

1

Water/Sewer Status	Complainants						
	Orler	Pugh	Weir	Temares	Kenter	Schrader [1]	Stoyer [2]
Residents							
Sewer-Hooked On		x			x		
Water-Hooked On							
Water & Sewer-Hooked On				x			
Sewer-Tap Only							
Water- Tap Only							
Sewer&Water-Tap Only	x						
Not Hooked On/NoTaps			x				
Non-Residents							
Not Currently a BI Resident						x	x
Notes:							
[1] Schrader sold his home in 2003; he now lives in Florida							
When Schrader lived here, he had a sewer tap.							
[2] Stoyer is now deceased and his Big Island home is for sale.							
When Stoyer lived here, he was hooked on to the sewer.							
[3] D. Fortney (Dean Leon) recently sold his home on Big Island. His daughter, Cindy, was living there. They had							
Cindy bought another Big Island home. It also has a sewer tap.							

FILED²

JUN 27 2006

Missouri Public
Service Commission

Exhibit No. 1
Date 6-2-06 Case No. WC-2006-0082
Reporter Sarah Peterski

C. Fortney	D. Fortney
[3]	[3]
x	
	x
a sewer tap.	

Homeowner since Oct 2004

Tried to get 9 together.

Meeting with Bob Pohl-----Offered to pay Complaint' tap fees

Happy with Folsom

Sept Letter go over points *****

Copy of May letter go over points*****

Who are the complaints---Only 2 hooked up and that is sewer only

My water sample test SCARE TACTICS DIDN'T WOUK

Value of property SHOW HEADLINES OF NEWSPAPER

ED FOSTER LETTER

Customers hooked on far outnumber 9 —

Folsom has been harmed enough!!!!!!!!!!!!!!!!!!!!!!

Government vs private

Septic tanks of others

*Folsom Ridge
part in the \$*

** DNR **

4 utility - 5

*how many by
sewer*

Big Island Water/Sewer Customers (hooked on to water and/or sewer, Folsom properties excluded, unofficial list):

Water and Sewer Hooked	Sewer Only Hooked	Complainants Hooked
Beaman	Baechle	Kenter
Boos	Burchard	Pugh
Bracken	Burr	Stoyer
Briley	Conley	Temares
Brinker	Kasten	
Burford	Kleppe	
Cole	Kwiatkowski	
Connell.	Simmer	
Cottingham	Wicker	
Davis		
Ezard		
Foster		
Grayum		
Haddock		
Hermann		
Holstead		
Jacobson		
Kling		
Potter		
Pro		
Rubert		
Schweitzer		
Seibolt		
Shelton		
Shore		
Snyder		
Sowell		
Sowers		
Stenberg		
Toombs L.		
Toombs J.		
Truedson		
Vieth		
Watson		
Youngblood		
Zeldin		

Subj: Fwd: Folsom Ridge - Public Service Commission Complaint
Date: 9/2/2005 4:01:46 PM Central Standard Time
From: Regal220
To: Burf frog

 Forwarded Message:

Subj: Folsom Ridge - Public Service Commission Complaint
Date: 9/1/2005 3:04:52 PM Central Standard Time
From: karben@yhti.net
To: szeldin@worldnet.att.net, joycezeldin@hotmail.com, brendajean@direcway.com, kwicker4@comcast.net, lisaweir@comcast.net, ben.weir@examiner.net, benweir@comcast.net, noworkngal@aol.com, jcvieith@aol.com, janetussey@yahoo.com, let@usmo.com, jtnpj@comcast.net, sthorpe@sofnet.com, stant@aol.com, stoyer@lakeozark.net, sowers@rollanet.org, beagle1mut@hotmail.com, stoney04@peoplepc.com, lmseibolt@everestkc.net, prellihan@comcast.net, karben@yhti.net, jdp8020@yahoo.com, emp@yhti.net, a1000isenuf@aol.com, corlerwine@yhti.net, don.norman@bfkpn.com, awnelson@msn.com, bigislanders@gbronline.com, mjmckean@earthlink.net, tobymahr@aol.com, red4091@yahoo.com, ldl677@aol.com, gsplane@aol.com, skilake@onemain.com, tclking@hotmail.com, shirleykleppe@yahoo.com, kastenfam@aol.com, hjacobson@paragoncap.com, pamersbmo@yahoo.com, tphiley@yahoo.com, bobjhermann@medtronic.com, ghaddock@kc.rr.com, Greg.Gutierrez@tellabs.com, sfields@tatician.com, grayumjames@msn.com, goldman@lakeozark.net, cedug@yhti.net, Sprout2@aol.com, wtfoley2@birch.net, Lrellihan@comcast.net, cgdunfee@cs.com, ddeckard@planetkc.com, ddeckard@lakeozark.net, tamidavis@everestkc.net, pamcott@fidnet.com, janette@hotmail.com, mike@econley.com, colelf@aol.com, blb783@juno.com, regal220@aol.com, SandyRoyBudz@aol.com, brinker@sptphones.com, elonsonic@aol.com, boos@iowatelecom.net, mabilyeu@aol.com, catherine.bieg@kraft.com, patman@beaven.us, beaman5@earthlink.net, baechle@charter.net, sheryl@yhti.net
CC: corlerwine@yhti.net
Sent from the Internet (Details)

Subject: Folsom Ridge - Public Service Commission Complaint

September 01, 2005

My name is Cathy Orlor, and I have been a full time resident of Big Island, (B.I.), for nearly six years. During this time, I have witnessed and been personally involved in the ongoing controversies surrounding the ethical and legal issues of the business practices of Folsom Ridge, LLC (F.R.), the developer on B.I., as to their management and control of the Big Island Homeowners Association. (BIHOA).

With no resolution to these differences, I was left with no alternative, and therefore forced to file a "Formal Complaint" with the Public Service Commission, (PSC), of the state of Missouri. My action in this matter was done as an individual property owner, and in no way is associated with a formal or informal group and/or organization.

My formal complaint, filed on August 18, 2005, (before the September 01, 2005 transfer of liability of the BIHOA to its members), was against Folsom Ridge, (F.R.), owning and controlling the BIHOA, and was not against the BIHOA itself and/or its members. Therefore, any and all legal issues, in my opinion, that may be associated with and/or resulting from the questionable operational and business practices of the BIHOA, will remain with F.R.

The basis of my complaint, in my opinion, was that the current BIHOA, (being owned and controlled by F. R.), has not been operating as a HOA, by providing services and/or billing users and non-users who are not members of the BIHOA. In addition, many serious DNR violations have been committed by F. R. throughout their 7 years of attempted development on B.I., including the two most recent violations of expanding the original and present water system with a maximum capacity to service 80 homes, off the island to include approximately 160 acres of virgin F. R. development, without obtaining a new construction permit from DNR and submitting engineered stamped and approved drawings for this purpose; and the violation of DNR regulations for improper drinking water sampling, which in my opinion, has seriously compromised the safe operations of our public drinking water supply, which could affect not only our individual property values, but also our personal health and safety!

The purpose, (and review processes), of the PSC, is to make a determination and ruling as to whether or not F. R. has been in violation of its operational practices as a HOA, and if so, F. R. will have the opportunity to correct these practices, or the water and wastewater system will become a regulated public utility by the PSC. In my opinion, one of the advantages to Big Island property owners, of the PSC's process of determination and ruling, is that public legal council is provided as a service of the PSC to complainants, (persons filing formal complaints), to represent them and their interests at no charge. The formal complaint process before the Commission, will invariably result in (1) a determination and ruling as to the BIHOA and its legal operation as a HOA, (meeting all those requirements), or (2) its legal operation as a public utility, (meeting all those requirements.)

My personal integrity is important to me, as well as the integrity of my intent in filing a formal complaint. The intent of my action was to represent the best interest of every property owner on B.I. Because I know almost every one of you personally as a friend and neighbor, I would also like you to know, that any and all comments and feedback concerning my actions would be respected and welcomed. If you would like additional information and/or have any questions, please do not hesitate to contact me.

In addition, for your convenience, as a part of this E-mail, I have included a blank PSC Formal Complaint form, for anyone who wishes to show support of the complaint issues, and/or express concern by filing a complaint. Any and all subsequent complaints received by the PSC related to the developer's control and operation of the BIHOA, will be assigned an individual case number, and consolidated under the case number of my original PSC complaint. Subsequent, formal complaints have already been made and filed by other B.I. property owners.

Please send your formal complaints, and/or letters and/or documentation supporting the complaint issues to:

Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO. 65102

Sincerely, Your Big Island friend and neighbor,

Cathy Orler
3252 Big Island Drive
Roach, MO. 65787
(573) 317-1490
corlerwine@yhti.net

BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

(Your Name)

Complainant

)
)
)
)
)
)
)
)
)
)

Case No.

)

vs.

Folsom Ridge, LLC (Owning and Controlling the BIHOA)

(utility company's name) Respondent

COMPLAINT

1. Complainant resides at: (your address)

2. Respondent: Folsom Ridge, LLC
Big Island Homeowners Association
P.O. Box 54
Longmont, CO. 80502
(Company's name and address)

is a public utility providing service to complainant's residence.

3. As the basis of this complaint, complainant states the following facts:

4. The complainant has taken the following steps to present this complaint to the respondent:

WHEREFORE, complainant now requests the following relief: (What do you want the PSC to do?)

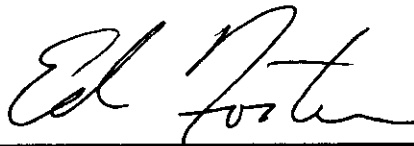
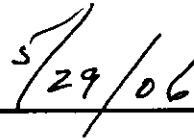
Date

Signature of Complainant

To Whom It May Concern:

I am a Big Island resident, 2640 Big Island Dr. I will not be able to attend the June 2nd public hearing because of travel; however, I want to be heard regarding this matter.

I want to align myself with my neighbors in that I am opposed to P .S. C. Regulation of the Big Island water and sewer system. I am in favor of allowing the current homeowners association to operate the water and sewer system as it is in place presently.

A handwritten signature in cursive script that reads "Ed Foster".A handwritten date "5/29/06" written in a cursive style.

