

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

<b>In the Matter of a Proposed Rule 4 CSR</b>	<b>)</b>	
<b>240-3.035, Minimum Filing Requirements</b>	<b>)</b>	<b><u>Case No. AX-2004-0086</u></b>
<b>For Complaints Related to Earning Reviews</b>	<b>)</b>	

**STATUS REPORT AND  
MOTION TO DISMISS**

COMES NOW the Staff of the Missouri Public Service Commission, by and through the General Counsel, and, for its *Status Report and Motion to Dismiss*, states as follows:

1. The drafting of the proposed rule that is the subject of this case began as a part of follow-up work related to the Chapter 3 rulemaking project, and has been discussed with the Commission on at least three occasions. Those discussions resulted in the most recent draft of the subject proposed rule that was attached as Appendix A to Staff's last Status Report, filed on February 4, 2005.

2. At that time, Staff stated that its "plan is to proceed with obtaining written comments from the OPC regarding the current draft of the subject proposed rule and to review the records of the meetings of the Formal Rate Case Work Group to determine whether additional changes are needed to the rule, or if pursuing publication of the rule is still the proper course of action." Staff further stated that it then would "file another status report in this case, which will include a recommendation of how, or whether, to proceed with the subject rulemaking."

3. At this time, Staff recommends that this rulemaking be terminated and that this case be dismissed. Staff does not now consider the proposed rule to be either desirable or appropriate.

**WHEREFORE**, the Staff respectfully submits this *Status Report* for the Commission's consideration in this case and moves the Commission to terminate this rulemaking and to dismiss this case.

Respectfully submitted,

**/s/ Kevin A. Thompson**

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**Certificate of Service**

I hereby certify that a true and correct copy of the foregoing was served, either electronically or by First Class United States Mail, postage prepaid, on this 9th day of September, 2006, to the parties of record as set out on the official Service List maintained by the Data Center of the Missouri Public Service Commission for this case.

**/s/ Kevin A. Thompson**