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February 3, 2004

BY FEDERAL EXPRESS

Hon. Dale Hardy Roberts
Chief Judge and Secretary
Missouri Public Service Commission
Governor Office Building
200 Madison Street
P.O. Box 360
Jefferson City, Missouri 65102

FILED³

FEB 04 2004

**Missouri Public
Service Commission**

Re: *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 – Motion for Dismissal of Tyson Sales and
Distribution, Inc. and Tyson Shared Services, Inc.*

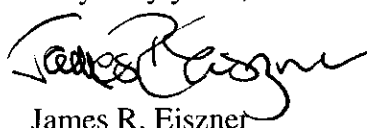
Dear Mr. Roberts:

Pursuant to Rule 240-2.080 of the Commission's Rules of Practice and Procedure, 4 C.S.R. § 240-2.080(8)&(9), I am enclosing for filing with the Commission one (1) paper original and eight (8) paper copies of the Motion for Dismissal of Tyson Sales and Distribution, Inc. and Tyson Shared Services, Inc., along with the accompanying affidavits of R. Read Hudson and Nancy L. Carter. Please note that I have enclosed fax copies of the two affidavits, for which I will substitute originally executed copies as soon as they are provided to me.

A copy of this letter and the enclosed motion and accompanying affidavits has been mailed by U.S. mail to all parties of record in the above-captioned proceedings, who are identified on the Commission's service list which is attached to the certificate of service accompanying the enclosed motion, in accordance with 4 C.S.R. § 240-2.080(10), (17), (18) & (19).

Thank you for your attention to this matter.

Very truly yours,


James R. Eiszner

Enclosures

Geneva
Houston
Kansas City
London
Miami
New Orleans
Orange County
Overland Park
San Francisco
Tampa
Washington, D.C.

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

FILED³

FEB 04 2004

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) Case No. GO-2004-0195
Consumption Within Missouri)
)

**MOTION FOR DISMISSAL OF TYSON SALES AND DISTRIBUTION, INC.
AND TYSON SHARED SERVICES, INC.**


COME NOW Tyson Sales and Distribution, Inc. and Tyson Shared Services, Inc., by and through their undersigned counsel, and respectfully request that this Commission dismiss them as named parties in this investigatory proceeding, and that they be allowed to withdraw from all further participation in same. In support of this Motion, Tyson Sales and Distribution, Inc. and Tyson Shared Services, Inc. respectfully state as follows:

1. Tyson Sales and Distribution, Inc. and Tyson Shared Services, Inc. are wholly-owned subsidiaries of Tyson Foods Inc. (collectively, "Tyson").
2. None of Tyson Ambiac Electric, Inc., Tyson and Tyson Services, Inc., Tyson Pipeline Company, or Tyson Technologies, Inc. is affiliated with Tyson.
3. Tyson is not a "distributor" or "seller" of "energy services" within the meaning of 393.297 *et seq.*, RSMO 2000.
4. Attached hereto are the Affidavits of Mr. R. Read Hudson, who is the Secretary and Senior Counsel for Tyson Foods Inc., and Nancy L. Carter, who is the Manager of Supply for Tyson Foods Inc., attesting to the facts set forth herein and supporting this motion.

5. In view of the above stated grounds, Tyson Sales and Distribution, Inc. and Tyson Shared Services, Inc. believe that they have inadvertently and erroneously been included within the scope and jurisdiction of these proceedings.

WHEREFORE, having no interest in the outcome of this proceeding, Tyson Sales and Distribution, Inc. and Tyson Shared Services, Inc. respectfully request that they be dismissed therefrom and relieved from all further participation as parties to this matter.

Respectfully submitted,


James R. Eiszner, Mo. Bar No. 49074

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ATTORNEY FOR TYSON SALES AND
DISTRIBUTION, INC. AND TYSON SHARED
SERVICES, INC.

