

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office
in Jefferson City on the 12th
day of March, 1997.

Office of the Public Counsel,)	
)	
Complainant,)	
)	
v.)	<u>Case No. TC-96-270</u>
)	
GTE Midwest Incorporated,)	
)	
Respondent.)	
)	

ORDER REGARDING DISMISSAL

On February 14, 1997, the Office of the Public Counsel (Public Counsel) filed a voluntary dismissal in this case. Pursuant to 4 CSR 240-2.116, 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. The voluntary dismissal filed by Public Counsel on February 14 did not include written consent of the adverse parties. The Commission will deem this a request for Commission approval.

The record in this case reflects that a hearing was convened on January 31 to entertain a Stipulation And Settlement Agreement which had been filed by Public Counsel and GTE Midwest Incorporated (GTE). Although the Staff of the Public Service Commission (Staff) did not join in the Stipulation And Settlement Agreement, neither did it oppose that disposition of this case.

On February 11 the Commission issued a Report And Order in this case which accepted the Stipulation And Settlement Agreement of the parties. GTE, Public Counsel and the Staff have all been ordered to comply in all respects with the Stipulation And Settlement Agreement. All pending issues in this docket have been resolved.

The Commission finds that ten days or more have passed since Public Counsel filed its voluntary dismissal and no party has filed an objection to the dismissal of this case. Therefore, Public Counsel's motion for voluntary dismissal will be granted.

IT IS THEREFORE ORDERED:

1. That the complaint filed by the Office of the Public Counsel against GTE Midwest Incorporated and docketed as Case No. TC-96-270 shall hereby be dismissed and this case shall be closed.

2. That this order shall become effective on March 25, 1997.

BY THE COMMISSION



**Cecil I. Wright
Executive Secretary**

(S E A L)

Zobrist, Chm., McClure,
Crumpton and Drainer,
CC., concur.

ALJ: Roberts