

October 23, 2006

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

FILED⁴

OCT 26 2006

Missouri Public
Service Commission

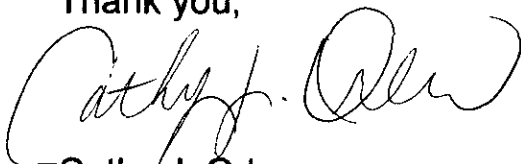
Re: Case Nos. WA-2006-0480

The Honorable Judge Dale:

Please find enclosed, for filing, "Intervenors' Objection to Missouri Department of Natural Resources' Motion to Dismiss the Department as a Party." 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

OCT 26 2006

In the Matter of the Application of)
Big Island Water & Sewer)
Company, Inc. for a Certificate) Missouri Public
of Convenience and Necessity) Service Commission
authorizing it to construct, own,) Case No. WA-2006-0480, et al.
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 MISSOURI DEPARTMENT OF
NATURAL RESOURCES' MOTION TO DISMISS THE
DEPARTMENT AS A PARTY**

COMES NOW, the following intervenors, being represented by their signatures below, to object to the "Missouri Department of Natural Resources' Motion to Dismiss the Department as a Party," in this case.

In support of the intervenors' objection, the following is offered:

1. Item # 4, of the "Missouri Department of Natural Resources' Motion to Dismiss the Department as a Party," states that "The Department will not be filing testimony in this case, does not anticipate having a position on any issues that will be raised in this case and in general will not be participating in this case as a party in the traditional sense.

Intervenors object to the motion to dismiss, and disagree with this statement, on the basis that:

- a. for nearly 8, (eight), years, the Big Island utility, has been

operating under the jurisdiction of the DNR, and therefore, intervenors are confident that the DNR will provide exclusive testimony in this case regarding the construction and expansion, operation and management of this utility, and it's applications, permits, and Notices of Violation, issued by the DNR

- b. the Department of Natural Resources has already indicated a position on some issues in this case, in written correspondence to the Missouri Public Service Commission, formal complainants, intervenors, and various internal personnel within the DNR.
 - c. this utility has been under the jurisdiction of the DNR for nearly 8, (eight), years – therefore, the DNR would have to have a position on utility issues within their jurisdiction
2. Item # 5, of the "Missouri Department of Natural Resources' Motion to Dismiss the Department as a Party," states that, "Consequently, the Department does not believe it is a proper party to these proceedings."
- a. intervenors assert that the DNR has already been an integral party to the cases before the Missouri Public Service Commission, in meetings scheduled throughout these proceedings by formal complainants and intervenors, as a means of full disclosure of information to the Department regarding it's involvement and participation in the utility issues presented to the PSC. (In addition to scheduled meetings, numerous telephone conversations and E-mail correspondence between DNR and formal complainants and intervenors, have also taken place during these proceedings, as a means of full disclosure of information to the Department regarding it's involvement and participation in the utility issues)
 - b. numerous DNR documents and written correspondence between Big Island residents, formal complainants, intervenors and the DNR, spanning nearly 8, (eight), years,

have been filed as evidenced exhibits in the cases before the PSC

- c. the absence of DNR representatives during scheduled PSC proceedings, has proven significant, since DNR has had jurisdiction over this utility for nearly 8, (eight), years

Therefore, intervenors respectfully request, but emphatically beseech the Commission to deny the Missouri Department of Natural Resources' Motion to Dismiss the Department as a Party in this case.

Respectfully submitted,

Sean Sennaus

Chris Forte

Carly J. Allen

Benjamin D. Rupp

E. M. Hatcher

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 23rd day of October, postage prepaid to: the General Counsel's Office, and the Office of Public Counsel; 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

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

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