

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

Daniel E. Brown,)	
)	
Complainant,)	
)	
v.)	<u>Case No. EC-2008-0384</u>
)	
Empire District Electric,)	
)	
Respondent.)	

**NOTICE ACKNOWLEDGING DISMISSAL OF COMPLAINT
AND CLOSING CASE**

Issue Date: December 15, 2008

Daniel E. Brown filed a formal complaint against The Empire District Electric Company ("Empire") on June 4.¹ Empire filed its answer to the Complaint on July 7, and the Commission's Staff filed the report of its investigation on July 21 and supplemental report on August 29. Mr. Brown responded on September 29 and a prehearing conference was held on October 14. The parties have since been engaged in settlement discussions.

On December 15, prior to the filing of any testimony or the admission of any evidence, Complainant and Empire jointly filed a Notice of Voluntary Dismissal stating they have agreed to a satisfaction. Consequently, Complainant wishes to dismiss his complaint.

As indicated in the certificate of service all parties of record had been served with a copy of the notice.

¹ All dates throughout this order refer to the year 2008 unless otherwise noted.

Commission Rule 4 CSR 240-2.116(1) permits a 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 a notice of dismissal and serving a copy on all parties. No prepared testimony or oral evidence has been offered in this case, and all parties have been served with its notice. Therefore, the Commission acknowledges that Daniel E. Brown has voluntarily dismissed his complaint. Nothing remains for decision by the Commission and this case shall be closed.

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)

Dated at Jefferson City, Missouri,
on this 15th day of December, 2008.

Stearley, Senior Regulatory Law Judge