

November 29, 2005

FILED²

DEC 01 2005

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

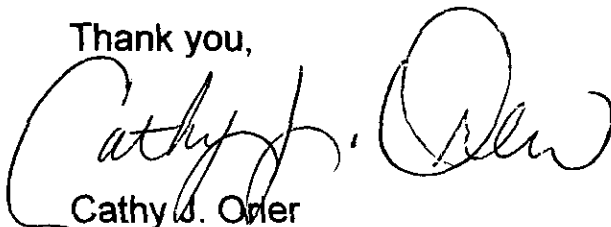
Re: Case Nos. WC-2006-0082, WC-2006-0090, WC-2006-0107,
WC-2006-0122, WC-2006-0121, WC-2006-0120, WC-2006-0129,
WC-2006-0139, WC-2006-0138

The Honorable Judge Dale:

Please find enclosed for filing, the "Complainants' Response to Commission's Order Rescheduling Conference, and Request to Commission Compelling Folsom Ridge, LLC, (Owning and Controlling the Big Island Homeowners' Association), to Respond by Providing Information Requested." 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,

A handwritten signature in black ink, appearing to read "Cathy J. Oler". The signature is fluid and cursive, with a large initial "C" and a distinct "Oler" at the end.

Cathy J. Oler
3252 Big Island Drive
Roach, MO. 65787
(573)317-1490

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

FILED²

DEC 01 2005

Missouri Public
Service Commission

Cathy J. Orler,

Complainant,

v.

Folsom, LLC, (Owning and Controlling
The Big Island Homeowners Association))

Respondent.

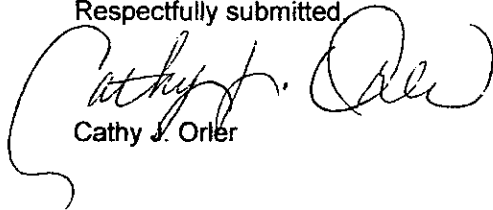
) **Case No. WC-2006-0082, etal.**
)

**COMPLAINANT'S RESPONSE TO COMMISSION'S ORDER RESCHEDULING
CONFERENCE, AND REQUEST TO COMMISSION COMPELLING FOLSOM RIDGE, LLC,
(OWNING AND CONTROLLING THE BIG ISLAND HOMEOWNERS ASSOCIATION), TO
RESPOND BY PROVIDING INFORMATION REQUESTED**

1. On October 28, 2005, the Commission Staff filed a motion requesting the Commission schedule a prehearing conference. " The purpose of said conference would be to clarify the issues raised by complainants, determine which of those issues are under the jurisdiction of the Commission, determine the proper parties to the complaints, and develop some milestones that may lead to resolution of the identified issues."
2. For clarification of the issues, and as a means to facilitating an immediate resolve to these issues, a request was made on September 24, 2005, from Mark W. Comiey, attorney for Folsom Ridge, LLC, (Owning and Controlling the Big Island Homeowners Association), for a membership listing of the BIHOA; to include a complete listing of all individuals being billed by the BIHOA, relating to the water/sewer system, and signed and ratified copies of the "Amended and Restated Declaration of Covenants and Conditions," and signed and ratified copies of the "Amended and Restated By-Laws of the BIHOA." (Exhibits 1 and 2). Folsom Ridge, LLC, (Owning and Controlling the Big Island Homeowners Association), provided the following response: "Folsom Ridge, L.L.C. does not have possession, custody or control of the documents described in this data request." (Exhibits 3 and 4).
 - a. However, as shown in Exhibits 5, 6, and 7, Mr. Golden, representing Folsom Ridge, LLC, in these correspondences to the Department of Natural Resources and Lake of the Ozarks water and Sewer, Inc., indicates that he and Folsom Ridge, LLC, are responsible for connections to the "system," membership in the homeowners association, and an official notification and/or registration of address changes for both Big Island Homeowners Association and Folsom Ridge, LLC, - which incidentally, happens to be the same address for both; and is the address to which "Notices of Complaints" were sent via certified mail by the Public Service Commission.

