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December 19, 2001

**FILED**<sup>3</sup>

DEC 21 2001

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

Missouri Public  
Service Commission

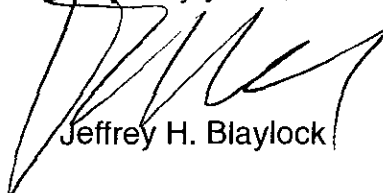
RE: City of Hannibal, Missouri and Public Water Supply District No. 1 of Ralls County,  
Missouri  
Case No.: WO-2002-17

Dear Mr. Roberts:

Enclosed for filing in the above-referenced case please find the original and eight copies of **MOTION TO VOLUNTARILY DISMISS CASE**. I would appreciate it if you would file stamp the extra enclosed copy and return it to me in the enclosed, self-addressed, stamped envelope provided for that purpose.

Thank you for your attention to this matter. Please let me know if you have any questions.

Very truly yours,



Jeffrey H. Blaylock

JHB/cai

cc: Victoria L. Kizito  
M. Ruth O'Neill  
Rodney Rodenbaugh

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

DEC 21 2001

Missouri Public  
Service Commission

In the Matter of the Application of the City of Hannibal, )  
Missouri, and Public Water Supply District No. 1 of )  
Ralls County, Missouri, for Approval of a Territorial ) **Case No. WO-2002-17**  
Agreement Concerning Territory Encompassing Part )  
of Ralls County, Missouri. )

**MOTION TO VOLUNTARILY DISMISS CASE**

COMES NOW the City of Hannibal, Missouri ("City"), on its own behalf and on behalf and with the consent and agreement of the Office of the Public Counsel ("Public Counsel"), the Public Water Supply District No. 1 of Ralls County, Missouri ("District"), and the Staff of the Missouri Public Service Commission ("Staff"), and submits to the Missouri Public Service Commission the parties' Motion to Voluntarily Dismiss this Case. In support of this Motion to Voluntarily Dismiss, the City states as follows:

1. On or about July 2, 2001, the City and District filed their Joint Application with this Commission, requesting approval of a Territorial Agreement entered into by the parties. A copy of the agreement was attached to the Application.
2. On August 29, 2001, the parties filed a proposed procedural schedule in this matter, as directed by the Commission. At that time, the parties advised the Commission that they believed a stipulation and agreement would be possible.
3. Subsequent to the filing of the Agreement, the parties became aware that the United States Department of Agriculture ("U.S.D.A."), a secured creditor of the District, had substantial concerns about the terms of the Territorial Agreement. The then-known details of this complication were set forth in the parties' Second Motion to Suspend the Procedural Schedule in this matter, filed on October 19, 2001.

4. The Commission issued an order canceling the Procedural Schedule and extending decision deadline, and directing filing on October 25, 2001. At that time, the Commission directed the parties to submit a new Proposed Procedural Schedule on or before October 31, 2001, designed to complete this case by January 7, 2002.

5. On November 1, 2001 the Office of the Public Counsel, on behalf of all of the parties, proposed that the Commission direct the parties to file either a Stipulation and Agreement or a Motion to Voluntarily Dismiss this Case on or before December 21, 2001. On December 10, 2001, the Commission issued an order as requested by the parties directing the parties to file either a Stipulation and Agreement or a Motion to Voluntarily Dismiss this Case on or before December 21, 2001.

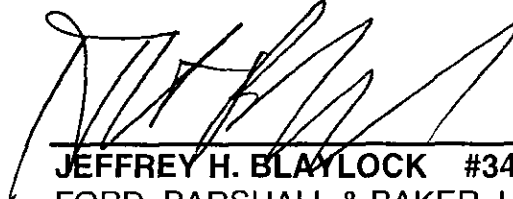
6. The City and the District have met together with representatives of the U.S.D.A., the District's primary secured creditor, to discuss the U.S.D.A.'s concerns over the Territorial Agreement as more particularly described in the parties' Second Motion to Suspend the Procedural Schedule in this matter, filed on October 19, 2001.

7. Despite the parties' willingness to cooperate with each other and the USDA, the parties will not be able to file a Stipulation and Agreement on or before December 21, 2001. During the course of the parties' meeting with the USDA, it became clear that the time and effort required to gather additional information to respond to USDA inquiries will make it impossible for the parties to meet the December 21, 2001 deadline.

8. The parties are in agreement that this matter be voluntarily dismissed without prejudice. None of the parties or their constituents will suffer harm or prejudice if this case is dismissed without prejudice.

WHEREFORE, the parties respectfully request that the Commission issue an order dismissing this case without prejudice, upon such terms and conditions as it deems just and proper in the premises.

Respectfully submitted,



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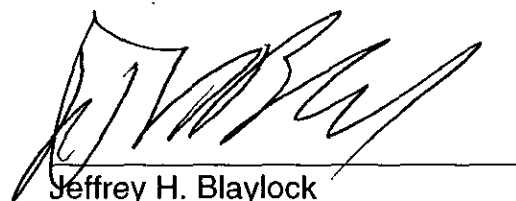
#### **CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing pleading have been mailed or hand-delivered to the following this 19th day of December, 2001.

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