

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION
JEFFERSON CITY
March 1, 2001**

CASE NO: WC-2001-195

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Enclosed find certified copy of a NOTICE in the above-numbered case(s).

Sincerely,

A handwritten signature in black ink that reads "Dale Hardy Roberts". The signature is written in a cursive style with a large initial "D".

**Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge**

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

| | | |
|--|---|------------------------------------|
| Staff of the Missouri Public Service Commission, |) | |
| |) | |
| Complainant, |) | |
| |) | |
| v. |) | <u>Case No. WC-2001-195</u> |
| |) | |
| Osage Water Company, |) | |
| |) | |
| Respondent. |) | |

NOTICE OF DISMISSAL AND CLOSING OF CASE

On September 21, 2000, the Staff of the Missouri Public Service Commission (Staff and Commission) filed with the Commission a complaint against Osage Water Company (Osage).

On February 28, 2001, Staff filed its notice of settlement agreement and motion for dismissal of complaint (pleading). Staff stated that both parties had agreed to mediation and, thus, on January 19, 2001, a mediation conference was held at the University of Missouri School of Law Mediation Clinic in Columbia, Missouri. Staff informed the Commission that, as a result of the mediation conference, Staff and Osage settled their respective differences. Staff pointed out that the terms of the settlement had been memorialized in a written Settlement Agreement which was attached to its pleading as Appendix A. Since the matter has been settled to the satisfaction of the parties, the Staff requested that the Commission take notice of the Settlement Agreement and dismiss the complaint.

Commission Rule 4 CSR 240-2.080(3) states, in part: "Each pleading shall include a...specific reference to the statutory provision or other authority under which relief is requested." Staff's pleading did not

comply with Commission Rule 4 CSR 240-2.080(3) in that it did not include a specific reference to the statutory provision or other authority under which relief is requested.

Staff's pleading should have stated that it was filed pursuant to Commission Rule 4 CSR 240-2.116(1), which states, in part:

...[A]n applicant...may voluntarily dismiss an application...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.

Staff's pleading should have pointed out that no testimony had been filed, no oral evidence been offered, and that the notice of dismissal had been served on all parties.

Nonetheless, even though Staff's notice did not fully comply with the rules set forth above, the Commission will take notice of the dismissal of this case and will close the same.

BY THE COMMISSION



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Dated at Jefferson City, Missouri,
on this 1st day of March, 2001.

Hopkins, Senior Regulatory Law Judge

STATE OF MISSOURI

OFFICE OF THE PUBLIC SERVICE COMMISSION

I have compared the preceding copy with the original on file in this office and

I do hereby certify the same to be a true copy therefrom and the whole thereof.

WITNESS my hand and seal of the Public Service Commission, at Jefferson City,

Missouri, this 1st day of March 2001.

Dale Hardy Roberts

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

