

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office in
Jefferson City on the 16th day
of October, 2008.

Jon Livingston,)	
)	
Complainant,)	
)	
v.)	<u>Case No. SC-2008-0357</u>
)	
Gene Smith,)	
)	
Respondent.)	

ORDER DISMISSING COMPLAINT AFTER MEDIATION

Issue Date: October 16, 2008

Effective Date: October 26, 2008

On May 1, 2008, Jon Livingston filed a complaint against Gene Smith. Mr. Smith requested mediation, Mr. Livingston agreed, and a Mediator was appointed. The parties met with the Mediator on July 29, 2008. On August 7, 2008, the Mediator notified the Commission that Mr. Livingston had decided not to pursue the matter but was reluctant to dismiss his complaint until certain other factors had fallen into place. Mediation ended and the case returned to the Commission for action.

On September 16, 2008, the Commission notified Mr. Livingston that he must inform the Commission no later than October 6, 2008, if he wished to pursue his complaint or the complaint would be dismissed. Mr. Livingston did not respond; therefore, the Commission shall dismiss this complaint.

THE COMMISSION ORDERS THAT:

1. The complaint filed by Jon Livingston against Gene Smith on May 1, 2008,
is dismissed without prejudice.
2. This order shall become effective on October 26, 2008.
3. This case shall be closed on October 27, 2008.

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, Clayton,
Jarrett, and Gunn, CC., concur.

Dippell, Deputy Chief Regulatory Law Judge