Ed Foster

Duane (S) ~~here~~ =

To: All Big Island Residents and Property Owners

From: Complainants - Cathy Orlor, Ben Pugh, Ben Weir, Stan Temares, Jim Schrader, Cindy Fortney, Leon Fortney
FLA. TAPS SO HOUSE

Until now, any and all, inquiries/questions/concerns regarding the details and specifics of the formal complaints filed with the Missouri Public Service Commission (PSC) from interested persons have been addressed on an individual basis. In an effort to inform and educate all of the residents of Big Island regarding the formal complaints filed with the PSC, and in preparation for the local Public Hearing scheduled for June 2nd this email is being sent.

In addition, this content with supporting documentation, including a summary of the individual formal complaints, will help clarify and correct several inaccuracies and missing information that were reported last week in a local newspaper article. The story, headlined: "Big stink on Big Island", appeared Thursday, May 11 in the Lake Sun Leader newspaper and said that "...a handful of disgruntled homeowners are causing problems for everyone..." but the story did not explain the actual reasons and/or contents of the complaints nor the seven year (7) history of DNR violations on Big Island that have caused many of the problems and controversies existing today.

CAUSED BY
"9"

Complainants' Statement

(Including Summary of Individual Formal Complaints

And Seven (7) Year History of DNR Violations)

OVER

After seven (7) years of ongoing controversies regarding the construction, management structure, and operations of the water and sewer utility (as well as the numerous violations associated with it), between Folsom Ridge, LLC, a Longmont, CO, developer and concerned residents of Big Island, Camden County, Roach, MO, nine (9) Formal Complaints were filed in August and September 2005 with the Missouri Public Service Commission (PSC).

The separate complaints (**Attachment A**) concern the developer owning and controlling the Big Island Homeowners Association (BIHOA) as well as the developer's documented seven (7) year history of violating the rules and regulations of the Missouri Department of Natural Resources (DNR).

Because the individual complaints involved related questions of law and fact, the PSC consolidated the complaints into a single case and directed its Staff to investigate the situation described in the complaints and file a report regarding the results of its investigation.

These individual complaints were originally filed against Folsom Ridge, LLC, and not against the BIHOA itself and/or its actual members. However, on January 31, 2006, the Commission filed an "Order...Adding Big Island Homeowners Association As A Respondent..." and explained that "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 the PSC."

The nine (9) Formal Complaints were filed in the best interests of ALL Big Island property owners, with the intent to prevent current non-members and members of the BIHOA, as well as future members, neighbors and friends from inheriting the personal responsibilities and liabilities (both legally and financially) of a water and sewer utility that is laden with a past history of violations not only in its construction but also in its management structure and operations. (**Attachment B**)

*

DID NOT
ASK

On February 9, 2006, the PSC Staff Report of Investigation of the complaints and issues raised by them included these statements:

- "One well-known deficiency of the utility system is that during construction, both the water pipelines and the sewer pipelines were placed in the same trench, contrary to plans submitted to and approved by the DNR, and in violation of the Missouri Clean Water Law and the Missouri Safe Drinking Water Law. Subsequently, per an April 2004 settlement agreement between Folsom and DNR (represented by the Office of the Attorney General), Folsom agreed to make corrections to the water distribution system. This construction error is being corrected at the cost of the developer."

- "There is no question that central water and sewer facilities are desirable in this area. The Staff believes that among the problems associated with the water and sewer systems, one reason why these complaints were filed, and why the situation exists as it is, is that Folsom believed that it could create an association of utility customers, but retain for itself control of the association."

- Referring to a previous case, "...the Staff does not believe that the BIHOA is a "legitimate" homeowners association, since not all of its customers are members and, also since the developer has control of the association, not the customers."

- "Regardless of the organizational structure that is established for these water and sewer utility systems, it is clear that the technical oversight and construction inspection needs to be improved over what has been done in the past. Additionally, the management of the utility needs to be independent of the developer, and neutral to issues regarding future land development, even if the developers are the owners of the utility."

The Complainants are working towards and seeking a permanent and long-term resolution to the many problems and issues that exist with the current water and sewer system and its operations on Big Island. We are not willing to merely settle for a short term and temporary solution to what has been a chronic seven-year history of well-documented DNR violations involving this utility.

Big Island is located in a recreational, resort area of the Lake of the Ozarks. Most homeowners are part-time (week-end) residents, with less than one fourth (only 25 out of 110), of the total population being permanent residents. Moreover, most property owners want nothing more when they come to the lake on their weekend getaways than to relax and retreat from the stresses of everyday life leaving business concerns far behind. This contributes to an overwhelming issue of complacency and apathy, where the Big Island water and sewer utility and its operations are concerned. Most residents do not want to be bothered with problems of any nature when they come to the lake.

Without PSC regulation, there is no prior evidence to suggest that the operations and management of a Big Island water and sewer system by the residents through any HOA could be successful. To the knowledge of the Complainants, there are no residents who are experienced in the management and operations of a water and sewer system who are willing and/or logistically or physically available to serve on an HOA board for this purpose.

The residents of Big Island, who are currently and actively opposing PSC regulation, are also the same residents, whom until now, have shown very little interest or concern over the past (7) years by involving themselves to help resolve any of the many utility issues as outlined in the Formal Complaints.

In summary, the objective of the nine (9) Complainants in these cases is to ensure that safe and adequate water and sewer services will be provided to ALL residents of Big Island in the future through a regulated public utility that is operated and managed by a certificated company, independent of any association with the Respondent, Folsom Ridge, LLC, or any of its agents or representatives.

For us

Connected

**Summary of Formal Complaints Filed Against
Folsom Ridge, LLC (Owning and Controlling the Big Island
Homeowners Association a.k.a. BIHOA)**

1. **WC-2006-0082 (Orler)** - developer control, service to non-members, fees charged to non-customers – (8/18/05)
2. **WC-2006-0090 (Pugh)** - service to non-members, improper installation and permit compliance, improper real estate disclosure, developer control (8/25/05)
3. **WC-2006-0107 (Weir)** - developer control, entity acts as a utility rather than an association, improper installation and permit compliance, DNR violations, county road violations, fees charged to non-customers (9/9/05)
4. **WC-2006-0120 (Temares)** - improper real estate disclosure, developer control, entity acts as a utility rather than an association (9/19/05)
5. **WC-2006-0121 (Kentner)** - entity acts as a utility rather than an association, utility charges, fees charged to non-customers, connection requirements (9/19/05)
6. **WC-2006-0122 (Schrader)** - a promise to not charge fees to non-customers, improper real estate disclosure, improper installation and permit compliance, forfeit of the right to connect after a certain time, developer control, system capacity issues, threat and assault by utility/developer (9/19/05)
7. **WC-2006-0129 (Stoyer)** -leaks from treatment plant, health hazard, improper installation and permit compliance, developer control, fees charged to non-customers, service to non-members (9/23/05)
8. **WC-2006-0138 (C. Fortney)** - entity acts as a utility rather than an association, fees charged to non-customers, non-members forced to pay association fees, interference with real estate closure, developer control (9/27/05)
9. **WC-2006-0139 (D. Fortney)** - non-members forced to pay association fees, a promise to not charge fees to non-customers, demand for past fees, interference with real estate closure, improper installation and permit compliance, forfeit of the right to connect after a certain time, service to non-members (9/27/05)

Common among **ALL** of these complaints are the claims that **the BIHOA is not a legitimate association, but is controlled by the land developer** in the area who constructed the water and sewer systems. A second common claim is that **non-members of the BIHOA are essentially utility customers**. As such, the BIHOA or perhaps the developer **should be regulated as a water and sewer utility**. Some complaints also allege that the **water and sewer systems do not comply with the regulations of the Missouri Department of Natural Resources (DNR)**, and some allege improper or inconsistent rules and charges regarding service connections. (Excerpted from PSC Staff Report of Investigation, February 9, 2006)

Seven (7) Year History of DNR 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 pay a monetary fine and 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) Unsatisfactory features found during a DNR construction investigation made of Big Island Subdivision waterline replacement and extension mandated by the terms of the **Settlement Agreement (SA)** including: no bedding material being used on the service lines; not all of the water mains conform to the location shown on the approved revised plans; a few water line valves were not accessible because the valves were covered with mud and water inside of the valve box; and a few locations where the new service line valve boxes for both the water is less than ten feet (10') from the existing sewer line valve boxes. (March 18, 2005)

(8) 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" **which was in direct violation of Paragraph 15 of the Settlement Agreement signed in 2004.** (June 28, 2005)

(9) 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)

Subj: Response to Letter From Pam Holstead
Date: 10/1/2005 9:48:58 PM Central Daylight Time
From: SPROUT2
To: Greg.Gutierrez@tellabs.com, PHILPOW, RRusaw@lbcc.org, ReggieG@DiamondGLLL.com, SandyRoyBudz, awnelson@msn.com, baechele@charter.net, beagle1mut@hotmail.com, beaman5@earthlink.net, ben.weir@examiner.net, benweir@comcast.net, boos@iowatelecom.net, brendajean@directway.com, brinker@sptphones.com, catherine.bieg@kraft.com, cedug@yhti.net, Cgdunfee@cs.com, ColeLF, corlerwine@yhti.net, ddeckard@lakeozark.net, ddeckard@planetkc.com, don.norman@bfkpn.com, ELONSONIC, emailmarylee@yahoo.com, emp@yhti.net, ghaddock@kc.rr.com, goldman@lakeozark.net, grayumjames@msn.com, grrrs@hotmail.com, GSJLane, hjacobson@paragoncap.com, janette@hotmail.com, JCVIETH, jdp8020@yahoo.com, joycezeldin@hotmail.com, jtnpj@comcast.net, karben@yhti.net, Kastenfam, kwicker4@comcast.net, Ldl677, let@usmo.com, lisaweir@comcast.net, lmseibolt@everestkc.net, Mabilyeu, momarie3@yahoo.com, Noworkngal, pamcott@fidnet.com, pamersbmo@yahoo.com, prellihan@comcast.net, red4091@yahoo.com, Regal220, sallythorpe@sbcglobal.net, sfields@tatician.com, sheryl@yhti.net, shirleykleppe@yahoo.com, skilake@onemain.com, sowers@rollanet.org, STACYSHORE, StanT48, stoney04@peoplepc.com, stoyer@lakeozark.net, szeldin@worldnet.att.net, tamidavis@everestkc.net, tclking@hotmail.com, TOBYMAHR, tphiley@yahoo.com, wtfoley2@birch.net

October 1, 2005

Dear Pam and The Residents of Big Island:

I have several comments with regard to the letter with the Subject: Letter From Pam Holstead dated October 1st, 2005, but I will limit my comments to a few that personally offended me due to the limited facts stated thereabouts. References in black are quotes from the letter.

