

February 02, 2007

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

FILED³

FEB 2 2007

Missouri Public
Service Commission

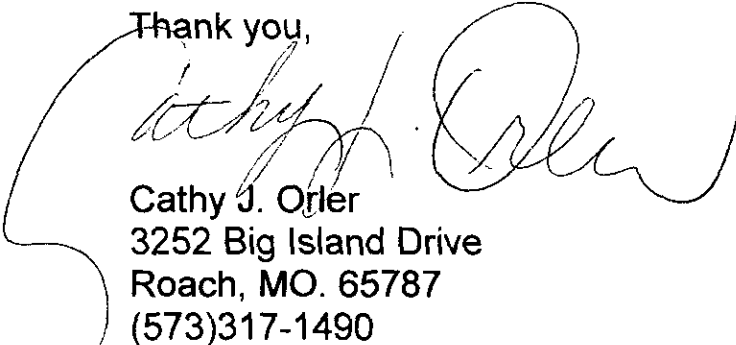
Re: Case Nos. WA-2006-0480

The Honorable Judge Dale:

Please find enclosed, for filing, "Full Disclosure to the Commission of Complainants' Request to Respondents for Big Island Homeowners' Water and Sewer Association, (f.k.a. - Big Island Homeowners' Association), Membership and Billing Records via Data Requests." Five additional copies are also enclosed for the appropriate Commission personnel; if you would be so kind as to bring this filing to their attention.

Please contact me, if you should have any questions regarding these filings.

Thank you,



Cathy J. Orlor
3252 Big Island Drive
Roach, MO. 65787
(573)317-1490

BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF
MISSOURI

FILED³

FEB 2 2007

Missouri Public
Service Commission

Cathy J. Orlor,

)

)

Complainant,

)

)

v.

) Case No. WC-2006-0082, et al.

)

Folsom Ridge, LLC, (Owning and)

Controlling the Big Island)

Homeowners' Association),)

)

Respondent.)

FULL DISCLOSURE TO THE COMMISSION OF
COMPLAINANTS' REQUEST TO RESPONDENTS FOR BIG
ISLAND HOMEOWNERS' WATER AND SEWER
ASSOCIATION, (F.K.A. – BIG ISLAND HOMEOWNERS'
ASSOCIATION), MEMBERSHIP AND BILLING RECORDS VIA
DATA REQUESTS

COMES NOW, the following Complainants, being represented by their individual signatures below, to make full disclosure to the Commission, of their requests to Folsom Ridge, LLC., and Big Island Homeowners' Water and Sewer Association, Inc., (f.k.a. – Big Island Homeowners' Association), for membership and billing records in data requests forms sent this same date.

1. On August 19, 2005, Cathy Orler filed a "Formal Complaint," with the Missouri Public Service Commission, against Folsom Ridge, LLC., (Owning and Controlling the Big Island Homeowners' Association). In that Complaint, Ms. Orler states that all numerous requests to Folsom Ridge for a BIHOA membership listing, have been ignored. Ms. Orler's complaint also suggest that the PSC request from BIHOA and/or Folsom Ridge who is owning and controlling the HOA, a listing of its customers and members.
2. On September 24, 2005 – a "Complainant Data Request," was made by Ms. Orler to Mark W. Comley, (attorney for Folsom Ridge, LLC, (Owning and Controlling the BIHOA), requesting a membership listing of the BIHOA, including a listing of all individuals being billed and/or serviced by the BIHOA, relating to the water and sewer; and individual residents' signed and ratified copies of the "Amended and Restated Declaration of Covenants and Conditions," and signed and ratified copies of the "Amended and Restated By-Laws of the BIHOA."
3. On November 29, 2005 – Ms. Orler sent a second data request requesting the same information to the BIHOA. This second request went to both Robin Engin, (office manager for Folsom Ridge, LLC., and/or BIHOA); and Charles McElyea, (attorney for BIWSA – f.k.a. – BIHOA).
4. At a prehearing conference on December 08, 2005 – the Commission denied the motion to compel FOLSOM RIDGE to produce the information requested, because Folsom Ridge, LLC, and the BIHOA are separate legal entities. However, at this same prehearing conference, Ms. Orler again, made a request for this information, verbally, in the presence of Mr. Comley and Mr. McElyea.
5. On January 31, 2006 – the Commission ordered: "...the Big Island Water and Sewer Association Inc. F/K/A BIHOA is made a respondent to each of the complaints."

