

**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.)	
In the Matter of the Application of Folsom)	
Ridge, LLC, and Big Island Homeowners)	
Water and Sewer Association, Inc., for an)	<u>Case No. WO-2007-0277</u>
Order Authorizing the Transfer and)	
Assignment of Certain Water and Sewer)	
Assets to Big Island Water Company and Big)	
Island Sewer Company, and in Connection)	
Therewith Certain Other Related Transactions)	

STAFF’S OBJECTION TO LATE-FILED EXHIBIT 105

COMES NOW the Staff of the Missouri Public Service Commission (Staff) and for its objection to late-filed Exhibit 105 respectfully states as follows:

1. The primary hearing in these combined matters was held from February 28 to March 2, 2007.
2. After the adjournment of the primary hearing but while all parties were still present, Complainant Cathy Orler asked the presiding officer for permission to enter her rebuttal testimony from Case No. WA-2006-0480 as a late filed exhibit. Ms. Orler stated that certain Commissioners had requested this information during the opening segment of the hearing.

3. One March 5, 2007, the Commission issued an order directing Ms. Orler to late-file Exhibit 34 and Exhibit 105. Ms. Orler timely filed Exhibit 34 and Exhibit 105 on March 12, 2007.

4. The Commission's March 5 order also allowed for other parties to respond and object to the offering ten days after the official transcripts were filed. The official transcripts were filed on March 27, 2007.

5. Staff objects to the admission of Exhibit 105. Ms. Orler stated to the presiding officer and in her cover letter accompanying the exhibit that she was submitting her rebuttal testimony from Case No. WA-2006-0480 per Commissioner request. A review of the transcript shows that no Commissioner requested that Ms. Orler's rebuttal testimony from Case No. WA-2006-0480 be offered as an exhibit in this case.

6. As the record contains no evidence that Exhibit 105 was offered in response to a Commissioner request, Staff objects on relevance grounds to the admission of testimony from a different case that presented issues that are not currently before the Commission.

7. Staff also objects to the admission of testimony that was not subject to cross-examination by the other parties and to which the other parties did not have the opportunity to otherwise respond.

8. Attached to the rebuttal testimony were several schedules. Staff concurs in the objections to these documents filed by Respondents/Applicants.

WHEREFORE, Staff respectfully requests that the Commission find that Exhibit 105, including both Ms. Orler's rebuttal testimony from Case No. WA-2006-0480 and the attached schedules, is inadmissible.

Respectfully submitted,

/s/ Jennifer Heintz

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Certificate of Service

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to all counsel or parties of record this 4th day of April 2007.

/s/ Jennifer Heintz