

BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of the Application of)
Rick Weaver for)
Change of Electric Supplier)

Case No. EO-2010-0097

ORDER ACKNOWLEDGING VOLUNTARY DISMISSAL AND CLOSING FILE

Issue Date: October 26, 2009

Effective Date: November 9, 2009

The Missouri Public Service Commission is acknowledging the voluntary dismissal of this action.

On September 16, 2009, Rick Weaver filed an application for change of electrical supplier from Sac-Osage Electrical Co-Operative ("Sac-Osage") to another supplier. On October 23, 2009, Mr. Weaver filed a letter stating his desire to withdraw that application and remain with Sac-Osage. That document constitutes a notice of dismissal ("notice"). Such notice dismisses this action as follows:

An applicant . . . may 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 a notice of dismissal with the commission and serving a copy on all parties.¹

Because no party has filed prepared testimony or offered oral evidence, the notice dismisses the case as a matter of right on filing and service.

¹ 4 CSR 240-2.116(1).

The Commission's file shows no service on Sac-Osage because the notice includes no certificate of service, and respondent Sac-Osage Electrical Co-Operative has not appeared through counsel² through whom the Commission's electronic filing and information system could serve notice of the filing. Issuance of this order with the notice attached, and delivery to Sac-Osage, will serve notice on all parties. Therefore, the Commission will acknowledge the dismissal and close this file.

THE COMMISSION ORDERS THAT:

1. The Commission's data center shall issue this order with a copy of Rick Weaver's notice of dismissal.
2. The notice of dismissal is effective when Sac-Osage receives service of this order.
3. This order is effective on November 9, 2009.
4. This file may close on November 10, 2009.

BY THE COMMISSION

(S E A L)



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 26th day of October, 2009.

² 4 CSR 240-2.040; Missouri Supreme Court Rule 9.