

NEWMAN, COMLEY & RUTH P.C.

ATTORNEYS AND COUNSELORS AT LAW

601 MONROE STREET, SUITE 301

P.O. BOX 537

JEFFERSON CITY, MISSOURI 65102-0537

TELEPHONE: (573) 634-2266

FACSIMILE: (573) 636-3306

www.ncrpc.com

ROBERT K. ANGSTEAD
ROBERT J. BRUNDAGE
MARK W. COMLEY
LANETTE R. GOOCH
CATHLEEN A. MARTIN

MARTIN A. MILLER
STEPHEN G. NEWMAN
THOMAS R. O'TOOLE
JOHN A. RUTH
ALICIA EMBLEY TURNER

January 9, 2006

FILED⁴

JAN 09 2006

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

**Missouri Public
Service Commission**

Re: Case Nos. WC-2006-0082, et al.

Dear Judge Dale:

Please find enclosed for filing in the referenced matters the original and five copies of Respondent's Motion to Continue Holding Pending Motions in Abeyance and for Scheduling of Second Prehearing Conference.

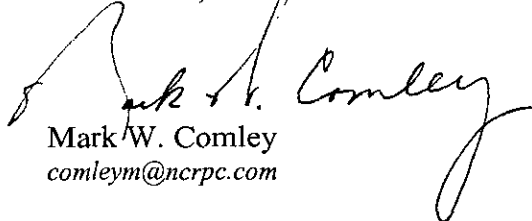
Would you please bring this filing to the attention of the appropriate Commission personnel.

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

Very truly yours,

NEWMAN, COMLEY & RUTH P.C.

By:


Mark W. Comley
comleym@ncrpc.com

MWC:ab

Enclosure

cc: Office of Public Counsel
General Counsel's Office
Cathy Orler
Cindy Fortney
Dean Leon Fortney
Judy Kenter
Benjamin D. Pugh
Joseph J. Schrader
Stan Temares

Ben F. Weir
Duane Stoyer
Charles E. McElyea
Reginald V. Golden

JAN 09 2006

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

Cathy J. Orler,

Complainant,

v.

Folsom Ridge, LLC,

Respondent.

)
)
)
)
)
)
)

Missouri Public
Service Commission

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

**RESPONDENT'S MOTION TO CONTINUE HOLDING PENDING MOTIONS IN
ABEYANCE AND
FOR SCHEDULING OF SECOND PREHEARING CONFERENCE**

Comes now Respondent, Folsom Ridge, L.L.C. (Folsom Ridge) and for its above entitled motion submits the following to the Commission:

1. In August and September of 2005, nine separate complaints were filed by individual homeowners against Folsom Ridge, LLC. Each complaint is somewhat different, but all allege that Folsom Ridge, Big Island Homeowners Association, or some combination of the two, is operating a water and sewer utility that should be subject to regulation by this Commission. The cases were consolidated by order of the Commission on November 4, 2005.

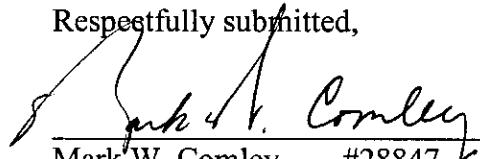
2. On December 8, 2005, a prehearing conference was held in the consolidated dockets and after lengthy discussion the parties agreed that all motions and further actions in these cases should be held in abeyance until January 9, 2006 so that Respondent could evaluate and supply a proposal to Staff and the complainants regarding transforming the water and sewer services to regulated enterprises. The Commission incorporated the parties' agreement into an order dated December 16, 2005 in which it ruled that all pending motions were held in abeyance until January 9, 2006.

3. After giving the matter significant attention, Folsom Ridge believes that there is merit to establishing regulated water and sewer services in a service area in and around Big Island, but further submits that before applications for certificates are filed to achieve that goal, a second prehearing should be scheduled so that the parties may consider Folsom Ridge's proposal for regulated service and proposals by which to dispose of the instant complaints.

4. For the parties to conveniently confer and to avoid expenditures, which may be unnecessary, related to resolving or responding to pending motions, Folsom Ridge requests that the Commission continue to hold the pending motions in the consolidated cases in abeyance pending the outcome of the second prehearing conference.

WHEREFORE, on the basis of the above and foregoing, Folsom Ridge prays the Commission schedule a second prehearing conference and until the outcome of that conference is known, hold all pending motions in these cases in abeyance.

Respectfully submitted,



Mark W. Comley #28847
Newman, Comley & Ruth P.C.
601 Monroe Street, Suite 301
P.O. Box 537
Jefferson City, MO 65102
(573) 634-2266
(573) 636-3306 FAX

Attorneys for Folsom Ridge, LLC

Certificate of Service

I hereby certify that a true and correct copy of the above and foregoing document was sent via e-mail on this 9th day of January, 2006, to General Counsel's Office at gencounsel@psc.mo.gov; and Office of Public Counsel at opcservice@ded.mo.gov; and via U.S. Mail, postage prepaid, to:

Cathy Orler, 3252 Big Island Drive, Roach, MO 65787,
Cindy Fortney, 3298 Big Island Drive, Roach, MO 65787,
Dean Leon Fortney, P.O. Box 1017, Louisburg, KS 66053,
Judy Kenter, 1794 Big Island Drive, Roach, MO 65787,
Benjamin D. Pugh, 1780 Big Island Drive, Roach, MO 65787,
Joseph J. Schrader, 1105 Yorktown Pl., DeLand, FL 32720,
Stan Temares, 371 Andrews Trail Court, St. Peters, MO 63376,
Ben F. Weir, 3515 SW Meyer Blvd., Blue Springs, MO 64015,
Duane Stoyer, 702 Ridgeview Dr., Washington, MO 63090,
Charles E. McElyea, P.O. Box 559, Camdenton, MO 65020.

