

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office in
Jefferson City on the 4th day of
March, 2009.

The Residents of Vanloo Estates,	)	
	)	
Complainants,	)	
	)	
v.	)	<u>File No. SC-2009-0024</u>
	)	
Aqua Missouri, Inc.,	)	
	)	
Respondent.	)	

ORDER DISMISSING COMPLAINT WITHOUT PREJUDICE

Issue Date: March 4, 2009

Effective Date: March 14, 2009

On July 14, 2008, residents of Vanloo Estates, Jefferson City, Missouri,¹ filed a complaint with the Missouri Public Service Commission against Aqua Missouri, Inc. The Commission issued notice of the complaint on July 21, 2008, directing Aqua Missouri to respond.

On August 19, 2008, Aqua Missouri requested mediation, to which the complainants agreed. As permitted by Commission Rule 4 CSR 240-2.125, the Commission stayed all proceedings pending the outcome of mediation. On October 30, 2008, the mediator advised the Commission that mediation was concluded and that the case was referred back to the Regulatory Law Judge for conducting a contested case.

¹ The residents are identified on the signature pages attached to the complaint.

The Commission directed Aqua Missouri to respond to the complaint, and Aqua Missouri filed its answer on November 17, 2008, requesting the Commission to deny the relief requested. Aqua Missouri noted that a number of the issues raised in the complaint have been addressed via Provision 29 of the Settlement Agreement filed in its rate case, File No. SR-2008-0267, and approved by the Commission.²

On December 8, 2008, Melanie Fitzpatrick, one of the complainants, filed a letter stating that “Vanloo Estates is no longer continuing actions in this case.” Because Ms. Fitzpatrick is not an attorney and cannot legally represent the other complainant residents of Vanloo Estates before the Commission in the prosecution or dismissal of the complaint, the Commission issued an order on December 24, 2008, requesting that any complainants who desired to continue their complaint notify the Commission no later than February 16, 2009. The Commission stated that if it did not receive a filing indicating that any of the complainants intend to prosecute the complaint, the case would be dismissed.

No responses have been filed. Therefore, the Commission dismisses this complaint without prejudice.

THE COMMISSION ORDERS THAT:

1. The complaint of residents of Vanloo Estates, Jefferson City, Missouri, against Aqua Missouri, Inc., is dismissed without prejudice.

² File No. SR-2008-0267 *In the Matter of Aqua Missouri, Inc.’s Request for an Increase in Rates for Sewer Service Pursuant to the Commission’s Small Company Rate Increase Procedure*, Order Approving Unanimous Disposition Agreement and Approving Tariff, issued August 28, 2008.

2. This order shall become effective on March 14, 2009.
3. This file may be closed on March 15, 2009.

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)

Clayton, Chm., Murray, Davis,
Jarrett, and Gunn, CC., concur.

Dippell, Deputy Chief Regulatory Law Judge