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STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

At a Session of the Public Service
Commission held at its office
in Jefferson City on the 8th
day of July, 1997.

Kmart Corporation,	)	
Complainant,	)	
v.	)	<u>CASE NO. EC-97-106</u>
	)	
Union Electric Company,	)	
Respondent.	)	

ORDER DISMISSING COMPLAINT AND CLOSING DOCKET

Kmart Corporation (Kmart) filed a complaint against Union Electric Company (Union Electric) on September 16, 1996, for relief from a demand for security deposit. The parties held a prehearing conference on January 8, 1997, and by order of the Commission a procedural schedule was established on January 29. The Commission issued a protective order on February 20, and the parties subsequently filed direct and rebuttal testimony.

Kmart filed its Motion for Voluntary Dismissal of Complaint on June 25. Union Electric filed a Motion to Suspend Procedural Schedule on June 25, and on June 26 the Commission canceled the prehearing conference scheduled for July 1.

Kmart requested leave of the Commission to voluntarily dismiss its complaint against Union Electric because Kmart and Union Electric have reached a settlement of the dispute, the terms of which are as follows:

- (a) Kmart will take all appropriate steps to withdraw its formal complaint in this matter and request that the Commission dismiss the action.
- (b) Union Electric will withdraw its demand for a deposit from Kmart.
- (c) Union Electric, in the future, will not demand a deposit from Kmart unless, and until, it has notified Kmart of

its specific concerns that lead to the deposit demand, and has allowed Kmart a reasonable period of time to supply information to counter Union Electric's concerns.

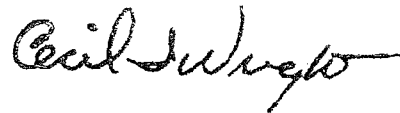
Kmart states in its Motion to Dismiss that the Staff of the Public Service Commission and the Office of the Public Counsel have been advised of and consent to this request for dismissal.

The Commission has reviewed Kmart's motion and finds that the motion is reasonable and should be granted. The Commission finds that the parties have reached a reasonable settlement of the dispute. Therefore, this case should be dismissed and this docket should be closed as the Complainant has requested.

IT IS THEREFORE ORDERED:

1. That the motion of Kmart Corporation to voluntarily dismiss its complaint is granted.
2. That the complaint filed by Kmart Corporation on September 16, 1996, is dismissed and this docket is closed.
3. That the hearing set for August 12-13, 1997, is hereby canceled.
4. That this order shall become effective on July 17, 1997.

BY THE COMMISSION



**Cecil I. Wright
Executive Secretary**

(S E A L)

Zobrist, Chm., Crumpton, Murray
Lumpe, and Drainer, CC., concur.

ALJ: George