

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

FILED³

DEC 11 2006

Missouri Public
Service Commission

The Staff of the Missouri Public Service Commission,
Complainant,
v.
Franklin County Service Company, Melody Lake Water & Sewer, LLC, Melody Lake Ranch Associates, Inc., Gerald Johnson.
Respondent.

Case No.: WC-2006-0363

AMENDED RESPONDENT'S RESPONSE TO STAFF RECOMMENDATION

Comes now Gordon Rolla Upchurch attorney for Melody Lake Water & Sewer, LLC and Melody Lake Ranch Associates, Inc. and as and for said Respondents and each of them offers the following amended response to staff recommendation heretofore filed in the above-referenced matter:

1. Respondents consent and confess their agreement with the staff recommendation that Melody Lake can (and has) shown a modification of its original operating agreement (consistent with Rocky Ridge Ranch Appellate Court Opinion) and that, as such, the existing certificates and tariffs issued as to Franklin County Service Company (thereafter Melody Lake Water & Sewer, LLC) may and should be cancelled and Melody Lake shall hereinafter operate as a utility not subject to jurisdiction of the Missouri Public Service Commission.

2. The amended operating agreement (referenced hereinabove) has heretofore been submitted to the PSC and filed in this action subject to full review by representatives of the PSC.

3. That the De Facto operation of the water and sewer district pursuant to that operating agreement and the management of the Melody Lake Water & Sewer LLC has in fact been assumed by Melody Lake Water & Sewer LLC contemporaneous with its creation and the operating agreement entered therein pursuant thereto.

WHEREFORE, having fully replied to the Staff's recommendation, the undersigned on behalf of its clients requests that agreements be entered into and/or the PSC certificates and tariffs be cancelled and for such other and further relief as the Commission deems necessary just and proper based upon the premises.

Respectfully submitted,

BAYLARD, BILLINGTON & DEMPSEY, P.C.

By: 

GORDON ROLLA UPCHURCH - 28212
30 S. McKINLEY, UNION, MO 63084
UNION LINE: 636-583-5103
upchurch@bbd-law.com
FACSIMILE: 636-583-1877
ATTORNEY FOR MELODY LAKE
WATER & SEWER LLC and MELODY
LAKE RANCH ASSOCIATES, INC.

THIS IS TO CERTIFY that a copy of the above and foregoing was mailed on December 7, 2006 to: General Counsel Office, Missouri Public Service Commission, 200 Madison Street, Suite 800, PO Box 360, Jefferson City, MO 65102; Mills Lewis, Office of Public Counsel, 200 Madison Street, Suite 650, PO Box 2230, Jefferson City, MO 65102; Robert Franson, Missouri Public Service Commission, 200 Madison Street, Suite 800, PO Box 360, Jefferson City, MO 65102, Gerald Johnson, 333 Playmor Drive, Leslie, MO 63056.


GORDON ROLLA UPCHURCH