

May 23, 2006

FILED³
MAY 24 2006
Missouri Public
Service Commission

The Honorable Colleen M. Dale
Secretary/Chief Regulatory Law Judge
Missouri Public Service Commission
P. O. Box 360
Jefferson City, MO. 65102-0360

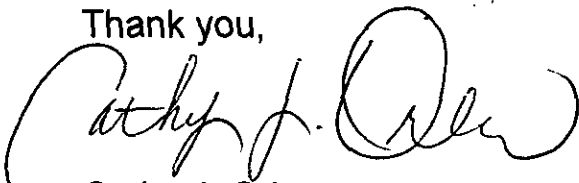
Re: Case Nos. WC-2006-0082, WC-2006-0090, WC-2006-0107,
WC-2006-0122, WC-2006-0121, WC-2006-0120, WC-2006-0129,
WC-2006-0139, WC-2006-0138

The Honorable Judge Dale:

Please find enclosed for filing, "Complainant's Statement to the Commission Regarding the Respondents' Response to Complainant's Separate Requests for a "Certificated" Company to Provide Regulated Service on Big Island," and "Complainant's Response to Respondents' Motion to Compel and Motion to Waive Requirements of 4CSR240-2.090(8)." Five additional copies are also enclosed for the appropriate Commission personnel; if you would be so kind as to bring this filing to their attention.

Please contact me, if you should have any questions regarding this filing.

Thank you,



Cathy J. Orlor
3252 Big Island Drive
Roach, MO. 65787
(573)317-1490

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

FILED³

Cathy J. Orler,

MAY 24 2006

Complainant,

Missouri Public
Service Commission

v.

Case No. WC-2006-0082, et al.

Folsom Ridge, LLC, (Owning and
Controlling the Big Island
Homeowners' Association),

Respondent.

**COMPLAINANT'S RESPONSE TO RESPONDENTS' MOTION TO
COMPEL AND MOTION TO WAIVE REQUIREMENTS OF
4CSR240-2.090(8)**

Comes now, Cathy Orler, on her own behalf, to state the following to the Commission:

1. On August 19, 2005, Cathy Orler filed a "Formal Complaint," with the Public Service Commission, against Folsom Ridge, LLC, (Owning and Controlling the Big Island Homeowners' Association). In that Complaint, Ms. Orler states that all numerous requests to Folsom Ridge for a BIHOA membership listing, have been ignored. Ms. Orler's complaint also suggests that the PSC request from BIHOA and/or Folsom Ridge who is owning and controlling the HOA, a listing of its customers and members.

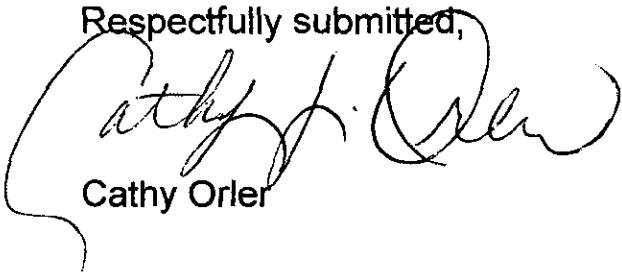
2. On September 24, 2005 – a “Complainant Data Request,” was made by Ms. Orlor to Mark W. Comley, (attorney for Folsom Ridge, LLC, (Owning and Controlling the BIHOA), requesting a membership listing of the BIHOA, including a listing of all individuals being billed and/or serviced by the BIHOA, relating to the water and sewer; and signed and ratified copies of the “Amended and Restated Declaration of Covenants and Conditions,” and signed and ratified copies of the “Amended and Restated By-Laws of the BIHOA.”
3. On November 29, 2005 – Ms. Orlor sent a second data request requesting the same information to the BIHOA. This second request went to both Robin Engen, (office manager for Folsom Ridge, LLC, and/or BIHOA); and, Charles McElyea, (attorney for BIWSA, - f/k/a BIHOA).
4. At the prehearing conference on December 08, 2005 – the Commission denied the motion to compel FOLSOM RIDGE to produce the information requested, because Folsom Ridge, LLC, and the BIHOA are separate legal entities. However, at this same prehearing conference, Ms. Orlor again, made a request for this information, verbally, in the presence of Mr. Comley and Mr. McElyea.
5. On January 31, 2006 – the Commission ordered: “...the Big Island Water and Sewer Association Inc. F/K/A BIHOA is made a respondent to each of the complaints.”
6. In a second prehearing conference held on March 31, 2006, Presiding, Regulatory Law Judge Morris Woodruff, ruled that the BIHOA would supply the documents requested in the data requests.
7. On April 14 and 19, 2006, information was received from the Respondents’, in response to the Complainant’s data requests. The information received was incomplete and not what was requested.

