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- February 3, 2004

Mr. Dale Hardy Roberts  
Secretary/Chief Regulatory Law Judge  
Missouri Public Service Commission  
P.O. Box 360  
Jefferson City, Missouri 65102

**FILED<sup>2</sup>**

FEB 03 2004

RE: Mr. Cleveland Hardy  
Case No. GC-2004-0023

Missouri Public  
Service Commission

Mr. Roberts:

Enclosed for filing in the above-referenced matter are the original and eight (8) copies of a fully executed Notice of Voluntary Dismissal.

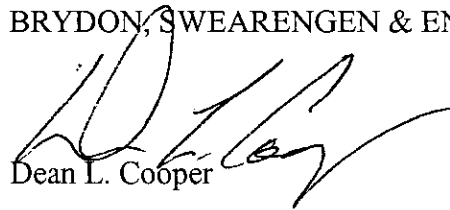
If you have any questions regarding this matter, please do not hesitate to call.

Sincerely,

BRYDON, SWEARENGEN & ENGLAND P.C.

By:

Dean L. Cooper



DLC/jar

Enclosures

cc: Office of the Public Counsel  
Cleveland Hardy  
Rob Hack

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

FILED<sup>2</sup>

FEB 03 2004

Missouri Public  
Service Commission

CLEVELAND HARDY, )  
)  
Complainant, )  
)  
v. )  
)  
MISSOURI GAS ENERGY, )  
)  
Respondent. )

Case No. GC-2004-0023

**NOTICE OF VOLUNTARY DISMISSAL**

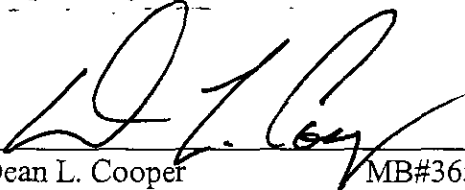
COME NOW Complainant and Missouri Gas Energy ("MGE") and, for Complainant's Notice of Voluntary Dismissal, state as follows to the Missouri Public Service Commission ("Commission"):

1. After discussions between Complainant, MGE and Staff of the Commission ("Staff"), Complainant and MGE have reached an agreement which resolves this Complaint.
2. Commission Rule 4 CSR 240-2.116(1) states that a "... complainant may voluntarily dismiss an application or 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."
3. No prepared testimony has been filed, nor has any oral testimony been offered, in this case.
4. On October 16, 2003, with all parties present, a prehearing conference was held. During the conference the parties made progress toward a settlement of this matter.

5. MGE and Complainant have now agreed to a satisfaction of this matter (*i.e.*, the parties have determined an amount that is not in dispute; Complainant has made payment of that amount to MGE; and MGE deems Complainant's account to be paid in full).

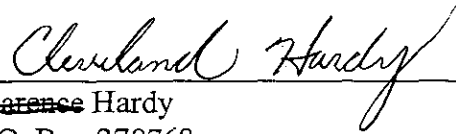
WHEREFORE, Complainant and MGE pray that the Commission recognize this Notice of Dismissal.

Respectfully submitted,



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ATTORNEYS FOR MISSOURI GAS ENERGY

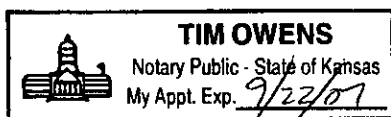
Cleveland   
~~Clarence~~ Hardy  
P.O. Box 270768  
Kansas City, MO 64127

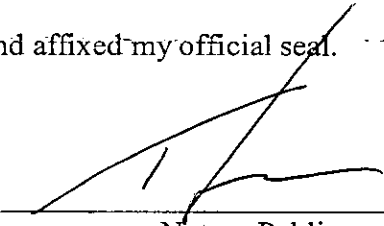
COMPLAINANT

STATE OF <sup>Kansas</sup>MISSOURI )  
 ) ss.  
COUNTY OF Johnson )

On this 29 day of January in the year 2004, before me personally appeared Cleveland Hardy, known to me to be the person who executed the above Notice of Voluntary Dismissal and acknowledged to me that he executed the same for the purposes therein stated.

- In Testimony Whereof, I have set my hand and affixed my official seal. -



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

My Commission Expires: 9/22/07