

James R. Eiszner

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FILED<sup>2</sup>

FEB 05 2004

February 4, 2004

**BY FEDERAL EXPRESS**

Hon. Dale Hardy Roberts  
Chief Judge and Secretary  
Missouri Public Service Commission  
Governor Office Building  
200 Madison Street  
P.O. Box 360  
Jefferson City, Missouri 65102

Missouri Public  
Service Commission

Re: *In the Matter of an Investigation into Compliance with the  
Required Registration of Sellers of Electricity and Gas for  
Use or Consumption Within Missouri, Case No. GO-2004-  
0195 – Motion for Dismissal of Tyson Sales and  
Distribution, Inc. and Tyson Shared Services, Inc.*

Dear Mr. Roberts:

Further to my letter to you yesterday, I am enclosing for filing with the Motion for Dismissal of Tyson Sales and Distribution, Inc. and Tyson Shared Services, Inc. (which accompanied that letter for filing with the Commission) one originally executed and notarized copy of each of the Affidavit of R. Read Hudson and the Affidavit of Nancy L. Carter. Kindly substitute the enclosed original copies of the affidavits for the faxed copies that were included in our filing of yesterday.

I appreciate your assistance with this matter.

Very truly yours,



James R. Eiszner

Enclosures

cc: Hon. Kennard L. Jones (w/o enc.) by fax [573-526-6010]  
*Regulatory Law Judge*  
Robert V. Franson, Esq. (w/o enc.) by fax [573-751-9285]  
*Office of the General Counsel*  
John B. Coffman, Esq. (w/o enc.) by fax [573-751-5562]  
*Office of the Public Counsel*

Geneva  
Houston  
Kansas City  
London  
Miami  
New Orleans  
Orange County  
Overland Park  
San Francisco  
Tampa  
Washington, D.C.

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

FILED<sup>2</sup>

FEB 05 2004

In the Matter of an Investigation into )  
Compliance with the Required Registration of )  
Sellers of Electricity and Gas for Use or )  
Consumption Within Missouri )  
)

Missouri Public  
Service Commission

Case No. GO-2004-0195

AFFIDAVIT OF R. READ HUDSON

STATE OF ARKANSAS )  
) ss.  
COUNTY OF WASHINGTON )

I, R. Read Hudson, being of sound mind and duly informed of my rights, do  
hereby state as follows:

1. I am a member of the Arkansas Bar.
2. I am presently employed by Tyson Foods Inc. ("TFI"). Tyson Sales and Distribution, Inc. ("TSD") and Tyson Shared Services, Inc. ("TSS") are wholly-owned subsidiaries of TFI (TFI, TSD and TSS are sometimes collectively referred to herein as "Tyson"). I serve as Secretary and Senior Counsel of TFI, TSD and TSS.
3. In my capacity as Secretary and Senior Counsel, I am familiar with the operations, activities and corporate structure of Tyson.
4. I understand that TSD and TSS have been named as parties in the above-captioned matter currently pending before the Public Service Commission of the State of Missouri (the "Commission").
5. I further understand that several other entities with names confusingly similar to Tyson's – Tyson Ambiac Electric, Inc., Tyson and Tyson Services, Inc., Tyson

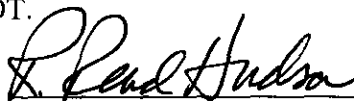
Pipeline Company, and Tyson Technologies, Inc. – have also been named as parties to those proceedings. Neither Tyson Ambiac Electric, Inc., nor Tyson and Tyson Services, Inc., nor Tyson Pipeline Company, nor Tyson Technologies, Inc. is to my knowledge affiliated with Tyson.

6. I understand that the Commission instituted this proceeding in order to determine if certain Missouri entities are violating Missouri law by providing “energy services” in the State of Missouri, without first being certificated by the Commission pursuant to Missouri law.

7. Although Tyson conducts business operations in the State of Missouri, Tyson does not engage in any activity or business as a “distributor” or “seller” of “energy services” within the meaning of Section 393.297 *et seq.*, RSMO 2000.

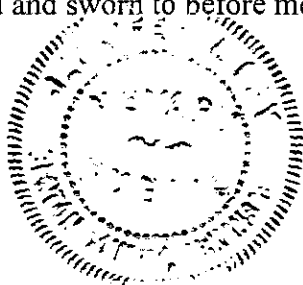
8. As shown in the sworn affidavit of Nancy L. Carter, in Missouri, Tyson purchases natural gas solely for use at its processing plants in Missouri; all natural gas purchased by Tyson for use at those facilities is wholly consumed onsite and is not resold or redistributed to customers or consumers; and in Missouri, Tyson does not sell and has not sold natural gas to third parties.

FURTHER AFFIANT SAYETH NOT.



R. Read Hudson

Subscribed and sworn to before me this 3<sup>rd</sup> day of February, 2004.

  
Notary Public

My Commission expires:

Oct. 1, 2006

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

In the Matter of an Investigation into	)	
Compliance with the Required Registration of	)	
Sellers of Electricity and Gas for Use or	)	Case No. GO-2004-0195
Consumption Within Missouri	)	
	)	

**AFFIDAVIT OF NANCY L. CARTER**

STATE OF ARKANSAS	)	
	)	ss.
COUNTY OF WASHINGTON	)	

I, Nancy L. Carter, being of sound mind and duly informed of my rights, do hereby state as follows:

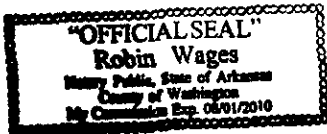
1. I am presently employed by Tyson Foods Inc. as Manager of Supply in its Commodities Trading and Risk Management Division.
2. Tyson Sales and Distribution, Inc. and Tyson Shared Services, Inc. are wholly-owned subsidiaries of Tyson Foods Inc. (collectively, "Tyson").
3. In my capacity as Manager of Supply, I am familiar with the operations and activities of Tyson as they relate to the use of natural gas at Tyson's processing facilities in Missouri.
4. In Missouri, Tyson purchases natural gas solely for use at its processing plants in Missouri, and all natural gas purchased by Tyson for use at those facilities is wholly consumed onsite and is not resold or redistributed to customers or consumers.

5. In Missouri, Tyson does not sell and has not sold natural gas to third parties.

FURTHER AFFIANT SAYETH NOT.

Nancy L. Carter  
Nancy L. Carter

Subscribed and sworn to before me this 2<sup>nd</sup> day of February, 2004.



Robin Wages  
Notary Public

My Commission expires:

8/01/10