

July 19, 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>3</sup>

JUL 24 2006

Missouri Public  
Service Commission

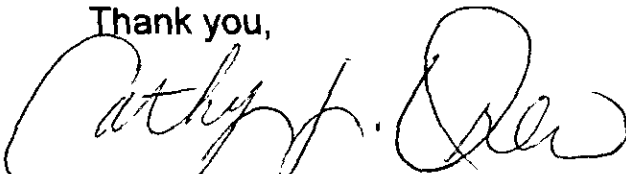
Re: Case Nos. WA-2006-0480

The Honorable Judge Dale:

Please find enclosed, filings from various individuals, ( Mr. Ben Weir, Mr. Benjamin Pugh, Ms. Cathy Orlor, Mr. Joseph J. Schrader, and Mark and Debbie Hesley), regarding the above referenced case number. Although the titles of the filings vary, and some filings are without titles, all are referencing the "Application" for a certificate of convenience and necessity, filed by Big Island Water and Sewer Company, Inc. and intervening in this case. Five additional copies are also enclosed for the appropriate Commission personnel; if you would be so kind as to bring this filing to their attention.

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

Thank you,



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

July 17, 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>3</sup>

JUL 24 2006

Missouri Public  
Service Commission

Re: Applicant's Response and Objections To Motions To Intervene  
Big Island Water & Sewer Company, Inc.  
Case No. WA-2006-0480

Dear Judge Dale,

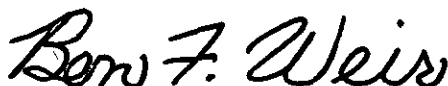
Please accept this letter as an objection to the above named motion filed on behalf of Big Island Water & Sewer Company, Inc.

The Applicant's Response is an obvious attempt to deny individual homeowners, property owners, residents and persons of interest involving Big Island, Roach, MO, their constitutional rights to intervene as private citizens and be active participants in the above named case (as directed and allowed for under Commission rule 4CSR 240-2.075 Intervention in Chapter 2—Practice and Procedure).

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

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

Very truly yours,



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

Cc: Office of Public Counsel  
General Counsel's Office  
All Those Applying for Intervention  
Mark W. Comley  
Charles E. McElyea

**BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI**

In the Matter of the Application of	)	
Big Island Water & Sewer Company, Inc.	)	
for a Certificate of Convenience and	)	
Necessity authorizing it to construct,	)	Case No. WA-2006-0480
install, own, operate, control, manage,	)	
and maintain a water and sewer system	)	
for the public located in an unincorporated	)	
area in Camden County, Missouri	)	

**Intervener's Objection To Applicant's Response  
And Objections To Motions To Intervene**

**COMES NOW**, Ben F. Weir, homeowner and weekend resident, 2162 Big Island Drive, Roach, MO 65787, and submits the following to the Commission:

1. On June 19, 2006, the Commission entered an order directing that any proper person wishing to intervene should file an application to do so no later than July 10, 2006.
2. As stated by Mr. Comley and Mr. McElyea, sixteen (16) motions and or applications to intervene were filed by the July 10, 2006 deadline. Six (6) of those motions were filed by persons, who are also complainants in consolidated Case No. WC-2006-0082, and who have previously, on numerous occasions, indicated their objection to the Application of Big Island Water & Sewer Company, Inc. (fka Folsom Ridge, LLC, BIHOA and BIWSA) for a Certificate of Convenience and Necessity authorizing it to construct, install, own, operate, control, manage, and maintain a water and sewer system for the public located in an unincorporated area in Camden County, Missouri.
3. Other than a rather weak objection to discredit Mr. Joseph Schrader, one of the original complainants, simply because he is now a resident of Florida and therefore, "Any decision the Commission may render in this case will not affect Mr. Schrader", both Mr. Comley and Mr. McElyea rightfully so have no objections to motions to intervene filed by Cindy Fortney, Cathy J. Orler, Benjamin D. Pugh, Stan Temares and Ben F. Weir as represented on page 2, paragraph 5: "...Big Island has no objection to their motions to intervene..." I would respectfully remind the Commission that Mr. Schrader was also a resident of Florida in 2005 when he was

granted complainant status and authority in Consolidated Case No. WC-2006-0082. In my opinion, by not allowing him the same rights to become an intervener in the BIWS Company Application as the other complaintants, would be discriminatory and would not allow him a fair and equal opportunity to have his original complaint fully satisfied before the Commission since the proceedings in his case have been suspended and the evidentiary hearing canceled thereby denying him the right to present his facts to support his complaint against Folsom Ridge, LLC., owing and controlling the BIHOA.

