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January 21, 2004

FILED⁴

JAN 21 2004

**Missouri Public
Service Commission**

Mr. Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge
Missouri Public Service Commission
P.O. Box 360
Jefferson City, Missouri 65102

RE: *Southwest Energy Training L.L.C./The Empire District Electric Company*
Case No. GO-2004-0195

Mr. Roberts:

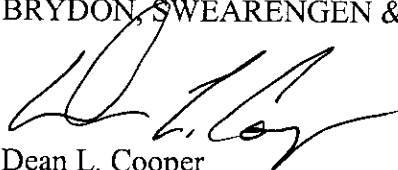
Enclosed for filing in the above-referenced matter are the original and eight (8) copies of Southwest Energy Training, L.L.C.'s Motion for Dismissal of Party Southwest Energy Training, L.L.C.. A copy of the foregoing document has been mailed or hand-delivered, this date, to all parties of record.

Thank you for your attention to this matter.

Sincerely,

BRYDON, SWEARENGEN & ENGLAND P.C.

By:


Dean L. Cooper

DLC/jar
Enclosures

cc: All parties of record

FILED⁴

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

JAN 21 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 Consumption)
Within Missouri)

Case No. GO-2004-0195

MOTION FOR DISMISSAL OF PARTY
SOUTHWEST ENERGY TRAINING, L.L.C.

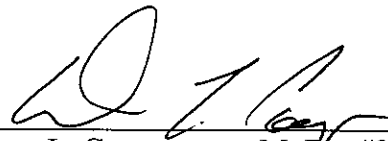
COMES NOW Southwest Energy Training, L.L.C., by and through its undersigned counsel, and respectfully requests that this Commission dismiss it as a named party in this investigatory proceeding, and that it be allowed to withdraw from all further participation in same. In support of this Motion, Southwest Energy Training, L.L.C. respectfully states as follows:

1. Southwest Energy Training, L.L.C. is an unregulated subsidiary of The Empire District Electric Company. The Empire District Electric Company is a Chapter 394 "electrical corporation" and is regulated by this Commission.
2. Southwest Energy Training, L.L.C. is not an energy "distributor" or "seller" within the intent and purpose of Section 393.297 *et seq.*, RSMo 2000.
3. Southwest Energy Training, L.L.C., through its division called Powerline Pros, provides safety and technical training services for the electric utility industry, but takes no part in the distribution or sale of electricity or gas within the State of Missouri or elsewhere.
4. Attached hereto is the Affidavit of Mr. Ronald F. Gatz, who is the Vice-President of Strategic Development for The Empire District Electric Company, attesting to the facts set forth herein.

5. In view of the above stated grounds, Southwest Energy Training, L.L.C. believes that it has inadvertently and erroneously been included within the scope and jurisdiction of these proceedings.

WHEREFORE, having no interest in the outcome of this proceeding, Southwest Energy Training, L.L.C. respectfully requests that it be dismissed therefrom and relieved from all further participation as a party to this matter.

Respectfully submitted,



Dean L. Cooper MoBar #36592
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ATTORNEYS FOR SOUTHWEST ENERGY
TRAINING, L.L.C.

CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing document was served by hand delivery this 21st day of JANUARY 2004 upon the Office of the Public Counsel and the Office of the General Counsel.



**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 RONALD F. GATZ

COMES NOW Ronald F. Gatz, and states as follows:

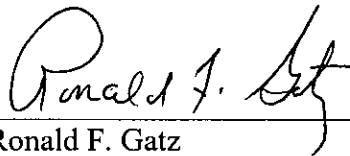
1. My name is Ronald F. Gatz. I am over 18 years of age, of sound mind, and I am competent to make this Affidavit.
2. I am presently employed by The Empire District Electric Company ("Empire"). I currently serve as Vice-President of Strategic Development. My duties include overseeing the operations of Southwest Energy Training, L.L.C., which is a non-regulated subsidiary of Empire, and thus I am familiar with the mission and operations of Southwest Energy Training, L.L.C.
3. I am aware that Southwest Energy Training, L.L.C. has been named as a party in the above-captioned matter currently pending before the Public Service Commission of the State of Missouri. I understand that the Commission instituted this proceeding in order to determine if certain Missouri entities are violating Missouri law by engaging in the sale and distribution of energy services in the State of Missouri, without first being registered with the Commission pursuant to Missouri law.
4. Southwest Energy Training, L.L.C. operates in the State of Missouri through its division called Powerline Pros, and provides only safety and technical training services for the electric utility industry.

5. Neither Southwest Energy Training, L.L.C. nor Powerline Pros engages in any activity or business which would could constitute the distribution or sale of electricity or gas within the State of Missouri, or elsewhere.

6. The Empire District Electric Company is a "electrical corporation" pursuant to Missouri law and is therefore regulated by the Commission.

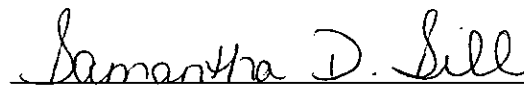
7. There is nothing involved in the affiliation between Southwest Energy Training, L.L.C. and The Empire District Electric Company which results in the former having any role whatsoever in the sale or distribution of energy within the State of Missouri, or elsewhere.

Further Affiant sayeth not.



Mr. Ronald F. Gatz

Subscribed and sworn to before me this 20 day of January, 2004.



Notary Public

My Commission expires:

may 21, 2004

SAMANTHA D SILL
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JASPER COUNTY
MY COMMISSION EXP. MAY 21, 2004



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