8. On May 09, 2006, Ms. Orler made a telephone call to Mr. Mark Comley, again requesting this same information, that to this date, still had not been supplied.
9. On May 16, 2006, a written request for this same information, (with examples provided), was sent to Mr. Mark Comley. (Exhibit 1).

The information being requested by the Complainant, is critical to the complaints filed with the Commission in determining: (a). the jurisdiction of the PSC; (b). the BIHOA is operating as an unlicensed public utility, by billing and/or servicing individuals who are not members of the association. For these reasons, the Complainant feels that this information must be of equal importance to the Commission. Furthermore, the Complainant needs this information to prepare for the "Formal Evidentiary Hearing," in this case, scheduled for July 17 through the 21, 2006.

Wherefore, the Complainant requests that the Commission now intervene to the extent of the judicial powers afforded it, to compel Folsom Ridge, LLC, (Owning and Controlling the BIHOA), and/or the BIHOA to produce the documents requested.

Respectfully submitted,



Cathy Orler

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing document was sent this 23rd day of May, 2006, to the General Counsel's Office, and the Office of Public Counsel, and via U.S. mail, postage prepaid to Mark W. Comley, 601 Monroe Street, Suite 301, P. O. Box 537, Jefferson City, MO. 65102

Exhibit 1

page 1

May 16, 2006

Mr. Mark W. Comley
Newman, Comley & Ruth P.C.
601 Monroe Street, Suite 301
P.O. Box 537
Jefferson City, Mo. 65102-0537

Mr. Comley:

Pursuant to our telephone conversation of May 09, 2006, this letter is a written request for documents from the Big Island Homeowners' Association, that were requested in the "Complainant's Data Request," (1 and 2), that have not been supplied. When possible, "examples," as attachments for some of the documents being requested, have been provided for your convenience in complying with the request. All documents being requested, are for the period beginning January 01, 2000 to the date of this request, and should be dated to reflect the appropriate reporting period. The documents being requested, are specified as follows:

1. A Big Island Homeowners' Association membership listing of individual members. (The document being requested should be exclusive to the BIHOA, and the members of that organization specifically; and not combined with any other document and/or listing of individuals for any purpose, other than the listing of members in the BIHOA). (These documents being requested, will be the annual membership listing of the BIHOA for the years beginning January 01, 2000; January 01, 2001; January 01, 2002; January 01, 2003, January 01, 2004; January 01, 2005 and January 01, 2006 to the date of this request). ("Complainant's example" attached).
2. Signed Copies of the ratification documents of the "Covenants and Conditions," and signed copies of the ratification documents of the "Amended and Restated Declaration of Covenants and Conditions," bearing the signatures of the individuals agreeing to the terms of such Covenants.

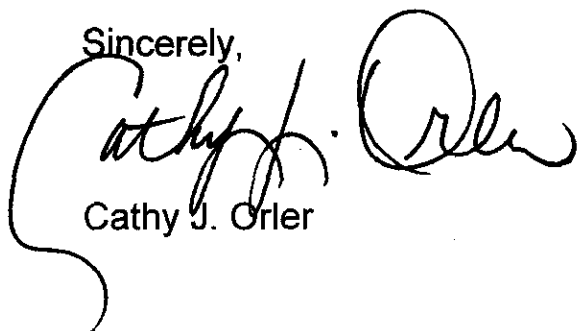
Exhibit 1
page 2

(Examples attached).

