

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

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

**RESPONSE REGARDING RESPONDENT'S MOTION OF
JANUARY 9, 2006 AND COMPLAINANT'S RESPONSE OF
JANUARY 19, 2006 TO SAID RESPONDENT'S MOTION**

COMES NOW the Staff of the Missouri Public Service Commission ("Staff"), by and through counsel, and for its Response Regarding Respondent's Motion of January 9, 2006 and Complainant's Response of January 19, 2006 to Said Respondent's Motion ("Responsive Pleading") states the following to the Missouri Public Service Commission ("Commission").

1. On December 16, 2005, the Commission issued its **Order Continuing to Hold Pending Motions in Abeyance and Extending Time for Staff to File Report.** The Commission's *Order* included the two following ordered sections:

1. That all pending motions are held in abeyance until January 9, 2006.
2. That the Staff of the Commission shall investigate the facts relating to these complaints and report its findings to the Commission no later than February 9, 2006.

2. On January 9, 2006 (unless noted otherwise, all dates hereafter refer to the year 2006), the Respondent in this case filed a motion requesting that the Commission schedule a second prehearing conference for the purpose of providing the parties an opportunity to consider a proposal

whereby Commission-regulated water and sewer services would be provided in a service area "in and around Big Island", and that the Commission continue to hold all pending motions in abeyance pending the outcome of the second prehearing conference.

3. On January 19, the Complaint in this case filed its response to the Respondent's January 9, 2006 Motion. In that response, the Complainant requested that ". . . the Commission NOT schedule a second prehearing conference" in the case and that ". . . the Commission make a ruling on all pending motions, proceed with the report from the Commission staff, rule on the Commission staff's report, and schedule a public hearing."

4. One of the three most likely resolutions to the issues that are the subject of this consolidated case, *over which the Commission has jurisdiction*, is the formation of a Commission-regulated water and sewer corporation. The development of a proposal for the "transformation" of the existing water and sewer systems to Commission-regulated enterprises was the reason for the original continuance of this case. The consideration of a proposal to accomplish this "transformation" is the reason for the further continuance of this case, as is clearly set out by the Respondent in its January 9 motion. As a result, the Staff believes the Respondent's January 9 motion is reasonable and should be granted.

5. If the Commission grants the Respondent's January 9 motion, it would also need to extend the time for the filing of the Staff's investigation report, if such would continue to be necessary, with the report to be due 30 days after the end of any additional abeyance period.

WHEREFORE, the Staff submits this Responsive Pleading for the Commission's consideration in this case and respectfully requests that the Commission issue an order that is consistent with Paragraphs 4 and 5 hereof.

Respectfully Submitted,

/s/ Marc D. Poston

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CERTIFICATE OF SERVICE

I hereby certify that copies of this Responsive Pleading have been mailed with first class postage, hand-delivered, transmitted by facsimile or transmitted via e-mail to all counsel and/or parties of record this 30th day of January 2006.

/s/ Marc D. Poston