

**OF THE STATE OF MISSOURI**

**Case No. WO-2007-0277**

**ORDER REJECTING MOTION TO STRIKE TESTIMONY FOR FAILURE  
TO COMPLY WITH COMMISSION REGULATIONS, AND GRANTING  
LEAVE TO CATHY J. ORLER TO AMEND HER TESTIMONY**

Effective Date: February 14, 2007

On February 13, 2007, Big Island Water Company and Big Island Sewer Company (collectively “Movants”) filed a motion to strike the pre-filed direct testimony of Cathy J. Orlor, Cindy Fortney, and Benjamin D. Pugh in this matter. Movants assert that these parties have failed to comply with Commission Rule 4 CSR 240-2.130 in that the testimony was not filed on numbered pages with numbered lines.

Commission Rule 4 CSR 240.2.010(13) defines a pleading as including “any motion . . . , which is not a tariff or correspondence, and which is filed in a case.” Movants’ motion to strike testimony is clearly a pleading pursuant to this rule, and all pleadings are governed by 4 CSR 240-2.080. All pleadings require the signature of an attorney authorized to practice in Missouri, or if a natural person is representing him or her self, then a signature from that natural person. (4 CSR 240-2.080(1) and (6)). Because Movants are corporations, they must be represented by an attorney. (4 CSR 240-2.040).

Consequently, the motion must be signed by an attorney authorized to practice law in Missouri.

Movants' pleading bears no signature, and unsigned pleadings shall be rejected. (4 CSR 240-2.080(5) and (14)). Moreover, it would appear that, with the exception of Ms. Orler not having page numbers on her testimony, the remainder of the testimony in question was submitted on numbered pages with numbered lines. Ms. Orler shall be allowed to amend her filing by February 26, 2007.

Additionally, Movants filed their motion in .jpg format. Movants are instructed that all future filings in this case shall be filed in Adobe or Microsoft Word format, preferably Adobe.

**IT IS ORDERED THAT:**

1. Big Island Water Company's and Big Island Sewer Company's Motion to Strike Testimony is rejected for failure to comply with applicable filing requirements.
2. Big Island Water Company and Big Island Sewer Company shall submit all future filings in this matter in either Adobe or Microsoft Word format, preferably Adobe.
3. No later than February 26, 2007, Cathy J. Orler shall amend her pre-filed testimony, filed on February 13, 2007, by adding page numbers to her testimony.

4. This order shall become effective on February 14, 2007.

**BY THE COMMISSION**

A handwritten signature in black ink, appearing to read 'Colleen M. Dale', written over a horizontal line.

Colleen M. Dale  
Secretary

( S E A L )

Harold Stearley, Regulatory Law Judge,  
by delegation of authority pursuant to  
Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,  
on this 14th day of February, 2007.