

July 3, 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>2</sup>

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Missouri Public  
Service Commission

Re: Application To Intervene and Participate  
In Case No. WA-2006-0480 et al.

Dear Judge Dale,

Please accept this letter as an application to intervene and be an active participant in the above named case (as directed and allowed for by 4 CSR 240-2.075 Intervention in Chapter 2—Practice and Procedure).

I wish to oppose and challenge the application for a certificate of convenience and necessity filed by Big Island Water and Sewer Company (BIWS), currently pending in Case No. WA-2006-0480 for the following reasons:

(1) I am a property owner on Big Island with a vested interest in the future effect this application could have as it relates to my property values as well as the safety and integrity of my own private well drinking water supply.

(2) I am one of eight Complainants in Case No. WC-2006-0082, et al. and have made it absolutely clear to the Commission (on numerous occasions) that I oppose the granting of certification to any company, its agents and/or representatives affiliated with Folsom Ridge LLC.

The Commission suspended the procedural schedule in the Complainants' case as well as canceling the evidentiary hearing set to begin July 17, 2006. Therefore, in order to satisfy my complaint, there is no alternative left for me but to request to become an intervener and active participant in Case No. WA-2006-0480, et al.

(3) I am also opposed to this certification because the ownership and management team of the proposed BIWS Company is almost exactly the same organization (only with a different name) which committed numerous DNR violations over the past seven (7) years compromising the health and safety of Big Island residents' public drinking water supply.

--As the Commission is aware, these violations were serious enough to warrant a monetary fine and the filing of a Settlement Agreement (SA) in 2004 with the Missouri Attorney General's Office and the DNR. Since the signing of that agreement, the same management team committed additional violations in June 2005, including a REPEAT VIOLATION originally committed in 1998, which

eventually led to the five-year investigation, and eventual digging up of the truth that did prove illegal sewer and water mains were installed in the same trench in direct violation of DNR regulations. During this five year period, representatives of Folsom Ridge LLC repeatedly denied any wrongdoing or willingness to accept any responsibility for their actions.

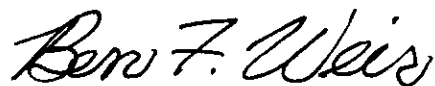
(4) Thus, it would most definitely serve the public interest to allow my intervention in these cases so I could present factual documentation at the Public Hearing in support of my concerns as to the qualifications of BIWS being able to provide responsible management controls as well as operating procedures to ensure that safe and adequate water and sewer services will be provided to Big Island residents.

(5) Furthermore, in my opinion, there are several confusing and misleading statements in this application that need to be thoroughly researched, investigated and fully explained beyond a reasonable doubt to determine legality as well as accuracy.

I feel the best interests of all residents of Big Island as well as the general public is best served by a knowledgeable, enlightened and participatory citizenry that has full access to ALL the information before it makes a responsible decision that affects the interests of others especially when it comes to their property values and public drinking water supply. A fair and impartial Public Hearing is the proper forum for such discussion to take place.

Please bring this application to intervene and participate in Case No. WA-2006-0480 et al., to the attention of the appropriate Commission personnel.

Respectfully submitted,



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

Cc: Mark W. Comley  
Charles E. McElyea  
Office of Public Counsel