

December 08, 2006

FILED⁴

DEC 11 2006

Missouri Public
Service Commission

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

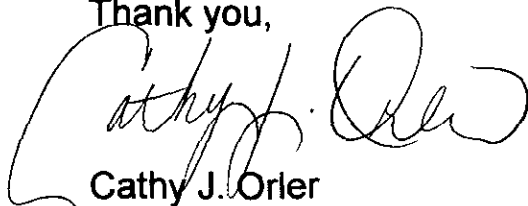
Re: Case Nos. WA-2006-0480

The Honorable Judge Dale:

Please find enclosed, for filing, "Intervenors' Objection to Suspend Procedural Schedule and Objection to Transfer of Utility Assets to an Unregulated Entity; Intervenors' Request to Reopen the Complaint Case No. WC-2006-0082, et. al;.: Intervenors' Submission of Receiver to Commission for Consideration." Five additional copies are also enclosed for the appropriate Commission personnel; if you would be so kind as to bring this filing to their attention.

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

Thank you,



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

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

FILED⁴

DEC 11 2006

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| In the Matter of the Application of) | |
| Big Island Water & Sewer Company, Inc.) | Missouri Public |
| for a Certificate of Convenience and) | Service Commission |
| 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) | |

**INTERVENORS' OBJECTION TO SUSPEND PROCEDURAL
SCHEDULE AND OBJECTION TO TRANSFER OF UTILITY
ASSETS TO AN UNREGULATED ENTITY; INTERVENORS'
REQUEST TO REOPEN COMPLAINT CASE NO. WC-2006-0082,
ET. AL.; INTERVENORS' SUBMISSION OF RECEIVER TO
COMMISSION FOR CONSIDERATION**

On December 06, 2006, Mr. Golden and Mr. Rusaw representing the Applicant, Big Island Water and Sewer Company, Inc., filed a motion to suspend the procedural schedule in this case. The intervenors in this case being represented by signature on this document, submit their objection to that motion, and their objection to the transfer of utility assets to an unregulated entity, with an additional request to the Commission to reopen Complaint case no. WC-2006-0082, et.al.

1. The interveners strongly object to the "Motion To Suspend Procedural Schedule," in this case.

Mr. Golden and Mr. Rusaw, the Respondents representing Folsom Ridge, LLC., and Big Island Water and Sewer Association, (a.k.a. – Big Island Homeowners' Association), in their request to the Commission to suspend the proceedings of the Complaint cases, (case no. WC-2006-0082, et al.), until the certification case was resolved, argued that the complaints were founded on the principle that the water and sewer service on Big Island, should be provided by a regulated entity. They further stated that the filing of an application with the Commission for a certificate of convenience and necessity to continue to offer and provide regulated water and sewer service, was in response to the complaints filed, and also consistent with the Staff recommendation. Furthermore, Mr. Golden and Mr. Rusaw, as "Applicant," (Big Island Water and Sewer Company, Inc.), state to the Commission in their application for a certificate of convenience and necessity, that the "residents on Big Island currently receive service from Big Island Homeowners' Water and Sewer Association, Inc., an unregulated homeowners' association. Service provided by the Association is the subject matter of several complaints pending before the Commission."

Now however, in the Applicant's "Motion To Suspend The Procedural Schedule," of the application case, Mr. Golden and Mr. Rusaw state that the Commission lacks jurisdiction over the construction, maintenance, or operation of the facilities owned by nonprofit companies, (to which they want to transfer the utility assets and liabilities), or their service, rates, accounting, or management. Yet – the "...services supplied by homeowner owned and operated nonprofit water and sewer companies constitute an equally adequate water and sewer service for the area than a regulated entity."

How can this be?

The utility service on Big Island, is currently being provided by this same type of unregulated, "homeowner owned and operated, nonprofit association that is not regulated by the Commission's jurisdiction in its construction, maintenance, operation, service rates, accounting, or management," and, as a result, is not providing safe and adequate service. The existing need for regulation of this utility, by the Commission, has already been proven by the 9, (nine), Formal Complaints filed in August and September of 2005, with the Missouri Public Service Commission, for the incorrect construction, improper maintenance, misoperation, inadequate service, irregular and inadequate rate structure and fee assessments, insufficient accounting, deficient management, and insufficient administration resulting from the present HOA situation governing the utility.

The intervenors strongly oppose the motion to suspend the procedural schedule in this case, and oppose this action by Mr. Golden and Mr. Rusaw, to transfer utility assets and liabilities to the unregulated, nonprofit water and sewer companies; therein releasing and discharging themselves, (Folsom Ridge, LLC., BIWSA, (f.k.a. BIHOA), and Big Island Water and Sewer Company, Inc.), from the duties and responsibilities, and obligations, as well as the liabilities, as set forth in their existing asset transfer agreement and purchase agreement, and then move to dismiss the application. This proves the need and the intervenors' request for relief for a regulated public utility, operated, managed, and administered by a certificated company and/or individual, independent of any associations or affiliations with Folsom Ridge, LLC., BIWSA, (a.k.a. – BIHOA), or BIWS Co., Inc.

