

April 28, 2006

The Honorable Colleen M. Dale
Secretary/Chief Regulatory Law Judge
Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO 65102-0360

FILED³

MAY 2 2006

Missouri Public
Service Commission

Re: Case No. WC-2006-0107

Dear Judge Dale,

Please find enclosed for filing, "Complainant's Request To Have A Regulated Public Utility Operated and Managed By A 'Certificated' Company Independent Of Any Associations With The Respondent Or Any Of Its Agents or Representatives."

Would you please bring this filing to the attention of the appropriate Commission personnel.

Please contact me if you have any questions regarding this filing. Thank you.

Respectfully submitted,



Ben F. Weir
Complainant
3515 SW Meyer Blvd.
Blue Springs, MO 64015

Enclosure
Cc: Office of Public Counsel
General Counsel's Office
Mark W. Comley

FILED³

MAY 2 2006

Missouri Public Service Commission

BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

Ben F. Weir,)	
)	
Complainant)	Case No. WC-2006-0107
)	
v.)	
)	
Folsom Ridge, LLC (Owning and Controlling the Big Island Homeowners Association))	
)	
Respondent)	

COMPLAINANT'S REQUEST TO HAVE A REGULATED PUBLIC UTILITY OPERATED AND MANAGED BY A "CERTIFICATED" COMPANY INDEPENDENT OF ANY ASSOCIATIONS WITH THE RESPONDENT OR ANY OF ITS AGENTS OR REPRESENTATIVES

COMES NOW Ben F. Weir, the complainant in case No. WC-2006-0107, respectfully requesting the Commission help satisfy my complaint through the facilitation of approving a regulated public utility that is operated and managed by a "Certificated" Company independent of any associations with the Respondent, Folsom Ridge, LLC (Owning and Controlling the Big Island Homeowners Association), or any of its agents or representatives.

Not only for myself and the other complainants but also on behalf of ALL current and future residents of Big Island, I will be satisfied when the PSC approves a regulated Public Utility, operated and managed by a "Certificated" Company, that has a proven history of providing safe and adequate services.

In addition, the "Certificated" Company must be independent of any associations of any sort with the respondent or any of its agents or representatives.

To help further facilitate that process, and so we can move on to closure of this case, the complainants involved in the consolidated case are currently researching and investigating other reputable and "certificated" companies presently providing the type of "safe, adequate and accountable" services we deserve for our families, friends and neighbors on Big Island.

In discussing this matter with the other complainants, I feel we all are in agreement that the best interests of not only the complainants but ALL residents on Big Island will be served by having a regulated public utility that will provide safe and adequate services. There is absolutely no question in our minds that the Public Service Commission should regulate the existing water and sewer utility on Big Island.

However, what I and the rest of the complainants are most concerned about is the matter of the Application of Big Island Water & Sewer Company, Inc. for a Certificate of Convenience and Necessity authorizing it to construct, install, own, operate, control, manage, and maintain a water and sewer system for the public located in an unincorporated area in Camden County, Missouri.

Although it has a somewhat different name than Big Island Homeowners Association (BIHOA), in my opinion, it is still essentially being organized and will be owned and operated by the same agents and/or representatives associated with Folsom Ridge, LLC during its seven-year

history of bad behavior and numerous violations of state laws and regulations governing the safe operation and distribution of the public drinking water supply on Big Island.

What assurances or guarantees, if any, can the Public Service Commission provide the complainants, as well as the other residents of Big Island, that these same agents and representatives will NOT be repeat offenders of the laws and regulations of the state of Missouri in the future? Past performance, in their case, has been a reliable indicator of future results.

What assurances or guarantees, if any, can the Public Service Commission provide the complainants as well as the other residents of Big Island that it will be able to enforce the regulatory tariff by which a "Certificated" Company will provide safe and adequate utility services to ALL residents of Big Island? Folsom Ridge DID VIOLATE the DNR Settlement Agreement.

