

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**

Cathy J. Orler,)	
)	
Complainant,)	
)	
v.)	<u>Case No. WC-2006-0082, et al.</u>
)	
Folsom Ridge, LLC,)	
)	
and)	
)	
Big Island Homeowners Association Water)	
and Sewer Association, Inc., f/k/a Big Island)	
Homeowners Association)	
)	
Respondents.)	
)	
In the Matter of the Application of Folsom)	
Ridge, LLC, and Big Island Homeowners)	
Water and Sewer Association, Inc., for an)	<u>Case No. WO-2007-0277</u>
Order Authorizing the Transfer and)	
Assignment of Certain Water and Sewer)	
Assets to Big Island Water Company and Big)	
Island Sewer Company, and in Connection)	
Therewith Certain Other Related Transactions)	

**STAFF’S RESPONSE TO COMPLAINANT’S PETITION TO THE
COMMISSION TO REOPEN RECORD FOR THE TAKING OF ADDITIONAL
EVIDENCE**

COMES NOW the Staff of the Missouri Public Service Commission (Staff) and for its Response to Complainant’s Petition to the Commission to Reopen Record for the Taking of Additional Evidence respectfully states as follows:

1. The primary hearing in this case was held from February 28 to March 2, 2007. An ancillary hearing was held on March 30, 2007.
2. Post-hearing briefs and proposed findings are due at 8:00 am on May 1.

3. On April 30, Complainant Cathy Orler filed Complainant's Petition to the Commission to Reopen Record for Taking of Additional Evidence. Ms. Orler requests that the Commission reopen the record as permitted by 4 CSR 240-2.110(8). Ms. Orler claims that Exhibit 20, Joint Application for Approval of Transfer of Assets to Nonprofit Companies Organized Under Chapter 393, RSMo. Ms. Orler contends that this Exhibit is incomplete because several attached exhibits are blank or incomplete. Ms. Orler requests the Commission to order Respondent Folsom Ridge, LLC to provide a hard copy of the complete agreement to each resident of Big Island. Ms. Orler also requests that each resident be given 30 days to voice their objections, opinions, or beliefs to the Commission.

4. Exhibit 20 contains the following footnote: "This document is waiting execution by the parties and finalization of some exhibits, but applicants expect no material changes to the text of the agreement itself." Staff does not purport to speak on behalf of the parties to the agreement, but it is Staff's belief that Exhibit 20 as submitted is the complete agreement as is currently exists.

5. Commission rule 4 CSR 240-2.040(5) states: "A natural person may represent himself or herself. Such practice is strictly limited to the appearance of a natural person on his or her own behalf and shall not be made for any other person or entity." Ms. Orler's request for action to be taken on behalf of others and information to be given to persons other than herself must be denied.

6. Commission rule 4 CSR 240-2.130(13) states: "Unless the presiding officer directs otherwise, when exhibits that have not previously been filed are offered in evidence, the original shall be furnished to the reporter, and the party offering exhibits

also should be prepared to furnish a copy to each commissioner, the presiding officer and each party.” Respondents should not be required to provide documents to persons who are not parties.

WHEREFORE Staff requests that Ms. Orler’s request to reopen the record be denied.

Respectfully submitted,

/s/ Jennifer Heintz

Jennifer Heintz

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Certificate of Service

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to all parties and counsel of record this 30th day of April 2007.

/s/ Jennifer Heintz