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January 21, 2004

FILED²

JAN 21 2004

Missouri Public
Service Commission

Mr. Dale Hardy Roberts
Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO 65102

RE: Case No. GO-2004-0195

In the Matter of an Investigation into Compliance with the Required
Registration of Sellers of Electricity and Gas for Use or Consumption
Within Missouri

Dear Mr. Roberts:


Enclosed for filing on behalf of Southwest Energy Distributors, Inc., please
find an original and five (5) copies of "**SOUTHWEST ENERGY DISTRIBUTORS,
INC.'S MOTION TO WITHDRAW FROM CASE**" in the above-styled matter.

Please see that this filing is brought to the attention of the appropriate
Commission personnel.

Thank you for your cooperation and assistance in this matter.

Sincerely,

WILLIAM D. STEINMEIER, P.C.

By: 
William D. Steinmeier

Enclosures

cc: General Counsel
Office of Public Counsel
Mitch Satterwhite
Mary Ann (Garr) Young

FILED²

JAN 21 2004

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

Missouri Public
Service Commission

In the Matter of an Investigation into)
Compliance with the Required Registration)
of Sellers of Electricity and Gas for Use or)
Consumption Within Missouri)

Case No. GO-2004-0195

SOUTHWEST ENERGY DISTRIBUTORS, INC.'S
MOTION TO WITHDRAW FROM CASE

NOW COMES SOUTHWEST ENERGY DISTRIBUTORS, INC. ("Southwest Energy") and, pursuant to the Missouri Public Service Commission's ("Commission's") *Order Opening Case, Adding Parties, Directing Notice and Setting Prehearing Conference* ("Order"), respectfully files its Motion To Withdraw From Case and states as follows:

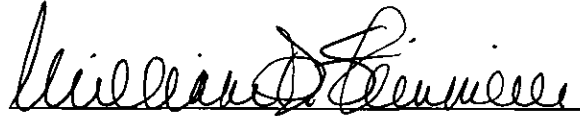
1. On December 9, 2003, the Commission issued its *Order Opening Case, Adding Parties, Directing Notice and Setting Prehearing Conference* ("Order") in this matter which, *inter alia*, made Southwest Energy Distributors, Inc. a party to the case.
2. The stated purpose of this case, according to the Order, is to investigate whether there are sellers providing "energy services" as defined by Sections 393.297-.302, RSMo 2000, which are operating without the required certification from the Commission.
3. Southwest Energy was listed in the Order as one of numerous entities who were to be served and made parties to this proceeding, and was so served.
4. Section 393.298, RSMo 2000, provides the definitions used in that section and in Sections 393.299, 393.301 and 393.302, RSMo 2000.
5. Section 393.298, RSMo 2000, defines "energy services" as: "the retail sale of electricity or natural gas, propane or methane to customers or

consumers and all associated services that are necessary for their delivery through a distribution system including but not limited to the generation, production, transmission, distribution, billing and metering of such services;”

6. As supported by the affidavit of Clay Wood, President of Southwest Energy (attached to this Motion as “Appendix A”), Southwest Energy markets, sells and distributes gasoline and gasoline products to customers who operate gasoline storage facilities in the State of Missouri. (*Appendix A*, paragraph numbered 5.)
7. As supported by the affidavit of Clay Wood, President of Southwest Energy (attached to this Motion as “Appendix A”), Southwest Energy does not engage, and has never engaged, in the business of marketing, selling, distributing, generating, producing, transmitting, billing, metering or brokering of any sort, or in any fashion whatsoever, of natural gas, electricity, propane or methane to customers or consumers in the State of Missouri. (*Appendix A*, paragraphs numbered 3 and 4.)
8. Therefore, Southwest Energy clearly is not in the class of providers of energy services contemplated by Sections 393.297-.302, RSMo 2000, as “energy services” is defined in Section 393.298, RSMo 2000, which is the subject of the instant investigation.
9. Southwest Energy is not an appropriate party to this case and seeks leave of the Commission to withdraw as a party.

WHEREFORE, SOUTHWEST ENERGY DISTRIBUTORS, INC.
respectfully requests leave of the Commission to withdraw as a party to this
case.

Respectfully submitted,

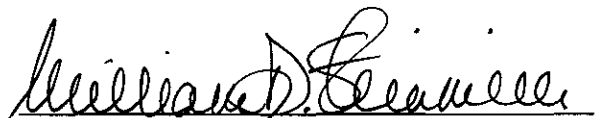


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ATTORNEYS FOR SOUTHWEST
ENERGY DISTRIBUTORS, INC.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Application, along
with its verification and appendices, was sent to the PSC's General Counsel's Office and
the Office of the Public Counsel by placing same in the United States Mail, first class
postage prepaid, or by hand-delivery, this 21st day of January, 2004.



William D. Steinmeier

STATE OF TEXAS §
 §
COUNTY OF ECTOR §

APPENDIX "A"

BEFORE ME, the undersigned authority, personally appeared CLAY WOOD, who, being by me duly sworn, on oath stated:

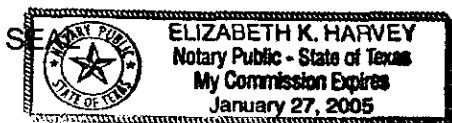
1. "My name is CLAY WOOD. I am over 18 years of age, of sound mind, capable of making this Affidavit, and personally acquainted with the facts stated herein.
2. I am the President of Southwest Energy Distributors, Inc., a Texas Corporation, (the "Corporation") and as such, I am knowledgeable as to substantially all the business dealings of the Corporation.
3. As of this date, Southwest Energy Distributors, Inc., does not engage in the business of marketing, selling, distributing, generating, producing, transmitting, billing, metering, or brokering of any sort, or in any fashion whatsoever, of natural gas, electricity, propane, or methane to customers or consumers in the State of Missouri.
4. Southwest Energy Distributors, Inc. has never engaged in the business of marketing, selling, distributing, generating, producing, transmitting, billing, metering, or brokering of any sort, or in any fashion whatsoever, of natural gas, electricity, propane, or methane to customers or consumers in the State of Missouri.
5. The business dealings of Southwest Energy Distributors, Inc. in the State of Missouri consist primarily, if not exclusively, in the marketing, selling, and distributing of gasoline and gasoline products to customers who operate gasoline storage facilities in the State of Missouri."

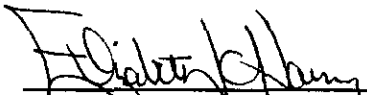
FURTHER, Affiant sayeth not.



CLAY WOOD

SUBSCRIBED AND SWORN TO BEFORE ME on January 16, 2004, to certify which witness my hand and official seal.





NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS