

FILED²

MAY 01 2006

Missouri Public
Service Commission

April 28, 2006

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

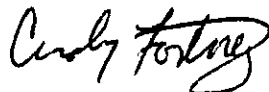
Re: Case Nos. WC-2006-0082, WC-2006-0090, WC-2006-0107, WC-2006-0122, WC-2006-0121, WC-2006-0120, WC-2006-0129, WC-2006-0139, WC-2006-0138

The Honorable Judge Dale:

Please find enclosed for filing, "Complainant's Request For Formal Complaint and This Document to be Entered into Evidence for the Evidentiary Hearing" for Case Numbers WC-2006-0139 and WC-2006-0138. Five additional copies of each filing are also enclosed for the appropriate Commission personnel: If you would be so kind as to bring these filings to their attention.

Please contact me if you should have any questions regarding these filings. One filing is for myself, Cindy Fortney and the second filing is for my father, Dean Leon Fortney.

Thank you,



Cindy Fortney
3298 Big Island Drive
Roach, MO. 65787

BEFORE THE PUBLIC SERVICE COMMISSION OF THE
STATE OF MISSOURI

Cindy Fortney, et al.

Complainant,)

v.)

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

) (Case No. WC-2006-0138)

Folsom Ridge, LLC. (Owning and)

Controlling the BIHOA))

Respondent.)

**COMPLAINANT'S REQUEST FOR FORMAL COMPLAINT AND THIS
DOCUMENT TO BE ENTERED INTO EVIDENCE FOR THE EVIDENTIARY
HEARING**

1. Complainant requests that her Formal Complaint (e.g. Case Number WC-2006-0082, et al. Case No. WC-2006-0138) be entered into evidence as an exhibit to this pleading for the convenience of the Public Service Commission (PSC) in reviewing the issues and providing answers to the questions contained herein.
2. Complainant requests that the PSC address/identify issues of the formal complaint that fall within jurisdiction of a formal finding of fact by the PSC in which a determination/ruling is made that Folsom Ridge, LLC (Owning and Controlling the BIHOA) is operating as an 'unlicensed public utility' by providing service to and billing non-members. The remaining issues that were generated by and resulting from Folsom Ridge, LLC (Owning and Controlling the BIHOA) by the mismanagement and poor operation of the utility as an 'unlicensed public utility' will then become the jurisdiction of the civil court.

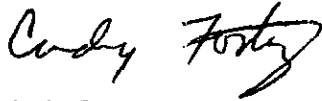
Additional points and questions complainant would like noted and addressed in addition to her Formal Complaint:

1. All complainants are unanimous in wanting a utility that will provide safe adequate service into the future. This would be in the best interest of all the residents of Big Island, not just the complainants.
2. All complainants agree that the water and sewer utility should be regulated, but do question certifying the same entity that has created the problems and the reason we are asking the PSC for relief.
3. How does the PSC intend to enforce the regulatory tariffs by which a 'certificated' utility company operates to ensure that safe and adequate service is provided when the 'certificated' utility company is the very same entity (now operating under a different company name) that has a 7 year history of

unashamed disregard to the regulatory rules and laws of the state of Missouri by committing a series of violations and repeat violations? (see Case Number WC-2006-0082 as my Formal Complaint was consolidated under this case number per the PSC.)

4. What assurance/guarantee can the PSC provide that 'certificating' this newly named company, however same entity, will equate to safe and adequate services in the future?
5. What fines and/or penalties are imposed by the PSC when violations of the regulatory tariffs are committed and jeopardize the safety and adequacy of the service being provided?

Respectfully submitted,



Cindy Fortney

CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ABOVE AND FOREGOING DOCUMENT WAS SENT THIS 28TH DAY OF APRIL, 2006, TO THE GENERAL COUNSEL'S OFFICE, THE OFFICE OF PUBLIC COUNSEL AND VIA U.S. MAIL, POSTAGE PREPAID TO MARK COMLEY, 601 MONROE STREET, SUITE 301, P.O. BOX 537, JEFFERSON CITY, MISSOURI 65102

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

RECEIVED
SEP 27 2005
UTILITY OPERATIONS
DIVISION

Cindy Fortney,

Complainant,

vs.