6. In a second prehearing conference held on March 31, 2006, Presiding, Regulatory Law Judge Morris Woodruff, ruled that the BIHOA would supply the documents requested in the data requests.
7. On April 14, and 19, 2006, information was received from the Respondents in response to the Complainants' data requests. **The information received was incomplete and not what was requested.**
7. On May 09, 2006, Ms. Orlor made a telephone call to Mr. Mark Comley, again requesting this same information, that to this date, still has not been supplied.
9. On May 16, 2006, a written request for this same information, (with examples provided, to avoid any confusion as to what type of information was being requested), was sent to Mr. Mark Comley. (Exhibit 1).
10. On June 15, 2006, the Commission issued an "Order regarding Orlor's Motion to Compel," and ordered Folsom Ridge, LLC., and BIWSA, (f.k.a. – BIHOA), shall either answer or object to that data request by June 26, 2006.
11. On June 26, 2006, in the "Respondents' Response and Objections to Complainant Orlor's Data Requests Referred to in the Commission's June 15, 2006 Order," the following responses were received by the Respondents:
 - A. Respondents objected to the request for signed copies of the ratification documents, on the grounds that this request is unreasonably and unduly burdensome and expensive. This information is equally available from the Recorder of Deeds, Camden County Courthouse.
 - B. Respondents objected to the request for billing information, on the grounds that it is unreasonably and unduly burdensome expensive.

- C. Respondents stated that a list of members of the BIWSA has previously been supplied.

As of the date of this disclosure to the Commission, Complainants state to the Commission:

1. The BIWSA membership list supplied by the Respondents to Complainants, was incomplete and not what was requested.
2. The burden and expense of 18 months of proceedings before the Commission in this case, could have been avoided, if these records had been supplied initially. These records will prove undeniably, that the BIHOA is operating as an unlicensed public utility by billing and servicing individuals who are not members of the association, and therefore this utility should be subject the jurisdiction of the PSC.

Complainants have made this disclosure to the Commission, to include the Commission in the data request procedure as an insurance that the information being requested by the Complaints will be supplied, by the Respondents. Complainants are requesting that the Respondents supply duplicate copies of this information to the Commission. The Commission, likewise, is being supplied, as an exhibit with this filing, (Exhibit 2), a copy of the data requests being made to the Respondents, by the Complainants.

Furthermore, if the Complainants do not receive the information being requested, Complainants ask the Commission to impose sanctions with penalties and fines on the Respondents, with an effective date beginning on September 24, 2005 to coincide with the date of the first data request for this information.

Wherefore, the Complainants, respectfully request the Commission to Compel BIHOA to produce the information requested, and supply copies of this information to both the Complainants and the Commission.

Respectfully submitted,

Stan Serrano

Cathy J. Allen

Benjamin D. Rugh

Joseph J. Schmitt

Certificate of Service

I hereby certify that a true and correct copy of the above and foregoing document was sent via electronic E-mail, on this 2nd day of February, 2007, to: the General Counsel's Office and Office of Public Counsel at P. O. Box 360, Jefferson City, MO. 65102-0360; and via U.S. Mail, postage prepaid, to: Mark W. Comley, 601 Monroe Street, Suite 301, P.O. Box 537, Jefferson City, MO. 65102; and Charles E. McElyea, 85 Court Circle, P.O. Box 559, Camdenton, MO. 65020

Copies of this document were sent via E-mail to:

Cindy Fortney, 3298 Big Island Drive, Roach, MO. 65787
Benjamin D. Pugh, 1780 Big Island Drive, Roach. MO. 65787
Joseph J. Schrader, 1105 Yorktown Pl., DeLand, FL. 32720
Stan Temares, 1836 Big Island Drive, Roach, MO. 65787
Cathy Jo Orlor 3252 Big Island Drive, Roach, MO. 65787
Dean Leon Fortney P.O. Box 1017 Louisburg, KS. 66053
Judy Kenter 1794 Big Island Drive, Roach, MO. 65787