I would like to address the 'For whatever reason, some of the pre-existing homeowners received "taps" but did not sign the ratification...' Since I feel it is 'very' significant to state the facts around which you are stating, this is a conflict of legal positions. The reason my father received a sewer tap on his property at 1554 Big Island Drive is because he paid \$4800 to Folsom Ridge, LLC and received the attached letter by David Lees who was a partner of Folsom Ridge, LLC and their manager on Big Island at the time of this transaction. This transaction was in mid 1999. As you stated, the "Declarations" and ratification letter were both much later in 2000 and 2001. My father bought the tap under certain circumstances (David Lees letter) and it is not legal to change the terms of the transaction months later when one of the parties is not agreeable to the change. Yes, my father had the opportunity to read the declarations and to sign the ratification letter, however, he chose not to and under 'no' circumstances was he 'required' to.

"Some of the residents of Big Island, who are affected by these legal issues, have filed complaints with the Missouri Public Service Commission." Pam, I do not know if you have read my complaint or my father's complaint to the PSC. Our issues are much greater than you are leading others to believe within your email. **In short**, our complaints are about Folsom Ridge, LLC and the BIHOA interfering with and hindering the sale of my Dad's house, 1554 Big Island Drive and interfering with and hindering the purchase of my new house, 3298 Big Island Drive. Both transactions were in July of 2005. My father was also threatened with a lawsuit from Folsom Ridge, LLC and BIHOA during his closing. I was coerced into paying \$14 to BIHOA or my closing was going to be halted until issues were resolved. These complaints are on public record, but if you would like more information, feel free to contact me.

Pam, I did not understand the following sentence in your email. Can you please explain more in detail?

Sunday, October 02, 2005 America Online: Regal220

"If the complaints that have been filed lead to a quick resolution of the legal issues, perhaps the P.S.C. will see no need for further involvement on Big Island."

Regards,

Cindy Fortney, CISSP, CISM

Phone: 346-7613

Email: sprout2@aol.com

Pam Holstead <pamersbmo@yahoo.com> wrote:

Date: Sat, 1 Oct 2005 10:11:08 -0700 (PDT)
From: Pam Holstead <pamersbmo@yahoo.com>
Subject: Letter from Pam Holstead
To: Tonie Hiley <tphiley@yahoo.com>

October 1, 2005

Dear Big Island Residents:

In April of 2000, Folsom Ridge, filed the "Declarations" which created the Big Island community water and sewer system. The DECLARATIONS serve as a constitution governing the operation of the association. The Declarations were amended in January 2001. Anyone who purchased land from Folsom Ridge after April 14, 2000, must abide by the "Declarations". Of course there were a lot of homes on Big Island prior to the Declarations being filed in April of 2000. If any of those pre-existing homeowners expressed an interest in connecting to the water and sewer system, they were given the opportunity to purchase a "tap". They were also asked to sign a ratification agreement in which they agreed to be bound by the provisions stated in the "Declarations".

For whatever reason, some of the pre-existing homeowners received "taps" but did not sign the ratification which would have clearly made them members of the water/sewer association. It is their position they are NOT members and cannot be held liable for payment of fees or any other regulations authorized by the Declarations. The opposing thought on the subject is the act of purchasing a tap (although not connected to the system) was enough to make these non-ratified residents members of the association and obligated under the Declarations. There is an obvious conflict of legal positions.

In at least one instance, an owner was allowed to actually connect to the system without first signing a ratification. That "connected" homeowner feels that since he connected without signing a ratification, he also is not a member and not obligated under the Declarations. The opposing position is that certain state regulations require "connected" homeowners to abide by the regulations established for the system to which they are connected. So you see, we have two legal issues which have been present on Big Island for a very long time.

Some of the residents of Big Island, who are affected by these legal issues, have filed complaints with the Missouri Public Service Commission. Hopefully, everyone can manage to set their emotions aside and work toward a voluntarily resolution, if that is not possible, then perhaps those affected will agree to mediation. If the complaints that have been filed lead to a quick resolution of the legal issues, perhaps the P.S.C. will see no need for further involvement on Big Island.

While all of us welcome a final resolution of the legal issues described above, a great many of our residents are fearful the PSC may step in and become the regulatory agency for our water and sewer system. Did you know the P.S.C. receives its funding from fees assessed to the utility companies it regulates? Have you seen the letter which appears on page 2A of the Sept. 28 issue of the WestSide Star newspaper? If the PSC takes over the regulation of our water system, those who are connected to the water will most likely have to purchase and install water meters. Our system would also change from the current "not-for-profit" status, to a system that generates a reasonable profit for its investors. All of these factors would result in higher utility fees without question.

Many residents have expressed a desire to let their views be known on the issue of possible PSC regulation of our water and sewer system. If the PSC is contemplating full time regulation of our system, those of us affected by the regulation have a right to request a local public hearing prior to the final formal hearing which would be scheduled in Jefferson City. The testimony given at the local hearing would be a part of the record at the formal hearing.

If you would like to make your thoughts known regarding possible continuing PSC regulation on Big Island, and if you support the request for a local informal hearing (in the event the PSC is considering continuing regulation) then I have prepared a form which you can complete and send to the PSC making your thoughts known. The form is being emailed to you in a separate email titled "PSC FORM" . If you experience any difficulties printing the form, I will be happy to provide you with a copy of the form. The Hileys will also have copies should you decide to pick up a copy. If you prefer, your completed form can be included in a group packet. Just return it to myself or the Hileys or Snyders, or Stacy Shore and they will get it over to me. Thank you for your time and attention.

Pamela Holstead, Attorney

Phone: 317 - 1198

Email: pamersbmo@yahoo.com

Big Island

Hope this letter answers the final questions on this project about the sewer and water project on Big Island.

1. We will have a monthly fee for the waste water system ,of \$10.00 per month..This fee will be deposited to the Homeowners interest bearing account.
2. It is anticipated with the number of users to this system, that we will have an excess of funds in the interest bearing escrow account.
3. The schedule to oversee this system will be on a as needed basis. We have been advised that to oversee this particular system, to clean filters, check equipment and take samples will require 2 to 3 visits a week. Whoever is chosen, is to be state licensed and accountable to the state of Missouri.
The cost to maintain and operate the system will depend entirely on the units and flow to the waste water system.
4. If a homeowner hooks up to the system , the fee is \$10.00 a month. If they elect to pay their \$4800.00, and a waste water stub is installed at their property, they will not be charged a monthly fee until they hook up.
5. We intend to accommodate each homeowner with the location of the stub out, most convenient to their needs.
6. The funding for the new asphalt road has been funded and is the sole responsibility of the Folsom Ridge LLC. The monies for this project are in escrow at Central bank , Camdenton, Mo.
7. There will be 5 board members which will consist of the 3 developers , one new property owner and one existing property owner.
8. It is your option to hook up to this system. You are under no obligation to do so. If you have any concerns about the developers financial capabilities as stated, feel free to call Jeff Welsh at Central Bank of Camdenton, Mo. Telephone # 573 346 2203 and satisfy yourself as to the LLC's financial capabilities..
9. This offer to hook up to this system is completely voluntary to any existing homeowners. It is mandatory by the DNR for any new homeowners .

We hope that this addresses some of your concerns. If not feel free to contact me at 573 346 6158 . FAX same number..

Sincerely, Dave Lees

Subj: Fwd: Response to Letter From Pam Holstead
Date: 10/2/2005 5:21:23 PM Central Daylight Time
From: Regal220
To: tphiley@yahoo.com

Forwarded Message:

Subj: Re: Response to Letter From Pam Holstead
Date: 10/2/2005 5:19:39 PM Central Daylight Time
From: Regal220
To: SPROUT2


Please correct me if I am wrong. After reading your response to Pam, I gathered that you and your Dad have both sold your property on Big Island? If that is the case, what purpose does your complaint serve except to receive a refund? I think that all of you who have filed with the PSC are entitled to your money back. However, I am not happy that the end result has a negative outcome for most of the property owners who HAVE a current water and sewer hookup.

My second question. Why make everyone suffer for the financial gain of a few? Installation of water meters, for profit districts, loss of control of OUR water/sewer, maintenance concerns during off-hours, up to 300% increase in current rates. These are just a few of the problems you are creating. My hope would be that you can receive your money back without causing grief for the rest of us.

Bob Pohl was going to handle exactly what you have involved the PSC with. Just curious why you couldn't wait?
Regards

IF, as a result of the above complaints, the P.S.C. decides to hold a formal hearing to address the issue of whether or not they will become the permanent regulatory entity for the water / sewer system on Big Island;

THEN, as a homeowner on Big Island who utilizes the water and sewer services (or has plans to utilize the services in the future) I hereby request a local public hearing be held in the Big Island area so those of us who will be affected by such a decision can have an opportunity to ask questions and express our views prior to any formal hearing in Jefferson City. Since many of us are weekend residents, I respectfully request the local public hearing (if appropriate) be held on a Saturday morning and if that is not possible, then perhaps a Friday afternoon.

