

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

Cathy J. Orler,)	
)	
Complainant,)	
)	
v.)	<u>Case No. WC-2006-0082, et al.</u>
)	
Folsom Ridge, LLC,)	
)	
and)	
)	
Big Island Homeowners Association Water)	
And Sewer Association, Inc., f/k/a Big Island)	
Homeowners Association)	
)	
Respondents.)	

ORDER DENYING REQUEST TO TAKE NOTICE OF DOCUMENTS IN
CASE NO. WA-2006-0480

Issue Date: February 26, 2007

Effective Date: February 26, 2007

On February 26, 2007, Complainants Cathy J. Orler, Cindy Fortney, and Benjamin D. Pugh filed a request for the Commission to take notice of specific documents filed in Case No. WA-2006-0480 for purposes of this matter. Commission Rule 4 CSR 240-2.130(2) provides that: "If any information contained in a document on file as a public record with the commission is offered in evidence, the document need not be produced as an exhibit unless directed otherwise by the presiding officer, but may be received in evidence by reference, provided that the particular portions of the document shall be specifically identified and are relevant and material."

The problem with the named Complainants' request is that Case No. WA-2006-0480 was dismissed by the parties without a hearing or ruling from the Commission. None of the documents in question had been formally offered into, or received into, evidence. Consequently, no foundation for admission of these documents has been laid, the documents have not been authenticated, and there has been no opportunity for opposing counsel to raise objections to these documents. Under these circumstances, the Commission may not take official notice of these documents and incorporate them as documents received into evidence in this matter.

IT IS ORDERED THAT:

1. Cathy J. Orlor's, Cindy Fortney's and Benjamin D. Pugh's request for the Missouri Public Service Commission to take official notice of documents in Case No. WA-2006-0480 is denied.
2. This order shall become effective on February 26, 2007.

BY THE COMMISSION



Colleen M. Dale
Secretary

(S E A L)

Harold Stearley, Regulatory Law Judge,
by delegation of authority pursuant to
Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 26th day of February, 2007.