

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

FILED²

MAR 25 2004

Missouri Public
Service Commission

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In the Matter of an Investigation into)
Compliance with the Required Registration of)
Sellers of Electricity and Gas for Use or)
Consumption within Missouri)
_____)

Case No. GO-2004-0195

MOTION FOR DISMISSAL OF CMS MARKETING, INC.

CMS MARKETING, INC., through its undersigned counsel, respectfully requests that this Commission dismiss it as a named party in this investigatory proceeding, and that it be allowed to withdraw from all further participation. In support of this Motion, CMS MARKETING, INC. respectfully states as follows:

1. CMS MARKETING, INC. is a Missouri Corporation with its principal place of business at 287 N. Lindbergh, Suite 205, St. Louis, Missouri 63141. The President of CMS MARKETING, INC., is L. Richard Corbet and the registered office address is 24 Nolan Drive, St. Louis, Missouri 63122.

2. CMS MARKETING, INC. is solely a marketing, market research, and advertising agency, specializing in the areas of food and agrimarketing.

3. CMS MARKETING, INC. is not now, nor has it ever been, a distributor or seller of energy services, and has nothing to do with the sale of electricity or gas in any manner or form.

4. CMS MARKETING, INC. has no clients that are involved in the sale or distribution of energy services.

5. Attached hereto is the Affidavit of Mr. L. Richard Corbet, President of CMS MARKETING, INC, attesting to the facts set forth herein and supporting this motion.

6. Based on the foregoing, CMS MARKETING, INC. believes it has been erroneously included in the scope and jurisdiction of these proceedings.

WHEREFORE, having nothing to do with the distribution or sale of energy in this or any other state, and having no stake in the outcome of the proceeding, CMS MARKETING, INC. respectfully requests it be dismissed therefrom and relieved from all further participation as a party to this matter.

Respectfully submitted,

**PULOS, BLANKENSHIP
& JIANAKOPOLOS, P. C.**

BY: 

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9800 WATSON ROAD, SUITE ONE
ST. LOUIS, MISSOURI 63126
314-965-3900
FAX 314-965-6167**

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AFFIDAVIT OF L. RICHARD CORBET

STATE OF MISSOURI)
) SS.
COUNTY OF ST. LOUIS)

I, L. RICHARD CORBET, having been duly sworn on my oath, state and allege as follows:

1. I am over the age of 18 years and fully competent to make this Affidavit. I have knowledge of the facts stated herein and they are true and correct.

2. I am the President of CMS MARKETING, INC., and my wife and I are the only two shareholders of the corporation.

3. I am responsible for the day to day operation of the corporation and am familiar with the function and business of the corporation.

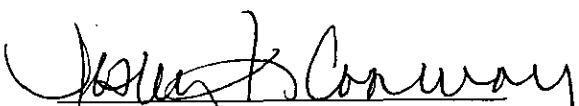
4. CMS MARKETING, INC. is solely engaged in the business of marketing, marketing research and advertising. Our principal business is in the marketing of food and agricultural products.

5. CMS MARKETING, INC. is not involved in anyway in the sale or distribution of energy products or services.

FURTHER AFFIANT SAYETH NOT:


L. RICHARD CORBET

Subscribed and sworn to before me this 23RD day of March, 2004


Notary Public

LESLEY K. CONWAY
Notary Public — Notary Seal
STATE OF MISSOURI
St. Louis County
My Commission Expires: Nov. 20, 2004