

At a session of the Public Service Commission held at its office in Jefferson City on the 14th day of September, 2006.

Respondents.

**ORDER DISMISSING RESPONDENTS CHELSEA ROSE LAND
OWNERS ASSOCIATION, INC., GREGORY D. WILLIAMS, DEBRA J.
WILLIAMS, AND CHARLES H. WILLIAMS, AND DISMISSING COUNT IV
OF STAFF'S COMPLAINT**

The Staff of the Commission filed a complaint against Hurricane Deck Holding Company, Chelsea Rose Land Owners Association, Inc., Gregory D. Williams, Debra J. Williams, and Charles H. Williams on January 23, 2006. On August 31, the Commission issued an order granting in part and denying in part Staff's motion for summary determination. That order granted Staff's motion for summary determination regarding Counts I, II, III, and V of its complaint, as applied to Hurricane Deck Holding Company. The order denied summary determination regarding Counts I, II, III, and V of Staff's complaint

as applied to Chelsea Rose Land Owners Association, Gregory D. Williams, Debra J. Williams, and Charles H. Williams. The Commission also denied summary determination regarding Count IV of Staff's complaint as applied to all respondents.

Because the denial of summary determination did not entirely resolve Staff's complaint, the Commission ordered Staff to file a pleading by September 11, indicating whether it intended to present evidence to prove the allegations against the respondents for which summary determination was denied. Staff responded on September 7 with a motion asking leave to dismiss its complaint as to Chelsea Rose Land Owners Association, Gregory D. Williams, Debra J. Williams, and Charles H. Williams, and to dismiss Count IV of its complaint as to all respondents.

Commission rule 4 CSR 240-2.116(1) provides that a complainant may dismiss its complaint by leave of the Commission. The Commission's leave and Staff's motion to dismiss will be granted.

With the dismissal of the remaining complainants and the unresolved count, the Commission's August 31 Order Granting in Part and Denying In Part Staff's Motion for Summary Determination becomes a final resolution of Staff's complaint. As a result, that order is no longer interlocutory and may be appealed. Staff may proceed to file a petition in Circuit Court as authorized by that order.

IT IS ORDERED THAT:

1. Staff's complaint against Chelsea Rose Land Owners Association, Gregory D. Williams, Debra J. Williams, or Charles H. Williams is dismissed without prejudice.
2. Count IV of Staff's complaint is dismissed without prejudice.

3. This order shall become effective on September 20, 2006.

BY THE COMMISSION

A handwritten signature in black ink, appearing to read 'Colleen M. Dale', written over a horizontal line.

Colleen M. Dale
Secretary

(S E A L)

Davis, Chm., Murray, Gaw, Clayton and Appling, CC., concur

Woodruff, Deputy Chief Regulatory Law Judge