

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

Adam P. Zimmerman,)	
)	
Complainant,)	
)	
v.)	<u>Case No. EC-2008-0195</u>
)	
Kansas City Power and Light Co.,)	
)	
Respondent.)	

NOTICE ACKNOWLEDGING VOLUNTARY DISMISSAL OF COMPLAINT
AND CLOSING CASE

Issue Date: March 17, 2008

Adam P. Zimmerman filed a formal complaint against Kansas City Power & Light Company ("KCPL") on December 17, 2007. On December 20, 2007, the Commission notified KCPL of the complaint and allowed it thirty days in which to answer as provided by 4 CSR 240-2.070(7). On the same day, the Commission ordered Staff to investigate the complaint and to file a report concerning the results of its investigation no later than one week after KCPL filed its answer to the complaint. On January 17, 2008, KCPL filed its "Motion for Extension of Time to Answer to Allow Additional Time for Settlement Discussions." In this motion, KCPL requested that the Commission extend the due date for KCPL's answer from January 21, 2008 until the earlier of (i) February 29, 2008 or (ii) 15 days from the date on which either KCPL or Mr. Zimmerman notifies the Commission in writing that settlement is not possible. The Commission granted this motion by order dated January 18, 2008.

On February 29, 2008, KCPL filed its "Notification of Settlement," in which the company explained that "it believes it and Mr. Zimmerman have resolved the matter" by way of a settlement, and it "anticipates that Mr. Zimmerman will notify the Commission of his intent to withdraw his complaint." Finally, on March 13, 2008, Mr. Zimmerman filed a pleading titled "Withdrawal of Complaint," in which he informed the Commission that he wished to withdraw his complaint with prejudice since he had reached a mutually acceptable agreement with KCPL which resolved his dispute with the company.

Commission Rule 4 CSR 240-2.116(1) permits a complainant to voluntarily dismiss his 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." No prepared testimony or oral evidence has been offered in this case, and the dismissal notice has been filed with the Commission.¹ Therefore, the Commission acknowledges that Adam P. Zimmerman has voluntarily dismissed his complaint against Kansas City Power & Light Company with prejudice. Nothing remains for decision by the Commission and this case may be closed.²

BY THE COMMISSION



Colleen M. Dale
Secretary

(S E A L)

Dated at Jefferson City, Missouri,
on this 17th day of March, 2008.
Lane, Regulatory Law Judge

¹ Although the pleading does not contain a certificate of service, it was entered into the Commission's Electronic Filing and Information System (EFIS) by or on behalf of Mr. Zimmerman, and it is clear that all parties of record are aware of it.

² For this reason, the Commission's order of December 20, 2007 directing Staff to investigate the complaint and file a report is now moot.