

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

<b>Cathy J. Orlor, et al</b>	)	
	)	
<b>Complainants,</b>	)	
<b>v.</b>	)	<b><u>Case No. WC-2006-0082</u></b>
	)	
<b>Folsom Ridge, LLC, Owning and Controlling</b>	)	
<b>Big Island Homeowners Association,</b>	)	
	)	
<b>Respondent.</b>	)	
	)	
<b>AND</b>	)	
	)	
<b>In the Matter of the Application of Folsom</b>	)	
<b>Ridge, LLC and Big Island Homeowners</b>	)	
<b>Water and Sewer Association, Inc., for an</b>	)	
<b>Order Authorizing the Transfer and</b>	)	<b><u>Case No. WO-2007-0277</u></b>
<b>Assignment of Certain Water and Sewer</b>	)	
<b>Assets to Big Island Water Company and</b>	)	
<b>Big Island Sewer Company, and in Connection</b>	)	
<b>Therewith Certain Other Related Transactions.</b>	)	

**393 Companies Motion to Dismiss Complainant Orlor's  
Petition to Reopen the Record**

COMES NOW the RSMo Chapter 393 companies Big Island Water Company and Big Island Sewer Company (hereinafter "393 Companies"), who are Interveners in Case No. WO-2007-0277, and through their counsel request the Commision dismiss Complainat Orlor's Petition to Reopen the Record and support of said request state the following:

1. Complainant's pleading is purportedly filed in accord with 4 CSR 240-2.110 (8) which allows a party to request a case be opened for the purpose of taking additional evidence if certain criteria are met which are:

A. The request must be made after the hearing is concluded , but before briefs have been filed or oral argument presented. The attorney for the Commission filed its brief on Friday, April 27, 2007. Complainant's request was filed electronically on April 29, 2007 following the submission of the Commission's brief. The deadline for the filing of briefs was moved on April 27 to April 30. However, the Rule makes no reference to the "deadline" for filing briefs, only whether or not a brief has been filed.

B. The rule requires the petitioning party to "specify the facts which allegedly constitute grounds in justification, including material changes of fact or law alleged to have occurred since the conclusion of the hearing." Complainant's brief contains no references to any material changes of fact or law **since the conclusion of the hearing** which would constitute appropriate grounds necessary to support the petition.

C. For the most part, Complainant's petition is actually an objection to Exhibit 20 (The application for Transfer - along with a copy of the proposed asset transfer agreement) No objections were raised at hearing when the exhibit was

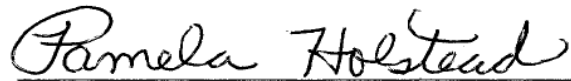
received into evidence (Trial Transcript, Page 372) and therefore, all parties waived their rights to object to the Exhibit at this late date.

D. The Rule under which Complainant files her petition further specifies that said petition “shall also contain a brief statement of the proposed additional evidence and an explanation as to why this evidence was not offered during the hearing.” 4 CSR 240-2.110 (8) Complainant fails to meet the specification contained within the rule. Complainant delineates the evidence which she is seeking but does not possess. No explanation is proffered as to why testimony regarding said Exhibit 20 was not solicited at hearing, or as a part of the pre-hearing discovery.

2. Contained within Complainant’s petition is a request that a copy of the proposed asset transfer agreement (a portion of Exhibit 20) be provided to all residential property owners on Big Island. Such a request is not contemplated by the rule and is outside the jurisdiction of the Commission.

Wherefore, it is requested that Complainant Orler’s Petition to Reopen the Record for the Purpose of Taking Additional Evidence be dismissed.

Respectfully submitted:

A handwritten signature in cursive script that reads "Pamela Holstead". The signature is written in black ink and is positioned above a horizontal line.

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