Case No. _____

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

Respondent.

COMPLAINT

FILED³

SEP 27 2005

Missouri Public
Service Commission

1. Complainant resides at: (your address)

3298 Big Island Drive

Roach, MO. 65787

Phone: 573-346-7813

2. Respondent: (Company's name and address)

Folsom Ridge, LLC

Big Island Homeowners Association

P.O. Box 64

Longmont, CO. 80502

is a public utility providing service to the complainant's residence:

3. As the basis of this complaint, complainant states the following facts:

I bought this house July 14th, 2005 from Richard and Carol Hirsch. Richard and Carol Hirsch were not members of the Big Island Home Owners Association (BIHOA). This residence, 3288 Big Island Drive does have a sewer tap that the Hirsch's purchased from Folsom Ridge, LLC, for \$4800 with the contractual agreement and understanding that they would not have to pay additional fees until they hooked up to the system and receive services. (See attachment from David Lees) Sometime after the purchase of the tap, they were coerced by Folsom Ridge, owning and controlling the Big Island Homeowners Association, into paying \$7 a month maintenance fee, to the BIHOA, even though they were not hooked up to the system nor were they members of the BIHOA nor were they receiving services. During the real estate closing of the property I was purchasing, I was coerced to pay \$14 in Association Dues: to Big Island HOA. (See attachment with the line items from closing, line item 1204.) I am not a member of the BIHOA, nor did I agree to become a member in the BIHOA, and I was told by the closing agent, that if I didn't pay this \$14, the closing would be stopped until the issue was resolved. I do not have a law degree, but in my opinion, I certainly don't think it can be legal in the state of Missouri to interfere with, and/or hinder and/or impede a sale of \$275,000.00!

I have not received any documentation about ongoing BIHOA payments nor anything about the BIHOA itself. Maybe this is because Folsom Ridge, LLC owning and controlling the BIHOA, knows that they were in the wrong or they simply don't know who are members, who are not members, who are paying and who are not paying, etc. To my knowledge, a BIHOA membership listing has never been supplied to the property owners of Big Island who are being charged these fees, and/or are receiving services by being connected to the system, and/or who have signed to join the BIHOA. In fact, when representatives of Folsom Ridge are asked who are members and/or who are receiving services, they are unable to answer these questions.

4. The complainant has taken the following steps to present this complaint to the respondent:

Several discussions between Folsom Ridge, LLC representatives and myself to try to resolve these 'fee' issues have been ongoing since my residency here, with no resolve as of the date of this Formal Complaint.

WHEREFORE, complainant now requests the following relief: (What do you want the PSC to do?)

A determination and ruling as to the BlHQA and its operation as an unlicensed public utility that should be regulated by the PSC. Also, because of the legal issues resulting from Folsom Ridge owning and controlling the BlHQA, and now interfering with and obstructing real estate closings, I am requesting that the PSC also make a determination and ruling as to the questionable illegal and certainly unethical business practices of Folsom Ridge, owning and controlling the BlHQA. Furthermore, as a result of the many state regulations that have been violated by Folsom Ridge, and now their attempts to hinder real estate closings, I am seeking the permanent revocation of all permits that allow this out of state developer to operate in the state of Missouri.

Please regulate this association, as it is operating as an unlicensed public utility, by providing service, and telling people who are nonmembers and non users of the service.

