

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

Cathy J. Orler,)	
)	
Complainant,)	
)	
v.)	Case No. WC-2006-0082, et al.
)	
Folsom Ridge, LLC, (Owning and))	
Controlling the Big Island))	
Homeowners' Association),))	
)	
Respondent.))	

**COMPLAINANTS' REQUEST TO THE COMMISSION TO IMPOSE
SANCTIONS WITH PENALTIES AND FINES AGAINST RESPONDENTS
FOR FAILURE TO PRODUCE DOCUMENTS REQUESTED IN DATA
REQUESTS NUMBER 1, NUMBER 2, AND NUMBER 3**

COMES NOW, the following Complainants, being represented by their individual signatures below, to state the following to the Commission:

1. On February 07, 2007, Ms. Orler filed with the Commission, a "Full Disclosure to the Commission, of Complainant's Request to Respondents for Big Island Homeowners' Water and Sewer Association, (f.k.a. – Big Island Homeowners' Association), membership and Billing Records via Data Requests."
As per the full disclosure made to the Commission on this date, Complainants asked the Commission to impose sanctions with penalties and fines against the Respondents, for failure to provide the information being requested.
2. On February 09, 2007, the Respondents filed with the Commission, "Respondents' Objections to Complainant Orler's Data Requests Dated February 02, 2007. The Respondents' responses were as follows:

Data Request Number 1 Response: "A list of members of the Big Island Homeowners Water and Sewer Association, Inc. for the period of time requested has been previously supplied by Respondents in a data

request response of April 14, 2006. The information supplied on April 14, 2006 is the best information available from the Association records."

Data Request Number 2 Response: "Respondents object to this request on the grounds that it is unreasonably burdensome and expensive. The information is equally available to complainant from the Recorder of Deeds, Camden County Courthouse."

Data Request Number 3 Response: "Respondents object to this request on grounds that it is unreasonably and unduly burdensome and expensive. This request involves assembly, copying and production of over 2500 documents. Respondents further object on grounds that the data request is overbroad in that it spans nearly six years of billing and payment information. Furthermore, the data is cumulative of facts and data already compiled by the staff of the Commission in connection with its recommendation in this case.

3. Complainants' disclosures to the Commission regarding the Respondents' responses:

Complainants' Argument to Respondents' Response to Data Request Number 1: As cited in the Complainants' Full Disclosure to the Commission, regarding these data requests, numerous data requests have been made for these same documents in this case number, and the Application Case No. WA -2006-0480, et al., (resulting from this case and since dismissed); including two, (2), orders issued by the Commission, compelling the production of these documents. Furthermore, using the Direct Testimony of Respondent, Mr. Rick Rusaw, and referencing the vote of the Association membership to transfer the utility assets, on page 8, lines 19 through 29, and page 9, lines 1 through 5, Mr. Rusaw testifies to the fact that the votes were tabulated in a number of different ways:

- a. customers actually connected to the system b. all customers being billed by the Association. Respondent is admitting that for this tabulation to occur, two,(2), separate lists must exist. In addition, as Exhibit 1, clearly indicates, non-members are being billed. Information must exist to generate this type of billing. Complainants' confirm to the Commission, that the information requested, has NOT been provided.

Complainants' Argument to Respondents' Response to Data Request Number 2: As cited in the Complainants' Full Disclosure to the Commission, regarding these data requests, numerous data requests have been made for these same documents in this case number, and the Application Case No. WA -2006-0480, et al., (resulting from this case and

since dismissed); including two, (2), orders issued by the Commission, compelling the production of these documents. Furthermore, the eighteen month period of time, of these proceedings before the Commission, wherein these documents have been requested, in addition to the six, (6), years that residents made these same requests before coming to the Commission, proves the “unreasonably and unduly burdensome” nature of the request, as stated by the Respondents, frivolous;, and the fines and penalties requested herein, will prove the “expensive” portion of the Respondents’ response, moot.

Complainants’ Argument to Respondents’ Response to Data Request Number 3: As cited in the Complainants’ Full Disclosure to the Commission, regarding these data requests, numerous data requests have been made for these same documents in this case number, and the Application Case No. WA -2006-0480, et al., (resulting from this case and since dismissed); including two, (2), orders issued by the Commission, compelling the production of these documents. Furthermore, if these documents had been produced by the Respondents when requests by residents were made over six, (6), years ago, the nature of the request would not be overbroad and span nearly six, (6), years.

Wherefore, Complainants’ request the Commission to impose sanctions with penalties and fines in the amount of \$753,865.76 which is the total cost of the Delivery System; Sewer Plant and Water Plant, (from the Feasibility Study generated in the Application Case No. WA-2006-0480 et al.). This figure is justified by the value of the utility assets being transferred, and the vote to transfer the utility assets utilizing the information being requested by the Complainants.