- b. And, as shown in Exhibit 8, Mr., Golden, representing the BIHOA in this letter, makes reference to a "master list" indicating "connections to the water/sewer system, over which he has the control to make changes. Moreover, he confirms my "non-membership" in the BIHOA, by "encouraging me to join," and enclosing copies of the "by-laws, covenants and restrictions, and a ratification form."
3. Therefore, in an effort to maximize the purposed results of the prehearing conference, for all of the parties involved; and wherefore, the Commission, the Commission Staff, the Complainants, and DNR, have all been more than accommodating to Folsom Ridge, LLC, (Owning and Controlling the Big Island Homeowners Association), in their 3rd amended response to the Commission's order requesting to reschedule the prehearing conference, it is requested of the Commission to compel Folsom Ridge, LLC, (Owning and Controlling the Big Island Homeowners Association), to respond to the requests for information, (Exhibits 9 and 10), by providing the information being requested on or before the rescheduled date of the prehearing conference, on December 08, 2005.

Respectfully submitted



Cathy J. Orler

Certificate of Service

I hereby certify that a true and correct copy of the above and foregoing document was sent this 29th day of November, 2005, 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

CASE NO. WC-2006-0082

COMPLAINANT DATA REQUEST

Exhibit 1

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: _____

CASE NO. WC-2006-0082

COMPLAINANT DATA REQUEST

Exhibit 2

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 Orler
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Roach, MO. 65787

Requested By: Cathy Orler

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Title: _____

COMPLAINANT DATA REQUEST

CASE NO. WC-2006-0082

Requested From: Mark W. Comley

Exhibit 3

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.

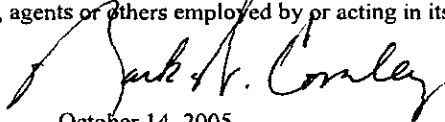
Requested By: Cathy Orler

Information Provided: Folsom Ridge L.L.C. does not have possession, custody or control of the documents described in this data request.

The attached information provided to Cathy Orler in response to the above data information request is accurate and complete, and contains no material misrepresentations or omissions, based upon present facts of which the undersigned has knowledge, information or belief. The undersigned agrees to immediately inform Cathy Orler if, during the pendency of Case No. WC-2006-0082, any matters are discovered which would materially affect the accuracy or completeness of the attached information.

If these data are voluminous, please (1) identify the relevant documents and their location (2) make arrangements with requestor to have documents available for inspection in the Jefferson City, Missouri office, or other location mutually agreeable. Where identification of a document is requested, briefly describe the document (e.g. book, letter, memorandum, report) and state the following information as applicable for the particular document: name, title, number, author, date of publication and publisher, addresses, date written, and the name and address of the person(s) having possession of the document. As used in this data request the term "document(s)" includes publication of any format, work papers, letters, memoranda, notes, reports, analyses, computer analyses, test results, studies or data, recordings, transcriptions and printed, typed or written materials of every kind in your possession, custody or control or within your knowledge. The pronoun "you" or "your" refers to Folsom Ridge, LLC and its employees, contractors, agents or others employed by or acting in its behalf.

Signed by:



Date: October 14, 2005

Prepared by: Mark W. Comley

COMPLAINANT DATA REQUEST

CASE NO. WC-2006-0082

Requested From: Mark W. Comley

Date Requested: September 24, 2005

Exhibit 4

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.

Requested By: Cathy Orler

Information Provided: Folsom Ridge L.L.C. does not have possession, custody or control of the documents described in this data request.

The attached information provided to Cathy Orler in response to the above data information request is accurate and complete, and contains no material misrepresentations or omissions, based upon present facts of which the undersigned has knowledge, information or belief. The undersigned agrees to immediately inform Cathy Orler if, during the pendency of Case No. WC-2006-0082, any matters are discovered which would materially affect the accuracy or completeness of the attached information.

If these data are voluminous, please (1) identify the relevant documents and their location (2) make arrangements with requestor to have documents available for inspection in the Jefferson City, Missouri office, or other location mutually agreeable. Where identification of a document is requested, briefly describe the document (e.g. book, letter, memorandum, report) and state the following information as applicable for the particular document: name, title, number, author, date of publication and publisher, addresses, date written, and the name and address of the person(s) having possession of the document. As used in this data request the term "document(s)" includes publication of any format, work papers, letters, memoranda, notes, reports, analyses, computer analyses, test results, studies or data, recordings, transcriptions and printed, typed or written materials of every kind in your possession, custody or control or within your knowledge. The pronoun "you" or "your" refers to Folsom Ridge, LLC and its employees, contractors, agents or others employed by or acting in its behalf.

