

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

The Staff of the Missouri Public Service Commission,)	
)	
Complainant,)	
v.)	File No. WC-2011-0253, et al.
)	
Dennis Kallash, Individually and as agent)	
for Bennington, Inc., and Bennington Water,)	
Inc.; Toni Kallash, individually and as agent for)	
Bennington, Inc., and Bennington Water, Inc.;)	
Bennington, Inc.; and Bennington Water, Inc.,)	
)	
Respondents.)	

Motion to Postpone Procedural Schedule

COMES NOW the Staff of the Missouri Public Service Commission (Staff), by and through the undersigned counsel, and files this *Motion to Postpone Procedural Schedule* (*Motion*) with the Missouri Public Service Commission (Commission), respectfully stating the following:

1. On February 10, 2011, Staff filed a *Complaint* against Dennis Kallash, Inc., individually and as agent for Bennington, Inc., and Bennington Water, Inc.; Toni Kallash, individually and as agent for Bennington, Inc., and Bennington, Water, Inc.; Bennington, Inc.; and Bennington Water, Inc., (collectively referred to hereafter as “Respondents”).
2. On March 17, 2011, Counsel for Respondents filed an *Answer* with the Commission admitting, in part, and denying, in part, allegations contained in Staff’s *Complaint*.
3. On April 12, 2011, the Commission issued an *Order Granting Motion to Establish*

Procedural Schedule (Order) which sets July 6, 2011 as the day the Parties are to file the List of Issues, Witnesses and Order of Cross Examination and establishes that the evidentiary hearing will occur August 15-16, 2011.

4. Respondents have informed Staff that they plan to file an Application for a Certificate of Convenience and Necessity with the Commission in the near future and have taken the initial step in creating an entity, Lincoln County Sewer & Water, LLC, that can lawfully operate if any such application is approved by the Commission. by filing appropriate documents with the Missouri Secretary of State's office. Any such Application may resolve some of the allegations in the *Complaint*.

5. As such, Staff requests that the current procedural schedule be suspended for sixty (60) days to allow Respondents additional time to draft and file any such Application for Certificate of Convenience and Necessity. Therefore, the List of Issues, Witnesses and Order of Cross-Examination would be filed no later than September 5, 2011.

WHEREFORE, Staff hereby respectfully submits this *Motion* for the Commission's information and consideration, and respectfully requests that the Commission postpone the procedural schedule for sixty (60) days, with the next filing due no later than September 5, 2011.

Respectfully submitted,

/s/ Rachel M. Lewis

Rachel M. Lewis
Deputy Counsel
Missouri Bar No. 56073

Attorney for the Staff of the
Missouri Public Service Commission
P. O. Box 360
Jefferson City, MO 65102
(573) 526-6715 (Telephone)
(573) 751-9285 (Fax)
rachel.lewis@psc.mo.gov

Certificate of Service

I hereby certify that copies of the foregoing have been mailed or hand-delivered, transmitted by facsimile or by electronic mail to all counsel of record on this 1st day of July, 2011.

/s/ Rachel M. Lewis