Signature: 
WILLIAM D. BURFORD

Mailing Address: 3510 N.E. SHADY LN DR GLADSTONE, MO
64119

Phone: 816 289 9948

Date: 10-2-05 Email: REGAL220 @ AOL.COM

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Subj: **Fwd: PSC FORM**
 Date: 10/1/2005 4:06:36 PM Central Daylight Time
 From: tpihley@yahoo.com
 To: pamersbmo@yahoo.com
 CC: rusaw@aol.com, rusaw@lbcc.org, reggie@diamondgllp.com

TO:

Missouri Public Service Commission

P. O. Box 360

Jefferson City, Missouri 65102

RE: Orier, Pugh et al vs. Folsom Ridge and Big Island Homeowner's Association

Case Numbers: WC-2006-0082, 0090, 0120, 0121, 0122, 0129, 0138, & 0139

Dear Commissioners:

I own a home or lot (or both) on Big Island in Camden County, Missouri. I currently utilize the following checked services which are provided through the community water and sewer system:

☒ Water
 ☒ Sewer
 ☐ Neither

IF, as a result of the above complaints, the P.S.C. is considering becoming the regulatory entity for the water and sewer system on Big Island, I want it known my position regarding continuing P.S.C. regulation of Big Island utilities is as indicated:

☒ I am AGAINST PSC regulation

☐ I am in FAVOR of PSC regulation

Subj: **Re: An Open Letter To Big Island Residents**
Date: 9/23/2005 9:31:59 AM Central America Standard Tim
From: RRusaw
To: Regal220

Bill

I am not sure exactly how we are going to deal with these folks and their issues. Just this past Wed the DNR official was there with Crowder (our project mgr) and he was inspecting, etc and Ben, Cathy and Fortney all approached and said that they had a long list of things and that they were not going to quit, even if DNR approves the system.

Hopefully soon there will be a solution and transfer of the system and maybe that will quiet the natives.

Thanks for your note to Ben

Rick



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Big stink on Big Island

[Print Page](#)

By Joyce L. Miller/Lake Sun

CAMDEN COUNTY - A large contingent of Big Island landowners are outraged that a handful of homeowners are creating problems for them and the developer who they say has done nothing wrong but provide residents with economical and efficient water and sewer service. Those landowners who are satisfied with their water and sewer service say they will take their arguments directly to the Missouri Public Service Commission next month during a hearing in Camdenton June 2. The hearing is in response to nine complaints filed with the state utility commission alleging Folsom Ridge, LLC., is selling water and sewer services through the homeowners' association without the approval of the PSC. The hearing will give residents on both sides of the issue and the developers an opportunity to voice opinions before the PSC takes the issue under advisement.



Landowners satisfied with water and sewer service on Big Island say they will argue against some of their neighbor's complaints at a public hearing June 2 before the Missouri Public Service Commission.

The water and sewer service for most residents on the island is currently being provided by Folsom Ridge, LLC, through the homeowners' association, which is governed by a board made up of residents who are members of the organization. The systems are scheduled to be turned over to the association this fall.

If the PSC gets involved, they say that may not happen.

Instead, the developer may be forced to retain the system and be subject to additional rules and regulations through the PSC. That could end up costing residents control over systems and force a rate increase.

As it stands, the water and sewer systems are regularly monitored and, according to residents, there have been no problems with water quality or sewer services.

Most landowners are happy with the arrangement and have nothing but praise for the developers who oversee the systems.

They say a handful of disgruntled homeowners are causing problems for everyone and they don't want the controversy or the publicity.

Fred Goldman has owned property on Big Island since 1988. He said a few residents have gone to great lengths to cause trouble, filing complaints with the PSC when there was nothing to complain about.

"Some of them who complained no longer reside here," Goldman said. "One of them isn't on the sewer system and another one isn't on the water system. The developer has gone out of his way to provide these services and a small minority is causing all the trouble. The majority of the people are very happy. The sewer is a blessing. I knew God was there when the central sewer system was built. I don't understand. The homeowners association was going to take the systems over, but I don't know what will happen now."

James and Jennifer Watson said their experience with Folsom Ridge began several years ago when they purchased a home from the developer. Even though the warranty had expired, the developer came in and took care of a number of repairs the Watsons found after they moved in.

As far as the water and sewer services, James Watson said they have never had any reason to complain.

"Unfortunately, I think this is going to cause grief and strife for many of us," James Watson said. "If anything does come up, they take care of it right away and we never have to worry about the quality or the cost."

One declined to be quoted and a second could not be reached for comment of the nine who complained and could be tracked down.

Contact this reporter at joycem@lakesunleader.com

[Close Window](#)

Subj: **Your Public Hearing Comments**
 Date: 5/10/2006 7:52:16 PM Central Daylight Time
 From: tpihley@yahoo.com
 To: kingsuperlube@yahoo.com, baechle@charter.net, beaman5@earthlink.net,
catherine.bieg@kraft.com, boos@iowatelecom.net, elonsonic@aol.com, brinker@sptphones.com,
sandyroybudz@aol.com, rpburchard@ccis.edu, regal220@aol.com, mwoods12@sbcglobal.net,
philpow@aol.com, coelf@aol.com, judyacole@aol.com, mike@econley.com,
evanconnell2001@yahoo.com, pamcott@fidnet.com, smdavis@dstsystems.com,
tamidavis@everestkc.net, michelle_day_6@msn.com, ddeckard@lakeozark.net,
cgdunfee@cs.com, sfields@tactician.com, wtfolley2@birch.net, efosterv@msn.com,
cedug@yhti.net, goldman@lakeozark.net, captbbg@cox.net, ggooding@peoplestelecom.net,
grayumjames@msn.com, greg.gutierrez@tellabs.com, ghaddock@kc.rr.com, GH747@aol.com,
bigisland2308HES@aol.com, jeannehesse@webtv.net, tpihley@yahoo.com,
pamersbmo@yahoo.com, hjacobson@kc.rr.com, kastenfam@aol.com, kleppe29@mac.com,
tlckling@hotmail.com, skilake@onemain.com, garylanc@kc.rr.com, ldl677@aol.com,
Levk@yhti.net, tobymahr@aol.com, momarie3@yahoo.com, ljmdalton@sbcglobal.net,
jmiddle@IPA.net, bigislanders@earthlink.net, awnelson@msn.com, don.norman@bfkpn.com,
vpotter@sbcglobal.net, emp@yhti.net, jdp8020@yahoo.com, lrellihan@comcast.net,
prellihan@comcast.net, m1rubert@aol.com, esebastian@sbcglobal.net, lmseibolt@everestkc.net,
stacyshore@aol.com, partee730@aol.com, stoney04@peoplepc.com, beagle1mut@hotmail.com,
jrsowers@rollanet.org, sowers@rollanet.org, tagent28@up.com, sthorpe@sofnet.com,
jtnpj@comcast.net, let@usmo.com, jcvieth@aol.com, laketoon4@wmconnect.com,
noworkngal@aol.com, j.w.white@sbcglobal.net, kwicker4@comcast.net, alw@direcway.com,
brendajean@direcway.com, zahncorp@aol.com, szeldin@worldnet.att.net,
joycezeldin@hotmail.com

Big Island Property Owners (Non-Complainants Only):

We sent you the document from the Missouri Public Service Commission (PSC) that announces a public hearing (attached again for your convience) to be held on 2 June, 2006 for the purpose of hearing comments from interested residents of Big Island on complaints filed by several (8) individuals. The individuals (complainants) referred to are: Cathy Orler, Ben Pugh, Ben Weir, Stan Temares, Judy Kenter, Joe Schrader, Cindy Fortney, and Dean Fortney.

The PSC now wishes to hear from the "non-complainants" before any rulings are made; they have spent the last nine months hearing from the complainants. **This will most likely be the only opportunity non-complainants will have to give any input.**

In the next week to 10 days, Tonie and I will attempt to put together a clear summary for you of the facts/issues and the options available for operating the community water/sewer system in the future. Hopefully, the results will be helpful if you wish to make formal comments at the public hearing. If you decide that you wish to speak, please let us know and we will attempt to organize so that all speakers will have time to be heard. If you do wish to speak, we suggest that you type out your comments to hand in at the hearing so that they can be accurately recorded and reviewed by the PSC staff. This will also help with being succinct as there will be only two hours for comments. Or ... if you cannot attend the hearing, Tonie and I would be glad to hand deliver your written comments to the Commission.

Tonie and I now have copies of all the complaints and the investigation done by PSC. We will use these for our summary task above. If you want copies of the complaints to read for yourself, let us know and we will forward them to you.

Phil and Tonie Hiley
573 317 9305

3184 Big Island Dr
Roach, Mo 65787
tphiley@yahoo.com

Subj: Fwd: More PSC input
 Date: 5/10/2006 10:30:26 AM Central Daylight Time
 From: pamersbmo@yahoo.com
 To: tphiley@yahoo.com, stoney04@peoplepc.com, regal220@aol.com, stacyshore@aol.com

"Merciel, James" <james.merciel@psc.mo.gov> wrote:

Subject: RE: Big Island Public Hearing
 Date: Wed, 10 May 2006 08:11:26 -0500
 From: "Merciel, James" <james.merciel@psc.mo.gov>
 To: "Pam Holstead" <pamersbmo@yahoo.com>

The June 2 event will not be the end. It is simply a hearing for the purpose of taking comments from the public. The parties will still have to agree on, and the Commission will need to approve, a resolution as to some legitimate way that this utility will be operated.

Jim Merciel

From: Pam Holstead [mailto:pamersbmo@yahoo.com]
Sent: Tuesday, May 09, 2006 7:12 PM
To: Merciel, James
Subject: RE: Big Island Public Hearing

Thank you very much. The notice will be forwarded to those Big Island residents for whom we have an email address. Will everything come to a conclusion at the June 2 hearing? If not, what can we expect to happen following the hearing?
 Pam Holstead

"Merciel, James" <james.merciel@psc.mo.gov> wrote:

Ms. Holstead
 The local hearing will be in a meeting room at the Mid-County Fire Protection District, 184 N. Highway 5, Camdenton. It is on June 2 beginning at 2:00pm. Please see the attached order from the Commission.

Jim Merciel

From: Pam Holstead [mailto:pamersbmo@yahoo.com]
Sent: Tuesday, May 09, 2006 12:55 PM
To: Merciel, James
Subject: Big Island Public Hearing

Mr. Merciel:

I read in the online version of the Camden County Lake Sun Leader today, that

a public hearing is being held by the P.S.C. on Friday, June 2, from 2-4 pm. The article did not say WHERE the meeting is being held but that it was concerning complaints filed by a few of the Big Island residents against Fulsom Ridge. Can you please confirm the location, as well as date and time so we can let residents know about it?

