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March 2, 2006

**FILED<sup>4</sup>**

MAR 02 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, et al.

Dear Judge Dale:

Please find enclosed for filing in the referenced matters the original and five copies of the Answer of Respondent Big Island Homeowners Water and Sewer Association, Inc., f/k/a Big Island Homeowners Association, Inc.

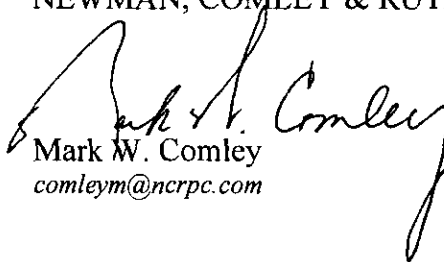
Would you please bring this filing to the attention of the appropriate Commission personnel.

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  
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MWC:ab  
Enclosure

cc: Office of Public Counsel  
General Counsel's Office  
Cathy Orlor  
Cindy Fortney  
Dean Leon Fortney  
Judy Kenter  
Benjamin D. Pugh

Joseph J. Schrader  
Stan Temares  
Ben F. Weir  
Duane Stoyer  
Charles E. McElyea  
Reginald V. Golden

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

Cathy J. Orler, et al. )  
)  
Complainants, )  
v. )  
)  
Big Island Homeowners )  
Water and Sewer Association, Inc., )  
f/k/a Big Island Homeowners )  
Association, Inc. )  
)  
Respondent. )

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

**FILED<sup>4</sup>**

**MAR 02 2006**

Missouri Public  
Service Commission

**ANSWER OF RESPONDENT BIG ISLAND HOMEOWNERS WATER AND SEWER  
ASSOCIATION, INC., f/k/a BIG ISLAND HOMEOWNERS ASSOCIATION, INC.**

**Answer to Cathy Orler Complaint**

Comes now Respondent Big Island Homeowners Water and Sewer Association, Inc., f/k/a Big Island Homeowners Association, Inc. ("Big Island") and answers and responds to the complaint of Cathy Orler (previously assigned Case No. WC-2006-0082) (hereinafter "Orler's complaint") paragraph by paragraph as follows:

1. Big Island is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 1 of Orler's complaint and therefore denies same.
2. Big Island admits that it is a nonprofit corporation organized and validly existing under the laws of the state of Missouri and its official address is 85 Court Circle, P. O. Box 559, Camdenton MO 65020, but otherwise denies each and every other allegation in paragraph 2 of the complaint.
3. Denied.

4. Big Island denies each and every other allegation contained in Orler's complaint not specifically admitted herein.

5. In further answer and defense, Big Island states that Orler's complaint fails to state a claim upon which relief may be granted by the Commission and should be dismissed. Furthermore, Orler's complaint has not been pleaded with sufficient definiteness or particularity to enable Big Island to properly prepare generally for hearing, and unless made more definite and certain should be dismissed.

WHEREFORE, Respondent Big Island that the complaint of Cathy Order be dismissed and held for naught; and for such other and further relief as the Commission deems just and proper.

**Answer to Benjamin D. Pugh Complaint**

Comes now Respondent Big Island Homeowners Water and Sewer Association, Inc., f/k/a Big Island Homeowners Association, Inc., and answers and responds to the complaint of Benjamin D. Pugh (previously assigned Case No. WC-2006-0090) (hereinafter "Pugh's complaint") paragraph by paragraph as follows:

1. Big Island is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 1 of Pugh's complaint and therefore denies the same.

2. Big Island admits that it is a nonprofit corporation organized and validly existing under the laws of the state of Missouri and its official address is 85 Court Circle, P. O. Box 559, Camdenton MO 65020, but otherwise denies each and every other allegation in paragraph 2 of the complaint.

