

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

The Staff of the Missouri Public Service Commission,
Complainant,
v.
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.

Case No. WC-2011-0253, et al.

STAFF’S MOTION TO DISMISS WITH PREJUDICE

COMES NOW the Staff of the Missouri Public Service Commission (Staff), by and through the undersigned counsel, and files this *Motion to Dismiss with Prejudice* 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 July 19, 2011, Respondents filed *Applications for Certificate of Convenience and Necessity (Applications)* for its water and sewer operations and were

assigned Commission Case Nos. WA-2012-0018 and SA-2012-0019, respectively. These files were consolidated by the Commission on August 16, 2011, with File No. WA-2012-0018 being the lead case.

4. On March 12, 2012, Staff requested an additional six (6) months to file a status report in this matter to allow sufficient time for the certificate case to be finalized.

5. On June 27, 2012, the Commission issued an *Order Approving Unanimous Stipulation and Agreement, Approving Transfer of Assets and Granting Certificates of Convenience and Necessity (June 27 Order)*. The Order incorporated the *Unanimous Stipulation and Agreement* filed on June 7, 2012, which included that within five days after the effective date of a Commission Order disposition of all issues in this case, Staff shall dismiss with prejudice Case Nos. WC-2011-0253 and SC-2011-0254.

6. On July 16, 2012, the Commission issued an *Order Approving Tariff Filings in Compliance with Commission Order (July 16 Order)*, which bears an effective date of July 20, 2012 and orders that the file shall close on July 21, 2012.

7. Staff is satisfied that by the Commission granting the *Applications* filed by Lincoln County Sewer & Water Company in File No. WA-2012-0018, the issues underlying this *Complaint* are resolved. As a result, Staff requests that these matters be dismissed with prejudice.

WHEREFORE, Staff hereby respectfully submits this *Motion to Dismiss with Prejudice* for the Commission's information and consideration, and respectfully requests that the Commission dismiss Case Nos. WC-2011-0253 and SC-2011-0254, as a result of the outcome of Case No. WA-2012-0018.

Respectfully submitted,

/s/ Rachel M. Lewis

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 23rd day of July, 2012.

/s/ Rachel M. Lewis