

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

Robert and Carol Herzog,)	
)	
Complainants,)	
)	
v.)	<u>Case No. GC-2008-0089</u>
)	
Laclede Gas Co.,)	
)	
Respondent.)	

NOTICE ACKNOWLEDGING VOLUNTARY DISMISSAL OF COMPLAINT
AND CLOSING CASE

Issue Date: October 17, 2007

Robert and Carol Herzog filed a formal complaint against Laclede Gas Company ("Laclede") on September 24, 2007.¹ On September 25, the Commission notified Laclede of the complaint and allowed it thirty days in which to answer as provided by Commission Rule 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 and file a report concerning the results of that investigation no later than two weeks after Laclede filed its answer, which was due no later than October 25.

On October 15, prior to the filing of any prepared testimony or the submission of any oral evidence, the Herzogs filed a Notice of Dismissal ("Notice"), in which they informed the Commission that they had resolved all disputes with Laclede covered by the complaint and that all parties of record had been served with a copy of the Notice.

Accordingly, the Herzogs requested that the Commission acknowledge the Notice and close the case pursuant to 4 CSR 240-2.116(1), which 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 the Notice has been filed with the Commission and served on all parties. Therefore, the Commission acknowledges that Robert and Carol Herzog have voluntarily dismissed their complaint against Laclede Gas Company. Nothing remains for decision by the Commission² and this case may be closed.

BY THE COMMISSION



Colleen M. Dale
Secretary

(S E A L)

Dated at Jefferson City, Missouri,
on this 17th day of October, 2007.

Lane, Regulatory Law Judge

¹ Unless otherwise specified, all dates refer to the year 2007.

² For this reason, the Commission’s order of September 25, 2007 directing its Staff to investigate and file a report within two weeks after Laclede filed its answer to the Herzogs’ complaint is now moot.