

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**

Cathy J. Orler,

Complainant,

v.

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

Respondent.

Case No. WC-2006-0082

Benjamin D. Pugh,

Complainant,

v.

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

Respondent.

Case No. WC-2006-0090

Ben F. Weir,

Complainant,

v.

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

Respondent.

Case No. WC-2006-0107

Stan Temares,)
)
Complainant,)
)
v.) **Case No. WC-2006-0120**
)
Folsom Ridge, LLC, Owning and Controlling the)
Big Island Homeowners Association,)
)
Respondent.)

Judy Kenter,)
)
Complainant,)
)
v.) **Case No. WC-2006-0121**
)
Folsom Ridge, LLC, Owning and Controlling the)
Big Island Homeowners Association,)
)
Respondent.)

Joseph J. Schrader,)
)
Complainant,)
)
v.) **Case No. WC-2006-0122**
)
Folsom Ridge, LLC, Owning and Controlling the)
Big Island Homeowners Association,)
)
Respondent.)

Duane Stoyer,	)	
	)	
Complainant,	)	
	)	
v.	)	<u>Case No. WC-2006-0129</u>
	)	
Folsom Ridge, LLC, Owning and Controlling the	)	
Big Island Homeowners Association,	)	
	)	
Respondent.	)	

Cindy Fortney,	)	
	)	
Complainant,	)	
	)	
v.	)	<u>Case No. WC-2006-0138</u>
	)	
Folsom Ridge, LLC, Owning and Controlling the	)	
Big Island Homeowners Association,	)	
	)	
Respondent.	)	

Dean Leon Fortney,	)	
	)	
Complainant,	)	
	)	
v.	)	<u>Case No. WC-2006-0139</u>
	)	
Folsom Ridge, LLC, Owning and Controlling the	)	
Big Island Homeowners Association,	)	
	)	
Respondent.	)	

**ORDER SCHEDULING CONFERENCE AND HOLDING ALL PENDING
MOTIONS IN ABEYANCE**

Issue Date: November 1, 2005

Effective Date: November 1, 2005

In August and September of 2005, nine separate complaints were filed by individual homeowners against Folsom Ridge, LLC, Owning and Controlling the Big Island

Homeowners Association. Each complaint is somewhat different, but all allege that Folsom Ridge, Big Island Homeowners Association, or some combination of the two, is operating a water and sewer utility that should be subject to regulation by this Commission.

Because the complaints were filed at different times, each is at a different procedural stage. In the first complaint filed, WC-2006-0082, the Commission has denied Folsom Ridge's motion to dismiss. In the same order, the Commission directed its Staff to investigate the complaint and to file a report by December 19. Folsom Ridge has asked the Commission to reconsider that order. Folsom Ridge has also filed a Motion for More Definite Statement or Alternatively, Motion for Order Requiring Mediation. The Commission has not yet ruled on that motion. In addition, the Big Island Homeowners Association has entered a separate appearance to challenge the Commission's jurisdiction. The other complaints, which were filed later, have not yet progressed as far as WC-2006-0082, but various motions to dismiss and requests for mediation are pending.

On October 28, Staff filed a motion in each of the complaint cases requesting that the Commission schedule a conference, to include Staff, Folsom Ridge, the Big Island Homeowners Association, and each of the complainants. Staff suggests that the purpose of the conference would be to clarify the issues raised by the complainants, determine which of those issues are under the jurisdiction of the Commission, determine the proper parties to the complaints, and develop some milestones that may lead to resolution of the identified issues.

The Commission will accept Staff's suggestion and will schedule a conference. Staff, Folsom Ridge, the Big Island Homeowners Association, and each of the complainants are directed to attend. The Office of the Public Counsel is also invited to

attend. In addition, notice of this conference will be sent to the Missouri Department of Natural Resources and that agency is encouraged to attend.

The Commission will hold all pending motions in abeyance until after the conference. All parties are relieved from any obligation to file a response to any previous orders or motions. The Commission will deal with all such pending motions after the conference.

IT IS THEREFORE ORDERED:

1. That a conference will be held on November 15, 2005, at 10:00 a.m., at the Commission's office at the Governor Office Building, Room 305, 200 Madison Street, Jefferson City, Missouri. This building meets accessibility standards required by the Americans with Disabilities Act. If you need additional accommodations to participate in this conference, please call the Public Service Commission's Hotline at 1-800-392-4211 (voice) or Relay Missouri at 711 before the conference. **The parties are encouraged to attend the conference in person if possible, but any party wishing to participate by telephone may do so by dialing 573-751-9630 at the time set for the conference.**

2. That the Commission's Data Center shall mail a copy of this order to the Missouri Department of Natural Resources.

3. That all pending motions are held in abeyance until after the conference.

4. That this order shall become effective on November 1, 2005.

BY THE COMMISSION

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

Colleen M. Dale
Secretary

(S E A L)

Morris L. Woodruff, Senior Regulatory
Law Judge, by delegation of authority
pursuant to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 1st day of November, 2005.