

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION**

At a session of the Public Service  
Commission held at its office in  
Jefferson City on the 24th day  
of May, 2007.

In the Matter of the Application of Cynthia Evans     )  
for a Change of Electric Supplier                             )     **Case No. EO-2007-0284**

**ORDER DISMISSING APPLICATION**

Issue Date: May 24, 2007

Effective Date: June 3, 2007

On January 29, 2007, Cynthia Evans applied for a change of electrical supplier from The Empire District Electric Company to Ozark Electric Cooperative, Inc. Ms. Evans' application was deficient, and the Commission notified Ms. Evans of those deficiencies on January 30. The Commission further notified Ms. Evans that it would not act on the application until she corrected the deficiencies listed below:

- 4 CSR 240-2.060(1)(M) (applications must be verified by affidavit);
- 4 CSR 240-2.080(18), (19) (applicant must serve a copy of the application upon the parties, including the Commission's General Counsel and the Office of the Public Counsel, and the application must contain a certificate of service showing service);
- 4 CSR 240-3.140(F) (applicant must list any efforts she has made to contact the current service provider about problems, and what the current supplier has done to solve the problems);
- 4 CSR 240-3.140(G) (applicant must state the reasons the change of suppliers would be in the public interest);

- 4 CSR 240-3.140(H) (applicant must state if the current and requested suppliers agree to change, and, if so, include verified statements from those suppliers consenting to the change).

On April 24, the Staff of the Commission filed a Motion to Show Cause. Staff pointed out that Ms. Evans has failed to correct her application, and asked the Commission to order Ms. Evans to show cause why her application should not be dismissed. The Commission issued an Order to Show Cause on April 25, in which it informed Ms. Evans if she did not respond by May 9, the Commission may dismiss her application. Ms. Evans failed to respond.

Commission Rule 4 CSR 240-2.116(2) allows the Commission to dismiss a case for lack of prosecution if no action has occurred for 90 days, and no party has filed a pleading requesting a continuance. Over 90 days have elapsed since Ms. Evans filed her original application. She has not filed any pleading, either in response to the Commission's Notice of Deficiency or its Order to Show Cause, and seems to have no interest in prosecuting this case any further. The Commission will dismiss her application without prejudice.

**IT IS ORDERED THAT:**

1. The application for change of electrical supplier filed by Cynthia Evans on January 29, 2007 is dismissed without prejudice.

2. This order shall become effective on June 3, 2007.
3. This case may be closed on June 4, 2007.

**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.

Pridgin, Senior Regulatory Law Judge