

June 07 2006

FILED<sup>4</sup>

JUN 12 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

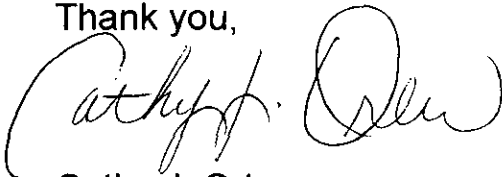
Re: Case Nos. WC-2006-0082, WC-2006-0090, WC-2006-0107,  
WC-2006-0122, WC-2006-0121, WC-2006-0120, WC-2006-0129,  
WC-2006-0139, WC-2006-0138

The Honorable Judge Dale:

Please find enclosed for filing, "Complainant's Response to Respondents' Response to Motion to Compel." 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  
3252 Big Island Drive  
Roach, MO. 65787  
(573)317-1490

BEFORE THE PUBLIC SERVICE COMMISSION OF  
THE STATE OF MISSOURI

FILED<sup>4</sup>

JUN 12 2006

Cathy J. Orler,

Complainant,

v.

Folsom Ridge, LLC, (Owning and  
Controlling the Big Island  
Homeowners' Association),

Respondent.

Missouri Public  
Service Commission

Case No. WC-2006-0082, et al.

**COMPLAINANT'S RESPONSE TO RESPONDENTS' RESPONSE  
TO MOTION TO COMPEL**

Comes now, Cathy Orler, on her own behalf, and respectfully states the following to the Commission:

1. On May 24, 2006, Ms. Orler filed a motion to compel the Respondents' to produce the BIHOA membership and billing documents that have been requested numerous times during the ten, (10), month period since this case was filed on August 18, 2005, with the Missouri Public Service Commission.
2. In this motion, the Complainant stated that this same information had been requested from Folsom Ridge, LLC, (Owning and Controlling the Big Island Homeowners' Association), throughout a seven, (7), year period with no reply, prior to making the requests within the process of the PSC, for the same documents.
3. Ms. Orler also stated that on April 14 and April 19, 2006, information was received from the Respondents, in response to the Complainant's data requests. **The information received was incomplete and not what was requested.**

4. Ms. Orler further stated that on May 09, 2006, she telephoned Mr. Mark Comley as per the judicial procedural protocol of the PSC, and in good faith, informed Mr. Comley, that the information he supplied to her as a response to the data requests, was incomplete and not what had been requested; and again, Ms. Orler requested the same information, that to this date, still has not been supplied.
5. Pursuant to the request Mr. Comley made to Ms. Orler in that telephone conversation, Ms. Orler outlined in writing to Mr. Comley, very specifically, what documentation was being requested. As a convenience to Mr. Comley, and to assist him in complying with her requests, Ms. Orler also included examples of the information being requested. (Exhibit 1).
6. In the Respondents' Response to Ms. Orler's Motion to Compel, filed June 01, 2006, Respondents contend that the responses supplied to Ms. Orler's data requests are complete.

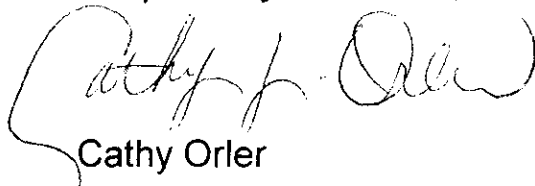
To this response, Ms. Orler makes the following statements:

- (a). There clearly was no request made for a "Worksheet of Lot-owners" in the data requests. (Exhibit 2).
- (b). A "BIHOA Transaction List by Customer" was supplied by the Respondents; however, no description and/or designation regarding water and/or sewer, or the billing associated with either and/or both, exists on this document as indicated in the data requests. (Exhibit 3 – cover page only).
- (c). No signed and ratified copies, (clearly titled – "Ratification of Covenants and Conditions," as exemplified in Exhibit 1), were supplied. No request was made for the signature pages submitted by the Respondents. (Exhibit 4).

7. The Formal Evidentiary Hearing is scheduled to begin July 17, 2006. If the Respondents are allowed to continue this established tactical pattern, regarding the information requested in the data requests, the Complainant feels no information will be supplied by the Respondents for the Formal Evidentiary Hearing. Furthermore, as stated previously in Ms. Orler's Motion to Compel, Complainant feels the information being requested, is of equal importance to the Commission in: (a). deciding the jurisdiction of the PSC; (b). determining that the BIHOA is operating as an unlicensed public utility by billing and/or servicing individuals who are not members of the association.

Wherefore, the Complainant continues to request that the Commission compel Folsom Ridge, LLC, (Owning and Controlling the Big Island Homeowners' Association), to produce the documents requested.

