

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

Herbert Hanneman,)	
)	
Complainant,)	
)	
v.)	<u>Case No. SC-2000-256</u>
)	
Capital Utilities, Inc.,)	
)	
Respondent.)	

NOTICE ACKNOWLEDGING DISMISSAL OF CASE BY COMPLAINANT

On December 7, 1999, the Commission issued an Order of Default finding that Capital Utilities, Inc. (Capital Utilities) had defaulted by failing to file an answer to a formal complaint filed by Herbert Hanneman. The Order of Default indicated that it would become effective on December 17. On December 17, a letter from Garah F. Helms, Missouri Area Manager for AquaSource Services and Technologies, Inc., was filed in the case file. That letter indicated that Mr. Hanneman and Capital Utilities resolved Mr. Hanneman's complaint in November. The December 17 letter indicates that a previous letter from Mr. Helms to the Commission, dated November 8, had informed the Commission of this resolution. The December 17 letter prompted a search of the Commission's files and revealed that the November 8 letter was received by the Commission but was not a pleading and was not treated as such. The letter was not entered into the Commission's file as a pleading and thus was unknown to the Commission at the time it issued the Order of Default.

Mr. Helms is not an attorney licensed to practice law in Missouri and under Missouri law he cannot represent his corporate employer before the Commission. Therefore, his letters to the Commission cannot constitute an Answer on behalf of Capital Utilities. The Order of Default was properly issued by the Commission and no legally cognizable motion to set that order aside was filed before it became effective on December 17. A Notice Closing Case was issued on January 14, 2000.

On January 27, a letter from the Complainant, Herbert Hanneman, was filed. Mr. Hanneman's letter, dated January 23, confirms that his complaint was resolved to his satisfaction on November 1, and indicates that he wishes to dismiss his complaint pursuant to 4 CSR 240-2.116. The letter also asks that the Commission issue an order withdrawing the Order of Default and dismissing the case.

4 CSR 240-2.116(1) permits a complainant to voluntarily dismiss a complaint without order of the Commission at any time before prepared or oral testimony has been filed or offered. Mr. Hanneman has chosen to dismiss his complaint. Therefore, the Commission acknowledges that this complaint is dismissed.

BY THE COMMISSION



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Dated at Jefferson City, Missouri,
on this 1st day of March, 2000.

Woodruff, Regulatory Law Judge