

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

KIM SULLENS,)	
)	
Complainant,)	
)	
vs.)	Case No. SC-2009-0342
)	
AQUA MISSOURI, INC.,)	
)	
Respondent.)	

MOTION FOR LEAVE TO FILE ANSWER OUT OF TIME

COMES NOW Respondent, Aqua Missouri, Inc., and moves the Commission to accept its Answer in this cause filed five days out of time. In support of its Motion, Aqua Missouri, Inc. states as follows:

1. Respondent has a meritorious defense on the substantive issues in this case, set forth in its Answer and incorporated by reference.

2. The delay in filing the Answer was not intentionally or recklessly designed to impede the Commission's process, but the result of unforeseen communication and notice problems. See, Rule 74.05(d).

3. Accepting Respondent's late-filed Answer will not prejudice any party by causing undue delay.

WHEREFORE, Respondent asks the Commission to accept its Answer five days out of time.

Respectfully submitted,

BLITZ, BARDGETT & DEUTSCH, L.C.

By: Marc H. Ellinger
Marc H. Ellinger, #40828 by TRS
308 East High Street
Suite 301
Jefferson City, MO 65101
Telephone No.: (573) 634-2500
Facsimile No.: (573) 634-3358
E-mail: mellinger@blitzbardgett.com

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing Motion for Leave to File Answer Out of Time was sent U.S. Mail, postage prepaid, this 28th day of April, 2009, to:

Lewis Mills
Office of Public Counsel
P.O. Box 2230
Jefferson City, MO 65102-2230

Kevin Thompson, General Counsel
Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO 65102-0360

Marc H. Ellinger
by TRS