



Control Number: 38688



Item Number: 4

Addendum StartPage: 0

DOCKET NO. 38688

**COMPLAINT OF KEMM ICE CREAM
CO. AGAINST TXU ENERGY** §
§
§

**PUBLIC UTILITY COMMISSION
OF TEXAS**

RECEIVED
OCT 14 PM 2:26
PUBLIC UTILITY COMMISSION
FILING CLERK

**ORDER NO. 2
DISMISSING COMPLAINT**

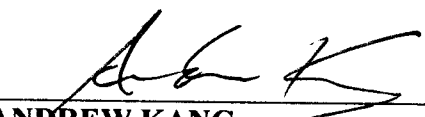
On September 17, 2010, Nora Prieto Vega, on behalf of KEMM Ice Cream Co. (KEMM or Complainant) filed a formal complaint against TXU Energy alleging billing irregularities. The complaint was docketed as a formal complaint in accordance with P.U.C. PROC. R. 22.242.

On October 13, 2010, TXU Energy filed an uncontested motion to dismiss consistent with Complainant's attached letter requesting withdrawal of the complaint based upon a resolution reached between KEMM and TXU Energy.

P.U.C. PROC. R. 22.181(b) allows the party that initiated a proceeding to withdraw the complaint at any time before that party has presented the direct case. Consistent with the preceding representations, KEMM's complaint is dismissed.

SIGNED AT AUSTIN, TEXAS on the 14th **day of October 2010.**

PUBLIC UTILITY COMMISSION OF TEXAS



ANDREW KANG
ADMINISTRATIVE LAW JUDGE