Thank you.

Pamela Holstead

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Subj: **My thoughts on the PSC Hearing**
 Date: 5/10/2006 12:22:46 PM Central Daylight Time
 From: pamersbmo@yahoo.com
 To: brendajean@direcway.com, szeldin@worldnet.att.net, let@usmo.com, jcvieth@aol.com,
stoney04@peoplepc.com, beagle1mut@hotmail.com, tagent28@up.com, jdp8020@yahoo.com,
lmseibolt@everestkc.net, brwls@webtv.net, stacyshore@aol.com, don.norman@bfkpn.com,
hjacobson@kc.rr.com, tlckling@hotmail.com, grayumjames@msn.com, ghaddock@kc.rr.com,
tamidavis@everestkc.net, cedug41@yhti.net, brinker@sptphones.com, regal220@aol.com,
judyacole@aol.com, evanconnell2001@yahoo.com, pamcott@fidnet.com, Sheryl@yhti.net,
beaman5@earthlink.net, boos@iowatelecom.net

Neighbor:

Based on my own personal research and thoughts, the primary topic for discussion at the June 2 PSC hearing is:

1) Should the Big Island water / sewer utilities be privately owned and PSC regulated.....or should they be owned by a homeowners association that is operating under the guidelines established by PSC?

This might also be a good time to make your position known on the subject of water meters - - IF we end up PSC regulated, they may insist on water meters unless we have sufficient opposition.

Unfortunately, I will not be able to attend the June 2 hearing. Following are the points I would make if I were there. Hopefully those of you who feel the same will convey these points at the hearing.

A) I am opposed to anything that will increase my utility costs and it is my understanding if our utilities are PSC regulated, there will be a substantial increase in the fee currently being charged for my water and sewer services.

B) I believe the developer who bore the cost of installing the utilities should not be forced to relinquish all control over those utilities prior to the substantial completion of the project which prompted the installation. **Therefore, I think PSC needs to amend their homeowner association guidelines. PSC homeowner association guidelines currently require "one vote per customer". I believe the PSC guidelines should instead provide "one vote per lot" which would allow the developer to maintain control over the utilities he installed and paid for - - until the project is substantially complete.**

C) If it is decided that our utilities are going to be PSC regulated, I strongly oppose any requirement by the PSC that water meters be required for each household. This would be an additional unnecessary and unwarranted expense that would ultimately be charged back to each homeowner.

Pam Holstead

How low will we go? Check out Yahoo! Messenger's low PC-to-Phone call rates.

EXTRA

Subj: **Fwd: Folsom Ridge - Public Service Commission Complaint**
 Date: 9/2/2005 4:01:46 PM Central Standard Time
 From: Regal220
 To: Burf frog

Forwarded Message.

Subj: **Folsom Ridge - Public Service Commission Complaint**
 Date: 9/1/2005 3:04:52 PM Central Standard Time
 From: karben@yhti.net
 To: szeldin@worldnet.att.net, joycezeldin@hotmail.com, brendajean@direcway.com, kwicker4@comcast.net, lisaweir@comcast.net, ben.weir@examiner.net, benweir@comcast.net, noworkngal@aol.com, jcvieith@aol.com, janetussey@yahoo.com, let@usmo.com, jtnpj@comcast.net, sthorpe@sofnet.com, stant@aol.com, stoyer@lakeozark.net, sowers@rollanet.org, beagle1mut@hotmail.com, stoney04@peoplepc.com, lmseibolt@everestkc.net, prellihan@comcast.net, karben@yhti.net, jdp8020@yahoo.com, emp@yhti.net, a1000isenuf@aol.com, corlerwine@yhti.net, don.norman@bfkpn.com, awnelson@msn.com, bigislanders@gbronline.com, mjmckean@earthlink.net, tobymahr@aol.com, red4091@yahoo.com, idl677@aol.com, gsllane@aol.com, skilake@onemain.com, tolking@hotmail.com, shirleykleppe@yahoo.com, kastenfam@aol.com, hjacobson@paragoncap.com, pammersbmo@yahoo.com, tphiley@yahoo.com, bobjhermann@medtronic.com, ghaddock@kc.rr.com, Greg.Gutierrez@tells.com, sfields@tatician.com, grayumjames@msn.com, goldman@lakeozark.net, cedug@yhti.net, Sprout2@aol.com, wtfoley2@birch.net, Lrellihan@comcast.net, cgdunfee@cs.com, ddeckard@planetkc.com, ddeckard@lakeozark.net, tamidavis@everestkc.net, pamcott@fidnet.com, janette@hotmail.com, mike@econley.com, colelf@aol.com, blb783@junjo.com, regal220@aol.com, SandyRoyBudz@aol.com, brinker@sptphones.com, elonsonic@aol.com, boos@iowatelecom.net, mabilyeu@aol.com, catherine.bieg@kraft.com, patman@beaven.us, beaman5@earthlink.net, baechle@charter.net, sheryl@yhti.net
 CC: corlerwine@yhti.net
Sent from the Internet (Details)

Subject: Folsom Ridge - Public Service Commission Complaint

September 01, 2005

My name is Cathy Orler, and I have been a full time resident of Big Island, (B.I.), for nearly six years. During this time, I have witnessed and been personally involved in the ongoing controversies surrounding the ethical and legal issues of the business practices of Folsom Ridge, LLC (F.R.), the developer on B.I., as to their management and control of the Big Island Homeowners Association. (BIHOA).

With no resolution to these differences, I was left with no alternative, and therefore forced to file a "Formal Complaint" with the Public Service Commission, (PSC), of the state of Missouri. My action in this matter was done as an individual property owner, and in no way is associated with a formal or informal group and/or organization.

My formal complaint, filed on August 18, 2005, (before the September 01, 2005 transfer of liability of the BIHOA to its members), was against Folsom Ridge, (F.R.), owning and controlling the BIHOA, and was not against the BIHOA itself and/or its members. Therefore, any and all legal issues, in my opinion, that may be associated with and/or resulting from the questionable operational and business practices of the BIHOA, will remain with F.R.

Friday, September 02, 2005 America Online: Burf frog

The basis of my complaint, in my opinion, was that the current BIHOA, (being owned and controlled by F. R.), has not been operating as a HOA, by providing services and/or billing users and non-users who are not members of the BIHOA. In addition, many serious DNR violations have been committed by F. R. throughout their 7 years of attempted development on B.I., including the two most recent violations of expanding the original and present water system with a maximum capacity to service 80 homes, off the island to include approximately 160 acres of virgin F. R. development, without obtaining a new construction permit from DNR and submitting engineered stamped and approved drawings for this purpose; and the violation of DNR regulations for improper drinking water sampling, which in my opinion, has seriously compromised the safe operations of our public drinking water supply, which could affect not only our individual property values, but also our personal health and safety!

The purpose, (and review processes), of the PSC, is to make a determination and ruling as to whether or not F. R. has been in violation of its operational practices as a HOA, and if so, F. R. will have the opportunity to correct these practices, or the water and wastewater system will become a regulated public utility by the PSC. In my opinion, one of the advantages to Big Island property owners, of the PSC's process of determination and ruling, is that public legal council is provided as a service of the PSC to complainants, (persons filing formal complaints), to represent them and their interests at no charge. The formal complaint process before the Commission, will invariably result in (1) a determination and ruling as to the BIHOA and its legal operation as a HOA, (meeting all those requirements), or (2) its legal operation as a public utility, (meeting all those requirements.)

My personal integrity is important to me, as well as the integrity of my intent in filing a formal complaint. The intent of my action was to represent the best interest of every property owner on B.I. Because I know almost every one of you personally as a friend and neighbor, I would also like you to know, that any and all comments and feedback concerning my actions would be respected and welcomed. If you would like additional information and/or have any questions, please do not hesitate to contact me.

In addition, for your convenience, as a part of this E-mail, I have included a blank PSC Formal Complaint form, for anyone who wishes to show support of the complaint issues, and/or express concern by filing a complaint. Any and all subsequent complaints received by the PSC related to the developer's control and operation of the BIHOA, will be assigned an individual case number, and consolidated under the case number of my original PSC complaint. Subsequent, formal complaints have already been made and filed by other B.I. property owners.

Please send your formal complaints, and/or letters and/or documentation supporting the complaint issues to:

Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO. 65102

Sincerely, Your Big Island friend and neighbor,

Cathy Orler
3252 Big Island Drive
Roach, MO. 65787
(573) 317-1490
corlerwine@yhti.net

BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

(Your Name)

Complainant

)
)
)
)
)
)
)
)
)
)

Case No.

)

vs.

Folsom Ridge, LLC (Owning and Controlling the BIHOA)

(utility company's name) Respondent

COMPLAINT

1. Complainant resides at: (your address)

2. Respondent: Folsom Ridge, LLC
Big Island Homeowners Association
P.O. Box 54
Longmont, CO. 80502
(Company's name and address)

is a public utility providing service to complainant's residence.

3. As the basis of this complaint, complainant states the following facts:

4. The complainant has taken the following steps to present this complaint to the respondent:

WHEREFORE, complainant now requests the following relief: (What do you want the PSC to do?)

