

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

The Staff of the Missouri Public Service Commission,	)	
	)	
	)	
Complainant,	)	
	)	
v.	)	Case No. GC-2011-0098
	)	
Laclede Gas Company, Laclede Energy Resources and The Laclede Group,	)	
	)	
	)	
Respondents.	)	

**STAFF’S NOTICE OF DISMISSAL OF  
COUNT V WITHOUT PREJUDICE**

COMES NOW, the Staff of the Public Service Commission (Staff), by and through the Chief Staff Counsel and undersigned counsel, and for its Motion to Dismiss Count V Without Prejudice states:

1. Commission Rule 4 CSR 240-2.116 provides:

(1) An applicant or 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. Once evidence has been offered or prepared testimony filed, an applicant or complainant may dismiss an action only by leave of the commission, or by written consent of the adverse parties.

2. Staff’s filed its Complaint on October 6, 2010, the gravamen of which is that Laclede’s Cost Allocation Manual does not comply with the Commission’s Affiliate Transactions Rules (Rules), to enforce compliance with the Commission’s Rules.

3. Staff interprets the Rule quoted above, as also permitting voluntary dismissal of a portion of a Complaint and Staff hereby voluntarily dismisses Count V of this Complaint.

4. Staff states this dismissal should be considered to be without prejudice, to be refiled at a later date.

5. Staff further notes no order of the Commission is necessary under the rule since this pleading is made at a time “before prepared testimony has been filed or oral evidence offered. . . .”

WHEREFORE Staff requests the Commission accept this Notice of Staff’s voluntary dismissal of Count V, without prejudice.

Respectfully submitted,

/s/ Lera L. Shemwell

Lera L. Shemwell  
Missouri Bar No. 43792  
Annette Slack  
Missouri Bar No. 50601  
Kevin Thompson  
Missouri Bar No. 36288

Attorneys for the Staff of the  
Missouri Public Service Commission  
P. O. Box 360  
Jefferson City, MO 65102  
(573) 751-7431 (Telephone)  
(573) 751-9285 (Fax)  
[lera.shemwell@psc.mo.gov](mailto:lera.shemwell@psc.mo.gov)

### **Certificate of Service**

I hereby certify that copies of the foregoing have been mailed, hand-delivered, or transmitted by facsimile or electronic mail to all counsel of record this 25<sup>th</sup> day of January 2011.

/s/ Lera L. Shemwell