

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

In the Matter of the Application of Dale Whiteside)
and Whiteside Hidden Acres, L.L.C. for a)
Certificate of Convenience and Necessity)
Authorizing it to Own, Control, Manage, Improve) File No. SA-2009-0262
and Maintain a Water and Sewer System for the)
Public, Located in an Incorporated Area of Hickory)
County, Missouri)

NOTICE OF VOLUNTARY DISMISSAL OF APPLICATION

COMES NOW Lisa Henderson, counsel for the Respondents/Applicants and files this
Notice of Voluntary Dismissal of Application with the Missouri Public Service Commission,
respectfully stating the following:

1. On June 19, 2008, Staff filed its *Complaint*, assigned Case No. WC-2008-0405
(complaint case), asserting Dale Whiteside and Whiteside Hidden Acres, L.L.C.
(Respondents) are water corporations, and thus, public utilities subject to the jurisdiction,
regulation and control of the Commission.
2. On September 8, 2008, the Commission ordered the evidentiary hearing in the complaint
case be held on January 20-21, 2009.
3. On January 13, 2009, Respondents filed an *Application* for a certificate of convenience
and necessity for water and sewer systems located in Hickory County, Missouri. The
application was assigned File Nos. WA-2009-0261 and SA-2009-0262.
4. From discussions with Staff and counsel for Staff, Applicants do not qualify as a Section
386.020 (49) RSMo (Supp. 2008) “sewer corporation” at this time. After conducting an
on-site investigation, Staff has conveyed to Applicants that the sewer system operated by
WHA does not qualify as a Section 386.020 (49) “sewer corporation”, as it has less than

twenty-five outlets. Additionally, Applicants do not intend to become a “sewer corporation” in the future. Thus, the *Application* in this case is not needed at this time.

5. 4 CSR 240-2.116 allows an applicant to 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 notice of dismissal with the commission and serving a copy on all parties.”
6. No testimony or oral evidence has been offered by any party in this case.

WHEREFORE, on the position conveyed by the Staff, Respondents/Applicants hereby voluntarily withdraw the January 13, 2009 *Application* in the above stated file number.

Respectfully submitted,

/s/ Lisa C. Henderson

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Attorney for Dale Whiteside and
Whiteside Hidden Acres

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served on Jennifer Hernandez, attorney for the Staff of the Missouri Public Service Commission, P.O. Box 360, Jefferson City, MO 65109, jennifer.hernandez@psc.mo.gov ; and the Office of Public Counsel, 200 Madison Street P.O. Box 2230, Jefferson City, MO 65102, opcservice@ded.mo.gov ; and the Secretary of the Missouri Public Service Commission, 200 Madison Street, P.O. Box 360, Jefferson City, MO. 65102-0360 this 21st day of May, 2009, either by hand delivery, electronic mail or First Class United States Mail, postage prepaid.

/s/ Lisa C. Henderson

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