

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

In the Matter of the Application of Timber)
Creek Sewer Company for Permission,)
Approval, and a Certificate of)
Convenience and Necessity Authorizing It)
to Construct, Install, Own, Operate,)
Control, Manage and Maintain a Sewer)
System for the Public, Located in an)
Unincorporated Area in Clay County,)
Missouri.)

Case No. SA-2005-0297

**STAFF'S MOTION FOR LEAVE TO LATE-FILE
RESPONSE TO ORDER DIRECTING FILING**

COMES NOW the Staff of the Missouri Public Service Commission and, for its Motion for Leave to Late-File Response to Order Directing Filing, states to the Commission as follows:

1. On December 7, 2005, the Commission issued an order directing the Staff to inform the Commission, by no later than December 22, 2005, whether the Company will be in compliance with certain rules of the Missouri Department of Natural Resources ("DNR"), which become effective on December 31, 2005.

2. Due to the press of other business, the Staff was not able to complete preparation of its Response to Order Directing Filing by December 22, as ordered by the Commission.

3. Rule 4 CSR 240-2.050 (3) (B) provides that when an act is required to be done by order of the Commission within a specified time, the Commission, at its discretion, may, after the expiration of the specified period, permit the act to be done, where the failure to act was the result of excusable neglect.

4. No party will be harmed if the Staff is permitted to late-file its Response to Order Directing Filing. The Staff's failure to act was the result of excusable neglect.

WHEREFORE, the Staff moves the Commission for its order authorizing the Staff to file its Response to Order Directing Filing one day late.

Respectfully submitted,

DANA K. JOYCE
General Counsel

/s/ Keith R. Krueger

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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 e-mailed to all counsel of record as shown on the attached service list this 23rd day of December 2005.

/s/ Keith R. Krueger