

**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,

/s/ Dean L. Cooper

Dean L. Cooper #36592  
L. Russell Mitten #27881  
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**ATTORNEYS FOR THE MISSOURI-  
AMERICAN WATER COMPANY  
COMMISSION**

/s/ Sarah Kliethermes

Sarah L. Kliethermes #60024  
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**ATTORNEYS FOR THE STAFF OF  
THE MISSOURI PUBLIC SERVICE**

/s/ Lewis R. Mills

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**ATTORNEY FOR THE OFFICE OF  
THE PUBLIC COUNSEL**

## **CERTIFICATE OF SERVICE**

The undersigned certifies that a true and correct copy of the foregoing document was sent by electronic mail, on February 2, 2009, to the following:

Sarah Kliethermes  
Office of the General Counsel  
Governor Office Building  
Jefferson City, MO 65101  
[sarah.kliethermes@psc.mo.gov](mailto:sarah.kliethermes@psc.mo.gov)

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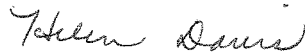
Dean L. Cooper  
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/s/ Sarah L. Kliethermes

### RECEIPT OF CHECKS

On the below date, I received from Dean L. Cooper, attorney for The Empire District Electric Company (Empire), as delivered on behalf of Empire, the following:

- 1) a check in the amount of \$80,000.00, made payable to Project Help, as administered by Economic Security Corporation; and,
- 2) a check in the amount of \$20,000.00, made payable to the Public School Fund of the State of Missouri.



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Helen Davis  
Missouri Public Service Commission  
Budget and Fiscal Services Department  
P.O. Box 360  
Jefferson City, MO 65102

Dated: 01/30/09