

November 03, 2005

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

FILED

NOV 04 2005

Re: Case No. WC-2006-0082

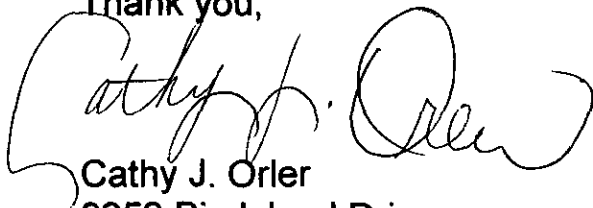
Missouri Public
Service Commission

The Honorable Judge Dale:

Please find enclosed for filing, the "Complainant's Response to Big Island Homeowners' Association Challenge to the Commission's Jurisdiction." 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,



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

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Missouri Public
Service Commission

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

has neither been named a respondent in the referenced complaint nor served with the complaint pursuant to the requirements of Commission rule. It is not a party to the complaint and has not

been served with requisite process. Therefore, the Commission lacks personal jurisdiction over Big Island.

3. All of these statements are false. First, BIHOA was named in the caption of the initial complaint. To the extent that it was not clear that the complaint was directed to BIHOA as well as Folsom Ridge, on October 11, 2005, I filed a "Response to Motion to Dismiss Complaint and Motion to Amend Complaint" in which I stated: "...BIHOA is operating as a public utility, and as such should be subject to the Commission's jurisdiction. In the event that this request for relief was not made clear, I would like to request of the Commission, leave to amend my complaint to make that clear." Thus it is very clear that the Complaint intended to, and did, name BIHOA as well as Folsom Ridge.
4. Secondly, BIHOA was served with the complaint. The Commission's Notice of Complaint, issued August 19, 2005, shows that it was sent by certified mail to:

Folsom Ridge, LLC
Big Island Homeowners' Association
Post Office Box 54
Longmont, Colorado 80502

At the time the complaint was filed, this was indeed an address of the BIHOA.

5. Since BIHOA was named and served, it is a party to this case. Since BIHOA was named and served, it is subject to the Commission's jurisdiction.

Respectfully submitted,



Cathy J. Oler

Certificate of Service

I certify that a true and correct copy of the above and foregoing document was sent on this 4th day of November 2005, to General Counsel's Office and the Office of Public Counsel at P. O. Box 360, Jefferson City, MO. 65102, and Mark W. Comley, 601 Monroe Street, Suite 301, P. O. Box 537, Jefferson City, MO. 65102, all via U. S. mail, postage prepaid.