

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, Install, Own Operate, Control, Manage and Maintain a Water and Sewer System for the Public Located in an Unincorporated Area of Camden County, Missouri))) **Case No. WA-2006-0480**)))

Dissenting Opinion of Commissioner Robert M. Clayton III

This Commissioner dissents from the Order Granting Additional Application to Intervene and Directing Staff to File a Proposed Procedural Schedule. While this Commissioner believes that every party with a legally defensible and tangible interest at stake in a case before the Commission has a right to participate as a party, to express its position, to present testimony and to pray for relief from the Commission, this Applicant is without any apparent standing. The Applicant has asserted that he may have helpful information to supply to the Commission as it makes its decision in the case. This Commissioner does not dispute that assertion; however, if a party believes that the information is helpful, including Staff, it may call the Applicant as a witness through various evidentiary tools or submit his facts through testimony.

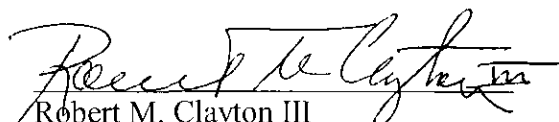
The Applicant is no longer in a position to request relief or to be affected by the outcome of this case. His complaint, filed in Case No. WC-2006-0122 and now consolidated in Case No. WC-2006-0082, sets out a great deal of information that may or may not be helpful to the Commission. That information should be submitted in the form of testimony and Staff should fully evaluate his assertions by including them in the Staff case.

The Applicant does not reside within the territorial boundaries of the alleged utility nor does he claim that he will at any time in the foreseeable future. He is not receiving service from the alleged utility and is not in any way affiliated with the alleged utility or any of its customers. In addition, it does not appear that the Applicant would be affected by any legal precedent established in the case.

The majority granted his application out of an abundance of caution and openness. The Applicant, most likely, has good intentions to participate in a constructive and informative manner. His testimony may be extremely helpful in the resolution of the case. However, by granting intervention to a party for whom no relief is available or forthcoming, this Commission sets a bad precedent. While the Commission should improve the clarity of its intervention criteria, this Application clearly presents an individual with no tangible interest at stake. Therefore, this Commissioner simply cannot agree with the Majority.

For the foregoing reasons, this Commissioner dissents.

Respectfully submitted,


Robert M. Clayton III
Commissioner

Dated at Jefferson City, Missouri,
on this 23rd day of August 2006.