

5. Section 393.921.7, RSMo., states “[e]ach member shall be entitled to one vote on each matter submitted to a vote at a meeting.”
6. The by-laws of Carriage Oaks Home Owners Association presently does not limit members to one vote on each matter.
7. Carriage Oaks Home Owners Association is currently not a party to any proceeding before the Commission at this time.
8. The Commission is without authority to grant pre-approval in absence of a proper application to transfer regulated utility assets and a hearing thereon.
9. To the extent that Mr. Mills requires additional time to prepare such a filing, Intervenor moves to suspend the small rate case procedural schedule by sixty (60) days to permit Mr. Mills the opportunity to place an application before the Commission.
10. Such a request is reasonable, as in the event that Mr. Mills intends to transfer the assets in the immediate future, the expense of the rate case proceeding would be unnecessary and constitute a waste of state resources.
11. Furthermore, Intervenor has filed discovery requests with the Staff and the Utility to obtain information necessary for it to prepare a proposed volumetric rate tariff schedule, and the additional time afforded from the suspension of the rate case schedule would provide the parties an opportunity engage in technical discussions on how such rates may be accomplished.
12. 20 CSR 4240-10.075(15) provides the Commission may waive its deadlines established by rule or agreement of Staff and the utility for good cause.

13. In this case, good cause exists to avoid waste of State and utility resources, and to permit the Intervenor the opportunity to conduct discovery, which has been propounded to parties.

14. No party will be prejudiced by Intervenor's request and motion.

WHEREFORE, Intervenor respectfully requests a brief suspension of the rate case procedural schedule of sixty (60) days to afford Mr. Mills the opportunity leave to properly file any manner of applications described in his April 6th filing, and to permit parties time to complete discovery and engage in technical discussions concerning the implementation of volumetric rates on the system should the system ultimately remain in the jurisdiction of the Public Service Commission.

Respectfully submitted,

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CERTIFICATE OF SERVICE

The below signed counsel hereby certifies that a true and accurate copy of the foregoing was submitted through the Missouri Public Service Commission's E-Filing System on April 15, 2021, which generates notices to interested parties.

/s/ Karl Finkenbinder

Karl Finkenbinder
