

July 19, 2006

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

FILED³

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Missouri Public
Service Commission

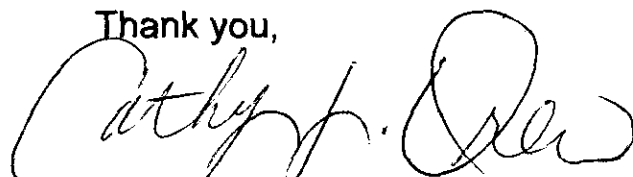
Re: Case Nos. WA-2006-0480

The Honorable Judge Dale:

Please find enclosed, filings from various individuals, (Mr. Ben Weir, Mr. Benjamin Pugh, Ms. Cathy Orlor, Mr. Joseph J. Schrader, and Mark and Debbie Hesley), regarding the above referenced case number. Although the titles of the filings vary, and some filings are without titles, all are referencing the "Application" for a certificate of convenience and necessity, filed by Big Island Water and Sewer Company, Inc. and intervening in this case. 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 these filings.

Thank you,



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

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JUL 24 2006

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

Missouri Public
Service Commission

In the Matter of the Application of)
Big Island Water & Sewer Company, Inc.)
for a Certificate of Convenience and)
Necessity authorizing it to construct,)
install, own, operate, control, manage,)
and maintain a water and sewer system)
for the public located in an unincorporated)
area in Camden County, Missouri)

Case No. WA-2006-0480

**INTERVENER'S RESPONSE TO APPLICANT'S RESPONSE AND
OBJECTIONS TO MOTIONS TO INTERVENE AND REQUEST INTERVENER
STATUS BE GRANTED TO ALL 16 APPLICANTS**

COMES NOW, Cathy Orlor, on her own behalf, would be Intervener, and submits the following to the Commission:

1. On June 16, 2006, Big Island filed an "Application," with the Commission, requesting a "Certificate of Convenience and Necessity" to continue providing water and sewer service on Big Island.
2. On June 19, 2006, the Commission entered an order directing that any proper person wishing to intervene should file an application to do so no later than July 10, 2006.
3. In the "Applicant's Response and Objections To Motions To Intervene," filed with the Commission on July 12, 2006, page 1; paragraph 3 - Mr. Comley and Mr. McElyea state that "Sixteen motions/applications to intervene were filed by the July 10, 2006 deadline. Six of those motions were filed by persons who are also complainants in consolidated Case No. WC-2006-0082."

COMPLAINANT'S OPPOSITION TO APPLICANT'S APPLICATION FOR A CERTIFICATE OF CONVENIENCE AND NECESSITY

1. On June 27, 2006, the Commission issued the "Order Regarding Respondents' Motion To Suspend Proceedings." In this order, the Commission states on Page 3; paragraph 1 – "Big Island Water & Sewer is affiliated with the owners of Folsom Ridge. The complainants have made it clear that they oppose the granting of a certificate to any company affiliated with Folsom Ridge. However, their opposition can be best expressed within the context of the certificate case, and not in the complaint cases."
2. In the "Response To Intervention Requests Filed By Complainants And Suggestions Opposing Mr. Schrader's Motion To Intervene," filed with the Commission on July 12, 2006, page 2; paragraph 5 – Mr. Comley and Mr. McElyea state: "Although it is arguable that the interests and issues raised by the complainants in their motions to intervene are no different from those shared by the general public...".
 - a. Ms. Orlor, (complainant and would be intervener), challenges this statement by asking what, specifically, are the interests and issues of the general public, regarding this case? If the Applicant polled and/or surveyed the general public's interests and issues in this case, then Ms. Orlor would like to request a copy of those results, and a geographical description to define the scope of the general public polled and/or surveyed.
3. In the "Response To Intervention Requests Filed By Complainants And Suggestions To Opposing Mr. Schrader's Motion To Intervene," page 2; paragraph 6 – Mr. Comley and Mr. McElyea also state: "The complainants' motions to intervene contain allegations that are superfluous under the rule and if an answer to those allegations is deemed required, Big Island disputes and generally denies each and every one to the extent they oppose or are inconsistent with the assertions in Big Island's application." The complainant and would be intervener, would like to make clear to both the Applicant and the Commission, that the issues of "allegations" regarding the Applicant and the Application are not superfluous and can be supported with documentation as evidence.

