

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

Director of the Manufactured Housing and)
Modular Units Program of the Missouri)
Public Service Commission,)

Complainant,)

v.)

Case No. MC-2009-0259

Brookside Homes, Inc.,)
2455 US Highway 67 South)
Festus, MO 63028)

Respondent.)

NOTICE OF DISMISSAL

COMES NOW the Director of the Manufactured Housing and Modular Units Program of the Missouri Public Service Commission (Director), by and through counsel, and for the Director's Notice of Dismissal states as follows:

Background and Discussion

On January 7, 2009, Brookside Homes, Inc. (Brookside) filed an application with the Director to register as a manufactured home dealer or to renew the registration previously issued by the Director. On January 13, 2009, the Director filed with the Missouri Public Service Commission (the Commission) a Complaint to Deny Registration, Motion for Hearing and Motion for Expedited Treatment (Complaint), seeking denial of Brookside's application based upon alleged violations of certain Commission rules and of Chapter 700, RSMo (Cum. Supp. 2008). The Director's Complaint was assigned Case No. MC-2009-0259.

In addition to Case No. MC-2009-0259, the Director currently has pending against Brookside two additional complaints, designated by the Commission as Case No. MC-2009-

0020 and Case No. MC-2009-0127. These additional complaints reaffirm the allegations made by the Director in this docket and contain additional allegations related to the conduct of the Respondent Brookside Homes, Inc.

Applicable Law

Commission Rule 4 CSR 240-2.116 provides in relevant part as follows:

(1) An applicant or complainant may voluntarily dismiss an application or 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. Once evidence has been offered or prepared testimony filed, an applicant or complainant may dismiss an action only by leave of the commission, or by written consent of the adverse parties.

Conclusion

No testimony has been filed and no oral evidence has been offered in this matter. Therefore, pursuant to Commission Rule 4 CSR 240-2.116 the Director voluntarily dismisses in its entirety Case No. MC-2009-0259. The Director is of the opinion that the allegations contained in Case No. MC-2009-0020 and Case No. MC-2009-0127 address the concerns raised in this matter, and that the Commission has the ability to provide in these related cases the remedy sought herein.

WHEREFORE, for the reasons mentioned above and in the interest of judicial economy, the Director submits this notice for the Commission's information and for the purpose of voluntarily dismissing this matter.

Respectfully submitted,

/s/ Eric Dearmont

Eric Dearmont

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Certificate of Service

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record this 5th day of October, 2009.

/s/ Eric Dearmont