

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

The Staff of the Missouri	)	
Public Service Commission,	)	
	)	
Complainant,	)	
v.	)	<u>Case No. WC-2007-0452</u>
	)	<u>and WO-2007-0444</u>
Suburban Water and Sewer Co. and Gordon	)	
Burnam,	)	
	)	
Respondents.	)	

**NOTICE OF DISMISSAL OF COUNT II**

COMES NOW, the Staff of the Public Service Commission, by counsel, and submits this *Notice of Dismissal of Count II* (Notice) and states the following:

1. Count II of Staff's First Amended Complaint alleged failure to refund overcharges made to customers from April 2004 through October 2004.
2. As required by 4 CSR 240-2.116 (1), Staff states that no oral evidence has yet been offered on this count, or in this case, nor is testimony to be filed. Therefore Staff voluntarily dismisses Count II of the First Amended Complaint via this Notice and service of this Notice to all parties.

WHEREFORE, Staff respectfully submits this *Notice of Dismissal of Count II* pursuant to 4 CSR 240-2.116 (1).

Respectfully Submitted,

/s/ **Shelley Syler Brueggemann**

Shelley Syler Brueggemann  
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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of this Response has been provided, either by first-class mail, by electronic mail, by facsimile transmission or by hand-delivery, to each attorney and/or party of record for this case on this 11th day of July 2007.

/s/ **Shelley Syler Brueggemann**