

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, Owning and Controlling)	
the Big Island Homeowners Association,)	
)	
Respondent.)	

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

ORDER ADOPTING ANCILLARY PROCEDURAL SCHEDULE

Issue Date: March 7, 2007

Effective Date: March 7, 2007

The combined evidentiary hearing was held in these matters from February 28, 2007 through March 2.¹ During the hearing, the Commission subpoenaed John MacEachen from the Department of Natural Resources, who appeared on March 2 and provided testimony concerning specifications, characteristics and installation of flexible piping used for service lines on Big Island. Due to the limited opportunity at hearing to allow Folsom Ridge L.L.C. and Big Island Homeowners Water and Sewer Association, Inc. (collectively

¹ All dates throughout this order refer to the year 2007 unless otherwise noted.

“Respondents”) to respond to this testimony, at the close of the hearing the Commission granted leave to Respondents to supply additional testimony on the nature of the service line installations.

Respondents canvassed the parties by electronic mail, and based upon responses received from the parties has proposed an ancillary procedural schedule to allow for that testimony and any responses to that testimony. Respondents represent that the Commission’s Staff, the Office of the Public Counsel and Cindy Fortney have no objection to the proposed schedule, and anticipate that no other party will object.

Given the time constraints associated with the post-hearing briefing schedule, and the fact that all evidence needs to be in the record for the benefit of the parties at the earliest possible opportunity, the Commission will adopt the proposed schedule, subject to any objections that may be subsequently filed within the deadline established below. The Commission will require that testimony be filed as directed in Commission Rule 4 CSR 240-2.130. All parties must comply with this rule, including the requirement that testimony be filed on line-numbered pages.

It is the Commission’s belief that the testimony, and the opportunities for rebuttal and surrebuttal, should be sufficient to allow adequate process to the parties with regard to addressing Respondents’ additional testimony. However, the Commission will also offer the parties the opportunity to request a hearing, restricted exclusively to the subject matter and witnesses providing the additional testimony. Any party requesting a hearing shall follow the deadlines for submitting such requests as directed in the ordered paragraphs below.

IT IS ORDERED THAT:

1. Any party who wishes to respond to Folsom Ridge L.L.C. and Big Island Homeowners Water and Sewer Association, Inc.'s Motion for Adoption of Ancillary Procedural Schedule, who hasn't already responded by electronic mail, shall do so no later than 9:00 a.m. March 9, 2007.

2. The following ancillary procedural schedule for Case Nos. WC-2006-0082 and WO-2007-0277 is established:

Respondents' Direct Testimony	-	March 12, 2007
Rebuttal Testimony from Staff, Office of the Public Counsel, Complainants and Interveners	-	March 19, 2007
Surrebuttal Testimony from All Parties	-	March 26, 2007
Requests for Hearing	-	March 27, 2007, by 12:00 Noon
Responses to Requests for Hearing	-	March 28, 2007, by 12:00 Noon
Hearing (if request granted)	-	March 30, 2007, beginning at 8:30 a.m.

3. The hearing, if one is held, will be held 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 hearing, please call the Public Service Commission's Hotline at 1-800-392-4211 (voice) or Relay Missouri at 711 before the hearing.

4. This order shall become effective on March 7, 2007.

BY THE COMMISSION

A handwritten signature in black ink, appearing to read 'Colleen M. Dale', with a stylized, cursive script.

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 7th day of March, 2007.