

The Commission's Staff filed a motion for summary determination pursuant to Commission Rule 4 CSR 240-2.117 on July 11, 2006. Commission Rule 4 CSR 240-2.117(C) provides that any party that wishes to respond in opposition to a motion for summary determination shall do so not more than thirty days after the motion is served. Furthermore, the Commission issued an order on July 12, explicitly requiring that any party wishing to file a response in opposition to Staff's motion do so no later than August 10. The Respondents did not file a response within the time allowed by the regulation or the Commission's order. Instead, the Respondents filed a response six days late, on August 16. That response does not contain any explanation of why the

response was filed late, nor do the Respondents request permission to file their response out of time.

Before deciding whether to accept the Respondents' late-filed response, the Commission will direct the Respondents to explain why their response was filed late and why the Commission should accept the late-filed response.

IT IS ORDERED THAT:

1. No later than August 31, 2006, the Respondents shall file a pleading explaining why their Response to Staff's Motion for Summary Disposition was filed late and further explaining why the Commission should accept the late-filed response.
2. This order shall become effective on August 21, 2006.

BY THE COMMISSION



Colleen M. Dale
Secretary

(S E A L)

Morris L. Woodruff, Deputy Chief Regulatory
Law Judge, by delegation of authority
pursuant to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 21st day of August, 2006.