

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

FP Grandboro, LLC,	)	
	)	
Complainant,	)	
	)	
v.	)	<b><u>Case No. GC-2008-0228</u></b>
	)	
Missouri Gas Energy,	)	
	)	
Respondent.	)	

**NOTICE ACKNOWLEDGING VOLUNTARY DISMISSAL OF COMPLAINT**  
**AND CLOSING CASE**

Issue Date: April 24, 2008

FP Grandboro, LLC ("FPG") filed a formal complaint against Missouri Gas Energy ("MGE") on January 10, 2008.<sup>1</sup> On January 23, the Commission notified MGE of the complaint and allowed it thirty days in which to answer as provided by 4 CSR 240-2.070(7). The same day, pursuant to 4 CSR 240-2.070(10), the Commission ordered its Staff to commence an investigation of FPG's formal complaint and to file a report concerning the results of its investigation no later than three weeks after MGE filed its answer to the complaint, which was due no later than February 22.

MGE timely filed its answer on February 21, and on March 14, Staff timely filed a verified report based on its investigation. Among many other things, in those pleadings, MGE and Staff both averred that the complaint should be dismissed because even if the Commission were to find all of the allegations made therein to be true, it lacks authority to

grant any of the five forms of relief sought by FPG. In particular, Staff cited well-established Missouri case law indicating that because the Commission is not a court of law and its adjudicative authority is not plenary, it cannot enter a money judgment for one party against another and cannot grant monetary relief for compensation for past overcharges or damages.

On April 2, the Commission issued an Order Directing Filing, explaining that although a prehearing conference is typically the next procedural step in a complaint case such as this, the Commission saw no point in moving forward with the case unless: (1) FPG affirmatively demonstrates that the Commission has the legal authority to grant any or all of the five forms of relief sought by FPG in its complaint as originally filed; or (2) FPG amends its complaint to seek a form of relief the Commission is capable of granting. Accordingly, FPG was given two weeks to file an appropriate pleading. The fourteen-day period expired on April 16, but FPG did not file anything in response to the Commission's order. Finally, on April 21, prior to the filing of any prepared testimony or the submission of any oral evidence, FPG filed a pleading in which it voluntarily withdrew its formal complaint against MGE.

Commission Rule 4 CSR 240-2.116(1) permits a complainant to voluntarily dismiss his complaint without an order of the Commission "at any time before prepared testimony has been filed or oral evidence has been offered, by filing a notice of dismissal with the commission and serving a copy on all parties." No prepared testimony or oral evidence has been offered in this case, and FPG's April 21 pleading was filed with the Commission and served on all parties. Therefore, the Commission acknowledges that FP Grandboro,

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<sup>1</sup> All dates specified in this order refer to the calendar year 2008.

LLC has voluntarily dismissed its complaint against Missouri Gas Energy. Nothing remains for decision by the Commission and this case may be closed.

**BY THE COMMISSION**

A handwritten signature in black ink, appearing to read 'Colleen M. Dale', written over a horizontal line.

Colleen M. Dale  
Secretary

( S E A L )

Dated at Jefferson City, Missouri,  
on this 24th day of April, 2008.

Lane, Regulatory Law Judge