

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

CHRISTY and MICHAEL SCRIVNER,	)	
	)	
Complainant,	)	
	)	
v.	)	Case No. SC-2008-0409
	)	
HOUSE SPRINGS	)	
SEWER COMPANY, INC.,	)	
	)	
Respondent.	)	

**NOTICE OF DISMISSAL**

Issue Date: February 24, 2009

The Missouri Public Service Commission is memorializing the complaint's dismissal and make no ruling on the motion to dismiss because such motion is moot.

**Procedure**

On June 25, 2008, Christy Scrivner filed the complaint on behalf of herself and Michael Scrivner ("the Scrivners"). On January 30, 2009, after two continuances—one for change of regulatory law judge and one for failure to appear—the Commission convened a hearing, at which House Springs Sewer Company, Inc. (the Company") made a motion to dismiss. On February 20, 2009, the Scrivners filed a "Dismissal of Claims" ("dismissal"), and the Commission's staff ("Staff") filed suggestions in support of dismissing the complaint.

### **Findings of Fact**

1. MCMM, LLC, ("MCMM") a Missouri limited liability company whose members are the Scrivners.
2. MCMM applied for sewer service to the Company. The Company assessed a charge in aid of construction ("charge"). The charge is the subject of the complaint, which Christy Scrivner filed on behalf of herself and Michael Scrivner ("the Scrivners").
3. At the hearing, the parties offered evidence.

### **Conclusions of Law**

1. Because the parties offered evidence at the hearing, the dismissal is subject to the following regulation:

Once evidence has been offered . . . , an applicant or complainant may dismiss an action only by leave of the commission, or by written consent of the adverse parties.<sup>[1]</sup>

Staff consents to the dismissal in its suggestions, and the Company consents because it moved for dismissal at the hearing.

2. The dismissal states:

COME NOW Complainants Christy and Michael Scrivner, and by their signature hereon dismiss their claims against the Respondent House Sewer Company, Inc., with prejudice.

Under the analogous provision for civil actions in circuit court, a voluntary dismissal is effective upon its filing.<sup>2</sup> Therefore, the complaint was dismissed on February 20, 2009.

3. The motion to dismiss is moot because a ruling on it is unnecessary and would grant no effectual relief.<sup>3</sup>

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<sup>1</sup> 4 CSR 240-2.116(1).

**THE COMMISSION ORDERS THAT:**

1. The Scrivners dismissed the complaint on February 20, 2009.
2. This case shall close as of the date of this notice.

**BY THE COMMISSION**



Colleen M. Dale  
Secretary

(S E A L)

Dated at Jefferson City, Missouri,  
on this 24<sup>th</sup> day of February, 2009.

Jordan, Regulatory Law Judge

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<sup>2</sup> Missouri Supreme Court Rule 67.02; ***Rickner v. Golfinopoulos*** 271 S.W.3d 32, 34 (Mo. App. W.D. 2008).

<sup>3</sup> ***Rosenfeld v. Thoele***, 28 S.W.3d 446, 451 (Mo. App., E.D. 2000).