3. Denied.

4. Big Island denies each and every other allegation contained in Pugh's complaint not specifically admitted herein.

5. In further answer and defense, Big Island states that Pugh's complaint fails to state a claim upon which relief may be granted by the Commission and should be dismissed. Furthermore, Pugh's complaint has not been pleaded with sufficient definiteness or particularity to enable Big Island to properly prepare generally for hearing, and unless made more definite and certain should be dismissed

WHEREFORE, Respondent Big Island that the complaint of Benjamin D. Pugh be dismissed and held for naught; and for such other and further relief as the Commission deems just and proper.

#### **Answer to Ben F. Weir Complaint**

Comes now Respondent Big Island Homeowners Water and Sewer Association, Inc., f/k/a Big Island Homeowners Association, Inc., and answers and responds to the complaint of Ben F. Weir (previously assigned Case No. WC-2006-0107) (hereinafter "Weir's complaint") paragraph by paragraph as follows:

1. Big Island is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 1 of Weir's complaint and therefore denies same.

2. Big Island admits that it is a nonprofit corporation organized and validly existing under the laws of the state of Missouri and its official address is 85 Court Circle, P. O. Box 559, Camdenton MO 65020, but otherwise denies each and every other allegation in paragraph 2 of the complaint.

3. Denied.

4. Big Island denies each and every other allegation contained in Weir's complaint not specifically admitted herein.

5. In further answer and defense, Big Island states that Weir's complaint fails to state a claim upon which relief may be granted by the Commission and should be dismissed. Furthermore, Weir's complaint has not been pleaded with sufficient definiteness or particularity to enable Big Island to properly prepare generally for hearing, and unless made more definite and certain should be dismissed.

6. In further answer and defense, Big Island states that complainant lacks standing to bring the complaint.

WHEREFORE, Respondent Big Island that the complaint of Ben F. Weir be dismissed and held for naught; and for such other and further relief as the Commission deems just and proper.

#### **Answer to Stan Temares Complaint**

Comes now Respondent Big Island, L.L.C and answers and responds to the complaint of Stan Temares (previously assigned Case No. WC-2006-0120) (hereinafter "Temares' complaint") paragraph by paragraph as follows:

1. Big Island is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 1 of Temares' complaint and therefore denies same.

2. Big Island admits that it is a nonprofit corporation organized and validly existing under the laws of the state of Missouri and its official address is 85 Court Circle, P. O. Box 559, Camdenton MO 65020, but otherwise denies each and every other allegation in paragraph 2 of the complaint.

3. Denied.

4. Big Island is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 4 of Temares' complaint and therefore denies same.

5. Big Island denies each and every other allegation contained in Temares' complaint not specifically admitted herein.

6. In further answer and defense, Big Island states that Temares' complaint fails to state a claim upon which relief may be granted by the Commission and should be dismissed. Furthermore, Temares' complaint has not been pleaded with sufficient definiteness or particularity to enable Big Island to properly prepare generally for hearing, and unless made more definite and certain should be dismissed

WHEREFORE, Respondent Big Island that the complaint of Stan Temares be dismissed and held for naught; and for such other and further relief as the Commission deems just and proper.

**Answer to Judy Kenter Complaint**

Comes now Respondent Big Island Homeowners Water and Sewer Association, Inc., f/k/a Big Island Homeowners Association, Inc., and answers and responds to the complaint of Judy Kenter (previously assigned Case No. WC-2006-0121) (hereinafter "Kenter's complaint") paragraph by paragraph as follows:

1. Big Island is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 1 of Kenter's complaint and therefore denies same.

2. Big Island admits that it is a nonprofit corporation organized and validly existing under the laws of the state of Missouri and its official address is 85 Court Circle, P. O. Box 559, Camdenton MO 65020, but otherwise denies each and every other allegation in paragraph 2 of the complaint.

3. Denied.

4. Big Island denies each and every other allegation contained in Kenter's complaint not specifically admitted herein.

5. In further answer and defense, Big Island states that Kenter's complaint fails to state a claim upon which relief may be granted by the Commission and should be dismissed. Furthermore, Kenter's complaint has not been pleaded with sufficient definiteness or particularity to enable Big Island to properly prepare generally for hearing, and unless made more definite and certain should be dismissed.

