

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

Manager of the Manufactured Housing and)
Modular Units Program of the Public)
Service Commission,)

Complainant,)

v.)

Case No. MC-2006-0389

Blakely Manufactured Homes)

Respondent.)

MOTION TO MODIFY PROCEDURAL SCHEDULE

COMES NOW the Director of the Manufactured Housing and Modular Units Program of the Public Service Commission (“Director”, “Staff”, and “Department”), by and through the Missouri Public Service Commission’s (“Commission”) Office of General Counsel, and for its Motion To Modify Procedural Schedule states as follows:

1. On July 3, 2006, the Commission issued its *Order Setting Procedural Schedule* (“Order”) in the above-captioned case. This Order is in response to the *Proposed Procedural Schedule* that was filed on June 30, 2006, by Staff counsel on behalf of both the Director and counsel for Blakely Manufactured Homes (“Blakely”) (collectively the “Parties”).

2. The Parties had proposed an evidentiary hearing date for live testimony on August 8-9, 2006. The Commission’s Order approved the August 8 – 9 dates for hearing. The Order also 1) closed discovery on July 14, 2005; 2) directed the Parties to provide a list of witnesses by July 21, 2005; and 3) directed the Parties to provide a List of Issues and Statements of Position by July 25, 2005. (The Parties read the Commission Order to mean the foregoing dates are 2006).

3. Staff counsel has had several discussions with Mr. Tom Riley, counsel for homeowners Larry and Joyce King. Mr. Riley informed Staff that the Kings are traveling out-of-state for an extended period, particularly during the months of July and August, thus preventing adequate opportunity for discovery through deposition of the Kings. Moreover, Mr. Riley indicated that he recently filed a civil action against Blakely and Four Seasons in Callaway County Circuit Court and is awaiting an answer. He also informed Staff that Blakely's insurance carrier has yet to assign an attorney to represent Blakely in the civil case and that the Kings would prefer to appear for live testimony before the Commission. Therefore, as a result of these discussions and the need for the Parties to perform adequate discovery, Staff counsel, with concurrence of counsel for the Kings and Blakely, proposes to move the hearing dates to September 18-19, 2006, or as soon as possible thereafter.

4. Staff counsel has discussed this with Blakely counsel, Ms. Sue Crane, and both are in agreement to modify the procedural schedule accordingly:

List of Witnesses	September 1, 2006
List of Issues and Statements of Position	September 11, 2006
Evidentiary Hearing	September 18 – 19, 2006

In the interest of fairness to the Parties and, indirectly, the Kings, discovery should remain open up to the hearing dates.

WHEREFORE, on behalf of the Parties, the Director respectfully requests that the Commission modify the procedural schedule as indicated above.

Respectfully submitted,

/s/Robert S. Berlin

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Certificate of Service

I hereby certify that copies of the foregoing have been mailed, hand-delivered, or transmitted by facsimile or electronic mail to the persons listed below on this 14th day of July 2006.

/s/Robert S. Berlin

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