9-24-05

Date

Chris A. Folsom

Signature of Complainant

Big Island

1. We will have a monthly fee for the waste water system, of \$10.00 per month. This fee will be deposited to the Homeowners Interest bearing account.
2. It is anticipated with the number of users to this system, that we will have an excess of funds in the interest bearing escrow account.
3. The schedule to oversee this system will be on a as needed basis. We have been advised that to oversee this particular system, to clean filters, check equipment and take samples will require 2 to 3 visits a week. Whoever is chosen, is to be state licensed and accountable to the state of Missouri.
The cost to maintain and operate the system will depend entirely on the units and flow to the waste water system.
4. If a homeowner hooks up to the system, the fee is \$10.00 a month. If they elect to pay their \$400.00, and a waste water stub is installed at their property, they will not be charged a monthly fee until they hook up.
5. We intend to accommodate each homeowner with the location of the stub out, most convenient to their needs.
6. The funding for the new septic need has been funded and is the sole responsibility of the Pelican Ridge LLC. The monies for this project are in escrow at Central bank, Camdenton, Mo.
7. There will be 5 board members which will consist of the 3 developers, one new property owner and one existing property owner.
8. It is your option to hook up to this system. You are under no obligation to do so. If you have any concerns about the developers financial capabilities as stated, feel free to call Jeff Welsh at Central Bank of Camdenton, Mo. Telephone # 573 346 2203 and satisfy yourself as to the LLC's financial capabilities.
9. This offer to hook up to this system is completely voluntary to any existing homeowners. It is mandatory by the DNR for any new homeowners.

We hope that this addresses some of your concerns. If not feel free to contact me at 573 346 6158 . FAX same number..

Sincerely, Dave Lees

811.				
812				
813. Wire Fees to First National Bank				
814.			40.00	
900. Items Requested By Lender To Be Paid In Advance				
901. Interest from 07/14/05 to 08/01/05 @ \$28.17 day				
902. Mortgage Insurance Premium for months to day			507.06	
903. Hazard Insurance Premium for 1 years to Allied Insurance				
904.			POC \$634,006	
905.				
1000. Reserves Deposited With Lender				
1001. Hazard Insurance months @ \$ per month				
1002. Mortgage Insurance months @ \$ per month				
1003. City property taxes months @ \$ per month				
1004. County property taxes months @ \$ per month				
1005. Annual assessments months @ \$ per month				
1006.				
1007.				
1008. Aggregate adjustment months @ \$ per month				
1100. Title Charges months @ \$ per month				
1101. Settlement or closing fee to Chalfant & Tompkins			250.00	
1102. Abstract or 6th search to				
1103. Title examination to				
1104. Title Insurance binder to Chalfant & Tompkins				
1105. Document preparation to Chalfant & Tompkins				
1106. Notary fees to				
1107. Attorney's fees to				
(includes above items numbers:)				
1108. Title Insurance to Chalfant & Tompkins			725.00	
(includes above items numbers:)				
1109. Lender's coverage \$ 175,000.00 premium 50.00				
1110. Owner's coverage \$ 275,000.00 premium 675.00				
1111.				
1112. Return of Pkg-Courier to CTTC			47.00	
1113.				
1200. Government Recording and Transfer Charges				
1201. Recording fee: Deed \$ 30.00 : Mortgage \$ 69.00 : Release \$			99.00	
1202. Civil/County taxstamp: Deed \$: Mortgage \$				
1203. State taxstamp: Deed \$: Mortgage \$				
1204. Association Dues to Big Island HOA			14.00	
1205.				
1300. Additional Settlement Charges				
1301. Survey to				
1302. Pest inspection to				
1303.				
1304.				
1305.				
1400. Total Settlement Charges (enter on lines 103, Section J and 902, Section K)			3,925.06	

I have carefully reviewed this Settlement Statement and to the best of my knowledge and belief, it is a true and accurate statement of all receipts and disbursements made on my account or by me in this transaction. I further certify that I have received a copy of the Settlement Statement.

Borrower(s) Cynthia L. Fortney 07/14/05 Seller(s) Dean L. Fortney 07/14/05

The Settlement Statement which I have prepared is a true and accurate account of funds received and funds disbursed or to be disbursed for this transaction.

