

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

In the Matter of Cathy J. Orler, et al.)	
Complainants,)	
v.)	
)	
Folsom Ridge, LLC,)	
)	<u>Case No. WC-2006-0082 et al.</u>
and)	
)	
Big Island Homeowners Water and Sewer)	
Association, Inc., f/k/a Big Island)	
Homeowners Association, Inc.,)	
Respondents.)	

**RESPONSE TO RESPONDENTS' MOTION FOR AN
ORDER SUSPENDING PROCEEDINGS**

COMES NOW the Staff of the Missouri Public Service Commission and states the following regarding Respondent Folsom Ridge, LLC and Big Island Homeowners Water and Sewer Association, Inc (“Respondents”):

1. On June 16, 2006, Respondents filed a Motion for an Order Suspending Proceedings (“Motion”) stating that on this same date, Big Island Water & Sewer Company, Inc. (“BIWS”) filed an Application with the Commission in Case No. WA-2006-0480, requesting a Certificate of Convenience and Necessity for service authority to provide water and sewer service. Respondents state that BIWS has entered agreements to acquire the water and sewer system presently serving the Big Island community.

2. The Commission is set to hear the eight Complainants’ cases on July 17 – 21, 2006. Respondents’ Motion requests a stay of this consolidated complaint proceeding pending approval or denial of the BIWS Application.

3. Staff suggests that the Commission waive intervention rule 4 CSR 240-2.075 for the Complainants, and grant these Complainants Intervenor status in the Application case, Case No. WA-2006-0480. Respondents' Motion states, at page 2, 3:

[i]f BIWS's application is approved, and the Respondents contend that it should be, the complaints for all practical purposes under law will be moot, if not rendered null. Furthermore, the procedures under which the Commission will review BIWS's application will provide the better forum in which to address the complainants' issues about the water and sewer systems in place on Big Island.

Respondents reference the Complainants' interest and suggest the Application case (Case No. WA-2006-0480) as the better forum for review of the Complainants' issues. Therefore, for full review of the Complainants' issues within the Application case, it appears to Staff that Complainants must first be able to intervene in that case.

4. Further, if the Commission grants Respondents' Motion in this case, Staff suggests that Complainants, as Intervenors in the Application case, would be in a better position to request that the Commission move ahead with the complaint case proceedings if the Application case is unduly delayed.

WHEREFORE, Staff suggests that if the Commission grants Respondents' Motion, then the Commission waive intervention rule 4 CSR 240-2.075 for the Complainants, and grant these Complainants Intervenor status in the Application case (Case No. WA-2006-0480).

Respectfully submitted,

/s/ Shelley E. Syler

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Certificate of Service

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record this 20th day of June 2006.

/s/ Shelley E. Syler