Date

Signature of Complainant

EXTRA

Subj: Folsom Ridge - Public Service Commission Complaint
Date: 9/1/2005 3:04:52 PM Central Standard Time
From: karben@yhti.net
To: szeldin@worldnet.att.net, joycezeldin@hotmail.com, brendajean@direcway.com, kwicker4@comcast.net, lisaweir@comcast.net, ben.weir@examiner.net, benweir@comcast.net, noworkngal@aol.com, jcvieih@aol.com, janetussey@yahoo.com, let@usmo.com, jtnpi@comcast.net, sthorpe@sofnet.com, stant@aol.com, stoyer@lakeozark.net, sowers@rollanet.org, beagle1mut@hotmail.com, stoney04@peoplepc.com, lmseibolt@everestkc.net, prellihan@comcast.net, karben@yhti.net, jdp8020@yahoo.com, emp@yhti.net, a1000isenuf@aol.com, corlerwine@yhti.net, don.norman@bfkpn.com, awnelson@msn.com, bigislanders@gbronline.com, mjmckean@earthlink.net, tobymahr@aol.com, red4091@yahoo.com, ldi677@aol.com, gsilane@aol.com, skilake@onemain.com, tclking@hotmail.com, shirleykleppe@yahoo.com, kastenfam@aol.com, hjacobson@paragoncap.com, pamersbmo@yahoo.com, tphiley@yahoo.com, bobjhermann@medtronic.com, ghaddock@kc.rr.com, Greg.Gutierrez@tellabs.com, sfields@tatician.com, grayumjames@msn.com, goldman@lakeozark.net, cedug@yhti.net, Sprout2@aol.com, wtfoley2@birch.net, Lrellihan@comcast.net, cgdunfee@cs.com, ddeckard@planetkc.com, ddeckard@lakeozark.net, tamidavis@everestkc.net, pamcott@fidnet.com, janette@hotmail.com, mike@econley.com, colelf@aol.com, blb783@juno.com, regal220@aol.com, SandyRoyBudz@aol.com, brinker@sptphones.com, elonsonic@aol.com, boos@iowatelecom.net, mabilyeu@aol.com, catherine.bieg@kraft.com, patman@beaven.us, beaman5@earthlink.net, baechle@charter.net, sheryl@yhti.net
CC: corlerwine@yhti.net

Subject: Folsom Ridge - Public Service Commission Complaint

September 01, 2005

My name is Cathy Orlor, and I have been a full time resident of Big Island, (B.I.), for nearly six years. During this time, I have witnessed and been personally involved in the ongoing controversies surrounding the ethical and legal issues of the business practices of Folsom Ridge, LLC (F.R.), the developer on B.I., as to their management and control of the Big Island Homeowners Association. (BIHOA).

With no resolution to these differences, I was left with no alternative, and therefore forced to file a "Formal Complaint" with the Public Service Commission, (PSC), of the state of Missouri. My action in this matter was done as an individual property owner, and in no way is associated with a formal or informal group and/or organization.

My formal complaint, filed on August 18, 2005, (before the September 01, 2005 transfer of liability of the BIHOA to its members), was against Folsom Ridge, (F.R.), owning and controlling the BIHOA, and was not against the BIHOA itself and/or its members. Therefore, any and all legal issues, in my opinion, that may be associated with and/or resulting from the questionable operational and business practices of the BIHOA, will remain with F.R.

The basis of my complaint, in my opinion, was that the current BIHOA, (being owned and controlled by F. R.), has not been operating as a HOA, by providing services

and/or billing users and non-users who are not members of the BIHOA. In addition, many serious DNR violations have been committed by F. R. throughout their 7 years of attempted development on B.I., including the two most recent violations of expanding the original and present water system with a maximum capacity to service 80 homes, off the island to include approximately 160 acres of virgin F. R. development, without obtaining a new construction permit from DNR and submitting engineered stamped and approved drawings for this purpose; and the violation of DNR regulations for improper drinking water sampling, which in my opinion, has seriously compromised the safe operations of our public drinking water supply, which could affect not only our individual property values, but also our personal health and safety!

The purpose, (and review processes), of the PSC, is to make a determination and ruling as to whether or not F. R. has been in violation of its operational practices as a HOA, and if so, F. R. will have the opportunity to correct these practices, or the water and wastewater system will become a regulated public utility by the PSC. In my opinion, one of the advantages to Big Island property owners, of the PSC's process of determination and ruling, is that public legal council is provided as a service of the PSC to complainants, (persons filing formal complaints), to represent them and their interests at no charge. The formal complaint process before the Commission, will invariably result in (1) a determination and ruling as to the BIHOA and its legal operation as a HOA, (meeting all those requirements), or (2) its legal operation as a public utility, (meeting all those requirements.)

My personal integrity is important to me, as well as the integrity of my intent in filing a formal complaint. The intent of my action was to represent the best interest of every property owner on B.I. Because I know almost every one of you personally as a friend and neighbor, I would also like you to know, that any and all comments and feedback concerning my actions would be respected and welcomed. If you would like additional information and/or have any questions, please do not hesitate to contact me.

In addition, for your convenience, as a part of this E-mail, I have included a blank PSC Formal Complaint form, for anyone who wishes to show support of the complaint issues, and/or express concern by filing a complaint. Any and all subsequent complaints received by the PSC related to the developer's control and operation of the BIHOA, will be assigned an individual case number, and consolidated under the case number of my original PSC complaint. Subsequent, formal complaints have already been made and filed by other B.I. property owners.

Please send your formal complaints, and/or letters and/or documentation supporting the complaint issues to:

Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO. 65102

Sincerely, Your Big Island friend and neighbor,

Cathy Orlor
 3252 Big Island Drive
 Roach, MO. 65787
 (573) 317-1490
 corlerwine@yhti.net

BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

(Your Name)

Complainant

)
)
)
)
)
)
)
)
)
)

Case No.

)

vs.

Folsom Ridge, LLC (Owning and Controlling the BIHOA)

(utility company's name)

Respondent

COMPLAINT

1. Complainant resides at: (your address)

2. Respondent: Folsom Ridge, LLC
Big Island Homeowners Association
P.O. Box 54

Longmont, CO. 80502
(Company's name and address)

is a public utility providing service to complainant's residence.

3. As the basis of this complaint, complainant states the following facts:

4. The complainant has taken the following steps to present this complaint to the respondent:

WHEREFORE, complainant now requests the following relief: (What do you want the PSC to do?)

Date

Signature of Complainant

Pamela Holstead, Attorney
3458 Big Island Drive
Roach, MO 65787

May 17, 2006

To: Missouri Public Service Commission
Re: Case # WC-2006-0082 Orlor vs. Folsom Ridge (Big Island)

Since I am a Big Island resident and will not be able to attend the public hearing on June 2, 2006, I am requesting this letter be presented at that hearing and become a part of the official record.

Developer, Folsom Ridge, purchased a large parcel of undeveloped land on Big Island at Lake of the Ozarks. There were a number of pre-existing homes on the Island at the time of the purchase. All of the complainants are owners of pre-existing homes. The developer installed a community water and sewer system which would service his future development. As a courtesy, the developer allowed nearby pre-existing homeowners to purchase taps for their houses with the understanding they could connect to the community utility system at that time or in the future. A document was subsequently recorded which created the Big Island Homeowners Association - the governing entity for the new community water & sewer system. (It could have been more appropriately named Big Island Water and Sewer Association.) Pre-existing homeowners who purchased taps and hooked into the system, or now had the option of hooking into the system, were asked to sign a ratification of the homeowners association agreement. Those who signed ratifications clearly obligated themselves to abide by the rules for the use of the system. They received the benefit of community water and sewer and agreed to the responsibilities which accompanied that benefit. However, in several instances homeowners purchased taps but later refused to sign ratifications and in at least one instance, a pre-existing homeowner actually hooked up to the sewer system but refused to sign a ratification. Instead of disconnecting that homeowner from the system, the association allowed them to remain on line.

Big Island homeowner association meetings were held. At least some of those meetings were attended by both Cathy (Litty) Orlor and Ben Pugh who participated in the discussions. At one such meeting, a majority of the homeowners in attendance decided to start imposing a nominal monthly administration fee on all homeowners who had an "unconnected tap". It was that decision by the homeowners (not the developer) which ultimately led to the filing of these PSC complaints some years later. It seems the simplest resolution would be to rescind that action.

Cathy Orlor (complainant) has a tap which was in place when she and her ex-husband purchased their home on Big Island. She has the option of connecting to community water and sewer but has not done so. Although it is my understanding Ms. Orlor's former husband, Jeff Litty, signed a HOA ratification agreement, Ms. Orlor claims she has not, is therefore not a member of the homeowners association, and cannot be made to pay the nominal monthly administration fee. In an effort to resolve this dispute, the developer and the homeowners association are willing to concede Ms. Orlor did not sign a ratification agreement, is not connected, and is therefore not obligated to pay the nominal administrative fees. (She would be expected to sign a ratification

prior to connecting to the system and would pay a "connection fee" at that time) Although this is the monetary relief she requested, it is no longer the relief she desires. Her complaint with the P.S.C. has become a personal vendetta. The P.S.C. has become Ms. Orler's personal weapon that she is wielding against the developer and the neighbors who have opposed her course of action. Ms. Orler's continued pursuit through the PSC generates substantial legal expenses and loss of time to the developer and the certainty of skyrocketing utility costs to her neighbors. There is a sense of outrage on Big Island that someone who doesn't avail themselves of our water or sewer services is having such a major impact on those who do.

Ms. Orler and Mr. Pugh are partners and ringleaders in the vendetta against the developer. They actively solicited the other complainants. Mr. Pugh purchased a sewer tap only. Like Ms. Orler, he refused to sign the ratification agreement for the homeowner covenants. Like Ms. Orler, he claims he is not a member of the homeowner association. However, Mr. Pugh HAS connected to the community sewer system. Now he claims the developer should be punished by the PSC for providing utility services to non-members - - namely himself. In the interest of making Mr. Pugh happy, we acknowledge he did not sign a ratification agreement to the homeowner covenants, the developer is willing to disconnect Mr Pugh from the community sewer system, return the money Mr. Pugh spent for the sewer tap, and remove it. This is also not acceptable to Mr. Pugh. There are those who believe Mr. Pugh will be satisfied by nothing less than a public hanging of the developer. P.S.C. has become the rope.

I'm not going to address the other complaints because some lack standing, some present issues that are not within PSC jurisdiction, and most of the complaints parrot the issues covered above. Have there been mistakes and valid complaints in the past? You bet. Have they been satisfactorily addressed? Yes. Do we have a safe, efficient (and currently economical) water and sewer system? Absolutely.

It is my understanding the P.S.C. does not regulate water and sewer associations that are operated by a homeowners association..... provided the homeowner's association meets the following two P.S.C. guidelines: 1. Recorded covenants must provide "one vote per customer" as opposed to "one vote per lot"; and 2. Service cannot be provided to individuals who are NOT members of the homeowner association.