Respectfully submitted,



Cathy Orler

#### Certificate of Service

I hereby certify that a true and correct copy of the above and foregoing document was sent this 07th day of June, 2006, to the General Counsel's Office, and the Office of Public Counsel, and via U.S. mail, postage prepaid to Mark W. Comley, 601 Monroe Street, Suite 301, P.O. Box 537, Jefferson City, MO. 65102, and Charles E. McElyea, 85 Court Circle, P.O. Box 559, Camdenton, Mo. 65020

May 16, 2006

Exhibit 1  
page 1

Mr. Mark W. Comley  
Newman, Comley & Ruth P.C.  
601 Monroe Street, Suite 301  
P.O. Box 537  
Jefferson City, Mo. 65102-0537

Mr. Comley:

Pursuant to our telephone conversation of May 09, 2006, this letter is a written request for documents from the Big Island Homeowners' Association, that were requested in the "Complainant's Data Request," (1 and 2), **that have not been supplied.** When possible, "examples," as attachments for some of the documents being requested, have been provided for your convenience in complying with the request. All documents being requested, are for the period beginning January 01, 2000 to the date of this request, and should be dated to reflect the appropriate reporting period. The documents being requested, are specified as follows:

1. A Big Island Homeowners' Association membership listing of individual members. (The document being requested should be exclusive to the BIHOA, and the members of that organization specifically; and not combined with any other document and/or listing of individuals for any purpose, other than the listing of members in the BIHOA). (These documents being requested, will be the annual membership listing of the BIHOA for the years beginning January 01, 2000; January 01, 2001; January 01, 2002; January 01, 2003; January 01, 2004; January 01, 2005 and January 01, 2006 to the date of this request). ("Complainant's example" attached).
2. Signed Copies of the ratification documents of the "Covenants and Conditions," and signed copies of the ratification documents of the "Amended and Restated Declaration of Covenants and Conditions," bearing the signatures of the individuals agreeing to the terms of such Covenants.

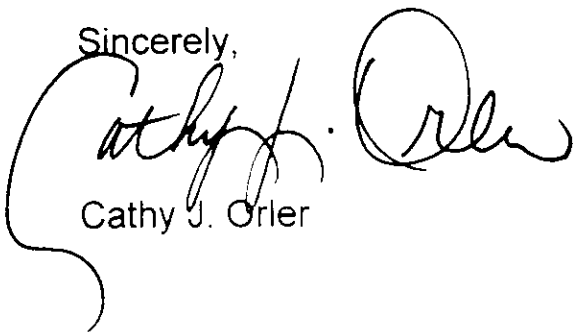
Exhibit 1  
page 2

(Examples attached).

3. Copies of individual bills, billing statements, invoices, assessments, and/or any communications requesting the payment of fees, dues, assessments, rates; or any service and/or product associated with the water and sewer utility, for which a monetary sum is being charged, and payment is expected. These documents will also include any request for payment of "hook-up" fees, and/or connection fees. (These documents being requested, will be for the years beginning January 01, 2000; January 01, 2001; January 01, 2002; January 01, 2003; January 01, 2004; January 01, 2005; and January 01, 2006 to the date of this request, and will include notices sent to individuals in the years 2000 and 2001, for all periods prior to the year 2000). (Examples attached).

Complainant's receipt of the documents requested, will satisfy the "Complainant's Data Request," (1 and 2); however, because these requests are treated as ongoing, please provide any updates to these documents as they are made. Your cooperation in this matter, is greatly appreciated.

Sincerely,



Cathy J. Orlor



## **BIG ISLAND HOMEOWNERS' ASSOCIATION MEMBERSHIP LISTING**

1. Name of Individual Member
2. Name of Individual Member
3. Name of Individual Member
4. Name of Individual Member

Exhibit 1  
page 3

## RATIFICATION OF COVENANTS AND CONDITIONS

1. John V. Cascairo and Marilyn L. Cascairo (hereinafter referred to as "Cascairo") are the owners of the real property described as follows:

All of Lots 70 and 71 and the North one-half (N 1/2) of Lot 69, in BIG ISLAND LAKE SITES, FIRST ADDITION, a subdivision in Camden County, Missouri, according to the amended plat thereof on file and of record in the Office of the Recorder of Deeds, Camden County, Missouri.

2. Folsom Ridge, LLC, a Colorado corporation, certified to do business in Missouri, recorded a Declaration of Covenants and Conditions (the "Covenants") dated \_\_\_\_\_, 2000, and recorded in Camden County, Missouri on \_\_\_\_\_, 2000 at Book \_\_\_\_\_, Page \_\_\_\_\_.

