

**GREGORY D. WILLIAMS**  
**LAW FIRM**

www.williamsandrenken.com

Gregory D. Williams  
Andrew W. Renken  
Dana L. Martin

August 15, 2006

Colleen M. Dale  
Secretary  
Missouri Public Service Commission  
P.O. Box 360  
Jefferson City, MO 65102-0360

**FILED<sup>3</sup>**

AUG 16 2006

Attn: Filing Desk

Re: Case No. WC-2006-0303

Missouri Public  
Service Commission

Dear Sirs:

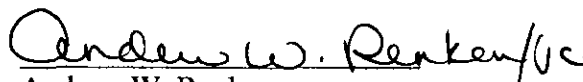
Please find enclosed for filing in the above referenced matter the original and 8 copies of the following:

1. Affidavit in Support of Respondent's Response to Staff's Motion for Summary Disposition
2. Respondent's Response to Staff's Motion for Summary Disposition
3. Respondent's Suggestions in Opposition of Staff's Motion to Summary Disposition

An additional copy is enclosed to be stamped "filed" and returned to me in the enclosed envelop.

If you have any questions regarding this matter, please contact me at your earliest convenience.

Sincerely Yours,

  
Andrew W. Renken

AWR/jc  
enclosures

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

FILED<sup>3</sup>  
AUG 16 2006

Missouri Public  
Service Commission

The Staff of the Missouri Public Service  
Commission,

Complainant,

v.

Case No. WC-2006-0303

Hurricane Deck Holding Company, et al.,

Respondents.

AFFIDAVIT IN SUPPORT OF  
RESPONDENT'S RESPONSE TO STAFF'S  
MOTION FOR SUMMARY DISPOSITION

STATE OF MISSOURI

ss.

COUNTY OF CAMDEN

Comes Now Gregory D. Williams, and being duly sworn, upon his oath states:

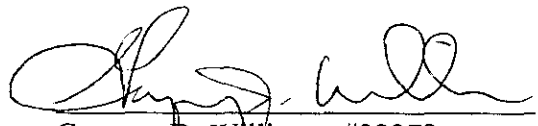
1. He is an individual residing in Camden County, Missouri, and is a licensed attorney with Missouri Bar #32272, and he is the president of Hurricane Deck Holding Company, a Missouri Corporation.
2. He has personal knowledge of the facts sworn to herein.
3. Hurricane Deck Holding Company is the owner of the water and sewer utility systems which it has constructed within its development project.
4. Hurricane Deck Holding Company imposed upon all properties within its development project a comprehensive set of restrictions entitled "Declaration of Restrictions for Chelsea Rose Estates" heretofore filed in this matter.
5. Said Declaration of Restrictions provides for assessment of property owners subject thereto for the cost of operation of subdivision amenities, including specifically the water and sewer systems utilized in the development.

6. Property owners within the properties subject to the Declaration of Restrictions for Chelsea Rose Estates were not billed for water and sewer services in December of 2005.
7. Property owners subject to the Declaration of Restrictions for Chelsea Rose Estates were assessed their proportionate share of the costs of operation of common amenities of the subdivisions in which they reside, including a water supply and distribution system and a sewer plant and sewer collection system, as provided in said Declaration of Restrictions.
8. No funds were received by respondents Hurricane Deck Holding Company, Gregory D. Williams, Debra J. Williams, or Charles H. Williams with respect to the subdivision assessments levied on December 30, 2005.
9. All funds received for homeowners assessments were deposited to the account of Chelsea Rose Land Owners Association, Inc.
10. As a result of the filing of litigation by this Commission, all subdivision assessments received by Chelsea Rose Land Owners Association, Inc. were returned to the homeowners pending a resolution of clouds on the title to said water and sewer systems created by litigation filed by this Commission.
11. Pursuant to its articles of incorporation, Chelsea Rose Land Owners Association, Inc. is a mutual benefit corporation, not a public benefit corporation, and the scope of its activities as authorized by the State of Missouri is limited to the provision of benefits to its members, and not to the public at large.
12. Hurricane Deck Holding Company has received nothing of value as a result of the operation of its water and sewer utility systems since October of 2005, and has


derived no "gain" therefrom, but has born the expense of operation, maintenance, repair and financing of said systems without compensation therefor.

13. Gregory D. Williams, Debra J. Williams, and Charles H. Williams have never received anything of value as a result of the operation of the water and sewer utility systems owned by Hurricane Deck Holding Company since that date of construction of said systems.

14. Chelsea Rose Land Owners Association, Inc. received subdivision assessments from some homeowners since October of 2005, but has retained none of said assessments.

  
Gregory D. Williams #32272

Subscribed and sworn to before me this <sup>15<sup>th</sup></sup> day of August, 2006.

  
Notary Public

