

NEWMAN, COMLEY & RUTH P.C.

ATTORNEYS AND COUNSELORS AT LAW

601 MONROE STREET, SUITE 301

P.O. BOX 537

JEFFERSON CITY, MISSOURI 65102-0537

TELEPHONE: (573) 634-2266

FACSIMILE: (573) 636-3306

www.ncrpc.com

ROBERT K. ANGSTEAD
ROBERT J. BRUNDAGE
MARK W. COMLEY
LANETTE R. GOOCH
CATHLEEN A. MARTIN

MARTIN A. MILLER
STEPHEN G. NEWMAN
THOMAS R. O'TOOLE
JOHN A. RUTH
ALICIA EMBLEY TURNER

March 16, 2006

FILED⁴

MAR 16 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 a Motion for an Order to Show Cause Why the Complaints Should Not Be Dismissed on Grounds that a Complainant is Engaging in the Unauthorized Practice of Law; Respondents' Traverse and Motion to Strike Complainant's Response to Answers of Folsom Ridge and Big Island Homeowners Water and Sewer Association, Inc.; and Respondents' Suggestions in Opposition to Complainants' Motion to Compel.

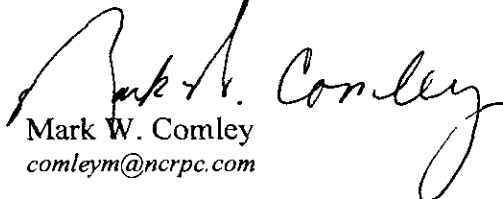
Would you please bring these filings to the attention of the appropriate Commission personnel.

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 Orler
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**

FILED⁴

MAR 16 2006

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

Case No. WC-2006-0082, et al. Missouri Public
Service Commission

**RESPONDENTS' TRAVERSE AND MOTION TO STRIKE COMPLAINANT'S
RESPONSE TO ANSWERS OF FOLSOM RIDGE AND BIG ISLAND
HOMEOWNERS WATER AND SEWER ASSOCIATION, INC.**

Come now Folsom Ridge, L.L.C and Big Island Homeowners Water and Sewer Association, Inc. and respectfully submit the following to the Commission:

1. On or about March 9, 2006, Cathy Orler, for herself, and ostensibly for all other complainants,¹ filed a response to Respondents' separate answers to the complaints. The purposes for the response are unclear. It contains argument that ordinarily would appear in a brief, mischaracterizes the purposes of the answers, and registers a complaint about the length of time this matter has required. Respondents suggest that the pleading is rife with irrelevant allegations and should be stricken pursuant to 4 CSR 240.2070(6).

2. In paragraph 1 of the response complainants claim that the answers filed establish common ownership and control between the Respondents. This is a specious argument. The answers establish that the Respondents have common defenses and

¹ The prayer of the "response" refers to a request by "the Complainants" and not Cathy Orler alone.

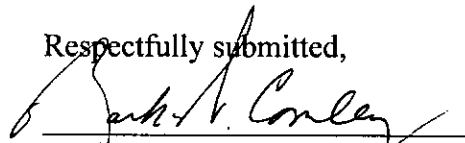
nothing more. The denials made and defenses asserted by each Respondent require complainants to prove their case.

3. For purposes of appeal, Respondents have preserved in their separate answers all objections to the form and content of each complaint. Respondents are entitled by law to preserve those objections whether or not they have been previously ruled on by the Commission. Complainants oppose this practice in paragraph 2 of the response. That complainants oppose a party's ability to preserve error for appeal does not make it any less appropriate in the answer.

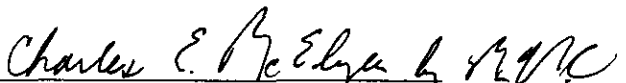
4. The remainder of the response is a complaint about the length of the process before the Commission and a statement about or reiteration of irrelevant allegations in several of the complaints. In the prayer however, complainants ask for expedited treatment of their complaints but the request is not compliant with 4 CSR 240 - 2.080 (18) and should be disregarded.

In sum, the complainants' response is not authorized by the rules of pleading in the Commission, contains irrelevant material and should be stricken.

Respectfully submitted,



Mark W. Comley #28847
Newman, Comley & Ruth P.C.
601 Monroe Street, Suite 301
P.O. Box 537
Jefferson City, MO 65102
(573) 634-2266
(573) 636-3306 FAX


Charles E. McElyea #22118
Phillips, McElyea, Carpenter &
Welch, PC
85 Court Circle
P.O. Box 559
Camdenton, MO 65020
(573) 346-7231
(573) 346-4411 FAX

Attorneys for Folsom Ridge, L.L.C,
and 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 16th day of March, 2006, to General Counsel's Office at gencounsel@psc.mo.gov; and Office of Public Counsel at 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,
Joseph J. Schrader, 1105 Yorktown Pl., DeLand, FL 32720,
Stan Temares, 371 Andrews Trail Court, St. Peters, MO 63376,
Ben F. Weir, 3515 SW Meyer Blvd., Blue Springs, MO 64015,
Duane Stoyer, 702 Ridgeview Dr., Washington, MO 63090.

