

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

In the matter of The Empire Dis-)	
trict Electric Company of Joplin,)	
Missouri for authority to file)	
tariffs increasing rates for elec-)	ER-2006-0315
tric service provided to customers)	
in the Missouri service area of the)	
Company)	

**REQUEST BY PRAXAIR, INC. and EXPLORER PIPELINE
FOR DISCLOSURE OF APPARENT EX PARTE COMMUNICATION**

COME NOW Praxair, Inc. and Explorer Pipeline (Applicants) and through their attorney seek disclosure or information regarding an apparent *ex parte* communication disclosed at the public agenda meeting of the Commission on December 28, 2006 and in support thereof state:

1. At the agenda session on December 28, 2006 the assigned hearing examiner publicly stated that a "dispute" had arisen as to "whether all issues had been addressed" by the Report and Order.

2. No further explanation or disclosure of the source of such "dispute" was identified and no *ex parte* disclosure as required by Commission rules has been made.

3. Because the assigned hearing examiner drafted the order previously issued in this case, that person should well know of their own knowledge whether all issues had been addressed in the order. Thus, "concerns" that have arisen since that order was issued must have come from some other source.

4. As of the date and time of the agenda on December 28, 2006 no public pleading had been filed that would have indicated that all issues had not been addressed.

5. Under Missouri law and Commission regulations that source, if *ex parte*, must be disclosed and the other parties made aware of the source and content of the communication that spawned awareness of such "dispute."

WHEREFORE these parties request that such disclosure be made or that adequate explanation for the source of these "concerns" be disclosed of record in this proceeding.

Respectfully submitted,

FINNEGAN, CONRAD & PETERSON, L.C.



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ATTORNEYS FOR PRAXAIR, INC. and
EXPLORER PIPELINE

December 28, 2006

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this day served the foregoing pleading by email, facsimile or First Class United States Mail to all parties by their attorneys of record as provided by the Secretary of the Commission.


Stuart W. Conrad

Dated: December 28, 2006