

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office in
Jefferson City on the 15th day of
June, 2006.

Cathy J. Orler,)	
)	
Complainant,)	
)	
v.)	<u>Case No. WC-2006-0082, et al.</u>
)	
Folsom Ridge, LLC, Owning and Controlling the)	
Big Island Homeowners Association,)	
)	
Respondent.)	

ORDER REGARDING ORLER'S MOTION TO COMPEL

Issue Date: June 15, 2006

Effective Date: June 15, 2006

On May 24, 2006, Cathy Orler, one of the complainants in this consolidated case, filed a response to a motion to compel responses to data requests filed by Folsom Ridge, LLC, and Big Island Homeowners Water and Sewer Association, Inc., f/k/a Big Island Homeowners Association, Inc. In effect, Orler's response was a motion to compel Folsom Ridge and the Homeowners Association to respond to data requests that she had served on them. Folsom Ridge and the Homeowners Association responded to Ms. Orler's motion to compel on June 1, and Orler replied to that response on June 12.

This is not the first time that the Commission has dealt with Orler's data requests. The original data requests were served on Folsom Ridge in September 2005. Folsom Ridge refused to answer the data requests at that time because they sought information in

possession of the Homeowners Association, which was not yet a party. On that basis, at the prehearing conference held on December 8, 2005, the Commission denied Orler's motion to compel Folsom Ridge to respond to the data requests.

Thereafter, the Homeowners Association was added as a party and Orler again filed a motion to compel responses to her data requests. This time, at the prehearing conference held on March 31, 2006, the Commission granted the motion to compel and directed Folsom Ridge and the Homeowners Association to answer the data requests by April 19.

Folsom Ridge and the Homeowners Association provided Order with timely answers to the data requests. However, she contended that those responses were not complete. Thereafter, Orler contacted counsel for Folsom Ridge and the Homeowners Association by telephone and requested further information. She followed up that phone conversation with a letter specifying, in detail, the information that she is seeking. A copy of her May 16 letter is attached to her motion to compel.

Folsom Ridge and the Homeowners Association contend that they have complied with the letter of Orler's September data requests. They acknowledge that Orler sought additional information in her May 16 letter, but since that letter is not in proper data request form, they contend that they do not need to provide the requested information until a proper data request is served.

Folsom Ridge and the Homeowners Association are technically correct; the information that Orler seeks in her May 16 letter goes beyond the information that she requested in her September data requests. As Folsom Ridge and the Homeowners Association concede in their motion to compel, she could rectify the situation by filing a new data request, in the proper form, to request the additional information. However, the

hearing date is fast approaching and nothing would be gained by requiring Orler to resubmit her data requests in the conventional form. Instead, the Commission will treat Orler's May 16 letter as a new data request.

As this is a new data request, Folsom Ridge and the Homeowners Association have not yet had an opportunity to respond. Therefore, they will be allowed ten days from the date of this order to either answer or object to that data request.

IT IS ORDERED THAT:

1. Cathy J. Orler's May 16, 2006 letter to Mark W. Comley is held to be a new data request.
2. Folsom Ridge, LLC, and Big Island Homeowners Water and Sewer Association, Inc., f/k/a Big Island Homeowners Association, Inc., shall either answer, or object to that data request by June 26, 2006.
3. This order shall become effective on June 15, 2006.

BY THE COMMISSION

A handwritten signature in black ink, appearing to read 'Colleen M. Dale', is written over a horizontal line.

Colleen M. Dale
Secretary

(S E A L)

Davis, Chm., Murray, Gaw, Clayton and Appling, CC., concur
Woodruff, Deputy Chief Regulatory Law Judge