BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

TAMMIE LYNN POWELL,)
Complainant,)
V.) File No. EC-2009-0449
THE EMPIRE DISTRICT ELECTRIC CO.)))
Respondent.)

ORDER ACKNOWLEDGING VOLUNTARY DISMISSAL, CANCELING HEARING AND CLOSING FILE

Issue Date: December 3, 2009 Effective Date: December 3, 2009

The Missouri Public Service Commission is canceling the hearing and closing this file because Tammie Lynn Powell has voluntarily dismissed the complaint.

Voluntary dismissal is the subject of the following provision:

[A] complainant may voluntarily dismiss [a] complaint 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 and serving a copy on all parties.[1]

On December 3, 2009, Ms. Powell filed a notice of dismissal ("notice") and certified service of such notice on all parties. No party has filed any prepared testimony or offered any oral evidence. Therefore, the notice dismissed the complaint upon filing, without an order of the Commission.

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¹ 4 CSR 240-2.116(1).

Because Ms. Powell has dismissed the complaint, the Commission will cancel the hearing and close the file.

THE COMMISSION ORDERS THAT:

- 1. The hearing scheduled for December 29, 2009, is canceled.
- 2. The file is closed.

BY THE COMMISSION

(SEAL)

Steven C. Reed Secretary

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

Dated at Jefferson City, Missouri, on this 3rd day of December 2009.