- a. Reference "Application," page 1; paragraph 2 – Applicant indicates that the geographical area of service to be along the shores of the Big Niangua Arm of the Lake of the Ozarks popularly known as Big Island.

Complainant and would be intervener, respectfully requests clarification regarding the geographical area of service. (1) Big Island is located on the Little Niangua Arm of the Lake of the Ozarks. (Exhibit 1). (2) If the service area is to include the Big Niangua Arm of the Lake of the Ozarks, then the Complainant and would be intervener, requests a description of the area to be served.

- b. Applicant states that "Service provided by the Association is the subject matter of several complaints pending before the Commission. This application is being filed as a response to those complaints."

On April 27, 2006, Complainant filed with the Commission, "Complainant's Request For A Regulated Public Utility Operated And Managed By A Certificated Company Independent Of Any Association With The Respondents Or Any Of Its Agents Or Representatives." Therefore, the Respondents' filing of the Application in this case, would not be a response to the Complainant's complaint and/or that pleading.

- c. As of the date of this response, there has been no feasibility study provided by the Applicant.
- d. Reference "Application," page 3; paragraph 7 – "....the systems are presently owned by Folsom Ridge, LLC,".

In a letter dated November 29, 2001, from Mr. Reggie Golden, manager, Folsom Ridge, to Kristine Ricketts, DNR; Mr. Golden states that: "For future reference, the system and the ground have been turned over to the Big Island Homeowners Association. (Exhibit 2). It is obvious that Folsom Ridge and "Applicant," (fka Folsom Ridge), is providing inconsistent information to the PSC and the DNR. Complainant and would be intervener, is requesting property titles to confirm and satisfy ownership of the utility on Big Island. In addition, Complainant and would be intervener, would also like to request a copy of the "Arrangement" between Folsom Ridge and the Association for providing the water and sewer service, and a copy of the "Asset Transfer Agreement" by which the "Applicant will acquire the water and sewer business and all right, title and interest in the wells, pipes, pumps, treatment facilities, real property, interests in easements and related equipment used to provide service."

- e. Reference "Application," page 3; paragraph 8 – "Some of the residents receiving service from the Association have paid connection fees in order to connect, or preserve or protect their right to connect, to the water and sewer system now in place."

This information is incorrect. Complainant and would be intervener, did not pay a "connection fee." Complainant and would be intervener, did purchase a water and sewer tap. In a letter dated May 11, 2001, from Mr. Reggie Golden to Lisa Peterson at Chalfant & Thompkins Abstract & Title Insurance, Mr. Golden is requesting lot information for the purpose of solicitation "in buying a tap." (Exhibit 3). Therefore, the sentence in the application stating, "Those residents will be given a credit for payment of the connection fees when each becomes a subscriber to Applicant's regulated service," is also incorrect. The credit should be given for the tap purchase, with no requirement to subscribe to the Applicant's regulated service.

- f. Reference "Application," page 4; paragraph 10 – "Water and sewer services provided currently to these areas are unregulated and Commission approval of the certificate of convenience and necessity herein would end disputes related to the lawfulness of that service."

Complainant and would be intervener, wants to make absolutely clear to the Applicant, (fka Folsom Ridge), Folsom Ridge, LLC, (Owning and Controlling the BIHOA), and the Commission, that NOT ALL DISPUTES related to the lawfulness and/or unlawfulness of the service currently being provided, are within the jurisdiction of the PSC to decide and/or declare judgment. Some disputes must be addressed within the jurisdiction of the civil court. Therefore, individuals' rights to address disputes outside the jurisdiction of the PSC, can not be relinquished by the request of the "Applicant," (fka Folsom Ridge), through and/or with the approval by the PSC of a certificate of convenience and necessity.

