

On August 25, 2008, Brookside Homes filed its Answer to Formal Complaint and Request for Appeal, as well as a motion to file the answer out of time. In support of its motion, Respondent's counsel stated that he believed the response had been sent to the

Commission electronically but because of issues with a new server at the law firm, the transaction may not have been completed. Counsel further stated that he has spoken with the Complainant's attorney, who does not object to the motion. The Commission has considered Brookside Homes' motion to file its answer out of time and will grant it.

Brookside Homes' answer denies many of the allegations contained in the complaint. This matter is now at issue. The Commission will schedule a prehearing conference and direct the parties to file a proposed procedural schedule. At the prehearing conference, the parties shall be prepared to discuss possible settlement of the issues and a procedural schedule. Any party wishing to attend the prehearing conference by telephone shall contact Judge Dippell at 573-751-4393 or nancy.dippell@psc.mo.gov no later than September 4, 2008.

The parties shall jointly or separately file a proposed procedural schedule. The schedule shall propose dates for the filing of a list of the issues to be determined by the Commission and statements by the parties of their position on each such issue. The schedule shall also include a date for the filing of a list of the witnesses to be called on each day of hearing, the order in which they shall appear and the order of cross-examination agreed upon by the parties. The schedule shall also propose dates for a hearing of this matter.

IT IS ORDERED THAT:

1. Brookside Homes, Inc.'s Motion to File Answer Out of Time is granted.
2. A prehearing conference shall be held on September 8, 2008, beginning at 10:00 a.m., in the Governor Office Building, 200 Madison Street, Room 305, Jefferson City, Missouri. The Governor Office Building meets accessibility standards required by the

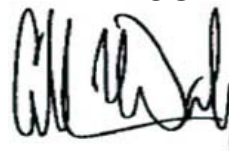
Americans with Disabilities Act. Anyone needing additional accommodations to participate in the prehearing conference should call the Public Service Commission's Hotline at 1-800-392-4211 (voice) or Relay Missouri at 711 prior to the conference.

3. Any party wishing to attend the prehearing conference by telephone shall contact Judge Dippell at 573-751-4393 or nancy.dippell@psc.mo.gov no later than September 4, 2008.

4. The parties shall jointly or separately file a proposed procedural schedule no later than September 15, 2008.

5. This order shall become effective upon issuance.

BY THE COMMISSION

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

Colleen M. Dale
Secretary

(S E A L)

Nancy Dippell, Deputy Chief Regulatory
Law Judge, by delegation of authority
pursuant to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 26th day of August, 2008.