

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

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

**MOTION TO POSTPONE PROCEDURAL SCHEDULE,
OR ALTERNATIVELY TO STAY PROCEEDINGS**

COMES NOW the Staff of the Missouri Public Service Commission (Staff), by and through the undersigned counsel, and files this *Motion to Postpone Procedural Schedule, Or Alternatively to Stay Proceedings (Motion)* with the Missouri Public Service Commission (Commission), respectfully states 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 20, 2011, the Commission issued an *Order Granting Motion to Postpone Procedural Schedule* for sixty (60) days, by which the next filing would be due September 5, 2011. This filing is meant to address that timeline.

4. 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 File No. WA-2012-0018 being the lead case.

5. Staff is conducting an investigation into matters related to the *Applications* which overlaps with the investigation in this *Complaint*, and it is possible that its recommendation in that case may affect the allegations raised in this *Complaint*.

6. As such, Staff requests that the current procedural schedule be suspended for an additional six (6) months to allow Staff to continue with the investigations of the *Applications* with Staff filing regular Status Reports to the Commission beginning in six (6) months, or in the alternative that the Commission stay this matter until the Commission issues an order in File No. WA-2012-0018.

WHEREFORE, Staff hereby respectfully submits this *Motion* for the Commission's information and consideration, and respectfully requests that the Commission postpone the procedural schedule for six (6) months, or alternatively issue a stay in this proceeding until the Commission issues an order in File No. WA-2012-0018.

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 31st day of August, 2011.

/s/ Rachel M. Lewis