

**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.

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

STATUS REPORT

COMES NOW the Staff of the Missouri Public Service Commission (Staff), by and through the undersigned counsel, and files this *Status Report* 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 File Nos. WA-2012-0018 and SA-2012-0019, respectively.

These files were consolidated by the Commission on August 16, 2011, with WA-2012-0018 being the lead case.

4. On November 29, 2011, Staff requested that this matter remain open until March 12, 2012, approximately thirty days after Staff's Recommendation was due in WA-2012-0018. On December 1, 2011, the Commission granted Staff's request for continuance and directed Staff to file a Status Update by March 12, 2012. This filing complies with that order.

5. *Staff's Recommendation to Approve Applications* in the WA-2012-0018 case was filed on February 12, 2012. Staff has been discussing its recommendation with the Parties and believes it has now provided all of the information that was requested by the Parties, which should allow the Office of the Public Counsel to file a response that is due March 22, 2012.

6. Staff hereby asks that this matter remain open for another six (6) months in hopes that that will be sufficient time for the certificate case to be finalized. If the certificate is granted, it is likely that the concerns addressed in the Complaint will be resolved as well, but Staff would like to keep this matter open until that occurs.

WHEREFORE, Staff hereby respectfully submits this *Status Update* for the Commission's information and consideration, and respectfully requests that the Commission postpone the procedural schedule for an additional six (6) months, or alternatively issue a stay in this proceeding until the Commission issues an order in WA-2012-0018.

Respectfully submitted,

/s/ Rachel M. Lewis

Rachel M. Lewis
Deputy Counsel
Missouri Bar No. 56073

Attorney for the Staff of the
Missouri Public Service Commission
P. O. Box 360
Jefferson City, MO 65102
(573) 526-6715 (Telephone)
(573) 751-9285 (Fax)
rachel.lewis@psc.mo.gov

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 12th day of March, 2012.

/s/ Rachel M. Lewis