The One Vote Per Customer rule originated with the 1993 Rocky Ridge case (WD-93-307). The facts in the Rocky Ridge case are substantially distinguished from the facts of the present situation. Unlike Folsom Ridge, Rocky Ridge was not borne out of a new development project. When a development project is completed, it makes little difference whether votes are based on one vote per lot or one vote per customer. Results will be similar if not the same. Folsom Ridge development installed a community water and sewer system to service their brand new Big Island development project which has only scarcely begun. As a public service to the surrounding community, Folsom Ridge made the newly installed utilities available to pre-existing homeowners first. If developers followed the "one vote per customer" rule when establishing a not-for-profit property owner's utility association, they would NEVER offer utility services to pre-existing homes neighboring the development area. Doing so, would give control of a significant developer investment to **individuals who may not want to see nearby virgin**

land developed and could use their new found power to throw up obstacles to that development. In the current set of circumstances, adhering to the "one vote per customer" rule is detrimental to public policy and would have deprived pre-existing homes of updated community water and sewer services. Developers should not be required to adhere to the "one vote per customer" rule and should instead be permitted to utilize the "one vote per lot" ruleat least until such time as the project is substantially completed.

P.S.C. guidelines prohibit homeowner associations, who provide utility services, from providing said services to non-members. That is a complaint of Mr. Pugh.....that the homeowner's association is providing service to him, a non-member. The Big Island Homeowners Association was established for the purpose of providing low cost non-profit utility services to all residents of Big Island. The association imposes no dues. Membership is free to everyone on Big Island. Perhaps, the covenants should be amended to make that premise abundantly clear. Ms. Orlor and Mr. Pugh were never turned away from any of the many homeowner meetings which they attended. The only benefit offered to members of the Big Island homeowners association is the option to become a customer of the utilities which the homeowner association leases from the developer. Mr. Pugh voluntarily availed himself of that option and is receiving sewer services. Anyone who connects to the utility system but refuses to voluntarily subject themselves to homeowner association membership, should be ordered to disconnect from the system.

In summarizing, let it be known that I am opposed to P.S.C. regulation of the Big Island water and sewer system. I believe the current homeowners association should be allowed to continue operating the water and sewer system under the lease agreement with Folsom Ridge. I believe the association should eliminate administrative "tap fees" for all unconnected homeowners. I believe homeowners who connect to the utility system should agree to be members of the association which governs it, or be disconnected. I believe the P.S.C. guidelines should be altered in "new development" situations to allow "one vote per lot" instead of "one vote per customer" as I believe that is in the public's best interest and especially the best interest of pre-existing homeowners. I believe complaints filed in bad faith and pursued in bad faith have the effect of making the Commission an accomplice in a personal vendetta. Such complaints should be dismissed, and those filing ordered to pay respondent's legal expenses.

Thank you,


Pamela Holstead.

Subj: **An Open Letter To Big Island Residents**
Date: 9/21/2005 7:30:55 PM Central America Standard Tim
From: benweir@comcast.net
To: SandyRoyBudz@aol.com

Dear Residents,

This is an "open letter" to provide both factual documentation and "commentary" explaining recent DNR violations occurring on Big Island and why, in my opinion, this type of misbehavior must come to an end once and for all. Unfortunately, I was hoping that these violations would have been publicly disclosed to all property owners by now rather than through the "rumor mill" which usually results in worse results than just telling the truth in the first place.

About a week ago, you received a letter from Phil and Tonie Hiley which, among other things, pleaded "for respectful future actions by all that will return us to peace among the neighbors, and an effort by all to get involved and make the best of it in this new Big Island community."

I could not agree more with Phil and Tonie. However, the first step in that effort needs to begin with the developer, Folsom Ridge, LLC, and the full disclosure and explanation from them about why these violations were committed and how they plan to guarantee the property owners that this type of behavior NEVER happens again. In addition, a public apology from them is needed to indicate their willingness to be the leader of the SOLUTION in the healing process that Phil and Tonie seek rather than being the REASON there continues to be "the seemingly endless, intense conflict." It's been long overdue for the past seven (7) years.

I apologize for the length of the attached document, but it was necessary to present all the facts and related "opinions" in depth so you could be fully informed and decide your own course of action, if any. I have always believed that a truly free and democratic society depends on the ability of the populace to air their opposing views in a "respectful" manner as Phil and Tonie suggested.

This is my individual effort to encourage ALL parties to start solving OUR differences together for the betterment of the community at large rather than ignoring them in the false belief they will go away.

Respectfully submitted,

Ben F. Weir Jr. 

Date: September 21, 2005

To: Big Island Property Owners

Subject: Commentary/Public Disclosure of Latest DNR Violations

This message is written in response to an e-mail Phil Hiley sent Thursday, September 15, 2005 to Big Island residents and property owners referring to an e-mail Ben Pugh sent on 9/9/05 responding to an inaccurate statement made in Phil's 9/7/05 letter indicating that "the current community water/sewer system, with the water line corrections completed by Folsom Ridge (FR), has now been approved by the Department of Natural Resources and is operational."

The intent of this commentary is NOT to be confrontational BUT rather to provide factual information to Big Island property owners regarding the current status of the community water/sewer system including the public disclosure of five (5) more DNR violations reported in June 2005 affecting the community water supply serving Big Island Subdivision. With this information, YOU as an individual property owner can decide your own appropriate response. My opinions are just that, and you will have your own. That's fair. The facts stand on their own merits.

I have been a resident of Big Island since 1962. I do not have a sewer tap. I do not have a water tap. I am not a member of the BIHOA. However, I am a "Concerned Homeowner" who wants to protect my property values as well as those of my neighbors and am deeply concerned as to the current "state of affairs" on Big Island involving the management and operation of the community sewer and water system. Good or bad now is the time for accountability.

The information printed in BOLD type below is a matter of public record and copies are available at the Southwest Regional Office, Missouri Department of Natural Resources (DNR), Springfield, MO. These most recent violations (as well as many other DNR documents) have all been submitted to the Missouri Public Service Commission (PSC) for their review as part of a multitude of Formal Complaints recently filed by a group of individual Big Island property owners.

(Note: These five (5) most recent violations were committed while the developer, Folsom Ridge, LLC, was operating under a state-mandated DNR Settlement Agreement (SA) issued in March 2004 "detailing the relocation of the drinking water distribution system".

Of special interest in light of these most recent violations is Paragraph 15 of that same agreement, which reads as follows:

15. In consideration for the release contained herein, Folsom agrees to comply with all applicable Missouri water pollution statues and regulations in the future.

Reggie Golden, Rick Rusaw, Robert C. Cook, Assistant Attorney General of Missouri, and Jim Hull, director, Water Protection Program, Missouri Department of Natural Resources, all signed the SA in April 2004.)

All underlined information is from the original letter as written by Phil Hiley.

CLARIFICATION NO. 1—(As written by Phil Hiley.)

"Relative to start-up of the corrected water system, I was told by FR that the construction for the corrected system was complete, the proper bacteria and pressure checks were satisfactory, and the complete system was now operational and safe. My assumption was that DNR had approved the water line corrections. Bad assumption; there is no official approval yet."

VIOLATION NO. 1—

June 28, 2005

NOTICE OF VIOLATION #11210SW

**Mr. Reggie Golden
Folsom Ridge, L.L.C.
P.O. Box 54
Longmont, CO 80501**

Dear Mr. Golden:

On May 13, 2005, during a construction inspection, Mr. Clinton J. Finn, P.E., of the Missouri Department of Natural Resources Southwest Regional Office (the department), observed an area adjacent to Big Island Subdivision that was being cleared for development. It was observed that waterlines from the Big Island Subdivision Waterline Relocation of Phase I and New Phase III project (review number 53303-04) appear to have been extended to this area under development.

In an effort to determine if this extension of waterlines was included in the approval of the above mentioned project, a construction inspection was conducted by Mr. Breck Summerford, P.E. and Mr. John MacEachen, both of the department's Public Drinking Water Branch, Ms. Elena Seon, of the department's Water Pollution Branch, and Mr. Clinton J. Finn, P.E., of this office.

During this construction inspection, it was determined that waterlines have been extended to this area adjacent to Big Island Subdivision and that this extension was not included in the approval for the Waterline Relocation of Phase I and New Phase III project. Therefore, this extension constitutes construction, installation, or modification of a community public water

supply without written authorization, and is a violation of the federal and state Safe Drinking Water Law and Regulations as listed below:

Folsom Ridge, L.L.C. failed to obtain written authorization from the department prior to construction, alteration, or extension of the drinking water system at Big Island Subdivision in Roach, Camden County, Missouri.

(This letter was signed by Cynthia S. Davies, Chief, Water Section, DNR Southwest Regional Office, Springfield, MO)

(Note: This is the SAME TYPE OF VIOLATION (Construction without a permit) that the developer, Folsom Ridge, LLC, first committed in 1998 involving the installation of 4,600' of water and sewer lines in the SAME trench resulting ultimately in the Settlement Agreement of 2004 requiring the state-mandated re-installation of the Phase I Water Main System to separate it from the sewer main.)

CLARIFICATION NO. 2—(As written by Phil Hiley.)

"According to Mr. McDuffey, who has been in business for 30 years, the only sampling point that must pass the bacteria test before system start-up is at the end of the line where any contamination should be present. Subsequent testing every month is done at 5 different locations around the Island (one at a time), just as it has been done in the past for our system."

VIOLATIONS NO. 2 through 5—

June 28, 2005

**Mr. Reggie Golden
Folsom Ridge, L.L.C.
P.O. Box 54
Longmont, CO 80501**

Dear Mr. Golden:

Enclosed is the Report of Inspection for the community water supply serving Big Island Subdivision in Camden County, Missouri. This report is believed to be self-explanatory and I trust you will direct your attention to the recommendations contained therein.

Please feel free to contact Sheila Yoder of this office by calling 573-348-2442 or via mail at Southwest Regional Office, 2040 W. Woodland, Springfield, Missouri 65807-5912, if you have questions.