WARNING: It is a crime to knowingly make false statements to the United States on this form. Penalties upon conviction can include a fine and imprisonment. For details see: 18 U.S.C. Code Section 1001 and Section 1010.

07/14/05

Keith A. Peterson

Keith A. Peterson, Settlement Agent

Commissioners

JEFF DAVIS
Chairman

CONNIE MURRAY

STEVE GAW

ROBERT M. CLAYTON III

LINWARD "LIN" APPLING



WESS A. HENDERSON
Executive Director

WARREN WOOD
Director, Utility Operations

ROBERT SCHALLENBERG
Director, Utility Services

COLLEEN M. DALE
Secretary

DANA K. JOYCE
General Counsel

Missouri Public Service Commission

POST OFFICE BOX 360
JEFFERSON CITY MISSOURI 65102
573-751-3234
573-751-1847 (Fax Number)
<http://www.psc.mo.gov>

Information Sheet Regarding Mediation of Commission Formal Complaint Cases

Mediation is a process whereby the parties themselves work to resolve their dispute with the aid of a neutral third-party mediator. This process is sometimes referred to as "facilitated negotiation." The mediator's role is advisory and although the mediator may offer suggestions, the mediator has no authority to impose a solution nor will the mediator determine who "wins." Instead, the mediator simply works with both parties to facilitate communications and to attempt to enable the parties to reach an agreement which is mutually agreeable to both the complainant and the respondent.

The mediation process is explicitly a problem-solving one in which neither the parties nor the mediator are bound by the usual constraints such as the rules of evidence or the other formal procedures required in hearings before the Missouri Public Service Commission. Although many private mediators charge as much as \$250 per hour, the University of Missouri-Columbia School of Law has agreed to provide this service to parties who have formal complaints pending before the Public Service Commission at no charge. Not only is the service provided free of charge, but mediation is also less expensive than the formal complaint process because the assistance of an attorney is not necessary for mediation. In fact, the parties are encouraged not to bring an attorney to the mediation meeting.

The formal complaint process before the Commission invariably results in a determination by which there is a "winner" and a "loser" although the value of winning may well be offset by the cost of attorneys fees and the delays of protracted litigation. Mediation is not only a much quicker process but it also offers the unique opportunity for informal, direct communication between the two parties to the complaint and mediation is far more likely to result in a settlement which, because it was mutually agreed to, pleases both parties. This is traditionally referred to as "win-win" agreement.

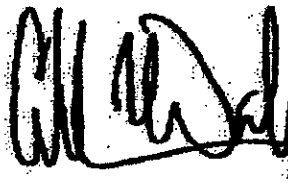
The traditional mediator's role is to (1) help the participants understand the mediation process, (2) facilitate their ability to speak directly to each other, (3) maintain order, (4) clarify misunderstandings, (5) assist in identifying issues, (6) diffuse unrealistic expectations, (7) assist in translating one participant's perspective or proposal into a form that is more understandable and acceptable to the other participant, (8) assist the participants with the actual negotiation process, (9) occasionally a mediator may propose a possible solution, and (10) on rare occasions a mediator may encourage a participant to accept a particular solution. The mediator will not possess any specialized knowledge of the utility industry or of utility law.

In order for the Commission to refer a complaint case to mediation, the parties must both agree to mediate their conflict in good faith. The party filing the complaint must agree to appear and to make a good faith effort to mediate and the utility company against which the complaint has been filed must send a representative who has full authority to settle the complaint case. The essence of mediation stems from the fact that the participants are both genuinely interested in resolving the complaint.

Because mediation thrives in an atmosphere of free and open discussion, all settlement offers and other information which is revealed during mediation is shielded against subsequent disclosure in front of the Missouri Public Service Commission and is considered to be privileged information. The only information which must be disclosed to the Public Service Commission is (a) whether the case has been settled and (b) whether, irrespective of the outcome, the mediation effort was considered to be a worthwhile endeavor. The Commission will not ask what took place during the mediation.