3. Cascairo, hereby ratifies such Covenants and agrees that the terms of such Covenants shall bind the real property owned by them described above, and shall inure to the benefit of, and be binding on the undersigned, their heirs, successors and assigns.

"Cascairo"

John V. Cascairo  
John V. Cascairo

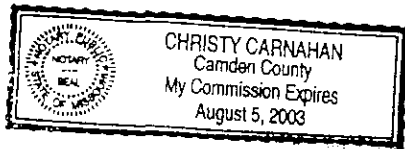
Marilyn L. Cascairo  
Marilyn L. Cascairo

STATE OF \_\_\_\_\_ )  
COUNTY OF \_\_\_\_\_ ) ss.

The foregoing instrument was acknowledged before me this 5<sup>th</sup> day of May, 2000 by John V. Cascairo and Marilyn L. Cascairo.

My commission expires: August 5, 2003

Witness my hand and official seal.



Christy Carnahan  
Notary Public

Exhibit I  
page 4



**RATIFICATION OF AMENDED AND RESTATED DECLARATION OF  
COVENANTS AND CONDITIONS**

1. Jeffery R. Litty and Cathy Litty (hereinafter referred to as "Litty") are the owners of the real property described as follows:

All the following described land lying above contour elevation Six Hundred Sixty-two (662) feet: All of Lots Eighty (80) and Eighty-one (81) in Amended Plat of Big Island Lake Sites, First Addition, a subdivision in Camden County, Missouri, according to the Amended Plat thereof on file and of record in the Office of the Recorder of Deeds, Camden County, Missouri.

2. Folsom Ridge, LLC, a Colorado corporation, certified to do business in Missouri, recorded an Amended and Restated Declaration of Covenants and Conditions (the "Covenants") dated January 10, 2001, and recorded in Camden County, Missouri on January 17, 2001 at Book 507, Page 587.

3. Litty, hereby ratifies such Covenants and agrees that the terms of such Covenants shall bind the real property owned by them described above, and shall inure to the benefit of, and be binding on the undersigned, their heirs, successors and assigns.

"Litty"

\_\_\_\_\_  
Jeffery R. Litty

\_\_\_\_\_  
Cathy Litty

STATE OF                                 )  
  ) ss.  
COUNTY OF                             )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2001 by Jeffery R. Litty and Cathy Litty.

My commission expires: \_\_\_\_\_

Witness my hand and official seal.

\_\_\_\_\_  
Notary Public

Exhibit 1  
page 5

**Big Island Homeowners Association**  
**P. O. Box 54**  
**Longmont, CO 80502**

April 9, 2001

Benjamin & Karen Pugh  
HCR 67, Box 726  
Roach, MO 65787

Dear Benjamin & Karen,

Enclosed you will find your billing for your sewer and water service for all periods prior to December 2000. These were billed at the original rate of \$10 per month on sewer and \$5 per month on water. You were billed from the time you hooked up to the system. Please read the invoice carefully and make sure no mistakes were made concerning when you hooked up and if you are hooked up only to sewer or only to water. These invoices are due upon receipt.

You will receive shortly, another bill for the 1<sup>st</sup> quarter of 2001. These bills will be at the new rates voted on at the December 29, 2000 meeting. They will be \$15 for sewer and \$10 for water. I have attached the meeting minutes for your review if you have any questions.

Please don't hesitate to contact us if anything is incorrect on your bill. We would be glad to discuss it. We can be reached at 303-702-0708.

Sincerely,

R. V. (Reggie) Golden  
Big Island Homeowners Association  
Director

Exhibit 1  
page 6

Big Island Homeowners Association Inc

P. O. Box 536  
Roach, MO 65787

Phone # 303-702-0708

# Invoice

Date	Invoice #
10/1/2005	1314

**Bill To**

Cathy Orlor  
3252 Big Island Dr.  
Roach, MO 65787

Exhibit 1  
page 7

			Terms
			Net 30
Months	Description	Rate	Amount
3	Big Island HOA Sewer Fees NOT Connected Current Quarter 2005 (80, 81 & 82 )	7.00	21.00
3	Big Island HOA Water Fees NOT Connected Current Quarter 2005 (80, 81 & 82)	7.00	21.00
		<b>Total</b>	\$42.00

**Big Island Homeowners Association**  
**P. O. Box 54**  
**Longmont, CO 80502**

Exhibit 1  
page 8

June 6, 2001

Howard and Marilyn Docker  
716 Prairie Ct.  
Topeka, KS 66606

Dear Howard & Marilyn,

Enclosed is a copy of the covenants, the by-laws, and a ratification form. Please sign the attached ratification form in front of a Notary and mail it back to the homeowners association in the enclosed envelope. This will allow us to protect your investment in the sewer and water system by recording your membership at the county courthouse.

