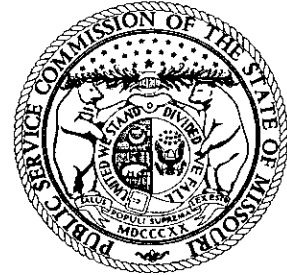


## Notice of *Ex Parte* Contact

TO: Data Center  
All Parties in Case No. **ER-2008-0093**

FROM: Chairman Jeff Davis

DATE: December 20, 2007



On November 21, 2007 I was copied on the attached e-mail from Michael Denny regarding an update on the White River Minimum Flow numbers. I was copied on one of the subsequent responses dated December 17, 2007. This case, **ER-2008-0093**, is a contested case and, therefore, the Commission is bound by the same *ex parte* rule as a court of law. Accordingly, I am making notice to the parties this communication has been received.

Although communications from members of the public and members of the legislature 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 240-4.020(8)), when a communication (either oral or written) occurs outside the hearing process, any member of the Commission or 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 circumstances which resulted in the communication, the substance of the communication, and the relationship of the communication to a particular matter at issue before the Commission.

Therefore, we submit this report 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: Commissioners  
Executive Director  
Secretary/Chief Regulatory Law Judge  
General Counsel

## Gregory, Sheryl

---

**From:** Davis, Jeff  
**Sent:** Monday, December 17, 2007 4:59 PM  
**To:** Gregory, Sheryl  
**Subject:** FW: White River Minimum Flows - Update

Please file this as an ex-parte contact in EDE rate case. JND

-----Original Message-----

From: Henderson, Wess  
Sent: Monday, December 17, 2007 1:59 PM  
To: Davis, Jeff  
Subject: FW: White River Minimum Flows - Update

FYI

-----Original Message-----

From: Elliott, David  
Sent: Monday, December 17, 2007 12:58 PM  
To: Henderson, Wess; Dietrich, Natelle\*; Mantle, Lena; Beck, Dan  
Subject: RE: White River Minimum Flows - Update

SWPP has stated that they will have a "rough" number by the end of December.

-----Original Message-----

From: Henderson, Wess  
Sent: Monday, December 17, 2007 11:48 AM  
To: Elliott, David; Dietrich, Natelle\*; Mantle, Lena; Beck, Dan  
Subject: RE: White River Minimum Flows - Update

Any idea when to expect something from SWPP?  
Thanks

-----Original Message-----

From: Elliott, David  
Sent: Monday, December 17, 2007 11:36 AM  
To: Henderson, Wess; Dietrich, Natelle\*; Mantle, Lena; Beck, Dan  
Subject: FW: White River Minimum Flows - Update

This is the latest E-mail I received from Empire. It appears that everyone is still waiting for the results from the SWPP analysis.

Dave

-----Original Message-----

From: Tom Snyder [mailto:TSnyder@empiredistrict.com]  
Sent: Monday, December 10, 2007 7:53 AM  
To: Brad Beecher; William Howell; tietjen@colorado.edu; Elliott, David  
Subject: FW: White River Minimum Flows - Update

-----Original Message-----

From: Michael Denny [mailto:michael.denny@swpa.gov]  
Sent: Thursday, December 06, 2007 5:57 PM  
To: Tom Snyder  
Subject: RE: White River Minimum Flows - Update

Hi Tom,

We feel like we have a pretty good handle on a method for computing the energy and capacity losses at Ozark Beach now. We are doing some sensitivity analysis to evaluate the results, and we still have to decide on a method for valuing the lost energy and

capacity, both for the Federal and non-Federal losses.

We finally spoke with Mike Biggs, the Corps project manager for the project, yesterday afternoon. We have not provided any numbers to them yet. That may delay their schedule some, but Mr. Biggs seems to think that it will not have much affect on the overall schedule. He is not expecting anything from us until January, but we told him we still hope to get something to him this month. He completely understands our desire to be thorough and provide numbers that will be close to those at the time of implementation.

I have changed my schedule and will be working overtime this week in order to make more progress. I know many are waiting on our results.

Use or lose leave is starting to put a squeeze on both George and me.

We hope to have something to show you soon.

Mike

-----Original Message-----

From: Tom Snyder [mailto:TSnyder@empiredistrict.com]

Sent: Thursday, December 06, 2007 7:45 am

To: Michael Denny

Subject: RE: White River Minimum Flows - Update

Mike,

How are you coming?

Tom

-----Original Message-----

From: Michael Denny [mailto:michael.denny@swpa.gov]

Sent: Wednesday, November 21, 2007 1:48 PM

To: Tom Snyder

Cc: Jill S Tietjen; jeff.davis@psc.mo.gov; dan.beck@psc.mo.gov

Subject: White River Minimum Flows - Update

Tom,

Here is another update on the White River Minimum Flow numbers.

Southwestern received an updated version of the Corps computer simulation model on 10/16/07. The problems we had identified appear to have been corrected, and the new version appears to provide reasonable output. Inputs for both the existing conditions run and minimum flows run have been updated, and both runs have been performed. As we had mentioned previously, we plan to use the Corps model in developing both the Federal and non-Federal energy losses associated with the proposed changes.

The energy and capacity loss numbers have been computed for the Federal projects, and we are getting close to finalizing the procedure for calculating the energy loss numbers for Ozark Beach. Next, we will need to develop a method of determining the capacity loss to Empire.

As George Robbins told you recently at the White River Fisheries Partnership and DO meetings on Nov. 7 and 8, our current intention is to publish our information in the Federal Register. That will give Empire, the Public Service Commissions, and the Corps an opportunity to comment on it all at the same time. Hopefully, we will be able to meet with you before then to show you our results.

Southwestern is still hoping to provide numbers to the Corps by the end of November 2007, but it now appears that we may miss that schedule by a couple of weeks. We have contacted the Corps to determine where they are in their schedule and when they absolutely have to have our numbers to keep from impacting the final date. We hope to hear back from them next Monday. The Corps understands that those numbers will be at the feasibility level and will not be final. We will keep you posted as we progress and contact you if we need additional information or clarification.

Hope you have a great Thanksgiving holiday.

Mike

Michael R. Denny, P.E.  
Division of Resources and Rates  
Southwestern Power Administration  
michael.denny@swpa.gov  
918-595-6683

--

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

--

This e-mail and any files transmitted with it are the property of THE EMPIRE DISTRICT ELECTRIC COMPANY, are confidential, and are intended solely for the use of the individual or entity to whom this email is addressed. If you are not one of the named recipients or otherwise have reason to believe that you have received this message in error, please delete this message immediately from your computer and contact the sender by telephone at (417)-625-5100.

Any other use, retention, dissemination, forwarding, printing or copying of this email is strictly prohibited.

--

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

--

This e-mail and any files transmitted with it are the property of THE EMPIRE DISTRICT ELECTRIC COMPANY, are confidential, and are intended solely for the use of the individual or entity to whom this email is addressed. If you are not one of the named recipients or otherwise have reason to believe that you have received this message in error, please delete this message immediately from your computer and contact the sender by telephone at (417)-625-5100.

Any other use, retention, dissemination, forwarding, printing or copying of this email is strictly prohibited.