Exhibit 1
page 1

May 16, 2006

Mr. Mark W. Comley
Newman, Comley & Ruth P.C.
601 Monroe Street, Suite 301
P.O. Box 537
Jefferson City, Mo. 65102-0537

Mr. Comley:

Pursuant to our telephone conversation of May 09, 2006, this letter is a written request for documents from the Big Island Homeowners' Association, that were requested in the "Complainant's Data Request," (1 and 2), **that have not been supplied.** When possible, "examples," as attachments for some of the documents being requested, have been provided for your convenience in complying with the request. All documents being requested, are for the period beginning January 01, 2000 to the date of this request, and should be dated to reflect the appropriate reporting period. The documents being requested, are specified as follows:

1. A Big Island Homeowners' Association membership listing of individual members. (The document being requested should be exclusive to the BIHOA, and the members of that organization specifically; and not combined with any other document and/or listing of individuals for any purpose, other than the listing of members in the BIHOA). (These documents being requested, will be the annual membership listing of the BIHOA for the years beginning January 01, 2000; January 01, 2001; January 01, 2002; January 01, 2003, January 01, 2004; January 01, 2005 and January 01, 2006 to the date of this request). ("Complainant's example" attached).
2. Signed Copies of the ratification documents of the "Covenants and Conditions," and signed copies of the ratification documents of the "Amended and Restated Declaration of Covenants and Conditions," bearing the signatures of the individuals agreeing to the terms of such Covenants.

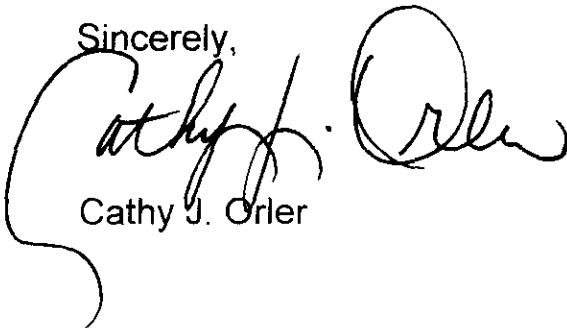
Exhibit 1
page 2

(Examples attached).

3. Copies of individual bills, billing statements, invoices, assessments, and/or any communications requesting the payment of fees, dues, assessments, rates; or any service and/or product associated with the water and sewer utility, for which a monetary sum is being charged, and payment is expected. These documents will also include any request for payment of "hook-up" fees, and/or connection fees. (These documents being requested, will be for the years beginning January 01, 2000; January 01, 2001; January 01, 2002; January 01, 2003; January 01, 2004; January 01, 2005; and January 01, 2006 to the date of this request, and will include notices sent to individuals in the years 2000 and 2001, for all periods prior to the year 2000). (Examples attached).

Complainant's receipt of the documents requested, will satisfy the "Complainant's Data Request," (1 and 2); however, because these requests are treated as ongoing, please provide any updates to these documents as they are made. Your cooperation in this matter, is greatly appreciated.

Sincerely,



Cathy J. Orlor

BIG ISLAND HOMEOWNERS' ASSOCIATION MEMBERSHIP LISTING

1. Name of Individual Member
2. Name of Individual Member
3. Name of Individual Member
4. Name of Individual Member

Exhibit 1
page 3

RATIFICATION OF COVENANTS AND CONDITIONS

1. John V. Cascairo and Marilyn L. Cascairo (hereinafter referred to as "Cascairo") are the owners of the real property described as follows:

All of Lots 70 and 71 and the North one-half (N 1/2) of Lot 69, in BIG ISLAND LAKE SITES, FIRST ADDITION, a subdivision in Camden County, Missouri, according to the amended plat thereof on file and of record in the Office of the Recorder of Deeds, Camden County, Missouri.

2. Folsom Ridge, LLC, a Colorado corporation, certified to do business in Missouri, recorded a Declaration of Covenants and Conditions (the "Covenants") dated _____, 2000, and recorded in Camden County, Missouri on _____, 2000 at Book _____, Page _____.

3. Cascairo, hereby ratifies such Covenants and agrees that the terms of such Covenants shall bind the real property owned by them described above, and shall inure to the benefit of, and be binding on the undersigned, their heirs, successors and assigns.

"Cascairo"

John V. Cascairo
John V. Cascairo

Marilyn L. Cascairo
Marilyn L. Cascairo

STATE OF _____)
COUNTY OF _____) ss.