**(a.) In fact, during a phone conversation with Mr. Schrader on July 16, 2006, he indicated to me that he was very concerned that Mr. Comley and Mr. McElyea were suggesting to the Commission that he be denied any interest whatsoever in the future of Big Island, its residents, property owners, his friends and former neighbors and therefore, they are also misrepresenting his future rights to purchase property on Big Island simply because he is currently a resident of Florida.**

4. Applications to intervene were also filed under the personal signatures of ten (10) other applicants. Once again, Mr. Comley and Mr. McElyea attempt to deny these applicants their constitutional rights to intervene and have their questions/concerns addressed by stating that their allegations are "superfluous" or that "None of the Ten Applicants have shown a direct interest in this proceeding that differs from that of the general public." Mr. Comley and Mr. McElyea further state "the interest each claims in the proceeding is already adequately represented first by the Office of Public Counsel, which has the responsibility by law to represent potential consumers of services supplied by water and sewer companies...and by the existing field of complainants who have also sought intervention." As a complainant in Consolidated Case No. WC-2006-0082, and now an intervener in BIWS Company's Application, I cannot negotiate away and/or represent these Ten Applicants' interests and concerns since they are different from mine and thus, need to be addressed by the Commission and BIWS Company on an individual basis. In fact, several of the Ten Applicants do not necessarily agree with my reasons for wanting to intervene in an effort to deny certification to BIWS Company. Many of their concerns are unique in

nature and can not be applied equally and fairly as representative of the general populace residing on Big Island.

5. In closing, I would remind the Commission that 16 motions and or applications were filed by interested parties wishing to intervene. To the best of my knowledge, these applicants meet the PSC guidelines for intervention Including:

- a. Filed intervention motions BEFORE the July 10, 2006 deadline.
- b. Have a vested interest in the subject matter due to their ownership of property on Big Island and/or other unresolved claims still pending before the Commission as is the case with the six complainants.
- c. A disposition of the action that may impede the ability of the applicant to protect that interest (private wells, private septic systems, tap fee connections etc.)
- d. The applicant's interests are not adequately represented by the existing parties as many differences of opinions have been expressed by the 16 applicants as to the validity and credibility of the application and many of the statements contained therein including but not limited to:

(a.) Absence of a feasibility study makes it almost impossible for ANY of the interveners to make an intelligent and informed decision as to the future financial ability of BIWS Company to provide safe and adequate water and sewer services. (To the best of my knowledge, that deadline of June 30 has yet to be met unlike the 16 interveners who did comply and meet the deadline as directed by the Commission.)

(b.) Asset transfer agreement...no copy has yet been made available to any of the interested parties including questions as how such an agreement was arrived at, who voted on such an agreement, was there proper notice given the members of the BIHOW/BIWSA, when did this transfer agreement actually take place etc.?

(c.) Compliance with DNR regulations is still questionable as I have never seen a signed off copy of the Attorney General's Settlement Agreement relieving Folsom Ridge, LLC of it obligations.

(d.) Ownership of the utility...conflicting information over the years has Folsom Ridge turning over the ground and assets to the BIHOA and

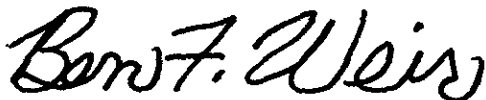
now it appears that the BIHOA/BIWSA has turned it back over to Folsom?

- (e.) Lack of proper notice to the Big Island population as a whole regarding the BIWS Application and other HOA procedures and policies apparently decided by representatives of Folsom Ridge, LLC without general HOA membership notification and/or discussion/approval.
- (f.) Geographic area to be served by BIWS Company is confusing as to which arm of the Niangua it will be located on.

More importantly, granting the proposed intervention would serve the public interest by allowing all 16 Applicants' concerns and questions to be answered fully, fairly and truthfully beyond any reasonable doubt so they can decide whether to oppose or support the BIWS Company's Application for a Certificate of Convenience and Necessity.

Any further delays proposed by Mr. Comley and/or Mr. McElyea DOES NOT SERVE THE PUBLIC INTEREST. The Commission needs to make a decision as to the validity of these 16 motions/applications to intervene and schedule a hearing as soon as possible to consider the issues raised by these 16 individual Applicants.

Respectfully submitted,

A handwritten signature in black ink that reads "Ben F. Weir". The signature is written in a cursive, flowing style.

Ben F. Weir

Big Island Homeowner