

3. The parties believe that this situation can be remedied with an additional thirty (30) day extension of the timeline. Such an extension requires a waiver because the small company rate case rules do not contemplate an extension beyond that already granted in these cases.

4. Commission Rule 4 CSR 240-3.050(12) states as follows:

The staff and the small utility may agree that the deadlines set out in sections (9), (10) and (11) be extended for up to two (2) months. If an extension is agreed upon, the staff shall file a written agreement regarding the extension and an updated timeline reflecting the extension in the case file.

5. Commission Rule 4 CSR 240-3.050(24) further states as follows:

The proposed full resolution of a small utility rate case must be finally presented to the commission no later than nine (9) months after the case is opened, regardless of how it is presented, and the commission's decision and order regarding the case shall be issued and effective no later than eleven (11) months after the case was opened.

6. These timing rules were promulgated by the Commission largely to protect the small utilities. Unfortunately, in this case, the rules would work against the utility and the implementation of rates that include consideration of a substantial investment on the part of the utility.

7. Accordingly, Emerald Pointe believes that good cause for the requested waiver exists and requests that the Commission: a) Grant a waiver from the identified provisions of Commission Rule 4 CSR 240-3.050; and, b) Extend the timeline in this matter by an additional thirty (30) days as follows:

Agreement Filing Date – February 11, 2013 to March 13, 2013

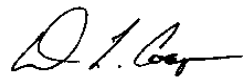
9 – Month Deadline – April 16, 2013 to May 16, 2013

11 – Month Deadline – June 16, 2013 to July 16, 2013

8. The undersigned counsel has discussed this matter with counsel for Staff and the Office of the Public Counsel (OPC) and they have indicated that neither Staff nor OPC object to this motion.

WHEREFORE, Emerald Pointe respectfully requests that the Commission consider this motion for waiver and, thereafter, issue such order as it shall find to be just and reasonable.

Respectfully submitted,



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**ATTORNEYS FOR EMERALD POINTE
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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been sent by electronic mail this 11th day of February, 2013, to:

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