

BEFORE THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS

Received
on

JAN 10 2012

by
State Corporation Commission
of Kansas

In the Matter of the Application of Howison)
Heights, Inc. for Approval of Certain)
Changes in its Charges for Water Service.)

Docket No. 12-HHIW-382-RTS

**JOINT MOTION TO PROCEED UNDER K.A.R. 82-1-231b, REQUESTION A WAIVER
OF COMMISSION PROCEDURAL REGULATIONS, AND FOR A PROCEDURAL
SCHEDULE**

COMES NOW, the Staff of the State Corporation Commission of the State of Kansas (“Staff” and “Commission” respectively) and the Citizens Utility Ratepayer Board (“CURB”), collectively (“Joint Movants”) and hereby submit this motion to 1) proceed under K.A.R. 82-1-231b; 2) request a waiver of Commission procedural regulations and 3) propose a procedural schedule in the above captioned docket. Joint Movants state as follows:

1. On November 22, 2011, Howison Heights, Inc. (“Howison”) filed an application with the Commission requesting an increase in rates charged to customers for providing water utility service.
2. Howison is a small company, serving fewer than seventy (“70”) customers in a small geographic area in Saline County, Kansas. The requested increase in Howison’s revenue requirement is less than \$23,000 annually.
3. On December 19, 2011, the Commission issued a suspension order in this docket, suspending the matter for 180 days (until May 20, 2012), reserving the option to suspend the

application for an additional 60 days if necessary, for the full 240 days permitted by K.S.A. 66-117.

4. Joint Movants believe that Howison's rate proceeding could be addressed under the procedures set forth in K.A.R. 82-1-231b. Staff believes this provision exists to allow small companies, such as Howison, a less extensive and lengthy rate proceeding.

5. The provisions of K.A.R. 82-1-231b provide for Staff to submit a report and recommendation to the Commission, after which the Commission can approve the application, approve the application with modifications, deny the application, or suspend the application for further investigation and hearing. If the Commission approves the application or approves the application with modifications, an interim order would allow Howison to start charging interim rates to its customers, subject to a 90 day comment period. After which, the Commission may suspend the matter for further investigation and hearing if it determines substantial comments have been received from ratepayers.

6. Joint Movants submit that Howison has completed most of the prerequisites required by the regulation for the application to proceed under K.A.R. 82-1-231b.

7. K.A.R. 82-1-231b(b)(2)(C) provides that before the application can be considered by the Commission, the applicant must give notice and hold a public meeting to inform its customers of its intent to file an application and allow the customers to comment. Howison has not yet held a public meeting for its customers. Staff has worked with Howison to prepare a notice for a public meeting and the meeting is scheduled to be held January 13th, 2012.

8. K.A.R. 82-1-231b(f) permits the Commission to waive any requirement of the regulation for good cause shown. Howison has been in contact with Staff in preparing his application and in putting together the necessary schedules and documentation before this

application was filed. Joint Movants note the small size of the company, number of customers and amount of the annual rate increase and submit that given the totality of the circumstances, good cause is shown for the Commission to grant a waiver of the procedural regulation and for this matter to proceed under K.A.R. 82-1-231b.

9. Joint Movants further propose the following procedural schedule for this docket.

- a. February 10, 2012, Staff's Report and Recommendation to be filed with the Commission. CURB will also submit any comments and recommendations to the Commission by this date.
- b. February 15, 2012, order from the Commission to approve the application, approve the application with modifications, deny the application, or suspend the application for further proceedings. If the Commission issues an interim order approving the application or approving the application with modifications, the date of the order would start a 90 day comment period.
- c. May 20, 2012, final order due from the Commission.

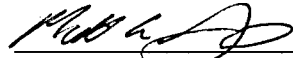
10. Joint Movants have discussed this motion with Tim Howison of Howison Heights, Inc. and he indicated that Howison does not have any objection to the matter proceeding under K.A.R. 82-1-231b, a waiver of the procedural regulations, or the proposed procedural schedule.

WHEREFORE, Joint Movants hereby respectfully request the Commission for an order


to:

- A. Permit this matter to proceed under K.A.R. 82-1-231b;
- B. Grant a waiver of K.A.R. 82-1-231b(b)(2)(C);
- C. Adopt the proposed procedural schedule.

Respectfully Submitted,



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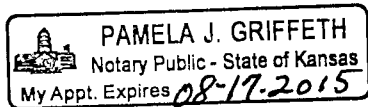
STATE OF KANSAS)
) ss.
COUNTY OF SHAWNEE)


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 10th day of January, 2012.




Notary Public

My Appointment Expires: August 17, 2015

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 was placed in the United States mail, postage prepaid, or hand-delivered this 10th day of January, 2012, to the following:

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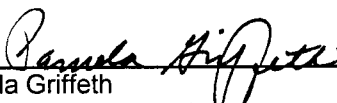
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Administrative Specialist