

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

| | | |
|---------------------------------------|---|-----------------------|
| The Staff of the Missouri Public |) | |
| Service Commission, |) | |
| |) | |
| Complainant |) | |
| v. |) | Case No. EC-2009-0078 |
| |) | |
| The Empire District Electric Company, |) | |
| |) | |
| Respondent. |) | |

**NOTICE OF VOLUNTARY DISMISSAL
WITH WRITTEN CONSENT OF ALL PARTIES**

COMES NOW the Staff of the Missouri Public Service Commission (Complainant or Staff), The Empire District Electric Company ("Empire") and the Office of the Public Counsel (Public Counsel), and, for Complainant's Notice of Voluntary Dismissal With Written Consent of All Parties, state as follows to the Missouri Public Service Commission ("Commission"):

1. After discussions between Complainant, Empire and Public Counsel, the parties have agreed to a satisfaction of this matter which resolves this Complaint.
2. The Staff filed prepared testimony in this case on November 26, 2008.
3. Commission Rule 4 CSR 240-2.116(1) states in relevant part that "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."
4. In light of the resolution referenced above, Complainant desires to dismiss its Complaint. All parties to this case have provided their written consent to that dismissal as evidenced by the signatures below.

WHEREFORE, Complainant, Empire and Public Counsel pray that the Commission recognize this Notice of Dismissal pursuant to Commission Rule 4 CSR 240-2.116(1).

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing document was sent by electronic mail, on January ____, 2009, to the following:

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