

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office in
Jefferson City on the 19th day
of September, 2006.

In the Matter of a Proposed Rule 4 CSR 240-3.035,)	
Minimum Filing Requirements for Complaints)	
Related to Earnings Reviews.)	<u>Case No. AX-2004-0086</u>

ORDER GRANTING MOTION TO DISMISS AND CLOSING CASE

Issue Date: September 19, 2006

Effective Date: September 29, 2006

On August 19, 2003, the Missouri Public Service Commission issued an Order Finding Necessity for Rulemaking in this matter. The purpose of the contemplated rule would have been to specify the requirements for filing a complaint after an earnings review or investigation was conducted in connection with a regulated utility.

On September 9, 2006, the Staff of the Commission filed a Status Report and Motion to Dismiss. In its motion, Staff states that the rule was a follow-up to the Chapter 3 rulemaking project and has been discussed with the Commission on at least three occasions. Although a proposed rule was drafted, Staff recommends that the rulemaking be terminated and that this case be dismissed.

The Commission has reviewed Staff's motion and, finding it reasonable, will grant the requested relief.

IT IS ORDERED THAT:

1. The Staff of the Commission's motion to dismiss this case is granted.

2. This order shall become effective on September 29, 2006.
3. This case may be closed on September 30, 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.

Jones, Regulatory Law Judge