

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

In the Matter of the Application of Oakview)	
Estates Water & Sewer Company, LLC for)	
a Certificate of Convenience and Necessity)	
Authorizing It to Participate in the Ownership,)	<u>Case No. WA-2007-0201, et al.</u>
Operation, Maintenance, Removal, Replacement,)	
Control and Management of a Water and Sewer)	
Utility in Warren County, Missouri.)	

MOTION FOR WAIVER OF RULE 4 CSR 240-2.090(8)(B)

COMES NOW the Staff of the Missouri Public Service Commission and for its Motion for Waiver of Rule 4 CSR 240-2.090(8)(B) respectfully states as follows:

1. Oakview Estates Water & Sewer Company (Applicant) filed applications for certificates of convenience and necessity on November 28, 2006.
2. On December 28, 2006, the Missouri Public Service Commission (Commission) issued an Order directing Staff to file a recommendation or a status report no later than January 29, 2007.
3. On January 19, 2007, Staff issued a data request to Applicant to obtain additional necessary information required by 4 CSR 240-3.305(1)(A)(5) and 4 CSR 240-3.600(1)(A)(5). This information is needed to allow Staff to make its recommendation.
4. Applicant's response to the data request was due on February 13, 2007.
4. To this date, Applicant has not responded to the data request.
5. In compliance with 4 CSR 240-2.090(8)(A), undersigned counsel has informed Applicant's attorney in telephone conversations of the need to resolve this discovery dispute, but no resolution has been reached.

6. Undersigned counsel has made good faith attempts to set up a conference with Applicant's attorney and a Regulatory Law Judge to resolve the issue of the outstanding data requests as required by Commission rule 4 CSR 240-2.090(8)(B).

7. Undersigned counsel's requests to Applicant's attorney to set up a date for a telephone conference have been unsuccessful. The requests were made both in live telephone conversations and in messages left for Applicant's attorney. Undersigned counsel's last telephone call to Applicant's attorney has not been returned.

8. The Commission has ordered Staff to file a second status report no later than May 1, 2007.

9. In order to speed the resolution of this case, Staff requests that the Commission grant a waiver of 4 CSR 240-2.090(8)(B) and allow Staff to file a motion to compel responses to the data requests without first holding a conference with Applicant's Attorney and a Regulatory Law Judge.

WHEREFORE Staff respectfully requests a waiver of 4 CSR 240-2.090(8)(B).

Respectfully submitted,

/s/ Jennifer Heintz

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Certificate of Service

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to all counsel and parties of record this 25th day of April 2007.

/s/ Jennifer Heintz_____