Signed by:

Date:

October 14, 2005

Prepared by:

Mark W. Comley

Folsom Ridge, LLC
2020 Terry St., Suite A
Longmont, CO 80501

November 29, 2001

Kristine Ricketts
Department of Natural Resources
P. O. Box 176
Jefferson City, MO 65102-0176

Exhibit 5
page 1 of 2

Dear Ms. Ricketts,

I am in receipt of your letter dated November 16, 2001. Because I just received it today, I will not be able to respond specifically by December 7th. However, I will research the information you requested and have a formal response by December 20, 2001.

Items of note that I can respond to currently are:

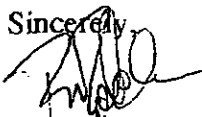
1) The homeowners association voted to change their bylaws on December 29, 2000. This change eliminated the two classes of membership. There is currently one homeowner who is connected (the very first to connect) that has refused to join the HOA. Even though the homeowner connected does not consider himself to be a member of the association, we are treating him as a member and he has been so advised. Our attorney is in the process of dealing with this issue. Everyone else who is connected is a member. We will follow up later with the current by-laws. *→ incorrect!*

2) I have a current handwritten as-built drawing of the system. Apparently you have an old copy that showed the pipe in the wrong crevice. I will get with Mr. Jackson and have him redraw the as-builts based on the handwritten drawing that I have.

3) I can assure you that we have not exceeded the eighty-house limit triggering construction of the next wastewater treatment plant expansion. I will however provide a current count of taps and a current number of lots sold. *Incorrect*

For future reference, the system and the ground have been turned over to the Big Island Homeowners Association. The address for Big Island Homeowners Association is P.O. Box 54, Longmont, CO 80502. Folsom Ridge LLC has also moved. Their address is 2020 Terry St., Suite A, Longmont, CO 80501. Also, David Lees is no longer involved as a manager in either organization. Please make the necessary corrections in your database. *Both same address*

If I can be of further assistance, please don't hesitate to call me at (303) 702-0708. *Reggie*

Sincerely,

Reggie Golden
Manager

*Says this
is BIHOA
address!*

Exhibit 5
page 2 of 2

Diamond



ENTERPRISES, LLLP

R. V. (Reggie) GOLDEN

Phone: 303-702-0708
Fax: 303-702-0585

303-588-9229

P.O. Box 54
2020 Terry St., Suite A
Longmont, CO 80501
ReggieG@DiamondGLLLP.com

**Folsom Ridge, LLC
2020 Terry St., Suite A
Longmont, CO 80501**

December 19, 2001

Exhibit 6

Kristine Ricketts
Department of Natural Resources
P. O. Box 176
Jefferson City, MO 65102-0176

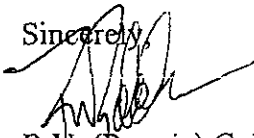
Dear Ms. Ricketts,

In response to your letter of November 16, 2001 I have the following comments:

- 1) I have attached a copy of the current by-laws by which the association conducts business. I have also attached a letter sent to the individual who is hooked up and has not "joined" the association. He will be given full consideration as a member.
- 2) I have forwarded the as-built drawings I have to Mr. Jim Jackson of Lake Professional Engineering. He is making a full drafted engineering copy for your records. He has assured me that he will mail it under separate cover by December 20, 2001. If you do not receive it, please let me know.
- 3) I recently had Mike McDuffy inspect all connections to the sewer system. He reports that there are currently 33 active hook ups to the system. In addition, we have taken deposits from 48 additional individuals. As our letter of commitment states, we will begin construction on an expansion as soon as 70 people are hooked up.

If you have any other questions, or I can provide additional information, please don't hesitate to call me at (303)702-0708.

Sincerely,


R.V. (Reggie) Golden
Secretary

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

May 23, 2001

Exhibit 7

Mr. Mike McDuffy
Lake of the Ozarks Water and Sewer, Inc
840 Thunder Mountain Road
Camdenton, MO 54020

Dear Mike,

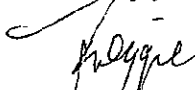
Just as a follow up to our conversation this morning, I wanted to make sure of the items that you were working on. You said you would respond to the five board members request for information and action on the island. This is in an attempt to circumvent some of the disruption on the island with non-members seemingly unfounded complaints. Secondly, you will work towards getting us set up with the proper paperwork for a "permit" for anyone hooking to the system from this point forward. This would include pump size, tank inspection, certified contractors and other related specifications. Much of this information would come from Jim Jackson.

