</sup> filed a Motion to Compel. Without exception, the topics of the motion are data requests to which Folsom Ridge filed timely objections and which were sustained by the Commission on December 8, 2005. There is no assertion that Ms. Orler or any other complainant has subsequently filed any new data requests. In fact, there are no data requests pending at this time.

Respondents are under no duty to answer or respond to data requests to which they justifiably objected.

Furthermore, the motion is unauthorized. Pursuant to 4 CSR 240.2.090(8):

Except when authorized by an order of the commission, the commission will not entertain any discovery motions, until the following requirements have been satisfied:

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<sup>1</sup> The prayer of the "response" refers to a request by "the Complainants" and not Cathy Orler alone.

(A) Counsel for the moving party has in good faith conferred or attempted to confer by telephone or in person with opposing counsel concerning the matter prior to the filing of the motion. Merely writing a demand letter is not sufficient. Counsel for the moving party shall certify compliance with this rule in any discovery motion; and

(B) If the issues remain unresolved after the attorneys have conferred in person or by telephone, counsel shall arrange with the commission for an immediate telephone conference with the presiding officer and opposing counsel. No written discovery motion shall be filed until this telephone conference has been held.

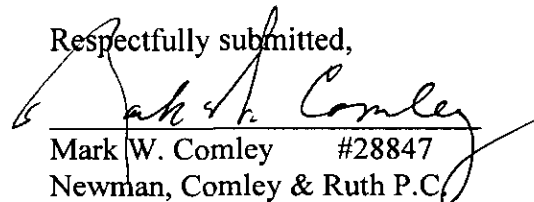
Ms. Orler's motion lacks the prerequisite certification and in truth it could not be pleaded.

Ms. Orler, representing herself, has not tried to make contact with either of the attorneys for the Respondents in connection with the circumstances of her motion to compel, and no conference with the regulatory law judge has taken place.

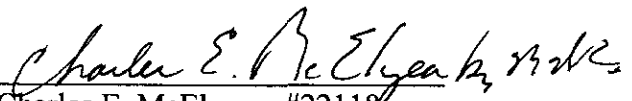
Ms. Orler also uses the motion to recite baseless assumptions about the sources of information for Staff's investigative report filed in this matter on February 9, 2006. Respondents submit that speculation about the factual basis of Staff's report is inappropriate in any motion. The report speaks for itself and requires no further interpretation by the parties.

On the basis of the above and foregoing, Respondents' request that the Commission deny Ms. Orler's motion to compel.

Respectfully submitted,



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Attorneys for Folsom Ridge, L.L.C, and Big  
Island Homeowners Water and Sewer  
Association, Inc., f/k/a Big Island  
Homeowners 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 16th day of March, 2006, to General Counsel's Office at [gencounsel@psc.mo.gov](mailto:gencounsel@psc.mo.gov); and Office of Public Counsel at [opcservice@ded.mo.gov](mailto:opcservice@ded.mo.gov); and via U.S. Mail, postage prepaid, to:

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