

Missouri Public Service Commission

Adjudication Division - Data Center

P.O. Box 360

Jefferson City, Missouri 65102-0360

MO 419-2651 (9-01)

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JUL 31 2006

Missouri Public
Service Commission

Elaine H. and William Foley II
2240 Big Island Drive
Roach, MO 65787

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BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Application of Big Island)	
Water & Sewer Company for a Certificate of)	
Convenience and Necessity Authorizing It to)	
Construct, Install, Own, Operate, Control, Manage)	<u>Case No. WA-2006-0480, et al.</u>
and Maintain a Water and Sewer System for the)	
Public Located in an Unincorporated Area in)	
Camden County, Missouri)	

ORDER GRANTING APPLICATIONS TO INTERVENE AND
PERMITTING AN ADDITIONAL PLEADING

Issue Date: July 20, 2006

Effective Date: July 20, 2006

On June 16, 2006, Big Island Water & Sewer Company filed an application for a certificate of convenience and necessity to operate a water and sewer system on Big Island, located in Camden County. The Commission established July 10 as the deadline for submission of applications to intervene. Timely applications to intervene were received from 16 individuals. Big Island Water & Sewer Company filed a response and objections to the applications to intervene on July 12.

Intervention in cases before the Commission is governed by Commission Rule 4 CSR 240-2.075. Subsection (4) of that rule provides that the Commission may permit any person to intervene who can show that they have an interest in the case that is different from that of the general public, and which may be adversely affected by a final order arising from the case. In the alternative, the Commission can grant a request to intervene if doing so would serve the public interest.

In considering the 16 applications to intervene, the Commission finds that each can be grouped into one of three categories. The first group of applications is that of property owners on Big Island who currently have complaints pending before the Commission against Folsom Ridge, LLC, the developer of a portion of Big Island that would be served by Big Island Water and Sewer Company. The applications of Ben F. Weir, Cathy Orlor, Benjamin D. Pugh, Stan Temares, and Cindy Fortney fall into this group. In its response to the motions to intervene, Big Island Water & Sewer Company states that it does not oppose the applications to intervene of these five individuals.

Because these individuals own property on Big Island that may someday be served by the Big Island Water & Sewer Company, they have an interest in this case that differs from the interest of the general public. Unquestionably, the decision of whether to grant a certificate to Big Island Water & Sewer Company will affect the enjoyment and value of their property for many years to come. Their applications to intervene will be granted.

The second group of applications to intervene is that of property owners on Big Island who do not have complaints pending against Folsom Ridge. The applications of Bernard J. Beaven, Don Deckard, Elaine and William Foley, Mark and Deborah Hesley, Stephen D. Kleppe, Joseph Geary Mahr, Arthur W. Nelson, E. M. Prather, Jerry Steinhour, and Donald and Frances Weast fall into this group. Big Island Water & Sewer Company opposes the intervention of these individuals, contending that their interests are no different than those of the general public.

The interest of these individuals is no different than those of the five homeowners who have filed complaints against Folsom Ridge. They also own property on Big Island

and the enjoyment and value of their property may be affected by the decision the Commission makes in this case. Their applications to intervene will be granted.

The final application to intervene belongs to Joseph J. Schrader. Mr. Schrader has a complaint pending against Folsom Ridge and apparently lived and owned property on Big Island at one time. However, his application to intervene does not indicate that he currently owns property on Big Island and his home address is in Florida. Big Island Water & Sewer Company represents that Schrader does not currently own property on Big Island, and for that reason opposes his application to intervene.

The Commission has allowed the other applicants to intervene so that they can have a voice in protecting their property rights on Big Island. If Mr. Schrader does not own property on Big Island, it is difficult to see how he could have an interest in this case beyond that of an interested member of the general public. Before ruling on Mr. Schrader's application to intervene, the Commission will give him an opportunity to further explain his interest in this case.

IT IS ORDERED THAT:

1. The Applications to Intervene of Ben F. Weir, Cathy Orlor, Benjamin D. Pugh, Stan Temares, and Cindy Fortney are granted.
2. The Applications to Intervene of Bernard J. Beaven, Don Deckard, Elaine and William Foley, Mark and Deborah Hesley, Stephen D. Kleppe, Joseph Geary Mahr, Arthur W. Nelson, E. M. Prather, Jerry Steinhour, and Donald and Frances Weast are granted.
3. If Joseph J. Schrader wishes to do so, he may file an additional pleading explaining his interest in this case no later than July 31, 2006.

4. This order shall become effective on July 20, 2006.

BY THE COMMISSION

A handwritten signature in black ink, appearing to read 'Colleen M. Dale', written over a horizontal line.

Colleen M. Dale
Secretary

(S E A L)

Morris L. Woodruff, Deputy Chief Regulatory
Law Judge, by delegation of authority
pursuant to Section 386.240, RSMo 2000.

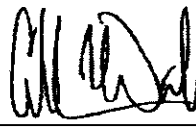
Dated at Jefferson City, Missouri,
on this 20th day of July, 2006.

STATE OF MISSOURI

OFFICE OF THE PUBLIC SERVICE COMMISSION

I have compared the preceding copy with the original on file in this office and
I do hereby certify the same to be a true copy therefrom and the whole thereof.

WITNESS my hand and seal of the Public Service Commission, at Jefferson City,
Missouri, this 20th day of July 2006.



Colleen M. Dale
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

July 20, 2006

Case No. WA-2006-0480

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St. Peters, MO 63376

Stephen Kleppe
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Roach, MO 65787

Enclosed find a certified copy of an ORDER in the above-numbered case(s).

Sincerely,



**Colleen M. Dale
Secretary**