WHEREFORE, Respondent Big Island that the complaint of Judy Kenter be dismissed and held for naught; and for such other and further relief as the Commission deems just and proper.

**Answer to Joseph J. Schrader Complaint**

Comes now Respondent Big Island Homeowners Water and Sewer Association, Inc., f/k/a Big Island Homeowners Association, Inc., and answers and responds to the complaint of Joseph J. Schrader (previously assigned Case No. WC-2006-0122) (hereinafter "Schrader's complaint") paragraph by paragraph as follows:

1. Big Island admits that Joseph J. Schrader is a permanent resident of the state of Florida and owns no property in the state of Missouri.

2. Big Island admits that it is a nonprofit corporation organized and validly existing under the laws of the state of Missouri and its official address is 85 Court Circle, P. O. Box 559, Camdenton MO 65020, but otherwise denies each and every other allegation in paragraph 2 of the complaint.

3. Denied.

4. Big Island denies each and every other allegation contained in Schrader's complaint not specifically admitted herein.

5. In further answer and defense, Big Island states that Schrader's complaint fails to state a claim upon which relief may be granted by the Commission and should be dismissed. Furthermore, Schrader's complaint has not been pleaded with sufficient definiteness or particularity to enable Big Island to properly prepare generally for hearing, and unless made more definite and certain should be dismissed.

6. In further answer and defense, Big Island states that complainant lacks standing to bring the complaint.

WHEREFORE, Respondent Big Island that the complaint of Joseph J. Schrader be dismissed and held for naught; and for such other and further relief as the Commission deems just and proper.

#### **Answer to Duane Stoyer Complaint**

Comes now Respondent Big Island Homeowners Water and Sewer Association, Inc., f/k/a Big Island Homeowners Association, Inc., and answers and responds to the complaint of Duane Stoyer (previously assigned Case No. WC-2006-0129) (hereinafter "Stoyer's complaint") paragraph by paragraph as follows:



1. Big Island admits paragraph 1 and further answers that based upon counsel's information and belief, Duane Stoyer is a permanent resident of Washington, Missouri and does not reside on Big Island in the Lake of the Ozarks.

2. Big Island admits that it is a nonprofit corporation organized and validly existing under the laws of the state of Missouri and its official address is 85 Court Circle, P. O. Box 559, Camdenton MO 65020, but otherwise denies each and every other allegation in paragraph 2 of the complaint.

3. Denied.

4. Big Island is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 4 complaint and therefore denies same.

5. Big Island denies each and every other allegation contained in Stoyer's complaint not specifically admitted herein.

6. In further answer and defense, Big Island states that Stoyer's complaint fails to state a claim upon which relief may be granted by the Commission and should be dismissed. Furthermore, Stoyer's complaint has not been pleaded with sufficient definiteness or particularity to enable Big Island to properly prepare generally for hearing, and unless made more definite and certain should be dismissed.

7. In further answer and defense, Big Island states that complainant lacks standing to bring the complaint.

WHEREFORE, Respondent Big Island that the complaint of Duane Stoyer be dismissed and held for naught; and for such other and further relief as the Commission deems just and proper.

**Answer to Cindy Fortney Complaint**

Comes now Respondent Big Island Homeowners Water and Sewer Association, Inc., f/k/a Big Island Homeowners Association, Inc., and answers and responds to the complaint of Cindy Fortney (previously assigned Case No. WC-2006-0138) (hereinafter "C. Fortney's complaint") paragraph by paragraph as follows:

1. Big Island is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 1 the complaint and therefore denies same.

2. Big Island admits that it is a nonprofit corporation organized and validly existing under the laws of the state of Missouri and its official address is 85 Court Circle, P. O. Box 559, Camdenton MO 65020, but otherwise denies each and every other allegation in paragraph 2 of the complaint.

3. Denied.

4. Big Island is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 4 of the complaint and therefore denies same.

5. Big Island denies each and every other allegation contained in C. Fortney's complaint not specifically admitted herein.

