

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

In the matter of the Application of)	
Folsom Ridge LLC and Big Island)	
Homeowners Water and Sewer Association,)	
Inc. for an order authorizing the transfer)	Case No. WO-2007-0277
and Assignment of Certain Water and)	
Sewer Assets to Big Island Water)	
Company and Big Island Sewer)	
Company, and in connection therewith)	
certain other related transactions.)	

**MOTION TO COMPEL AND
MOTION TO WAIVE REQUIREMENTS OF 4 CSR 240-2.090(8)**

COME NOW Folsom Ridge LLC and Big Island Homeowners Water and Sewer Association, Inc. (sometimes collectively referred to as “Applicants”) and respectfully submit the following to the Commission:

1. On February 8, 2007, the Applicants caused to be served a first set of data requests on each of the following interveners:

William T. Foley, II, 15360 Kansas Ave., Bonner Springs, KS 66012,
Arthur W. Nelson, 2288 Big Island Dr., Roach, MO 65787,
Sherrie Fields, 3286 Big Island Dr., Roach, MO 65787,
Tom and Sally Thorpe, 3238 Big Island Dr., Roach, MO 65787,
Bernadette Sears, Portage Park 3, Lot 10, Big Island, Roach, MO 65787,
Geary and Mary Mahr, 1886 Big Island Dr., Roach, MO 65787,
Donald J. and Fran Weast, 3176 Big Island Dr., Roach, MO 65787.

Each set was identical with the exception of the named intervener to which the data requests were directed and for reference, the set of data requests served on Mr. Foley are attached as Exhibit 1.

2. No objections and no answers have been filed to the data requests propounded and they are overdue under the Commission's order in this proceeding that data requests shall be responded to in ten days.

3. The data requests are each proper, are similar if not identical to data requests approved by this Commission in previous cases and are all reasonably calculated to lead to the discovery of admissible evidence.

4. Interveners should be compelled to respond and upon failure to do so by the date of hearing, February 28, 2007, should be dismissed as parties.

5. Commission Rule 4 CSR 240-2.090(8) generally requires that the parties try to confer with each other before filing a discovery motion of this type. Since the interveners are not represented by counsel, and since telephone numbers for each intervener were not a part of the applications to intervene each filed, arranging for such a telephone conference is unduly difficult. On this basis, Applicants respectfully move the Commission to waive the requirements of this rule and proceed to a ruling on this motion to compel.

WHEREFORE, Applicants pray for a Commission order compelling answers to its propounded data requests, or for an order dismissing the recipients thereof as parties.

Respectfully submitted,

/s/ Mark W. Comley

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ATTORNEYS FOR FOLSOM RIDGE AND BIG ISLAND
HOMEOWNERS WATER AND SEWER ASSOCIATION,
INC.

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 24th day of February, 2007, 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:

Pamela Holstead, 3458 Big Island Dr., Roach, MO 65787,
William T. Foley, II, 15360 Kansas Ave., Bonner Springs, KS 66012,
Benjamin D. Pugh, 1780 Big Island Dr., Roach, MO 65787,
Cathy Jo Orlor, 3252 Big Island Dr., Roach, MO 65787,
Cindy Fortney, 3298 Big Island Dr., Roach, MO 65787,
Arthur W. Nelson, 2288 Big Island Dr., Roach, MO 65787,
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Fran Weast, 3176 Big Island Dr., Roach, MO 65787.

/s/ Mark W. Comley