If the dispute is settled at the mediation, the Commission will require a signed release from the complainant in order for the Commission to dismiss the formal complaint case.

If the dispute is not resolved through the mediation process, neither party will be prejudiced for having taken part in the mediation and, at that point, the formal complaint case will simply resume its normal course.



Colleen M. Dale
Secretary of the Commission

Date: September 28, 2005

STATE OF MISSOURI

OFFICE OF THE PUBLIC SERVICE COMMISSION

**I have compared the preceding copy with the original on file in this office and
I do hereby certify the same to be a true copy therefrom and the whole thereof.**

**WITNESS my hand and seal of the Public Service Commission, at Jefferson City,
Missouri, this 28th day of September 2005 .**



**Colleen M. Dale
Secretary**

MISSOURI PUBLIC SERVICE COMMISSION

September 28, 2005

Case No. WC-2006-0138

Dana K Joyce
P.O. Box 360
200 Madison Street, Suite 800
Jefferson City, MO 65102

Lewis R. Mills, Jr.
P.O. Box 2230
200 Madison Street, Suite 650
Jefferson City, MO 65102

Cindy Fortney
Cindy Fortney
3298 Big Island Dr.
Roach, MO 65787

Folsom Ridge, LLC
Legal Department
P.O. Box 54
Longmont, CO 80502

Enclosed find a certified copy of a NOTICE in the above-numbered case(s).

Sincerely,

A handwritten signature in black ink, appearing to read "Colleen M. Dale".

**Colleen M. Dale
Secretary**

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

Cindy Fortney,

Complainant,

v.

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

Respondent.

Case No. WC-2006-0138

NOTICE OF COMPLAINT

Issue Date: September 28, 2005

Folsom Ridge, LLC
Big Island Homeowners Association
P.O. Box 54
Longmont, Colorado 80502
CERTIFIED MAIL

On September 27, 2005, Cindy Fortney filed a complaint with the Missouri Public Service Commission against Folsom Ridge, LLC. A copy of the complaint is enclosed. Under Commission Rule 4 CSR 240-2.070, Folsom Ridge has 30 days from the date of this notice to file an answer or to file notification that the complaint has been satisfied. Since this notice is being issued on September 28, Folsom Ridge's response is due by October 28.

In the alternative, Folsom Ridge may file a written request that the complaint be referred to a neutral third-party mediator for voluntary mediation. If the Commission receives a request for mediation, the 30-day time period for filing an answer or notice of satisfaction will be tolled while the Commission determines whether the complainant is also willing to mediate. If the complainant agrees to mediation, the time for Folsom Ridge to file an answer or notice of satisfaction will be suspended until the mediation is finished. Additional information regarding the mediation process is enclosed.

If the complainant does not wish to mediate, Folsom Ridge will be notified in writing that the tolling has ceased and will also be told when to file its answer or notice of satisfaction. That response will usually be due at the end the remaining portion of the original 30-day period.

All pleadings, including the answer, must be mailed to:

Secretary of the Public Service Commission
P.O. Box 360
Jefferson City, Missouri 65102-0360

A copy must be served upon the complainant at the address listed within the enclosed complaint. A copy of this notice has been mailed to the complainant.

BY THE COMMISSION



Colleen M. Dale
Secretary

(S E A L)

Dated at Jefferson City, Missouri,
on this 28th day of September, 2005.

Woodruff, Senior Regulatory Law Judge

BEFORE THE PUBLIC SERVICE COMMISSION

OF THE STATE OF MISSOURI

RECEIVED

SEP 27 2005

UTILITY OPERATIONS
DIVISION

Cindy Fortney,

Complainant,

vs.

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Respondent.

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FILED³

SEP 27 2005

Missouri Public
Service Commission

1. Complainant resides at: (your address)

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Roach, MO. 65787

Phone: 573-348-7813

2. Respondent: (Company's name and address)

Folsom Ridge, LLC

Big Island Homeowners Association

P.O. Box 54

Longmont, CO. 80502

is a public utility providing service to the complainant's residence:

3. As the basis of this complaint, complainant states the following facts:

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9-24-05

Date

Chris J. Jorg

Signature of Complainant

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5. We intend to accommodate each homeowner with the location of the stub out, most convenient to their needs.