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

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
)	

AFFIDAVIT OF R. READ HUDSON

STATE OF ARKANSAS)	
) ss.	
COUNTY OF WASHINGTON)	

I, R. Read Hudson, being of sound mind and duly informed of my rights, do hereby state as follows:

1. I am a member of the Arkansas Bar.
2. I am presently employed by Tyson Foods Inc. ("TFI"). Tyson Sales and Distribution, Inc. ("TSD") and Tyson Shared Services, Inc. ("TSS") are wholly-owned subsidiaries of TFI (TFI, TSD and TSS are sometimes collectively referred to herein as "Tyson"). I serve as Secretary and Senior Counsel of TFI, TSD and TSS.
3. In my capacity as Secretary and Senior Counsel, I am familiar with the operations, activities and corporate structure of Tyson.
4. I understand that TSD and TSS have been named as parties in the above-captioned matter currently pending before the Public Service Commission of the State of Missouri (the "Commission").
5. I further understand that several other entities with names confusingly similar to Tyson's - Tyson Ambiac Electric, Inc., Tyson and Tyson Services, Inc., Tyson

Pipeline Company, and Tyson Technologies, Inc. – have also been named as parties to those proceedings. Neither Tyson Ambiac Electric, Inc., nor Tyson and Tyson Services, Inc., nor Tyson Pipeline Company, nor Tyson Technologies, Inc. is to my knowledge affiliated with Tyson.

6. I understand that the Commission instituted this proceeding in order to determine if certain Missouri entities are violating Missouri law by providing “energy services” in the State of Missouri, without first being certificated by the Commission pursuant to Missouri law.

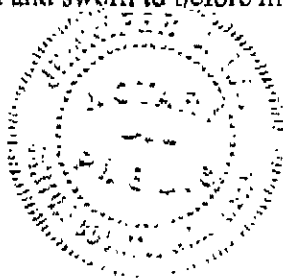
7. Although Tyson conducts business operations in the State of Missouri, Tyson does not engage in any activity or business as a “distributor” or “seller” of “energy services” within the meaning of Section 393.297 *et seq.*, RSMO 2000.

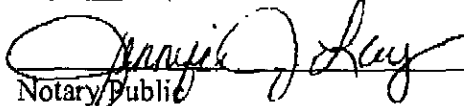
8. As shown in the sworn affidavit of Nancy L. Carter, in Missouri, Tyson purchases natural gas solely for use at its processing plants in Missouri; all natural gas purchased by Tyson for use at those facilities is wholly consumed onsite and is not resold or redistributed to customers or consumers; and in Missouri, Tyson does not sell and has not sold natural gas to third parties.

FURTHER AFFIANT SAYETH NOT.


R. Read Hudson

Subscribed and sworn to before me this 3rd day of February, 2004.




Notary Public

My Commission expires:

Oct. 1, 2006

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

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
)	

AFFIDAVIT OF NANCY L. CARTER

STATE OF ARKANSAS)	
)	ss.
COUNTY OF WASHINGTON)	

I, Nancy L. Carter, being of sound mind and duly informed of my rights, do hereby state as follows:

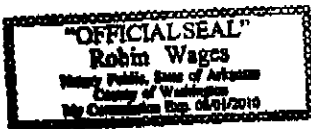
1. I am presently employed by Tyson Foods Inc. as Manager of Supply in its Commodities Trading and Risk Management Division.
2. Tyson Sales and Distribution, Inc. and Tyson Shared Services, Inc. are wholly-owned subsidiaries of Tyson Foods Inc. (collectively, "Tyson").
3. In my capacity as Manager of Supply, I am familiar with the operations and activities of Tyson as they relate to the use of natural gas at Tyson's processing facilities in Missouri.
4. In Missouri, Tyson purchases natural gas solely for use at its processing plants in Missouri, and all natural gas purchased by Tyson for use at those facilities is wholly consumed onsite and is not resold or redistributed to customers or consumers.

5. In Missouri, Tyson does not sell and has not sold natural gas to third parties.

FURTHER AFFIANT SAYETH NOT.

Nancy L. Carter
Nancy L. Carter

Subscribed and sworn to before me this 2nd day of February, 2004.



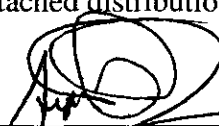
Robin Wagcs
Notary Public

My Commission expires:

8/01/10

CERTIFICATE OF SERVICE

The undersigned certifies that true and correct copies of the foregoing document and accompanying affidavits were served this 3rd day of February, 2004, via Federal Express upon the Office of the Public Counsel, the Office of the General Counsel and the Regulatory Law Judge at the addresses on the attached distribution list and by regular U.S. mail upon the remaining individuals and entities set forth on the attached distribution list.



Attorney for Tyson Sales and Distribution,
Inc. and Tyson Shared Services, Inc.

MISSOURI PUBLIC SERVICE COMMISSION

Case No. GO-2004-0195

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