The foregoing instrument was acknowledged before me this 5th day of May, 2000 by John V. Cascairo and Marilyn L. Cascairo.

My commission expires: August 5, 2003

Witness my hand and official seal.



Christy Carnahan
Notary Public

Exhibit 1
page 4

U

1. Jeffery R. Litty and Cathy Litty (hereinafter referred to as "Litty") are the owners of the real property described as follows:

All the following described land lying above contour elevation Six Hundred Sixty-two (662) feet: All of Lots Eighty (80) and Eighty-one (81) in Amended Plat of Big Island Lake Sites, First Addition, a subdivision in Camden County, Missouri, according to the Amended Plat thereof on file and of record in the Office of the Recorder of Deeds, Camden County, Missouri.

2. Folsom Ridge, LLC, a Colorado corporation, certified to do business in Missouri, recorded an Amended and Restated Declaration of Covenants and Conditions (the "Covenants") dated January 10, 2001, and recorded in Camden County, Missouri on January 17, 2001 at Book 507, Page 587.

3. Litty, hereby ratifies such Covenants and agrees that the terms of such Covenants shall bind the real property owned by them described above, and shall inure to the benefit of, and be binding on the undersigned, their heirs, successors and assigns.

"Litty"

Jeffery R. Litty

Cathy Litty

STATE OF)
COUNTY OF) ss.

The foregoing instrument was acknowledged before me this ____ day of _____, 2001 by Jeffery R. Litty and Cathy Litty.

My commission expires: _____

Witness my hand and official seal.

Notary Public

Exhibit 1
page 5

Big Island Homeowners Association
P. O. Box 54
Longmont, CO 80502

April 9, 2001

Benjamin & Karen Pugh
HCR 67, Box 726
Roach, MO 65787

Dear Benjamin & Karen,

Enclosed you will find your billing for your sewer and water service for all periods prior to December 2000. These were billed at the original rate of \$10 per month on sewer and \$5 per month on water. You were billed from the time you hooked up to the system. Please read the invoice carefully and make sure no mistakes were made concerning when you hooked up and if you are hooked up only to sewer or only to water. These invoices are due upon receipt.

You will receive shortly, another bill for the 1st quarter of 2001. These bills will be at the new rates voted on at the December 29, 2000 meeting. They will be \$15 for sewer and \$10 for water. I have attached the meeting minutes for your review if you have any questions.

Please don't hesitate to contact us if anything is incorrect on your bill. We would be glad to discuss it. We can be reached at 303-702-0708.

Sincerely,

R. V. (Reggie) Golden
Big Island Homeowners Association
Director

Exhibit 1
page 6

Big Island Homeowners Association Inc

P. O. Box 536
Roach, MO 65787

Phone # 303-702-0708

Invoice

Date	Invoice #
10/1/2005	1314

Bill To

Cathy Orler
3252 Big Island Dr.
Roach, MO 65787

Exhibit 1
page 7

			Terms
			Net 30
Months	Description	Rate	Amount
3	Big Island HOA Sewer Fees NOT Connected Current Quarter 2005 (80, 81 & 82)	7.00	21.00
3	Big Island HOA Water Fees NOT Connected Current Quarter 2005 (80, 81 & 82)	7.00	21.00
		Total	\$42.00

Big Island Homeowners Association
P. O. Box 54
Longmont, CO 80502

Exhibit 1
page 8

June 6, 2001

Howard and Marilyn Docker
716 Prairie Ct.
Topeka, KS 66606

Dear Howard & Marilyn,

Enclosed is a copy of the covenants, the by-laws, and a ratification form. Please sign the attached ratification form in front of a Notary and mail it back to the homeowners association in the enclosed envelope. This will allow us to protect your investment in the sewer and water system by recording your membership at the county courthouse.

You will also need to contact Mike McDuffey of Lake of the Ozarks Water and Sewer, Inc. at 573-346-2092 to get connected to the system. When you return your ratification please enclose a check for \$6,000.00 for the hook-up fees. We will bill you later for your quarterly fees beginning with the 3rd quarter.

pd.
\$6,000.00
6/11/01

Please give me a call if you have any questions. The phone number is (303) 702-0708. We appreciate your patience and cooperation in this matter.