You will also need to contact Mike McDuffey of Lake of the Ozarks Water and Sewer, Inc. at 573-346-2092 to get connected to the system. When you return your ratification please enclose a check for \$6,000.00 for the hook-up fees. We will bill you later for your quarterly fees beginning with the 3<sup>rd</sup> quarter.

pd.  
\$6,000.00  
6/11/01

Please give me a call if you have any questions. The phone number is (303) 702-0708. We appreciate your patience and cooperation in this matter.

Sincerely,

*R V Golden*

R. V. (Reggie) Golden  
Big Island Homeowners Association

# Invoice

2

Big Island Homeowners Association

P. O. Box 54

Longmont, CO 80502-

USA

Phone: (303) 702-0708 Fax: (303) 702-058

Exhibit I  
page 9

Invoice Date 04/09/2001

Member ID 18

Payment Terms Net 30 Days

Member: Ben & Karen Pugh

HCR 67, Box 726

Roach, MO 65787-

USA

Member Dues \$150.00

Amount Paid

Total Due \$150.00

Big Island HOA Sewer Fees for 10/01/99 through 12/31/00 @  
\$10.00 per month.

# Invoice

Exhibit 1  
page 10

**Big Island Homeowners Association**

**P. O. Box 54**

**Longmont, CO 80502-**

**USA**

**Phone: (303) 702-0708 Fax: (303) 702-058**

**Invoice Date 07/19/2001**

**Member ID 35**

**Payment Terms Net 10 Days**

**Member: Jeff & Cathy Litty**

**HCR 67, Box 840**

**Roach, MO 65787-**

**USA**

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<b>Member Dues</b>	<b>\$15.00</b>
<b>Amount Paid</b>	
<b>Total Due</b>	<b>\$15.00</b>

**Big Island HOA Sewer Fees NOT Connected to the system -  
April 1-June 30, 2001 - \$5.00 per month.**

**Thursday, July 19, 2001**

**Page 1 of 1**

# Statement

Big Island Homeowners Association Inc

P. O. Box 536

Roach, MO 65787

Date

7/1/2003

To:

Jeffery & Cathy Litty  
3252 Big Island Dr.  
Roach, MO 65787

Amount Due                      Amount Enc.  
\$27.00

Date	Transaction	Amount	Balance
12/31/2002	Balance forward		0.00
01/01/2003	INV #350	21.00	21.00
02/18/2003	PMT #3327 - 1st Q 2003	-15.00	6.00
04/01/2003	INV #428	21.00	27.00

Exhibit I  
page 11

CURRENT	1-30 DAYS PAST DUE	31-60 DAYS PAST DUE	61-90 DAYS PAST DUE	OVER 90 DAYS PAST DUE	Amount Due
0.00	0.00	21.00	0.00	6.00	\$27.00

Exhibit 2  
page 1

No. 1

CASE NO. WC-2006-0082

**COMPLAINANT DATA REQUEST**

Requested From: Mark W. Comley, attorney for Folsom Ridge, LLC

Date Requested: September 24, 2005

**Information Requested:** A membership listing of the Big Island Homeowners Association and including a complete listing of all individuals being billed by the BIHOA, relating to the water/sewer system.

**Also provide all such documents for the period of January 1, 2000 to the date of this request. Please treat this request as an ongoing one, and provide any updates to these documents as they are made.**

---

Please send copies to:

Cathy Orlor  
3252 Big Island Drive  
Roach, MO. 65787

Requested By: Cathy Orlor

Phone: 573-317-1490

Fax: 573-317-1490

---

The information provided in response to the above information request is accurate and complete, and contains no material misrepresentations or omissions based upon present facts known to the undersigned. The undersigned agrees to immediately inform the Complainant if any matters are discovered which would materially affect the accuracy or completeness of the information provided in response to the above information.

Date Received: \_\_\_\_\_ Signed By: \_\_\_\_\_

Title: \_\_\_\_\_



Exhibit 2  
page 2

No. 2

CASE NO. WC-2006-0082

**COMPLAINANT DATA REQUEST**

Requested From: Mark W. Comley, attorney for Folsom Ridge, LLC

Date Requested: September 24, 2005

**Information Requested:** 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 Big Island Homeowners Association, Inc."