6. The funding for the new asphalt road has been funded and is the sole responsibility of the Polara Ridge LLC. The monies for this project are in escrow at Central bank, Camdenton, Mo.

7. There will be 5 board members which will consist of the 3 developers, one new property owner and one existing property owner.

8. It is your option to hook up to this system. You are under no obligation to do so. If you have any concerns about the developers financial capabilities as stated, feel free to call Jeff Welsh at Central Bank of Camdenton, Mo. Telephone # 573 346 2203 and satisfy yourself as to the LLC's financial capabilities.

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We hope that this addresses some of your concerns. If not feel free to contact me at 573 346 6158. FAX same number..

Sincerely, Dave Lees

1811.			
1812.			
1813.	Wire Fees to First National Bank		40.00
1814.			
1900.	Reins Required By Lender To Be Paid In Advance		
1901.	Interest from 07/14/05 to 08/31/05 @ \$28.17	day	507.06
1902.	Mortgage Insurance Premium for	months to	
1903.	Hazard Insurance Premium for	1 years to Affiliated Insurance	POC \$634,000
1904.		years to	
1905.			
1906.	Reserves Deposited With Lender		
1001.	Hazard Insurance	months @ \$	per month
1002.	Mortgage Insurance	months @ \$	per month
1003.	City property taxes	months @ \$	per month
1004.	County property taxes	months @ \$	per month
1005.	Annual assessments	months @ \$	per month
1006.		months @ \$	per month
1007.		months @ \$	per month
1008.	Aggregate adjustment	months @ \$	per month
1100.	Title Charges	months @ \$	per month
1101.	Settlement or closing fee	to Chalfant & Tompkins	250.00
1102.	Abstract or file search	to	
1103.	Title examination	to	
1104.	Title Insurance binder	to Chalfant & Tompkins	
1105.	Document preparation	to Chalfant & Tompkins	
1106.	Notary fees	to	
1107.	Attorney's fees	to	
	(includes above items numbers:		
1108.	Title Insurance	to Chalfant & Tompkins	725.00
	(includes above items numbers:		
1109.	Lender's coverage	\$ 175,000.00	premium 30.00
1110.	Owner's coverage	\$ 275,000.00	premium 675.00
1111.			
1112.	Return of Pkg-Counter to CTIC		47.00
1113.			
1200.	Government Recording and Transfer Charges		
1201.	Recording fees: Deed \$ 30.00	Mortgage \$ 69.00	Release \$
1202.	City/county taxstamps: Deed \$	Mortgage \$	
1203.	State taxstamps: Deed \$	Mortgage \$	
1204.	Association Dues; to Big Island HOA		14.00
1205.			
1300.	Additional Settlement Charges		
1301.	Survey	to	
1302.	Pest inspection to		
1303.			
1304.			
1305.			
1400.	Total Settlement Charges (enter on lines 103, Section J and 802, Section K)		3,925.06

I have carefully reviewed this Settlement Statement and to the best of my knowledge and belief, it is a true and accurate statement of all receipts and disbursements made on my account or by me in this transaction. I further certify that I have received a copy of the Settlement Statement.

Borrower(s) Cynthia L. Fortney 07/14/05 Seller(s) Dean L. Fortney 07/14/05
Dean L. Fortney
 Dean L. Fortney

The Settlement Statement which I have prepared is a true and accurate account of funds received and funds disbursed or to be disbursed for this transaction.

WARNING: It is a crime to knowingly make false statements to the United States on this form. Penalties upon conviction can include a fine and imprisonment. For details see: Title 18 U.S.C. Code Sections 1001 and Section 1010.

07/14/05 Dean L. Fortney Lisa A. Peterson, Settlement Agent