

MEMORANDUM OF EX PARTE CONTACT

FROM: Robert Wagner, Pro Se Intervener

DATE: October 13, 2010

RE: **Files No. ER-2010-0355 and ER-2010-0356**

At approximately 9:15am on October 12, 2010 I, Robert Wagner, an intervener in the above-styled case, left me a voicemail for Ron Pridgin, Senior Regulatory Law Judge. Ron Pridgin, returned the call shortly thereafter at 9:24am.

The purpose of this conversation was twofold. First, to understand if there was a generally accepted method or practice for getting utility rates from other states accepted into evidence. Second, was to arrange an immediate telephone conference with the presiding officer and opposing counsel per 4 CSR 240-2.090 (8B) regarding an unresolved discovery matter.

After a few questions regarding the evidence matter, which Judge Pridgin declined to answer other than referring me to the Practice and Procedure rules, Judge Pridgin apologized and informed me that these questions were improper under Commission rules, and could no longer speak to me about this, and that he would have to file a notice in the case about the conversation. My confusion on this issue relates to RSMO Chapter 490.220 which mentions that records kept in any public office of the United States, or of a sister state, require the records to have a seal of office affixed by the office. Conversations with other Public Service Commissions in other states indicate they do not certify utility rate records.

I then asked about how to set up a telephone conference regarding a discovery dispute per 4 CSR 240-2.090 (8B), which I believe to not be an improper ex parte contact. The phone call lasted approximately five minutes.

This memo is to satisfy the requirements of Commission Rule 4 CSR 240-4.020(3) and (4). Under Commission Rule 4 CSR 240-4.020(4), the person initiating an ex parte communications has a duty to give notice of the communication in the case file within three business days following the communication.

A handwritten signature in black ink, appearing to read "Robert A. Wagner". The signature is written in a cursive style with a large initial "R".