2. The intervenors also oppose the transfer of utility assets that have not yet been determined by the Commission. Intervenors, (with the exception of Mr. Schrader), are owners

of water and/or sewer taps, that are their personal property located on their private properties, and are tangible utility assets signifying their reserved future right to connection to the utility, and represent their collective sum total, financial investment in the utility of \$306,800.00 as per the Feasibility Study. Intervenor are also opposing the transfer of their utility assets, and do not authorize Mr. Golden or Mr. Rusaw to negotiate and/or transfer their utility assets.

3. Since Mr. Golden and Mr. Rusaw have now demonstrated to the Commission their desire to transfer utility assets as well as the liabilities that go with them, to an unregulated entity, the intervenors/complainants request that the Commission reopen the Complaint cases, (case no. WC-2006-0082, et. al.) and allow both the application case and the complaint case to take place simultaneously. Mr. Golden and Mr. Rusaw are the individuals and parties responsible for the utility issues that involve assets and liabilities, brought before the Commission in the Complaint cases nearly 18, (eighteen), months ago, and are currently the same individuals and parties negotiating their transfer to yet another unregulated entity, in an effort to move and dismiss the application without addressing and/or resolving any of the existing issues.
4. The Intervenor/Complainants recognize, appreciate, and understand that their request for relief in the application case and the complaint case, is requiring the Commission to set a precedent as a means of satisfying the relief requested. The Intervenor/Complainants are also aware that this decision by the Commission, must be given very serious consideration. Likewise, the Intervenor/Complainants would also like for the Commission to recognize, appreciate, and understand the magnitude and impact of the utility issues brought before them, and know that if the Intervenor/Complainants had not also given very serious consideration to the issues and their request for relief, they would not be before the Commission today – nearly 18, (eighteen), months later. Intervenor/Complainants have devoted nearly 2 years to the procedural proceedings of the Commission, in a determined and dedicated effort to resolve

the existing utility issues of now 8, (eight), years, and not merely transfer them to another unregulated entity.

The Intervenor/Complainants, in an effort to aid the Commission in the difficult rendering of a solution to the utility issues, and satisfy their relief requested, are hereby submitting to the Commission for consideration, a letter of acceptance to the appointment of receiver to the water and sewer utility on Big Island, by Mr. Gary Cover.

Wherefore, the Intervenor in the public's best interests in this case, are:

1. Strongly objecting the "Motion To Suspend Procedural Schedule" in this case
2. Intensely objecting to the transfer of utility assets to an unregulated entity
3. Requesting that the Complaint case no. WC-2006-0082, et.al. be reopened by Order of the Commission
4. Submitting a letter of acceptance from Mr. Gary Cover, to the appointment of receiver to the Big Island Utility

Respectfully submitted,

Joseph J. Schroeder

Sean Sennarum

Chris Fort

Cathy J. Allen

Benjamin D. Pugh

CLO**COVER LAW OFFICE, LLC**

137 WEST FRANKLIN STREET, P.O. BOX 506, CLINTON, MO 64785
PHONE (880) 883-4914 FAX (880) 883-6780

December 7, 2006

Cathy J. Orler
3252 Big Island Drive
Roach, MO 65787

Via Fax: (573) 317-1490

**FAXED**
12-7-06**RE: Big Island Water & Sewer Utility Service**

Dear Ms. Orler:

Please allow this to confirm our recent telephone conversations regarding this matter.

As you are aware, I am presently serving as Court-Appointed Receiver for three private water and sewer utility companies.

In the event the Missouri Public Service Commission determines that a Receiver is necessary for the water and sewer utility located on the Big Island development, I would welcome the opportunity to be considered by the Commission for appointment as Receiver.

If you have any questions regarding the above, please feel free to contact me.

Sincerely,

A handwritten signature of Gary V. Cover.

Gary V. Cover
garycover@earthlink.net

GVC/rew

Certificate of Service

I hereby certify that a true and correct copy of the above and foregoing document was sent via U.S. Mail, on this 8th day of December, postage prepaid to: the General Counsel's Office and the Office of Public Counsel at the Missouri Public Service Commission, P.O. Box 360, Jefferson City, MO. 65102; and to Mark W. Comley, 601 Monroe Street, Suite 301, P.O. Box 537, Jefferson City, MO. 65102; and Charles E. McElyea, 85 Court Circle, P.O. Box 559, Camdenton, MO. 65020; and the Attorney General's Office, P.O. Box 899, Jefferson City, MO. 65102.

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

Cindy Fortney, 3298 Big Island Drive, Roach, MO. 65787
Benjamin D. Pugh, 1780 Big Island Drive, Roach, MO. 65787
Joseph J. Schrader, 1105 Yorktown Pl., DeLand, FL. 32720
Stan Temares, 1836 Big Island Drive, Roach, MO. 65787
Ben F. Weir, 3515 SW Meyer Blvd., Blue Springs, MO. 64015
Elaine H. and William T. Foley, II, 15360 Kansas Ave., Bonner Springs, KS. 66012
Mark and Deborah Hesley, 2308 Big Island Dr., Roach, MO. 65787
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