

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

County of Jackson, Missouri,)	
)	
Complainant,)	
)	
v.)	<u>Case No. HC-2005-0331</u>
)	
Trigen-Kansas City Energy Corp.,)	
)	
and)	
)	
Thermal North America, Inc.)	
)	
Respondents.)	

ORDER GRANTING JACKSON COUNTY LEAVE TO DISMISS
ITS COMPLAINT

Issue Date: August 17, 2005

Effective Date: August 27, 2005

On August 4, 2005, the County of Jackson, Missouri, filed a pleading purporting to dismiss, without prejudice, the complaint it had filed against Trigen-Kansas City Energy Corp. and Thermal North America, Inc. Section 4 CSR 240-2.116(1) provides that a complainant may dismiss its complaint without an order of the Commission at any time before prepared testimony has been filed. However, the regulation further provides that once evidence has been offered, a complaint can be dismissed only with leave of the Commission. Evidence has been offered in this case. As a result, leave of the Commission is required before Jackson County can dismiss its complaint.

Jackson County filed its dismissal on August 4. More than ten days have passed and no party has objected to that dismissal. There is no reason to believe that any party will be prejudiced by the dismissal of the complaint. Therefore, the Commission will grant Jackson County leave to dismiss its complaint.

IT IS THEREFORE ORDERED:

1. That the County of Jackson, Missouri, is granted leave to dismiss its complaint against Trigen-Kansas City Energy Corp. and Thermal North America, Inc.
2. That this order shall become effective on August 27, 2005.
3. That this case shall be closed on August 28, 2005.

BY THE COMMISSION



Colleen M. Dale
Secretary

(S E A L)

Morris L. Woodruff, Senior Regulatory
Law Judge, by delegation of authority
pursuant to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 17th day of August, 2005.