

In the Matter of the Application of)
Old National Bank for Authority to) File No. WM-2012-0314
Seize the Assets of Tri-States Utility, Inc.)

Issue Date: January 29, 2013 Effective Date: January 29, 2013

Old National Bank filed an application² seeking to transfer the assets of Tri-States Utility, Inc. to Old National Bank. The Commission dismissed the application for lack of subject matter jurisdiction, and directed the Staff to investigate the underlying issue and file a report, in the earlier order. The earlier order was originally effective on November 17, 2012, but the Commission granted the parties' requests to extend the earlier order's effective date³ to January 31, 2013, pending their discussion of the dispute underlying this action.

¹ Issued on October 18, 2012.

² On March 21, 2012.

An applicant . . . may voluntarily dismiss an application . . . 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[.⁴]

Old National Bank represents that Tri-States Utility, Inc. supports the withdrawal of the earlier order, and that neither the Commission's staff nor the Office of the Public Counsel oppose the withdrawal of the earlier order. On those representations, the Commission will withdraw the earlier order and acknowledge Old National Bank's voluntary dismissal.

THE COMMISSION ORDERS THAT:

1. *Old National Bank's Notice of Dismissal and Request for Withdrawal of Commission Order* is granted.
2. The *Order Dismissing Application and Initiating Investigation* is withdrawn.
3. This order shall become effective immediately upon issuance.
4. This file shall close on January 30, 2013.

BY THE COMMISSION

(S E A L)



Shelley Brueggemann
Acting Secretary

Daniel Jordan, Senior Regulatory
Law Judge, by delegation of authority
pursuant to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 29th day of January 2013.

³ By orders issued on October 31, December 24, and December 26, 2012.

⁴ 4 CSR 240-2.116(1).