Furthermore, the "Operation of multiple wells and septic systems may adversely affect the quality of the aquifer which provides drinking water to all residents of the area." Complainant and would be intervener, states that the utility currently in operation, is a wastewater system, and not a sewage system. Therefore, septic systems are necessary. Also, since the location of the wastewater treatment facility is located at the highest point geographically on the island, Complainant and would be intervener, states that contamination from this source could also adversely affect the quality of the water of all private wells.

Therefore, resulting from the language of the "Application," the information, misinformation, questions, and discrepancies presented therein, the Complainant and would be intervener, is objecting to the approval of a certificate of convenience and necessity to the Applicant, and requests the Commission to grant intervener status to all 16 applicants, and thus serve the public's interests.

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 19th day of July, 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, and Charles E. McElyea, 85 Court Circle, P.O. Box 559, Camdenton, Mo. 65020

Exhibit I

SCALE: 1:25,000

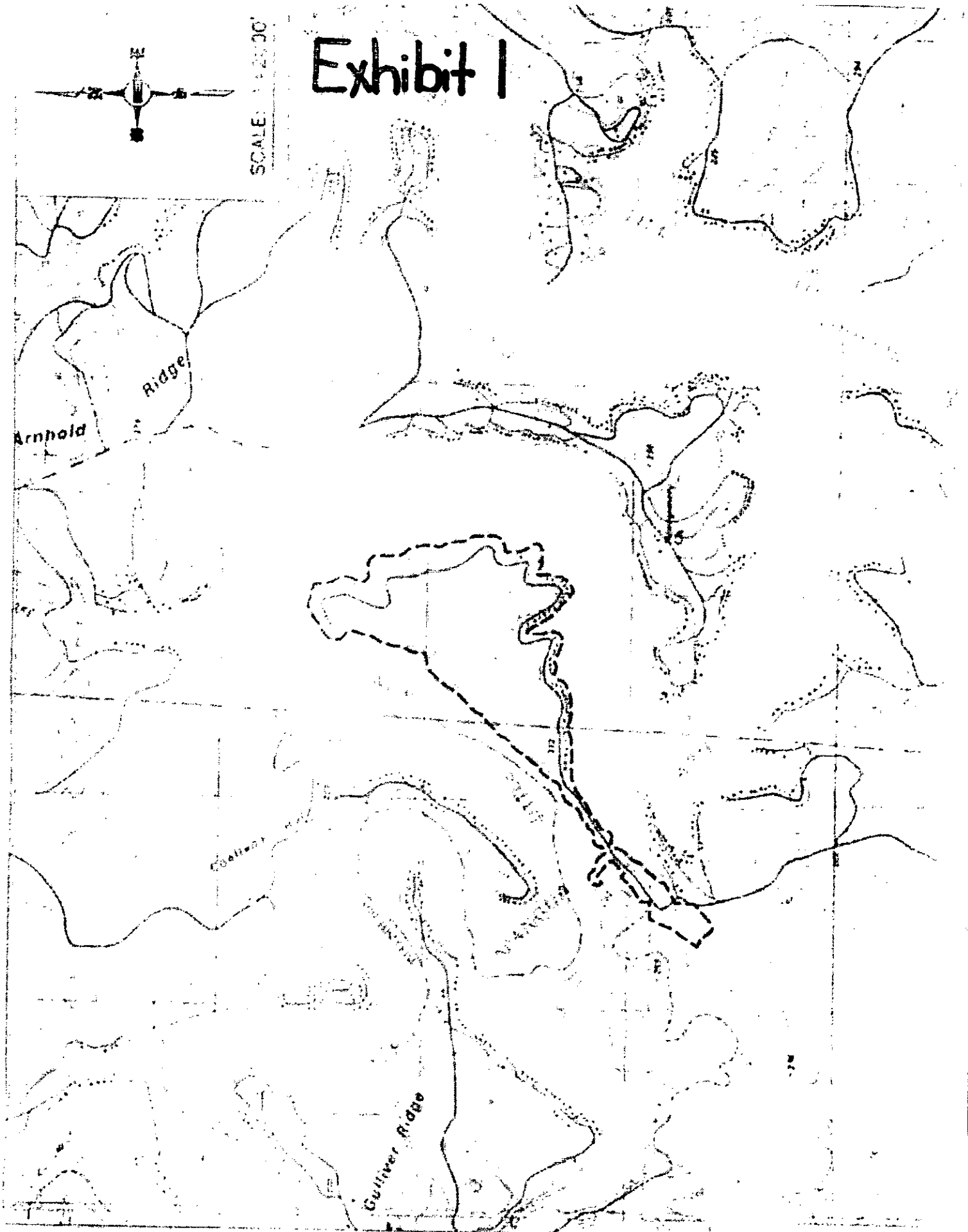
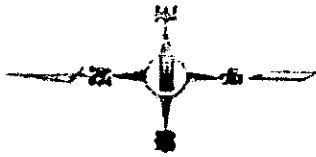