3. Copies of individual bills, billing statements, invoices, assessments, and/or any communications requesting the payment of fees, dues, assessments, rates; or any service and/or product associated with the water and sewer utility, for which a monetary sum is being charged, and payment is expected. These documents will also include any request for payment of "hook-up" fees, and/or connection fees. (These documents being requested, will be for the years beginning January 01, 2000; January 01, 2001; January 01, 2002; January 01, 2003; January 01, 2004; January 01, 2005; and January 01, 2006 to the date of this request, and will include notices sent to individuals in the years 2000 and 2001, for all periods prior to the year 2000). (Examples attached).

Complainant's receipt of the documents requested, will satisfy the "Complainant's Data Request," (1 and 2); however, because these requests are treated as ongoing, please provide any updates to these documents as they are made. Your cooperation in this matter, is greatly appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read "Cathy J. Orlor". The signature is fluid and cursive, with a large loop at the end. It is positioned to the right of the word "Sincerely," and above the printed name "Cathy J. Orlor".

Cathy J. Orlor

BIG ISLAND HOMEOWNERS' ASSOCIATION MEMBERSHIP LISTING

1. Name of Individual Member
2. Name of Individual Member
3. Name of Individual Member
4. Name of Individual Member

Exhibit 1
page 3

RATIFICATION OF COVENANTS AND CONDITIONS

1. John V. Cascairo and Marilyn L. Cascairo (hereinafter referred to as "Cascairo") are the owners of the real property described as follows:

All of Lots 70 and 71 and the North one-half (N 1/2) of Lot 69, in BIG ISLAND LAKE SITES, FIRST ADDITION, a subdivision in Camden County, Missouri, according to the amended plat thereof on file and of record in the Office of the Recorder of Deeds, Camden County, Missouri.

2. Folsom Ridge, LLC, a Colorado corporation, certified to do business in Missouri, recorded a Declaration of Covenants and Conditions (the "Covenants") dated _____, 2000, and recorded in Camden County, Missouri on _____, 2000 at Book _____, Page _____.

3. Cascairo, hereby ratifies such Covenants and agrees that the terms of such Covenants shall bind the real property owned by them described above, and shall inure to the benefit of, and be binding on the undersigned, their heirs, successors and assigns.

"Cascairo"

John V. Cascairo
John V. Cascairo

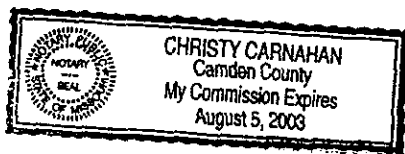
Marilyn L. Cascairo
Marilyn L. Cascairo

STATE OF _____)
COUNTY OF _____) ss.

The foregoing instrument was acknowledged before me this 5th day of May, 2000 by John V. Cascairo and Marilyn L. Cascairo.

My commission expires: August 5, 2003

Witness my hand and official seal.



Christy Carnahan
Notary Public

Exhibit 1
page 4

1. Jeffery R. Litty and Cathy Litty (hereinafter referred to as "Litty") are the owners of the real property described as follows:

2. Folsom Ridge, LLC, a Colorado corporation, certified to do business in Missouri, recorded an Amended and Restated Declaration of Covenants and Conditions (the "Covenants") dated January 10, 2001, and recorded in Camden County, Missouri on January 17, 2001 at Book 507, Page 587.

"Litty"

Cathy Litty

STATE OF)
COUNTY OF) ss.

The foregoing instrument was acknowledged before me this ____ day of _____, 2001 by Jeffery R. Litty and Cathy Litty.

My commission expires: _____

Witness my hand and official seal.

Exhibit 1
page 5

Big Island Homeowners Association
P. O. Box 54
Longmont, CO 80502

April 9, 2001

Benjamin & Karen Pugh
HCR 67, Box 726
Roach, MO 65787

Dear Benjamin & Karen,

Enclosed you will find your billing for your sewer and water service for all periods prior to December 2000. These were billed at the original rate of \$10 per month on sewer and \$5 per month on water. You were billed from the time you hooked up to the system. Please read the invoice carefully and make sure no mistakes were made concerning when you hooked up and if you are hooked up only to sewer or only to water. These invoices are due upon receipt.

You will receive shortly, another bill for the 1st quarter of 2001. These bills will be at the new rates voted on at the December 29, 2000 meeting. They will be \$15 for sewer and \$10 for water. I have attached the meeting minutes for your review if you have any questions.

