

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

The Staff of the Missouri Public Service Commission,	)	
	)	
Complainant,	)	
	)	Case No. WC-2008-0405
v.	)	
	)	
Dale Whiteside and Whiteside Hidden Acres, L.L.C.	)	
	)	
Respondents.	)	

**NOTICE OF VOLUNTARY DISMISSAL**

**COMES NOW** the Chief Staff Counsel's Office of the Missouri Public Service Commission, through the undersigned attorney, and files this *Notice Of Voluntary Dismissal* with the Missouri Public Service Commission respectfully stating the following:

1. On June 19, 2008, Staff filed a *Complaint* against Respondents which asserted the Respondents are water corporations, and thus, public utilities subject to the jurisdiction, regulation and control of the Commission.
2. On September 8, 2008, the Commission ordered that an evidentiary hearing in this case be held on January 20-21, 2009. On January 15, 2009, the Commission issued an *Order Granting Joint Motion To Continue Hearing*, which canceled the evidentiary hearing as Respondents filed an *Application* for a certificate of convenience and necessity (CCN) to provide water service in Hickory County, Missouri. The application was assigned File No. WA-2009-0261.

3. Subsequent to the filing of the *Application*, the parties to the case entered into a *Unanimous Stipulation And Agreement (Agreement)* concerning the CCN, which the Commission approved on July 1, 2009 (“July 1<sup>st</sup> Order”).

4. Within the Commission’s July 1<sup>st</sup> Order, the Commission directed the Respondent Whiteside Hidden Acres, L.L.C. (WHA) to file a tariff as provided for in the *Agreement*.

5. On August 10, 2009, WHA filed a proposed tariff to be effective on September 9, 2009, which was reviewed by Staff and recommended for Commission approval within the August 27, 2009 *Staff’s Recommendation On Tariff Compliance*.

6. On August 31, 2009, the Commission issued an *Order Approving Tariff*, which found WHA’s proposed tariff sheets are in compliance with the Commission’s July 1<sup>st</sup> Order, and approved the tariff to become effective on September 9, 2009.

7. 4 CSR 240-2.116 allows the Complainant to voluntarily dismiss a complaint “without an order of the commission at any time before prepared testimony has been filed or oral evidence has been offered, by filing notice of dismissal with the commission and serving a copy on all parties.”

8. No testimony or oral evidence has been offered by any party in this case.

9. As WHA’s certificate case, WA-2009-0261, is now approved and complete, Staff voluntarily dismisses the *Complaint* filed in the above-stated cause.

**WHEREFORE**, the Chief Staff Counsel’s Office files this *Notice* voluntarily dismissing its *Complaint* in the above-state cause, and requests that the regulatory law judge issue an order closing this case.

Respectfully submitted,

**/s/Jennifer Hernandez**

Jennifer Hernandez

Legal Counsel

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Missouri Public Service Commission

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### **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was served by First Class United States Mail, postage prepaid on Lisa C. Henderson, Attorney for the Respondents, P.O. Box 1141, 303 South Maple, Buffalo, MO 65622; and by electronic mail on the Office of Public Counsel, [opcservice@ded.mo.gov](mailto:opcservice@ded.mo.gov) this 1<sup>st</sup> day of September, 2009.

**/s/ Jennifer Hernandez**