Exhibit 2

Folsom Ridge, LLC
2020 Terry St., Suite A
Longmont, CO 80501

November 29, 2001

Kristine Ricketts
Department of Natural Resources
P. O. Box 176
Jefferson City, MO 65102-0176

Dear Ms. Ricketts,

I am in receipt of your letter dated November 16, 2001. Because I just received it today, I will not be able to respond specifically by December 7th. However, I will research the information you requested and have a formal response by December 20, 2001.

Items of note that I can respond to currently are:

1) The homeowners association voted to change their bylaws on December 29, 2000. This change eliminated the two classes of membership. There is currently one homeowner who is connected (the very first to connect) that has refused to join the HOA. Even though the homeowner connected does not consider himself to be a member of the association, we are treating him as a member and he has been so advised. Our attorney is in the process of dealing with this issue. Everyone else who is connected is a member. We will follow up later with the current by-laws. **Incorrect**

2) I have a current handwritten as-built drawing of the system. Apparently you have an old copy that showed the pipe in the wrong crevice. I will get with Mr. Jackson and have him redraw the as-builts based on the handwritten drawing that I have.

3) I can assure you that we have not exceeded the ~~eighty~~ ⁷⁰ house limit triggering construction of the next wastewater treatment plant expansion. I will however provide a current count of taps and a current number of lots sold. *Should be 70 as per DNR & other F.R. documents*

★ For future reference, the system and the ground have been turned over to the Big Island Homeowners Association. The address for Big Island Homeowners Association is P.O. Box 54, Longmont, CO 80502. Folsom Ridge LLC has also moved. Their address is 2020 Terry St., Suite A, Longmont, CO 80501. Also, David Lees is no longer involved as a manager in either organization. Please make the necessary corrections in your database.

If I can be of further assistance, please don't hesitate to call me at (303) 702-0708.

Sincerely,


Reggie Golden
Manager

*Both addresses
Same as Biz Or*

May 11, 2001

Exhibit 3

Lisa Peterson
Chalfant & Tompkins Abstract & Title Insurance
106 N. Highway 5
P. O. Box 500
Camdenton, MO 65020

Dear Lisa,

I finally got around to pulling together the list of lots that I would like to see the lot ownership on. If you could get the current deeds on these properties it would help me immensely.
I have a map going of all of the current ownership on Big Island and this will allow me to complete that map. It will also give us an idea of who else might be interested in buying a tap.

Portage Park III

Lot 12

Big Island Lake Sites


Lot 1	Lot 41 East 1/2
Lot 2	Lot 42
Lot 3	Lot 43
Lot 4 west 1/2	Lot 44
Lot 24	Lot 50
Lot 25	Lot 51
Lot 26	Lot 52
Lot 27	Lot 53
Lot 28	Lot 54
Lot 29	Lot 55

Big Island Lake Sites First Addition

Lot 1	Lot 78
Lot 2	Lot 79
Lot 14	Lot 88
Lot 15	Lot 91
Lot 24	Lot 92
Lot 25	Lot 93
Lot 74	Lot 94
Lot 75	

I would guess that many of these lots are grouped together and owned by an individual.
Please let me know when you can get this done. Thank you.

Sincerely,


Reggie Golden