

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

Staff of the Missouri Public Service Commission)
)
)
Complainant,)
v.)
)
Noel Water Company, Inc.)
and Dan M. Harmon)
)
Respondents.)

Case No. WC-2011-0144

STAFF MOTION TO DISMISS COMPLAINT

COMES NOW the Staff of the Missouri Public Service Commission (Staff), by and through counsel, pursuant to 4 CSR 240-2.116 and submits the following in support of this *Motion to Dismiss Complaint*:

1. On October 3, 2011, the Commission issued an *Order Directing Filing of Status Report* no later than October 31, 2011. This filing is meant to comply with that *Order*.

2. On April 6, 2011, a *Joint Application of Algonquin Water Resources of Missouri, LLC, d/b/a Liberty Water for Authority for Liberty Water to Acquire Certain Assets of Noel Water Co., Inc. and, in Connection Therewith, Certain Other Related Transactions, and, if necessary, Motion for Waiver (Joint Application)* was filed with the Missouri Public Service Commission (Commission). This *Joint Application* was assigned as Commission Case No. WO-2011-0328.

3. On July 25, 2011, Staff filed a *Staff Recommendation* in Case No. WO-2011-0328 wherein Staff asserted that the *Joint Application* is not detrimental to the public interest.

4. On August 20, 2011, the Commission entered an *Order Approving the Joint Application* in Case No. WO-2011-0328. On October 4, 2011, the Commission entered an

Order Approving Tariff in Case No. WO-2011-0328 with the file to be closed on October 23, 2011.

5. The closing of Case No. WO-2011-0328 means that Noel Water Company is no longer providing water service in the State of Missouri.

6. Staff's investigation in both Case No. WC-2011-0144 and Case No. WO-2011-0328 reveals that the concerns that caused Staff to file the Complaint are resolved by the new ownership and no longer need to be pursued in this complaint case. Because Noel Water Company is no longer a regulated utility and the acquisition has been approved by the Commission, there is no need to pursue this complaint.

7. Therefore, Staff requests that this matter be dismissed from the Commission's docket and that Case No. WC-2011-0144 be closed.

WHEREFORE, Staff respectfully submits this *Motion to Dismiss* for the Commission's information and consideration and further requests that this matter be dismissed and the case closed.

Respectfully submitted,

/s/ RACHEL M. LEWIS

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record this 24th day of October, 2011.

/S/ RACHEL M. LEWIS