What enforcement penalties and/or fines can be imposed by the Public Service Commission when violations of the regulatory tariff are committed by the "Certificated" Company to ensure the complainants as well as the other residents of Big Island that the safety and adequacy of services will not be compromised not only now but also in the future? Can operating permits be revoked?

In support of my original complaint filed September 8, 2005, I provided members of the PSC Staff and Commission as evidence more than 35 pages of official documents either produced by or filed with the Department of Natural Resources of the State of Missouri pointing out the numerous violations committed since 1998 by agents and/or representatives of Folsom Ridge, LLC (Owning and Controlling the Big Island Homeowners Association), Longmont, Colorado.

I respectfully request that those documented violations (summarized below) be entered into evidence as an exhibit to my pleading for a regulated public utility operated and managed by a "Certificated" Company independent of any associations with the respondent or any of its agents or representatives specifically those associated in any way with these past violations.

**(1) Starting construction/installation of the water and sewer system without a permit from the Missouri Department of Natural Resources (DNR).
(November 19, 1998)**

**(2) Issued a Notice of Violation #1315 by the DNR for failure to construct water lines and sewer lines in accordance with approved plans.
(May 25, 1999)**

**(3) Received a reprimand by the Camden County Road and Bridge Department for digging up a utility crossing to repair a leaking line, tearing up new asphalt, without a permit.
(Sept. 26, 2000)**

**(4) Responding to issues raised by the Attorney General of Missouri, specifically that the wastewater system was not built as submitted to the Department of Natural Resources, answer was given that the DNR agrees that the system was not constructed as approved.
(April 17, 2002)**

**(5) Received DNR Complaint JC 011193 for improper disposal (dumping) of roofing shingles on top of the hill near the wastewater treatment plant and public drinking water supply.
(October 18, 2001)**

(6) Settlement Agreement (SA) requiring Folsom Ridge, LLC to correct the violations observed during the digging of the test pits on January 12, 2004 which proved that the water and sewer lines have been improperly installed per DNR regulations.

(April 26, 2004)

(7) Issued a Notice of Violation #11210SW by the DNR for causing or permitting construction, installation or modification of community public water supply without written authorization by extending Phase I Water Main "off the Island".

(June 28, 2005)

(8) Issued a series of violations of the Missouri Safe Drinking Water Regulations by the DNR. Included in these were: failure to collect routine samples from the distribution system; dispensing of water without obtaining a written permit to dispense water; and failure to develop a written total coliform bacteria sample siting plan. In addition, several construction deficiencies in the public water system were also noted.

(June 28, 2005)

I currently am not a member of the BIHOA nor do I receive any services from the organization. However, at some point in the future, I may need to utilize services, which hopefully will be provided by a regulated public utility.

Not only for myself and my family but also on behalf of ALL current and future residents of Big Island, I will be satisfied when the PSC approves a regulated Public Utility, operated and managed by a "Certificated" Company, that has a proven history of providing safe and adequate services. I will not negotiate away my neighbor's private wells or personal and property rights.

In addition, the "Certificated" Company must be independent of any associations of any sort with the respondent or any of its agents or representatives.

Therefore, this complainant requests the members of the Missouri Public Service Commission to address and identify all parts of my complaint which fall under their jurisdiction and issue a formal finding of fact by which a determination and ruling can be made that Folsom Ridge, LLC (Owning and Controlling the Big Island Homeowners Association) is operating as an unlicensed public utility, by providing service and billing non-members.

This complainant also requests that all the documented evidence contained in my original complaint filed September 8, 2005, as well as this one, be entered into evidence as an exhibit to the pleading, for the convenience of the commission in reviewing the merits of all the issues.

Respectfully submitted,



Ben F. Weir
3515 SW Meyer Blvd.
Blue Springs, MO 64015
April 28, 2006

Certificate of Service

I hereby certify that a true and correct copy of the above and foregoing document was sent via U.S. Mail, postage prepaid, this 28th day of April, 2006 to the General Counsel's Office and Office of Public Counsel as well as to Mr. Mark W. Comley, Newman, Comley & Ruth P.C., 601 Monroe St., Suite 301, P.O. Box 537, Jefferson City, MO 65102