

**BEFORE THE STATE CORPORATION COMMISSION  
OF THE STATE OF KANSAS**

**JAN 13 2012**

by  
State Corporation Commission  
of Kansas

In the Matter of the Application of Howison )  
Heights, Inc. for Approval of Certain ) Docket No. 12-HHIW-382-RTS  
Changes in its Charges for Water Service. )

**JOINT MOTION FOR WAIVER OF PROCEDURAL REGULATION**

COMES NOW, the Staff of the State Corporation Commission of the State of Kansas (“Staff”), and the Citizens’ Utility Ratepayer Board (“CURB”) (collectively “Joint Movants”), and hereby submit this joint motion requesting a waiver of K.A.R. 82-1-231b(b)(2)(A) in the above captioned docket. In support thereof, Joint Movants states as follows:

1. Joint Movants previously filed a joint requesting that the Commission proceed in this docket pursuant to K.A.R. 82-1-231b, and waive certain procedural regulations for good cause shown.

2. Howison Heights, Inc. (“Howison”) initially filed a rate case application on April 29, 2011, Docket No. 11-HHIW-742-RTS. Howison withdrew that application on July 5, 2011, but continued to work with Staff to put together an acceptable and complete application.

3. Howison submitted a packet of schedules and other information which contained the draft of the current application on October 26, 2011.

4. Howison filed the present application on November 22, 2011. Staff has not been able to identify a specific written communication that would strictly satisfy the requirement of K.A.R. 82-1-231b(b)(2)(A), which requires the applicant to give Staff written notice of its intent to file the application no sooner than not less than 30 days and not more than 90 days prior to filing the application.

5. Joint Movants submit that the "intent" of the procedural requirement to give Staff notice of an imminent rate application has been met due to Howison's attempts to work with Staff to put together an acceptable application.

6. Joint Movants further state that Howison has never completed a rate case proceeding before the Commission, and that good cause exists for the Commission to waive the technical requirement of K.A.R. 82-1-231b(b)(2)(A) and allow the matter to proceed under K.A.R. 82-1-231b.

WHEREFORE, Joint Movants respectfully request the Commission grant a waiver of K.A.R. 82-1-231(b)(2)(A) for good cause shown.

Respectfully Submitted,



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Attorneys for Commission Staff

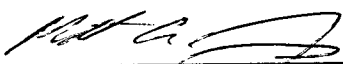


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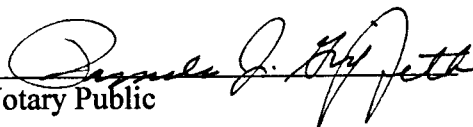
STATE OF KANSAS            )  
  ) ss.  
COUNTY OF SHAWNEE    )

**VERIFICATION**

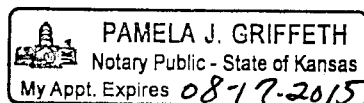
Matthew A. Spurgin, being duly sworn upon his oath deposes and states that he is Litigation Counsel for the State Corporation Commission of the State of Kansas, that he has read and is familiar with the foregoing *Joint Motion* and that the statements contained therein are true and correct to the best of his knowledge, information and belief.

  
\_\_\_\_\_  
Matthew A. Spurgin, # 20470  
Kansas Corporation Commission of the  
State of Kansas

Subscribed and sworn to before me this 3~~th~~ day of January, 2012.

  
\_\_\_\_\_  
Notary Public

My Appointment Expires:



## CERTIFICATE OF SERVICE

12-HHIW-382-RTS

I, the undersigned, hereby certify that a true and correct copy of the above and foregoing Joint Motion For Waiver of Procedural Regulation was placed in the United States mail, postage prepaid, or hand-delivered this 13th day of January, 2012, to the following:

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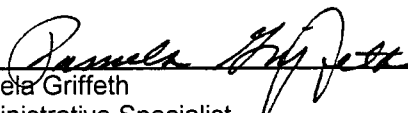
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Pamela Griffeth  
Administrative Specialist