

OF THE STATE OF MISSOURI

Case No. WC-2006-0079

ORDER DISMISSING COMPLAINT

Effective Date: February 27, 2006

On August 12, 2005, Complainant, A. Reed Kline, filed a Complaint against Missouri-American Water Company alleging that Missouri-American was refusing to provide water service to developments in St. Joseph, Missouri. The case was denominated WC-2006-0079. According to Commission records, Missouri-American was never served with the Complaint and no action was taken to prosecute the Complaint.

Commission records reveal that a second Complaint, including the same parties and allegations, was filed by Reed Kline against Missouri-American on September 9, 2005, in case number WC-2006-0106. That case has proceeded toward resolution and is currently in mediation.

On January 24, 2006, the Commission issued an order directing the parties to file a pleading no later than February 6, 2006, giving a reason that WC-2006-0079 should not be dismissed as being duplicative of WC-2006-0106. No party filed a responsive pleading.

The Commission finds that this case, WC-2006-0079, filed by Complainant, A. Reed Kline, makes the same allegations against the same Respondent, Missouri-American Water Company, as the Complaint in WC-2006-0106. Commission Rule 4 CSR 240-2.116(4) provides that a case may be dismissed by the Commission for good cause found by the Commission after a minimum of ten (10) days' notice to all parties involved. This case, WC-2006-0079, on which no action was taken and no service was made upon the Respondent will be dismissed for good cause in order to allow the case in mediation, WC-2006-0106, to proceed to resolution and to avoid having two identical cases with the same parties and issues on file with the Commission.

The Commission's action taken in this case, WC-2006-0079, shall in no way affect the proceedings currently pending in case number WC-2006-0106, which was filed on September 9, 2005, and is currently in mediation.

IT IS ORDERED THAT:

1. The Complaint filed on August 12, 2005, by A. Reed Kline against Missouri-American Water Company is dismissed.
2. This order shall become effective on February 27, 2006.

BY THE COMMISSION



Colleen M. Dale
Secretary

(S E A L)

Steven C. Reed, Regulatory Law Judge,
by delegation of authority pursuant
to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 17th day of February, 2006.