I am also sending you a copy of the most current by-laws and covenants.

Next time Rick or I am in town, we will get the agreement signed. In the meantime, let me know what else you need to get started. Rick will be in town over the weekend with a house full of guests, but would be glad to meet with you if necessary.

Please keep me posted on your progress. Thank you for your participation.

Sincerely yours,



R. V. (Reggie) Golden
Manager
Folsom Ridge LLC

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

Rev'd. 06-30-01

June 27, 2001

Exhibit 8

Jeff and Cathy Litty
HCR 67, Box 840
Roach, MO 65787

Dear Jeff and Cathy,

I apologize for the mistake on the billing. I got your letter this morning and you are correct. It is ironic that yesterday I was looking at our "master list" and noticed that you were on it as "connected". I quickly made the change because I knew you weren't. Please find enclosed a new invoice for \$5.00 per month. Hopefully, you understand there are always glitches on the first round of billings. The next round should be much smoother.

Again, I would encourage you to join the association. Most of your neighbors have now joined. It clearly gives you a vote in the operation of the system. It is also a way to ensure that your investment is protected so that when you decide to hook up you can. I have also enclosed the by-laws, covenants and restrictions as modified last fall, and a ratification form. Please consider joining our association.

I look forward to seeing you next week.

Sincerely,


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

... Reggie "Quickly
made change" yesterday
as he says; then invoice
date should be 06-26-01
... but date he rec'd. my
ltr. re: "incorrect" billing
+ date of this ltr. (06-27-01)
is date of invoice!
(...so he did not notice error)

CASE NO. WC-2006-0082
COMPLAINANT DATA REQUEST

Exhibit 9
page 1 of 2

Requested From: Robin Engen – Office Manager for Folsom Ridge, LLC, and/or Big Island Homeowners' Association at P. O. Box 54, Longmont, CO 80502

Date Requested: November 29, 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 01, 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 J. Orlor
3252 Big Island Drive
Roach, MO. 65787

Requested By: Cathy Orlor

Phone: 573-317-1490

Fax: 573-317-1490

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Title: _____

CASE NO. WC-2006-0082
COMPLAINANT DATA REQUEST

Exhibit 9
page 2 of 2

Requested From: Robin Engen – Office Manager for Folsom Ridge, LLC, and/or Big Island Homeowners Association at P. O. Box 54, Longmont CO 80502

Date Requested: November 29, 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 the Big Island Homeowners Association, Inc.”

Also provide all such documents for the Period of January 01, 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 J. Orler
3252 Big Island Drive
Roach, MO. 65787

Requested By: Cathy Orler

Phone: 573-317-1490

Fax: 573-317-1490

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Date Received: _____ Signed By: _____

Title: _____

CASE NO. WC-2006-0082
COMPLAINANT DATA REQUEST

Exhibit 10
page 1 of 2

Requested From: Charles E. McElyea – Big Island Water and Sewer Association, Inc.
f/k/a Big Island Homeowners Association,
Inc.
Phillips, McElyea, Carpenter, & Welch, PC
85 Court Circle
P. O. Box 559
Camdenton, MO. 65020
Attorneys for Big Island Water and Sewer
Association, Inc.

Date Requested: November 29, 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 01, 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 J. Orlor
3252 Big Island Drive
Roach, MO. 65787

Requested By: Cathy Orlor

Phone: 573-317-1490

Fax: 573-317-1490

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Title: _____

CASE NO. WC-2006-0082
COMPLAINANT DATA REQUEST

Exhibit 10
page 2 of 2

Requested From: Charles E. McElyea – Big Island Water and Sewer Association, Inc.
f/k/a Big Island Homeowners Association,
Inc.
Phillips, McElyea, Carpenter, & Welch, PC
85 Court Circle
P. O. Box 559
Camdenton, MO. 65020
Attorneys for Big Island Water and Sewer
Association, Inc.

Date Requested: November 21, 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 the Big Island Homeowners Association, Inc.”

Also provide all such documents for the Period of January 01, 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 J. Orlor
3252 Big Island Drive
Roach, MO. 65787

Requested By: Cathy Orlor

Phone: 573-317-1490

Fax: 573-317-1490

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Title: _____