Sincerely,



R. V. (Reggie) Golden
Big Island Homeowners Association

②

Invoice

Big Island Homeowners Association
P. O. Box 54
Longmont, CO 80502-
USA
Phone: (303) 702-0708 Fax: (303) 702-058

Exhibit I
page 9

Invoice Date 04/09/2001
Member ID 18
Payment Terms Net 30 Days

Member: Ben & Karen Pugh
HCR 67, Box 726
Roach, MD 65787-
USA

Member Dues	\$150.00
Amount Paid	
Total Due	\$150.00

Big Island HOA Sewer Fees for 10/01/99 through 12/31/00 @
\$10.00 per month.

Invoice

Exhibit 1
page 10

Big Island Homeowners Association

P. O. Box 54

Longmont, CO 80502-

USA

Phone: (303) 702-0708 Fax: (303) 702-058

Invoice Date 07/19/2001

Member ID 35

Payment Terms Net 10 Days

Member: Jeff & Cathy Litty

HCR 67, Box 840

Roach, MO 65787-

USA

<i>Member Dues</i>	<i>\$15.00</i>
<i>Amount Paid</i>	
<i>Total Due</i>	<i>\$15.00</i>

*Big Island HOA Sewer Fees NOT Connected to the system -
April 1-June 30, 2001 - \$5.00 per month.*

Statement

Big Island Homeowners Association Inc
P. O. Box 536
Roach, MO 65787

Date
7/1/2003

To:

Jeffery & Cathy Litty
3252 Big Island Dr.
Roach, MO 65787

Date	Transaction	Amount Due	Amount Enc.
		Amount	Balance
12/31/2002	Balance forward		0.00
01/01/2003	INV #350	21.00	21.00
02/18/2003	PMT #3327 - 1st Q 2003	-15.00	6.00
04/01/2003	INV #428	21.00	27.00

Exhibit I
page 11

CURRENT	1-30 DAYS PAST DUE	31-60 DAYS PAST DUE	61-90 DAYS PAST DUE	OVER 90 DAYS PAST DUE	Amount Due
0.00	0.00	21.00	0.00	6.00	\$27.00

CASE NO. WC-2006-0082
COMPLAINANT DATA REQUEST

Exhibit 2
page 1

No. 1

Requested From: Mark W. Comley, attorney for Folsom Ridge, LLC and Big Island Homeowners' Water and Sewer Association, Inc. (f.k.a. - Big Island Homeowners' Association)
601 Monroe Street, Suite 301
P.O. Box 537
Jefferson City, Mo. 65102-0537

Date Requested: February 02, 2007

Information Requested: A Big Island Homeowners Association membership listing of individual members. (The document being requested should be exclusive to the BIHOA, and the members of that organization specifically, and not combined with any other document and/or listing of individuals for any purpose, other than the listing of members of the BIHOA). (These documents being requested, will be the annual membership listing of the BIHOA for the years beginning January 01, 2000; January 01, 2001; January 01, 2002; January 01, 2003; January 01, 2004; January 01, 2005; January 01, 2006; January 01, 2007, to the date of this request). ("Complainants' example" attached).

Please send copies to:

Cathy Orler
3252 Big Island Drive
Roach, Mo. 65787

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

Office of Public Counsel
Lewis Mills
Missouri Public Service Commission
P. O. Box 360
Jefferson City, MO. 65102-0360

Requested By: Cathy Jo Orler

Phone: (573)317-1490
FAX: (573)317-1490

The information provided in response to the above information request is accurate and complete, and contains no material misrepresentations or omissions based upon present facts known to the undersigned. The undersigned agrees to immediately inform the Complainant if any matters are discovered which would materially affect the accuracy or completeness of the information provided in response to the above information.

Date Received: _____ Signed By: _____

Title: _____

Exhibit 2
page 2

CASE NO. WC-2006-0082

COMPLAINANT DATA REQUEST

NO. 2

Requested From: Mark W. Comley, attorney for Folsom Ridge, LLC and Big Island Homeowners' Water and Sewer Association, Inc. (f.k.a. - Big Island Homeowners' Association)
601 Monroe Street, Suite 301
P.O. Box 537
Jefferson City, Mo. 65102-0537

Date Requested: February 02, 2007

Information Requested: Signed copies of the ratification documents of the "Covenants and Conditions," and signed copies of the ratification documents of the "Amended and Restated Declaration of Covenants and Conditions," bearing the signatures of all individual property owners, (other than Mr. Golden and Mr. Rusaw), agreeing to the terms of such Covenants. (Examples attached).

