

BEFORE THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS

MAY 15 2013

by
State Corporation Commission
of Kansas

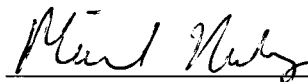
In the Matter of the Investigation of Howison)
Heights Inc.'s Ability to Provide Sufficient and) Docket No. 13-HHIW-460-GIV
Efficient Service.)

NOTICE OF FILING OF SECOND LETTER TO COURT

The Staff of the State Corporation Commission of the State of Kansas (Staff and Commission, respectively) files the attached letter to the Saline County District Court and parties to Case No. 12 CV 444, styled *Central National Bank v. Howison Heights, Inc.* (Letter). Staff is filing this Letter for informational purposes only and no Commission action is required at this time.

WHEREFORE, Staff requests the Commission accept this Letter for informational purposes and for such other and further relief as the Commission deems just and proper.

Respectfully Submitted,



Michael Neeley, S. Ct. #25027
Litigation Counsel
Kansas Corporation Commission
1500 S.W. Arrowhead Road
Topeka, Kansas 66604-4027
Phone: 785-271-3173
Fax: 785-271-3167

1500 SW Arrowhead Road
Topeka, KS 66604-4027



Phone: 785-271-3100
Fax: 785-271-3354
<http://kcc.ks.gov/>

Mark Sievers, Chairman
Thomas E. Wright, Commissioner
Shari Feist Albrecht, Commissioner

Sam Brownback, Governor

May 15, 2013

The Honorable Jerome P. Hellmer, Chief Judge
City-County Bldg.
300 W Ash St
P.O. Box 1760
Salina, KS 67402-1760

RE: *Central National Bank v. Howison Heights, Inc., et al.*, Case No. 12 CV 444

Dear Judge Hellmer,

The purpose of this letter is to inform the Court and the parties that the Kansas Corporation Commission (KCC) did not receive proper service of the *Order for Case Management Conference* (Order) issued by the Court on April 10, 2013. Additionally, it was not included in discussions surrounding the postponement of the conference referenced in the Order.

On May 1, 2013, The Bennington State Bank, a named defendant in the case, sent a fax to the KCC. The fax included an *Order for Case Management Conference* dated April 10, 2013, as well as a statement that "the Court and remaining counsel" have agreed to postpone the date of the case management conference referenced in the Order to May 23, 2013. May 1, 2013 was the first time the KCC became aware of the order. According to the Order itself, the Plaintiff should have served a copy on the KCC, which it did not do.

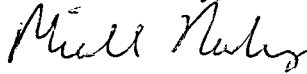
Additionally, the KCC was not aware of a meeting between "the Court and remaining counsel," nor was it present at these discussions. The KCC was granted intervention on March 6, 2013, and therefore had the right to notification and an opportunity to be a participant in those discussions.

Finally, the KCC has not been given any information as to the method of attending the teleconference on May 23, 2013 at 4:00p.m., and the KCC is concerned it will once again be excluded from the proceedings unless it brings these service and notification issues to the Court's attention.

The KCC thanks the Court for its attention in these matters. All parties to the case are being sent a copy of this correspondence. The KCC is not requesting that the parties or

the Court grant special treatment to the KCC, but simply that it be granted the same rights that all parties are entitled to in the case.

Sincerely,



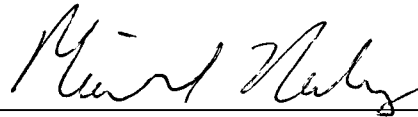
Michael Neeley
Supreme Ct. #25027
Counsel for the Kansas Corporation Commission
1500 S.W. Arrowhead Road
Topeka, KS 66604
E-Mail: M.Neeley@kcc.ks.gov

Cc: John F. Thompson, II.;
Michael P. Alley, Aaron O. Martin;
Susan G. Saidian.

STATE OF KANSAS)
) ss.
COUNTY OF SHAWNEE)

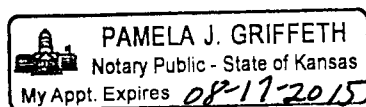
VERIFICATION

Michael Neeley, 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 *Notice of Filing of Second Letter to Court*, and that the statements contained therein are true and correct to the best of his knowledge, information and belief.



Michael Neeley # 25027
Kansas Corporation Commission of the
State of Kansas

Subscribed and sworn to before me this 15th day of May, 2013.


Notary Public

My Appointment Expires: August 17, 2015

CERTIFICATE OF SERVICE

13-HHIW-460-GIV

I, the undersigned, hereby certify that a true and correct copy of the above and foregoing Notice of Filing of Second Letter to Court was served by electronic service on this 15th day of May, 2013, to the following parties who have waived receipt of follow-up hard copies.

JAMES G. FLAHERTY, ATTORNEY
ANDERSON & BYRD, L.L.P.
216 S HICKORY
PO BOX 17
OTTAWA, KS 66067
Fax: 785-242-1279
jflaherty@andersonbyrd.com

NIKI CHRISTOPHER, ATTORNEY
CITIZENS' UTILITY RATEPAYER BOARD
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
Fax: 785-271-3116
n.christopher@curb.kansas.gov

ANASTACIA HARDEN
CITIZENS' UTILITY RATEPAYER BOARD
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
Fax: 785-271-3116
s.harden@curb.kansas.gov

C. STEVEN RARRICK, ATTORNEY
CITIZENS' UTILITY RATEPAYER BOARD
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
Fax: 785-271-3116
s.rarrick@curb.kansas.gov

DELLA SMITH
CITIZENS' UTILITY RATEPAYER BOARD
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
Fax: 785-271-3116
d.smith@curb.kansas.gov

SHONDA SMITH
CITIZENS' UTILITY RATEPAYER BOARD
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
Fax: 785-271-3116
sd.smith@curb.kansas.gov

DAVID SPRINGE, CONSUMER COUNSEL
CITIZENS' UTILITY RATEPAYER BOARD
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
Fax: 785-271-3116
d.springe@curb.kansas.gov

TIMOTHY B. HOWISON, PRESIDENT
HOWISON HEIGHTS, INC.
1212 MEYER DR
SALINA, KS 67401-5274
Fax: 785-825-6449
timhowison.remax@yahoo.com

HOLLY FISHER, LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604-4027
Fax: 785-271-3167
h.fisher@kcc.ks.gov

ANDREW FRENCH, ADVISORY COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604-4027
Fax: 785-271-3314
a.french@kcc.ks.gov

CERTIFICATE OF SERVICE

13-HHIW-460-GIV

MICHAEL NEELEY, LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604-4027
Fax: 785-271-3167
m.neeley@kcc.ks.gov

JAY VAN BLARICUM, ADVISORY COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604-4027
Fax: 785-271-3354
j.vanblaricum@kcc.ks.gov



Pamela Griffeth
Administrative Specialist