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October 25, 2005

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**FILED<sup>2</sup>**

OCT 25 2005

Missouri Public  
Service Commission

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

Re: Case No. WC-2006-0082

Dear Judge Dale:

Please find enclosed for filing in the referenced matter the original and five copies of a Motion for More Definite Statement or Alternatively, Motion for Order Requiring Mediation.

Would you please bring this filing to the attention of the appropriate Commission personnel.

Please contact me if you have any questions regarding this filing. Thank you.

Very truly yours,

NEWMAN, COMLEY & RUTH P.C.

By:

  
Mark W. Comley  
comleym@ncrpc.com

MWC:ab

Enclosure

cc: Office of Public Counsel  
General Counsel's Office  
Cathy Orlor  
Reginald V. Golden

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

FILED<sup>2</sup>  
OCT 25 2005

Cathy J. Orler,	)	
	)	
Complainant,	)	
v.	)	Case No. WC-2006-0082
	)	
Folsom Ridge, LLC,	)	
	)	
Respondent.	)	

Missouri Public  
Service Commission

**MOTION FOR MORE DEFINITE STATEMENT OR ALTERNATIVELY, MOTION  
FOR ORDER REQUIRING MEDIATION**

COMES NOW Folsom Ridge, LLC (Folsom Ridge or Company) and pursuant to Mo. Rule of Civil Procedure 55.27(d) moves for a more definite statement of the complaint because it is not pleaded with sufficient definiteness or particularity to enable Folsom Ridge to properly prepare a specific answer (short of a general denial) and applicable defenses, or to prepare generally for hearing. Without a more definite statement of the complaint, neither Folsom Ridge nor the Commission will have a grasp of the issues in dispute and whether and to what extent the Commission has authority to act on the complaint.

Alternatively, Folsom Ridge moves the Commission for an order requiring the parties to mediate this matter. Commission rule 4 CSR 240-2.125(2) provides that the Commission may enter such an order. Furthermore,

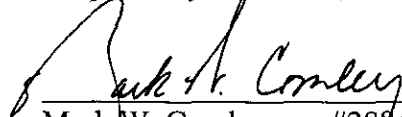
[a]s the commission deems appropriate, or upon the filing of a request for mediation by any party, mediation services may be provided by a presiding officer or by a neutral third party for the purpose of **identifying the issues and attempting a resolution**. [emphasis added]

4 CSR 240-2.125(2)(B). The complaint in this matter has not been crafted in a way that allows for easy identification of the issues or the parties respondent. Folsom Ridge notes that the Commission issued a notice of the complaint strictly to Folsom Ridge but in its October 18, 2005

order it directed Big Island Homeowners Association to file an answer.<sup>1</sup> Resort to the mediation services contemplated by 4 CSR 240-2.125(2)(B) would allow for early issue identification in this complaint,<sup>2</sup> proper alignment of parties and perhaps advance resolution of issues that in turn would at least shorten a hearing if mediation failed.

WHEREFORE, based upon the above and foregoing, Respondent Folsom Ridge moves for a more definite statement of the complaint or alternatively, that the Commission require mediation of this matter pursuant to 4 CSR 240-2.125.

Respectfully submitted,

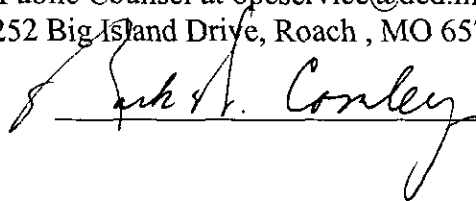


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Attorneys for Folsom Ridge, LLC

Certificate of Service

I hereby certify that a true and correct copy of the above and foregoing document was sent via e-mail on this 25<sup>th</sup> day of October, 2005, to General Counsel's Office at [gencounsel@psc.mo.gov](mailto:gencounsel@psc.mo.gov); and Office of Public Counsel at [opcservice@ded.mo.gov](mailto:opcservice@ded.mo.gov); and via U.S. Mail, postage prepaid, to Cathy Orler, 3252 Big Island Drive, Roach, MO 65787.



<sup>1</sup> See the Application for Rehearing of Commission's Order Denying Motion to Dismiss filed by Folsom Ridge on October 18, 2005.

<sup>2</sup> Folsom Ridge is named a respondent in several other complaints before the Commission. Each complaint appears to have a common author and as a consequence, the complaints share common faults. Requiring mediation in those complaints would be similarly productive.