**Also provide all such documents for the period of January 1, 2000 to the date of this request. Please treat this request as an ongoing one, and provide any updates to these documents as they are made.**

---

Please send copies to:

Cathy Orlor  
3252 Big Island Drive  
Roach, MO. 65787

Requested By: Cathy Orlor

Phone: 573-317-1490

Fax: 573-317-1490

---

The information provided in response to the above information request is accurate and complete, and contains no material misrepresentations or omissions based upon present facts known to the undersigned. The undersigned agrees to immediately inform the Complainant if any matters are discovered which would materially affect the accuracy or completeness of the information provided in response to the above information.

Date Received: \_\_\_\_\_ Signed By: \_\_\_\_\_

Title: \_\_\_\_\_

11:28 AM  
04/14/06

Big Island Homeowners Association Inc  
Transaction List by Customer  
All Transactions

Exhibit 3 - page 1  
(cover page only  
included as  
exhibit)

**Abeln, Patricia**

<u>Type</u>	<u>Date</u>
Invoice	01/01/2001
Invoice	04/01/2001
Invoice	07/01/2001
Invoice	10/01/2001
Invoice	01/01/2002
Invoice	04/01/2002
Invoice	06/01/2002
Invoice	08/01/2002
Invoice	10/01/2002
Invoice	01/01/2003
Invoice	04/01/2003
Invoice	07/01/2003
Invoice	10/01/2003
Invoice	01/01/2004
Invoice	04/01/2004
Invoice	07/01/2004
Invoice	10/01/2004
Invoice	01/01/2005
Invoice	04/01/2005
Invoice	07/01/2005
Invoice	10/01/2005
Invoice	01/01/2006
Invoice	04/01/2006

**Adamson, Ronald & Sheryl**

Invoice	02/02/2003
Invoice	04/01/2003
Invoice	07/01/2003
Invoice	10/01/2003
Invoice	01/01/2004
Invoice	04/01/2004
Invoice	07/01/2004
Invoice	10/01/2004
Invoice	01/01/2005
Invoice	04/01/2005
Invoice	07/01/2005
Invoice	10/01/2005
Invoice	10/14/2005
Invoice	01/01/2006
Invoice	04/01/2006

# Exhibit 4

## page 1

Section 4. Acceptance of provisions of all Documents. The conveyance or encumbrance of a Lot shall be deemed to include the acceptance of all of the provisions of this Declaration, the Articles and the Bylaws, and Rules and Regulations of the Association, and shall be binding upon each grantee without the necessity or inclusion of such express provision in the instrument of conveyance or encumbrance.

### Section 5. General.

(A) If any of the provisions of this Declaration or any paragraph, sentence, clause, phrase or word, or the application thereof in any circumstance shall be invalidated, such invalidity shall not affect the validity of the remainder of this Declaration, and the application of any such provision, paragraph, sentence, clause, phrase, or work in any other circumstances shall not be affected hereby.

(B) Whenever used herein, unless the context shall otherwise provide, the plural, the singular, and the use of any gender shall include all appropriate genders and quantity.

(C) In the event there shall be any conflict between the provisions of this Declaration and any provision of the Articles, any Bylaw, or any rule or regulation of the Association, the provisions of this Declaration shall be controlling.

(D) All conditions and covenants set forth herein shall run with the real property subject to this Declaration and any future real property becoming bound by this Declaration by ratification or consent.

This Amended and Restated Declaration of Covenants and Conditions shall amend and replace in its entirety, that certain Declaration of Covenants and Conditions, which Declaration was recorded April 14, 2000 at Book 494, Page 577, and such prior Declaration shall be of no further force or effect.

this 10<sup>th</sup> In witness whereof the Managers of Declarant have hereunto set their hands day of January 2001.

Folsom Ridge, LLC,  
a Colorado limited liability company, certified to do business in Missouri

By [Signature]  
Reginald X. Golden, Manager

By [Signature]  
Rick Rusaw, Manager

By [Signature]  
David Lees, Manager

ARTICLE XIII

FISCAL YEAR

Section 1. The fiscal year in the business of this corporation shall be on a calendar year basis unless changed by a majority of the Board of Directors.

ARTICLE XIV

COMPENSATION

Section 1. No director or officer shall receive compensation for any services rendered, provided that each shall be reimbursed for his actual expenses; provided such reimbursement is approved by a majority of the Board of Directors.

Folsom Ridge LLC, adopted the above-stated amended and restated By-Laws, on this \_\_\_\_\_ day of \_\_\_\_\_, 2000.

FOLSOM RIDGE LLC

A Colorado limited liability company, certified to do  
business in Missouri

  
REGINALD V. GOLDEN, Manager

  
RICK RUSAW, Manager

  
DAVID V. LEES, Manager