

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

In the Matter of the Assessment Against)	
the Public Utilities in the State of Missouri)	Case No. AO-2004-0610
for the Expenses of the Commission for the)	
Fiscal Year Commencing July 1, 2004)	

**NOTICE OF DISMISSAL OR, IN THE ALTERNATIVE,
MOTION FOR LEAVE TO DISMISS**

COMES NOW Missouri-American Water Company (“MAWC” or the “Company”), and,
in accordance with Missouri Public Service Commission (“Commission”) Rule 4 CSR 240-2.116,
states the following to the Commission:

1. On June 30, 2004, MAWC filed an Application for Rehearing of the Commission’s
June 26, 2004, Assessment Order. The Commission issued its Order and Notice Regarding
Application for Rehearing and Stay on July 14, 2004, wherein the Commission granted the
Application for Rehearing and issued notice concerning this action.

2. Since that time, MAWC has met with the Staff of the Commission (“Staff”) to review
the assessment records for both the current and prior fiscal years.

3. MAWC continues to be concerned about the forty-two percent (42%) increase in the
assessment it experienced between fiscal years 2003 and 2004 and the additional twenty-one percent
(21%) increase in the assessment MAWC experienced between fiscal years 2004 and 2005. This
variation from year to year makes it difficult for MAWC to budget this expense and this year
additionally created an immediate inconsistency with the assessment amount built into the
Company’s rates. The Company realizes that the 2004-2005 increase is primarily attributable to the
recent MAWC rate case.

4. This being said, at this time, MAWC believes that the most appropriate place to address its concern, setting aside possible legislative changes, is likely the ratemaking process. Therefore, MAWC no longer desires to pursue this case.

5. Commission Rule 4 CSR 240-2.116 states in relevant part that:

An applicant or complainant may voluntarily dismiss an application or 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. Once evidence has been offered or prepared testimony filed, an applicant or complainant may dismiss an action only by leave of the commission, or by written consent of the adverse parties.

6. MAWC originally filed an *application* for rehearing, as is specified by Commission Rule 4 CSR 240-2.160 and Section 386.500, RSMo. No prepared testimony has been filed or oral evidence offered in this case. Thus, MAWC asks that the Commission consider the MAWC's application to be dismissed pursuant to this Notice of Dismissal. In the alternative, if the Commission for some reason does not believe that a notice of dismissal is sufficient, MAWC hereby moves the Commission for leave to dismiss.

WHEREFORE, for all the foregoing reasons, MAWC respectfully requests that the Commission consider MAWC's application to be dismissed pursuant to this Notice of Dismissal or,

in the alternative, grant MAWC leave to dismiss.

Respectfully submitted,



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CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing document was sent by electronic mail or U.S. Mail, postage prepaid, on September 29, 2004, to the following:

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