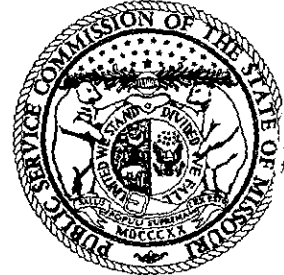


Notice of *Ex Parte* Contact

TO: Data Center
All Parties in Case No. GC-2003-0579
All Commissioners



FROM: Chairman Steve Gaw *JS*

DATE: February 20, 2004

On February 6, 2004, the attached letter was received from Representative Mike Sager. The Commission is currently considering the issues discussed in this letter in Case No. GC-2003-0579 and is bound by the same *ex parte* rule as a court of law.

Although communications from members of the Legislature or the public are always welcome, those communications must be made known to all parties to a contested case so that those parties have the opportunity to respond. According to the Commission's rules (4 CSR 240-4), when a communication (either oral or written) occurs outside the hearing process, any member of the Commission or the Regulatory Law Judge who received the communication shall prepare a written report concerning the communication and submit it to each member of the Commission and the parties to the case. The report shall identify the person(s) who participated in the *ex parte* communication, the substance of the communication and the relationship of the communication to a particular matter at issue before the Commission.

Therefore, this report is submitted pursuant to the rules cited above. This will ensure that any party to this case will have notice of the attached information and a full and fair opportunity to respond to the comments contained therein.

cc: Executive Director
Secretary/Chief Regulatory Law Judge
General Counsel

CAPITOL OFFICE

State Capitol, Room 101-F
201 West Capitol Avenue
Jefferson City, MO 65101
Tele: 573-751-7335
FAX: 573-526-1964
Toll Free: 877-214-1937

**DISTRICT OFFICE**

P. O. Box 578
Lee's Summit, MO 64063
Tele: 816-353-2930
FAX: 816-353-9969
E-Mail:
Mike.Sager@house.mo.gov

MIKE SAGER

48th District State Representative
Deputy Minority Whip

February 4, 2004

RECEIVED
FEB 6 2004

Steve Gaw

Steve Gaw, Chair
Missouri Public Service Commission
Missouri Department of Economic Development
Truman Building, Room 530
Jefferson City, MO 65101

Dear Chairman Gaw:

Michael McKinzy, a constituent of mine, came to my office today. He drove here to Jefferson City from Raytown, Missouri with impending bad weather just for a Public Service Commission hearing. He got here and found out that the hearing was cancelled. He has been gathering information for this hearing since the beginning of December, 2003.

Enclosed is information Mr. McKinzy gave me while in my office letting me know of this matter. Please reconsider his situation and let him have his fair opportunity for a hearing before your commission. Also, please keep me informed of his case.

Thank you very much for your time and attention to this request.

Sincerely,

A handwritten signature in black ink, appearing to be "Mike Sager", written over a horizontal line.

Representative Mike Sager

Jso

Enc.

Cc: Bob Quinn, Executive Director of Missouri Public Service Commission
Kelvin Simmons, Director of the Missouri Department of Economic Development
Michael McKinzy

COMMITTEES

Appropriations-Agriculture and Natural Resources, Conservation and Natural Resources, and Tax Policy

Commissioners

STEVE GAW
Chair

CONNIE MURRAY

ROBERT M. CLAYTON III



ROBERT J. QUINN, JR.
Executive Director

WESS A. HENDERSON
Director, Utility Operations

ROBERT SCHALLENBERG
Director, Utility Services

DONNA M. PRENGER
Director, Administration

DALE HAREY ROBERTS
Secretary/Chief Regulatory Law Judge

DANA K. JOYCE
General Counsel

Missouri Public Service Commission

POST OFFICE BOX 360
JEFFERSON CITY MISSOURI 65102

573-751-3234

573-751-1847 (Fax Number)

<http://www.psc.state.mo.us>

February 20, 2004

Representative Mike Sager
48th District
Missouri State Capitol – Room 101-F
201 W. Capitol Avenue
Jefferson City, Missouri 65101

Dear Representative Sager:

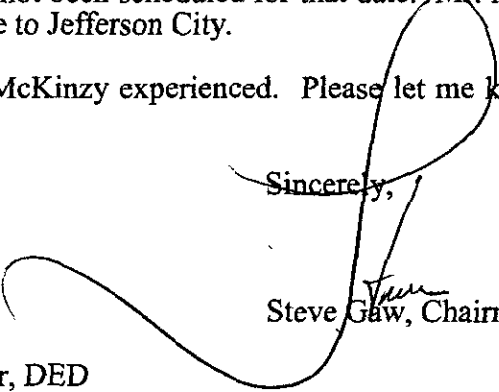
I am in receipt of your letter concerning your constituent, Michael McKinzy. Evidently, Mr. McKinzy drove to Jefferson City on February 4, even though the Law Judge in his case, GC-2003-0579, had informed him the previous day that a hearing was never scheduled.¹

The "Notice Regarding Proposed Procedural Schedule" dated January 30, 2004 and enclosed with your letter states: *"The hearing date suggested by the parties conflicts with the commission's calendar. Furthermore, there is a pending motion for Summary Determination or, in the Alternative, for Dismissal of Complaint. The Commission will defer adopting a procedural schedule until after it addresses the motion for summary determination."* This notice was issued by the Commission on January 30 and mailed to all parties of the case, including Mr. McKinzy.

It appears that Mr. McKinzy had concluded that a hearing would be held February 4 because that date was previously proposed to the Judge as a possible hearing date. The Judge received information that Mr. McKinzy was under this impression on February 3 and immediately called him to let him know the hearing had not been scheduled for that date. Mr. McKinzy responded to Judge Ruth that he still planned to drive to Jefferson City.

I regret the inconvenience Mr. McKinzy experienced. Please let me know if you have any further questions in this matter.

Sincerely,


Steve Gaw, Chairman

SG:ba

copy: Governor Bob Holden
Kelvin Simmons, Director, DED
Bob Quinn, Executive Director, PSC
Michael McKinzy

¹ Because Case No. GC-2003-0579 is an open case before the Commission your letter will be filed in the case file so that all parties to the case will have a full and fair opportunity to respond to the comments contained in your letter.