Please send copies to:

Cathy Orler
3252 Big Island Drive
Roach, Mo. 65787

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

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Date Received: _____ Signed By: _____

Title: _____

Exhibit 2
page 3

CASE NO. WC-2006-0082

COMPLAINANT DATA REQUEST

NO. 3

Requested From: Mark W. Comley, attorney for Folsom Ridge, LLC and Big Island Homeowners' Water and Sewer Association, Inc. (f.k.a. - Big Island Homeowners' Association)
601 Monroe Street, Suite 301
P.O. Box 537
Jefferson City, Mo. 65102-0537

Date Requested: February 02, 2007

Information Requested: Copies of individuals' bills, billing statements, invoices, assessments, and/or any communications requesting the payment of fees, dues, assessments, rates; or any service and/or product associated with the water and sewer utility, for which a monetary sum is being charged, and payment is expected. These documents will also include any request for payment of "hook-up" fees, and/or connection fees. (These documents being requested, will be for the years beginning January 01, 2000; January 01, 2001; January 01, 2002; January 01, 2003; January 01, 2004; January 01, 2005; January 01, 2006; January 01, 2007, to the date of this request, and will include notices sent to individuals in the years 2000 and 2001, for all periods prior to the year 2000). (Examples attached).

Please send copies to:

Cathy Orlor
3252 Big Island Drive
Roach, Mo. 65787

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Requested By: Cathy Jo Orlor

Phone: (573)317-1490
FAX: (573)317-1490

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Date Received: _____ Signed By: _____

Title: _____

Exhibit 2
page 4

CASE NO. WC-2006-0082

COMPLAINANT DATA REQUEST

NO.1

Requested From: Charles E. McElyea, attorney for Folsom Ridge, LLC and Big Island Homeowners' Water and Sewer Association, Inc. (f.k.a. - Big Island Homeowners' Association)
85 Court Circle
P.O. Box 559
Camdenton, Mo. 65020

Date Requested: February 02, 2007

Information Requested: A Big Island Homeowners Association membership listing of individual members. (The document being requested should be exclusive to the BIHOA, and the members of that organization specifically, and not combined with any other document and/or listing of individuals for any purpose, other than the listing of members of the BIHOA). (These documents being requested, will be the annual membership listing of the BIHOA for the years beginning January 01, 2000; January 01, 2001; January 01, 2002; January 01, 2003; January 01, 2004; January 01, 2005; January 01, 2006; January 01, 2007, to the date of this request). ("Complainants' example" attached).

Please send copies to:

Cathy Orler
3252 Big Island Drive
Roach, Mo. 65787

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Requested By: Cathy Jo Orler

Phone: (573)317-1490
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Title: _____

Exhibit 2
page 5

CASE NO. WC-2006-0082

COMPLAINANT DATA REQUEST

NO. 2

Requested From: Charles E. McElyea, attorney for Folsom Ridge, LLC and Big Island Homeowners' Water and Sewer Association, Inc. (f.k.a. - Big Island Homeowners' Association)
85 Court Circle
P.O. Box 559
Camdenton, Mo. 65020

Date Requested: February 02, 2007

Information Requested: Signed copies of the ratification documents of the "Covenants and Conditions," and signed copies of the ratification documents of the "Amended and Restated Declaration of Covenants and Conditions," bearing the signatures of all individual property owners, (other than Mr. Golden and Mr. Rusaw), agreeing to the terms of such Covenants. (Examples attached).

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Date Received: _____ Signed By: _____

Title: _____

Exhibit 2
page 6

CASE NO. WC-2006-0082

COMPLAINANT DATA REQUEST

NO. 3

Requested From: Charles McElyea, attorney for Folsom Ridge, LLC and Big Island Homeowners' Water and Sewer Association, Inc. (f.k.a. - Big Island Homeowners' Association)
85 Court Circle
P.O. Box 559
Camdenton, Mo. 65020

Date Requested: February 02, 2007

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Title: _____