

March 25, 2006

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

**FILED<sup>2</sup>**

MAR 29 2006

**Missouri Public  
Service Commission**

Re: Case Nos. WC-2006-0082, et al.

Dear Judge Dale,

Due to a previous business commitment, I will not be able to attend the March 31, 2006, Prehearing Conference in the above named case either by person, phone or otherwise. However, I do wish to have the following information presented on my behalf at the meeting.

Nine (9) separate complaints, brought by nine (9) individuals, are currently pending against Folsom Ridge, LLC, and Big Island Homeowners Water and Sewer Association, Inc., f/k/a Big Island Homeowners Association (BIHOA). At the request of the Commission, the Commission's Staff investigated the complaints and filed a report on February 9, 2006.

Based on the merits of the Staff investigation, the Commission then on March 6, 2006, filed an Order Scheduling a Prehearing Conference to discuss the scheduling of an evidentiary hearing to allow the parties an opportunity to present their evidence and arguments.

However, on March 16, 2006, Mr. Mark Comley once again filed more motions with the Commission in his ongoing campaign to delay and/or have the complaints dismissed before they can even have a fair and public hearing before the Commission.

As part of his "delay, deny, dismiss" strategy, Mr. Comley and his clients keep ignoring repeated requests by the complainants for copies of the membership and billing records of the Big Island Homeowners Water and Sewer Association, Inc., f/k/a Big Island Homeowners Association (BIHOA) as well as signed, ratified copies of the "Amended and Restated Declaration of Covenants and Conditions," and "Amended and Restated By-Laws" of the BIHOA.

I contend that these records will prove beyond a reasonable doubt that the respondents' have indeed been operating an unlicensed public utility for the past seven (7) years by billing and providing sewer and water services to members and non-members alike. They need to comply with the numerous requests to provide the records to refute their denials of the allegations and that must be the main focus of the evidentiary hearing.

For the Commission to be able to make the determination and ruling as a formal finding of fact, that Folsom Ridge, LLC, (Owning and Controlling the BIHOA), is indeed operating as an unlicensed public utility by billing and/or providing service to individuals who are not members of the HOA, and therefore subject to the jurisdiction of the PSC, this information and documentation is not only critical, but essential.

Consequently, since the Respondents have not honored the numerous requests from the Complainants for this information and documentation, perhaps it is time that this request came directly from the Commission itself, as a means to facilitate an expedient resolve in this case!

I respectfully request that NONE of the nine (9) separate complaints, brought by nine (9) individuals, should be dismissed or further delayed based on these recent filings by Mr. Mark Comley and/or Mr. Charles McElyea on behalf of Folsom Ridge, LLC and Big Island Homeowners Water and Sewer Association, Inc., f/k/a Big Island Homeowners Association.

The business at hand (as ordered by the Commission) is to discuss the scheduling of an evidentiary hearing and not to further delay these proceedings. At the evidentiary hearing, ALL parties will be given a fair and open opportunity to present their own evidence to support their case(s) as well as refute the many motions that have been filed to dismiss or delay the complainant's allegations.

More importantly, ALL requests for information MUST be complied with in a timely manner. No more "delay, deny, dismiss" motions should be allowed.

Please bring my request to the attention of the appropriate Commission personnel so it can be discussed at the Prehearing Conference on my behalf as an individual complainant.

Respectfully submitted,

A handwritten signature in cursive script that reads "Ben F. Weir". The signature is written in black ink and is positioned above the typed name and address.

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