


Notice of *Ex Parte* Contact

TO: All Commissioners
All Parties in Case No. WO-2005-0086

FROM: Commissioner Connie Murray 

DATE: January 25, 2005

FILED²

JAN 25 2005

Missouri Public
Service Commission

On January 24, 2005, I received the attached document from Sue Westenhaver. The Commission is currently considering the issues discussed in this document in Case No. WO-2005-0086. Case No. WO-2005-0086 is a contested case. The Commission is bound by the same *ex parte* rule as a court of law.

Although communications from members of the public and members of the legislature are always welcome, those communications must be made known to all parties to a contested case so that those parties have the opportunity to respond. According to the Commission's rules (4 CSR 240-4), when a communication (either oral or written) occurs outside the hearing process, any member of the Commission or Regulatory Law Judge who received the communication shall prepare a written report concerning the communication and submit it to each member of the Commission and the parties to the case. The report shall identify the person(s) who participated in the *ex parte* communication, the circumstances which resulted in the communication, the substance of the communication, and the relationship of the communication to a particular matter at issue before the Commission.

Therefore, I submit this report pursuant to the rules cited above. This will ensure that any party to this case will have notice of the attached information and a full and fair opportunity to respond to the comments contained therein.

cc: Executive Director
Secretary/Chief Regulatory Law Judge
General Counsel

Sue Westenhaver
6334 Red Barn Road
Osage Beach, MO 65065

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JAN 24 2005

January 22, 2005

Commissioner Murray,

Late Friday afternoon Ron and I received a phone call from Keith Krueger stating that the January 24th hearing regarding the sale of OWC's assets to MAWC had been canceled. While we appreciated the call, I lost my cool with him on the phone. My charge now is to find someone who has a comprehensive understanding of what is going on, or more explicitly what is not! I need help.

I have a letter in front of me dated August 5th, 2003 from Mr. Krueger. He says "There is a statute that provides that a CCN is void, if not exercised within two years after it is granted, but obviously that situation doesn't exist at Eagle Woods." WRONG! Other PSC commissions voted to give Williams and his business entities total control over our development and our business lives when they granted the CCN. Because of that CCN we can go no where else for sewer capability. I think this is a violation of our constitutional rights and can not understand why any state agency would allow this to continue. It's beyond my comprehension. We have had no choice but to wait for "due process" to occur. We've waited since October of 2002. What a long wait!

MDNR's moratorium on our development also started in the fall of 2002. Although we paid Greg Williams empire \$30,000 and transferred \$230,000 worth of infrastructure for water/sewer for 53 lots in Eagle Woods, we HAVE NOT received sewer service for any EW II lots and have been shut down for 27 months. How, then, can anyone say that the CCN is being exercised? We have spent \$\$\$ on lawyers trying to get this point across to someone, anyone in various government agencies! When that failed, Dr. Wayne Cooper asked the Attorney General's office (December, 2003) to render a generic opinion on revocation of a CCN. Because of MDNR's wide swing of influence, no opinion has ever been rendered.

In Mr. Krueger's letter, dated August 5, 2003, he quoted Greg Williams as saying "receiver... may very well never be appointed for OWC." In that same letter, Mr. Krueger "would not place too much reliance on Greg Williams's statement." HAH! It surely appears to me that Williams is quite able to consistently outsmart the PSC's attorneys and prolong the legal process. Who protects my rights while all of this is going on?

Krueger stated as others have "I believe the Commission's efforts to obtain the appointment of a receiver are the best means of solving the current problems at Eagle Woods and of restoring safe and adequate service to the residents there at a just and reasonable price." Again, this statement only shows he's missing a piece of the puzzle,

an important piece that Williams understands only too well. Do you really think a receiver will ever be appointed? How much longer do you think "due process" to protect Williams will take?

Commissioner Murray, what happens if this sale to MAWC doesn't occur? Will this decision be made soon or perhaps, postponed until March? And then when will the next postponement be? The sale involves contracts between several entities, EU, Greg and Debbie Williams personally, and OWC. If a receiver would ever be appointed that only addresses the issues of OWC. That means that the land and the KK sewer plant, allegedly owned by Greg and Debbie Williams, remains in their control. SO . . . THERE IS NO PROVISION FOR SEWER TREATMENT TO ANY OF THE RESIDENTS OF EAGLE WOODS. From 1998 until today, MDNR's requirement for Williams to transfer the land to OWC, has been ignored. Plain and simple. Williams didn't do it and no one has forced him to. Why is that? Why isn't he required to comply with MDNR/PSC regulations like others are?

Environmental Utilities, owned by Greg & Debbie Williams, owns the water source for both Eagle Woods and Golden Glade, Williams' subdivision. Even after a receiver is appointed we will remain under their control.

Friday, we asked Krueger who could help us resolve these issues? I don't recall his answer; maybe he didn't have one other than "these things take time." We cannot continue to remain under the control of Williams or any of his entities. Why? Because we have "sat on" unbuildable lots, unsaleable homes, made interest payments, paid huge legal fees for twenty-seven months. If this was your problem and your finances were being depleted, what would you do? How much longer could you wait? Who would you turn to for answers?

Please help.

Respectfully,


Sue Westenhaver

SUMMIT

Custom Homes

Ron Westenhaver

P.O. Box 496
OSAGE BEACH, MO
65065

OFFICE: 573/302-0040
CELL: 573/216-5268
HOME: 573/302-0411
FAX: 573/302-0263