Please don't hesitate to contact us if anything is incorrect on your bill. We would be glad to discuss it. We can be reached at 303-702-0708.

Sincerely,

R. V. (Reggie) Golden
Big Island Homeowners Association
Director

Exhibit 1
page 6

Big Island Homeowners Association Inc

P. O. Box 536
Roach, MO 65787

Phone # 303-702-0708

Invoice

Date	Invoice #
10/1/2005	1314

Bill To

Cathy Orlor
3252 Big Island Dr.
Roach, MO 65787

Exhibit 1
page 7

			Terms
			Net 30
Months	Description	Rate	Amount
3	Big Island HOA Sewer Fees NOT Connected Current Quarter 2005 (80, 81 & 82)	7.00	21.00
3	Big Island HOA Water Fees NOT Connected Current Quarter 2005 (80, 81 & 82)	7.00	21.00
		Total	\$42.00

Big Island Homeowners Association
P. O. Box 54
Longmont, CO 80502

Exhibit 1
page 8

June 6, 2001

Howard and Marilyn Docker
716 Prairie Ct.
Topeka, KS 66606

Dear Howard & Marilyn,

Enclosed is a copy of the covenants, the by-laws, and a ratification form. Please sign the attached ratification form in front of a Notary and mail it back to the homeowners association in the enclosed envelope. This will allow us to protect your investment in the sewer and water system by recording your membership at the county courthouse.

You will also need to contact Mike McDuffey of Lake of the Ozarks Water and Sewer, Inc. at 573-346-2092 to get connected to the system. When you return your ratification please enclose a check for \$6,000.00 for the hook-up fees. We will bill you later for your quarterly fees beginning with the 3rd quarter.

pd.
\$6,000.00
6/11/01

Please give me a call if you have any questions. The phone number is (303) 702-0708. We appreciate your patience and cooperation in this matter.

Sincerely,



R. V. (Reggie) Golden
Big Island Homeowners Association

Invoice

2

Big Island Homeowners Association

P. O. Box 54

Longmont, CO 80502-

USA

Phone: (303) 702-0708 Fax: (303) 702-058

Exhibit 1
page 9

Invoice Date 04/09/2001

Member ID 18

Payment Terms Net 30 Days

Member: Ben & Karen Pugh

HCR 67, Box 726

Roach, MO 65787-

USA

<i>Member Dues</i>	<i>\$150.00</i>
--------------------	-----------------

<i>Amount Paid</i>	
--------------------	--

<i>Total Due</i>	<i>\$150.00</i>
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*Big Island HOA Sewer Fees for 10/01/99 through 12/31/00 @
\$10.00 per month.*

Invoice

Exhibit 1
page 10

Big Island Homeowners Association

P. O. Box 54

Longmont, CO 80502-

USA

Phone: (303) 702-0708 Fax: (303) 702-058

Invoice Date 07/19/2001

Member ID 35

Payment Terms Net 10 Days

Non-member

Member: Jeff & Cathy Litty

HCR 67, Box 840

Roach, MO 65787-

USA

Non-Member

Member Dues \$15.00

Amount Paid

Total Due \$15.00

**Big Island HOA Sewer Fees NOT Connected to the system -
April 1-June 30, 2001 - \$5.00 per month.**

We are NOT members
of the Big Island HOA
Cathy

Statement

Big Island Homeowners Association Inc

P. O. Box 536

Roach, MO 65787

Date

7/1/2003

To:

Jeffery & Cathy Litty
3252 Big Island Dr.
Roach, MO 65787

					Amount Due	Amount Enc.
					\$27.00	
Date	Transaction				Amount	Balance
12/31/2002	Balance forward					0.00
01/01/2003	INV #350				21.00	21.00
02/18/2003	PMT #3327 - 1st Q 2003				-15.00	6.00
04/01/2003	INV #428				21.00	27.00
Exhibit 1 page 11						
CURRENT	1-30 DAYS PAST DUE	31-60 DAYS PAST DUE	61-90 DAYS PAST DUE	OVER 90 DAYS PAST DUE	Amount Due	
0.00	0.00	21.00	0.00	6.00	\$27.00	