6. In further answer and defense, Big Island states that C. Fortney's complaint fails to state a claim upon which relief may be granted by the Commission and should be dismissed. Furthermore, C. Fortney's complaint has not been pleaded with sufficient definiteness or particularity to enable Big Island to properly prepare generally for hearing, and unless made more definite and certain should be dismissed.

WHEREFORE, Respondent Big Island that the complaint of Cindy Fortney be dismissed and held for naught; and for such other and further relief as the Commission deems just and proper.

**Answer to Dean Leon Fortney Complaint**

Comes now Respondent Big Island Homeowners Water and Sewer Association, Inc., f/k/a Big Island Homeowners Association, Inc., and answers and responds to the complaint of Dean Leon Fortney (previously assigned Case No. WC-2006-0139) (hereinafter "D. Fortney's complaint") states as follows:

1. Big Island admits paragraph 1 and further answers that based upon counsel's information and belief, Dean Leon Fortney is a permanent resident of Louisburg, Kansas and does not reside on Big Island in the Lake of the Ozarks.

2. Big Island admits that it is a nonprofit corporation organized and validly existing under the laws of the state of Missouri and its official address is 85 Court Circle, P. O. Box 559, Camdenton MO 65020, but otherwise denies each and every other allegation in paragraph 2 of the complaint.

3. Denied.

4. Big Island is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 4 of the complaint and therefore denies same.

5. Big Island denies each and every other allegation contained in D. Fortney's complaint not specifically admitted herein.

6. In further answer and defense, Big Island states that D. Fortney's complaint fails to state a claim upon which relief may be granted by the Commission and should be dismissed.

Furthermore, D. Fortney's complaint has not been pleaded with sufficient definiteness or particularity to enable Big Island to properly prepare generally for hearing, and unless made more definite and certain should be dismissed.

7. In further answer and defense, Big Island states that complainant lacks standing to bring the complaint.

WHEREFORE, Respondent Big Island that the complaint of Dean Leon Fortney be dismissed and held for naught; and for such other and further relief as the Commission deems just and proper.

#### **ANSWERS AND DEFENSES COMMON TO ALL COMPLAINTS**

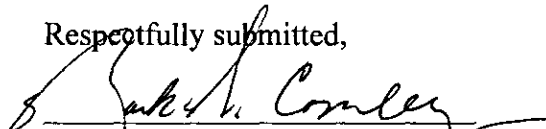
To the extent any complaint seeks relief from this Commission in the form of an injunction or other equitable decree, Big Island moves that such request for relief be stricken because the Commission is powerless, and has no jurisdiction, to enter decrees in equity.

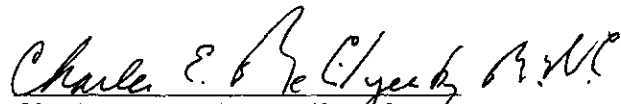
To the extent any complaint alleges violations of the environmental laws or regulations of the United States or the State of Missouri, or the laws and regulations applicable to corporate governance and operation as a basis for any form of relief in this Commission, Big Island moves that those allegations be stricken.

#### **CONCLUSION**

WHEREFORE, having fully answered each complaint and setting out its additional responses and defenses, Big Island prays the Commission dismiss each and every complaint and enter such other relieve the Commission deems just and proper.

Respectfully submitted,

  
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Attorneys for Big Island Homeowners  
Water and Sewer Association, Inc., f/k/a Big  
Island Homeowners Association, Inc

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 2nd day of March, 2006, 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 Orlor, 3252 Big Island Drive, Roach, MO 65787,  
Cindy Fortney, 3298 Big Island Drive, Roach, MO 65787,  
Dean Leon Fortney, P.O. Box 1017, Louisburg, KS 66053,  
Judy Kenter, 1794 Big Island Drive, Roach, MO 65787,  
Benjamin D. Pugh, 1780 Big Island Drive, Roach, MO 65787,  
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Duane Stoyer, 702 Ridgeview Dr., Washington, MO 63090.

