

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

The Staff of the Missouri Public Service Commission,)	
)	
Complainant,)	
)	<u>File No. WC-2011-0253, et al.</u>
v.)	
)	
Dennis Kallash, <i>et al.</i>)	
Respondents.)	

STAFF UPDATE AND REQUEST FOR CONTINUANCE

COMES NOW the Staff of the Missouri Public Service Commission (“Staff”), by and through counsel, and hereby submits this *Update and Request for Continuance*, stating as follows:

1. On February 10, 2011, Staff filed a *Complaint* against 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.

2. On July 29, 2011, two applications for a Certificate of Convenience and Necessity (CCN) were filed with the Missouri Public Service Commission (“Commission”) by Lincoln County Sewer & Water, which encompass the same water and sewer systems named as Respondents in this *Complaint* case. Those applications were given File Nos. WA-2012-0018 and SA-2012-0019 and later consolidated into File No. WA-2012-0018.

3. On September 2, 2011, the Commission issued an *Order Staying the Proceedings* to allow Staff to proceed with File No. WA-2012-0018, involving the same parties. The *Order*

noted that the Commission may dismiss a matter for lack of prosecution if no action has occurred in a case for 90 days. November 30, 2011 marks 90 days after the last action in this case.

4. Staff is directed to file a Recommendation in File No. WA-2012-0018, for which this case was stayed, by February 10, 2012. As noted in the Commission's *Order Staying Proceedings*, the outcome of that matter may affect Staff's position in the instant case.

5. Since Staff's investigation in this *Complaint* coincides with its investigation in File No. WA-2012-0018, Staff requests that this matter remain open until March 12, 2012, which is approximately thirty (30) days after Staff's Recommendation is due in WA-2012-0018 to determine if there is a need to continue to pursue this *Complaint*. At that time, Staff may file a Status Report with the Commission as to whether this matter should remain open.

WHEREFORE, Staff requests that this case be continued until March 12, 2012, so that Staff may file a Status Report with the Commission as to whether this matter should remain open.

Respectfully submitted,

/s/ Rachel M. Lewis

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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 29th day of November, 2011.

/s/ Rachel M. Lewis