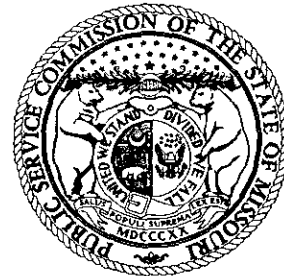


## Notice of *Ex Parte* Contact

TO: Data Center:  
All Parties in Case No. **GT-2005-0069**

FROM: Commissioner Jeff Davis

DATE: September 24, 2004



On September 17, 2004, I received the attached document from Steve Hamilton regarding AmerenUE. The Commission is currently considering the issues discussed in this document in Case No. **GT-2005-0069**. **GT-2005-0069** is a contested case. The Commission is bound by the same *ex parte* rule as a court of law.

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), 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 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, I 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

**Davis, Jeff**

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**From:** SHamilton@Herc.com  
**Sent:** Friday, September 17, 2004 1:56 PM  
**To:** tom.imhoff@psc.mo.gov  
**Cc:** steve.gaw@psc.mo.gov; connie.murray@psc.mo.gov; robert.clayton@psc.mo.gov; lin.appling@psc.mo.gov; jeff.davis@psc.mo.gov  
**Subject:** Comment on AmerenUE Gas Transportation Tariff Request.



PublicServiceCom.doc

Please review our attached request to delay the October 1, 2004 implementation of the August 31, 2004 gas transportation tariff request from AmerenUE. A signed copy of the attached letter will be mailed.

(See attached file: PublicServiceCom.doc)

Steve Hamilton  
MCW  
Technical Manager  
(573) 754-6211 ext. 250



**Hercules Incorporated**  
Aqualon Division  
Missouri Chemical Works  
11083 Highway D  
Louisiana, MO 63353-4123  
(573) 754-6211  
FAX: (573) 754-3182

September 17, 2004

Mr. Tom Imhoff  
Public Information Office  
Governor Office Building  
P.O. Box 360  
Jefferson City, MO 65102-0360

RE: Union Electric Company Gas Service (AmerenUE) Sheets 13.1, 14, 15, 16, 16.1

Dear Mr. Imhoff:

It is our understanding that AmerenUE has applied to revise the tariff for natural gas transportation with the above referenced filing dated August 31, 2004. While we understand that there may need to be a change made to improve burner tip balancing, we believe that the tariff request in its present form is overly punitive. We believe that implementation of the tariff should be delayed until the Commission has time to review the request and AmerenUE makes a proposal that does not place Missouri businesses in their delivery area at an unnecessary competitive disadvantage.

Our understanding is that there is little if any margin for error. A company can be penalized each day when the usage is only a little over or a little under the amount of gas nominated. It is impossible to accurately access exact usage on a day to day basis and storage can be used to handle day to day balance problems. We are certain that Ameren has or will develop a system that will protect Ameren electric production from penalties of this kind.

We support creation of a pool that can be managed by our marketer or other entity. A pool of users will be far easier to manage on a monthly or even a day to day basis than for an individual company to try to manage its usage. In addition, we support a balancing system that recognizes that there must be some tolerance for over or under nomination with no penalty.

We request that the Commission delay the tariff scheduled for October 1, 2004 implementation and prohibit any change in billing practice until a more equitable balancing formula can be put in place.

Sincerely,

Hercules Incorporated

Steve Hamilton  
Technical Manager

C/by email: Steve Gaw/Chairman  
Connie Murry/Commissioner  
Robert Clayton/Commissioner  
Lin Appling/Commissioner  
Jeff Davis/Commissioner