

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office in
Jefferson City on the 8th day of
February, 2007.

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

**ORDER DENYING MOTION TO ADD THE DEPARTMENT OF NATURAL
RESOURCES AS A PARTY**

Issue Date: February 8, 2007

Effective Date: February 8, 2007

On February 1, 2007, five named complainants¹ filed a motion asking the Commission to add the Missouri Department of Natural Resources (DNR) as a party to this complaint proceeding. The motion alleges that the water and utility service provided at the Big Island development has been under the jurisdiction of DNR and contends that representatives of the DNR will provide “exclusive testimony in this case regarding the construction and expansion, operation and management of this utility, and its applications, permits, and Notices of Violation, issued by DNR.”

¹ The five signatory complainants are: Stan Temares, Cindy Fortney, Cathy Orlor, Benjamin Pugh, and Joseph Schrader.

On February 2, the Commission issued an order establishing February 6 as the deadline for filing a response to the complainants' motion. DNR filed a response on February 2 opposing the request to add it as a party. Although it does not want to be made a party, DNR indicates that it will make knowledgeable witnesses available to testify at the hearing if the presence of such witnesses is requested. The Commission's Staff filed a response on February 5, indicating that Staff agreed that DNR should not be added as a party. Finally, on February 6, the Respondents, Folsom Ridge, LLC, and Big Island Homeowners Water and Sewer Association, Inc., filed a response opposing the motion to join DNR as a party.

The knowledge and opinions of DNR representatives are available for discovery by the parties, and those parties are able to present that testimony for the Commission's consideration if they wish to do so. The Commission previously granted the DNR's request to be dismissed as a party to a related case, WA-2006-0480, and there is no need to add that department as a party to this complaint case.

IT IS ORDERED THAT:

1. The Complainants' Request to Add the Department of Natural Resources as a Party is denied.

2. This order shall become effective on February 8, 2007.

BY THE COMMISSION

A handwritten signature in black ink, appearing to read 'Colleen M. Dale', written in a cursive style.

Colleen M. Dale
Secretary

(S E A L)

Davis, Chm., Murray, Gaw, Clayton and Appling, CC., concur

Woodruff, Deputy Chief Regulatory Law Judge