Sincerely,

SOUTHWEST REGIONAL OFFICE

(SIGNED)

**Cynthia S. Davies, Chief
Water Section**

**MISSOURI DEPARTMENT OF NATURAL RESOURCES
REPORT OF INSPECTION
COMMUNITY PUBLIC WATER SYSTEM
BIG ISLAND SUBDIVISION
CAMDEN COUNTY, MISSOURI
PUBLIC WATER SYSTEM ID MO3031265**

June 28, 2005

INTRODUCTION

A routine inspection was made of the community public water system serving Big Island Subdivision by Sheila Yoder of the Missouri Department of Natural Resources-Southwest Regional Office on June 2, 2005. The purpose of the inspection was to determine compliance with the Missouri Safe Drinking Water Law and Regulations. The following unsatisfactory features were noted with comments and recommendations for correction. These unsatisfactory features are organized into categories as noted below.

UNSATISFACTORY FEATURES

Category I – Violations of Missouri Safe Drinking Water Regulations

These violations can result in enforcement action if repeated or not corrected. Some violations are more serious than others, and this is explained in the comments.

- 1. The public water system failed to collect routine samples from the distribution system as required by the Safe Drinking Water Regulations 10 CSR 60-4.020(1).**
- 2. The public water system dispensed water without obtaining a written permit to dispense water in violation of Safe Drinking Water Regulation 10 CSR 60-3.010.**

3. The public water system failed to develop a written total coliform bacteria sample siting plan as required by Safe Drinking Water Regulation 10 CSR 60-4.020(1)(A).
4. The public water system failed to obtain written authorization from the department prior to construction, alteration, or extension of the water system in violation of Safe Drinking Water Regulation 10 CSR 60-3.010(1).

Public water systems must collect total coliform samples according to a written sample siting plan at sites which are representative of water throughout the distribution system. Distribution sampling point should be chosen where both upstream and downstream repeat samples can be taken. The well can only be used for a repeat sample location, not for monthly routine samples.

The regulations require each system to have a written plan that outlines bacteriological sampling points. This plan should include the following:

- a) A map or sketch or written description indicating geographic location (street address) of each routine sampling point and repeat sampling point.
- b) Five routine sampling points for small systems (under 4,901 population) and a separate sampling point for each sample collected on any day for large systems.
- c) Choose routine sampling points that have upstream and downstream repeat sampling points within five services connections. List these upstream and downstream repeat sampling points.
- d) Choose routine sampling points that are geographically scattered around the distribution system. Do not use the well or plant for routine sampling points.

(Note: If the statement that "just as it has been done in the past for our system". Is indeed accurate, then why would the DNR issue the above violation of the **Safe Drinking Water Regulations 10 CSR 60-4.020(1)** dealing with collection of water samples from five (5) routine service connections? The regulation also specifically says to NOT USE THE WELL FOR MONTHLY ROUTINE SAMPLES. Has this been the case on Big Island for the past five years? I hope that information will also be disclosed to the property owners.)

FINAL COMMENT—(As written by Phil/Tonie Hiley)

"In our view, this Island needs to mend and we think it can and should begin now. We believe that the overwhelming majority of people on Big Island want to see an end to the seemingly endless, intense conflict with Folsom Ridge. This is not meant as a criticism to anyone on how things have gone in the past; we too were involved in some of the battles and believed it was the only way to proceed. But

we also know that the conflicts have caused hard feelings among the neighbors when there was disagreement on how issues were solved. Isn't it time to heal?"

(My reply to their question of "Isn't it time to heal?": Absolutely! I join with the majority of other property owners in wanting "to see an end to the seemingly endless, intense conflict with Folsom Ridge." However, in my opinion, that **WILL NOT HAPPEN** on Big Island as long as the developer continues to commit violations (some of them serious repeat violations) potentially jeopardizing our property values as well as our family's health and safety. The first step in the healing process begins with Folsom Ridge taking responsibility for their actions and disclosing those actions to the homeowners who will ultimately end up with all the legal and financial liabilities and responsibilities associated with the operation of the community sewer and water system. I would ask the representatives of Folsom Ridge to publicly apologize to the Big Island property owners for not disclosing these latest violations committed while they were operating under a state-mandated Settlement Agreement. I would also like them to explain to the property owners why the extension of the community Phase I Water Main "off the Island" was not brought before the BIHOA membership on May 7 (or before or after) for open discussion and voter approval.)

Phil was accurate in his statement that "It is my understanding that the Public Service Commission is reviewing the current water-sewer association set-up and by-laws." I also have filed a formal complaint with the PSC asking them to investigate the control of the management of the BIHOA by Folsom Ridge, LLC. In my opinion, the "straw that broke MY camel's back", after documenting seven (7) long years of corporate misbehavior, were these latest violations. Since 1998, the DNR has issued a multitude of violations to Folsom Ridge, LLC. When will it finally end? When it does end, the healing can begin. It's as simple as obeying the regulations and being honest with the property owners. Until that happens, there will always be conflict and distrust with Folsom Ridge. In my opinion, it's really up to THEM to accept responsibility and start the healing process!

This information has been provided in as factual and straightforward manner as possible to help YOU, the individual property owner on Big Island, decide what course of action YOU should take in the future to protect not only YOUR own family's health and safety but also YOUR own property values. You need to get involved. Only YOU can decide what is best for YOU and YOUR family AND the future of Big Island. My advice: Ask lots of questions and then question the answers. Knowledge of ALL the FACTS and differing points of view is a powerful motivator for RESPONSIBLE action. We need that now. Let's work TOGETHER!

Respectfully submitted,

Ben F. Weir Jr.
Big Island Resident and Concerned Homeowner

Subj: **Respectful Reply**
Date: 9/22/2005 11:45:35 AM Central America Standard Ti
From: benweir@comcast.net
To: Regal220@aol.com

Bill,

I respect your candid remarks and honesty. I also am glad that you have taken the necessary precautions to sample the safety of your water supply. I have no reason to question your honesty and would not need to see your certified water samples. I have encouraged other homeowners to have water samples done on their properties as well.

Unlike your characterization of me, I am NOT vindictive. All I am asking is that Folsom Ridge obey the laws of the state of Missouri, and conduct BIHOA business in an open and honest manner. Plain and simple. I can understand making one mistake, one time, and then disclosing it AND saying "we're sorry, it won't happen again". But repeatedly committing violations of state regulations dealing with the public's water supply system (and its safety) is not appropriate behavior, and I will not let that go unreported.

It is a matter of principles, Bill, and it does make a difference. I along with other homeowners have tried repeatedly over the past 7 years to get Folsom Ridge to OBEY THE LAWS and respect/protect the property rights of the residents of Big Island. If that's what I'm guilty of trying to accomplish, then I do not apologize for that behavior. It only makes good business sense for them to behave appropriately. They have development property for sale and depend on the good will and positive attitudes of current residents to help promote Big Island as a friendly community that new residents would be proud to be a part of. The current image of Big Island in the lake area is not positive, AND none of these issues have received any local or statewide publicity yet.

You questioned whether I was truly interested in EVERYBODY and not just myself. I believe you were at the same May 7 meeting I attended where I heartily endorsed the engagement of Bob Pohl's services and also indicated to the homeowners that there should be a "sense of urgency" to get this done BEFORE September 2005. I also said that they should pay attention to what Bob Pohl told them during his discussion that someone could file a complaint with the PSC. I was as vocal and as big a supporter of Bob Pohl at that meeting as anyone and still am. There was an unanimous vote of those present mandating that he be engaged to help form a new organization. That was May 7. Today is September 22. What's the delay with engaging Bob Pohl?

I have spent 35 years in the newspaper business serving as a watchdog not only to protect the best interests of the communities my newspapers have served but also to look out for the safety of the residents who live in them. I have a principled belief in the full disclosure (open meetings) of issues that affect the public's well being. When state laws are violated, then the public (Big Island property owners) should be told the truth and have the facts as you were given to decide for themselves who to believe or not. When issues affecting the membership of the BIHOA are decided without their knowledge and/or approval, then that's also not in the public's (members) best interest, AND it is wrong, Bill. Plain and simple. It's wrong and not the way to conduct business. It's pretty sad when I get the blame for being the messenger for disclosing the violations rather than holding accountable the "originator" of those misdeeds.

I do apologize for including you in this discussion, and will respect your privacy to not be bothered with these issues in the future. I will abide by the decisions of the PSC hearings and will attempt to do whatever I can to help others on Big Island enjoy their lives. I will be glad to work with Bob Pohl and others in the development of a new organization which obeys the laws and represents the best interests and safety of all property owners on Big Island. That includes respecting Folsom Ridge's right to development and sell their own property.

Ben

On 9/21/05 11:24 PM, "Regal220@aol.com" <Regal220@aol.com> wrote:

- > Ben,
- > You just cant let it end, can you? In your letter you state, "why these
- > violations were committed", At this point, and at this time, what difference

water
sale

- > does it make? They happened, and F/R is trying to go on with a positive
- > approach, unlike yours, which is not only negative, but vindictive. If YOU
- > have a problem with F/R, then take it up with them. Please dont involve me.
- > I had my water checked by Henry County Lab from 2 locations on my property and
- > they found the samples to be SAFE, free of any bacteria. (Unlike what Cathys
- > letter implied)
- > If you are truly interested in EVERYBODY, and just not yourself, you would
- > agree that the only solution is to have a third party, Bob Pohl, resolve the
- > problem, whatever the current problem is according to you.
- > I do believe that at the meeting Bob stated that we will NOT accept the
- > current system unless all areas of concern brought up are resolved.
- > I only wish that you had the passion to go after the property owners on the
- > Island who have septic tanks that are leaking sewage into YOUR lake area. Why
- > dont you talk to all of them and supply them with the tablets to flush down
- > their toilets and lets see how many of them will light up the water. (I have
- > the tablets) Or, do you want to blame F/R for that also?
- > Yes you did a good job? How many times must you be told? Let it go!!
- > Be part of the solution, not the problem.
- > If you would like a copy of my CERTIFIED WATER SAMPLES, let me know.
- > Bill