

Notice of *Ex Parte* Contact

TO: All Commissioners
All Parties in Case No. GT-2005-0069

FROM: Connie Murray *Cm*

DATE: September 21, 2004

On **September 21, 2004**, I received the attached document from ***Stark Bro's Nurseries & Orchards Co.*** 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 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, 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: Executive Director
Secretary/Chief Regulatory Law Judge
General Counsel



Stark Bro's Nurseries & Orchards Co.

Connie Murray, Commissioner
Missouri Public Service Commission
200 Madison Street, Suite 100
Jefferson City, MO 65102-0360

Dear Ms. Murray;

On behalf of Stark Bro's Nurseries & Orchards Co., we respectfully request a suspension of the implementation of the tariff changes submitted August 30, 2004 by Ameren UE. We were not informed of this change by Ameren UE and only recently became aware that the tariff proposal had been submitted to the Commission. We feel that there is no true justification for such an increase and that the rate increase is punitive in nature.

Balancing gas usage daily is nearly impossible for any business, and is most definitely impossible for a small agricultural-based business such as ours. The majority of our gas usage is for our 3-acre greenhouse facility. During winter months, variables such as outside temperature, cloudy or sunny days, etc. greatly influence our daily gas usage. It is impossible for us to forecast such weather on a daily basis throughout the winter growing season. The greenhouse is a vital component of our recently revived operation. When our greenhouse is running at full capacity, we have about 500,000 growing units in production and employ 40-45 greenhouse production employees full-time. The cost of gas and transportation is already such a major expense that significant changes in utility charges such as those proposed significantly impacts our management decisions on the extent to which we can afford to run the greenhouse operation.

It is unfortunate that more serious consideration is not given to the impact on the business community when such changes are proposed. We feel that this change is particularly punitive to two types of businesses in Northeast Missouri – manufacturing-based and agricultural-based businesses. These two business channels are most likely to be impacted because correctly assessing nominations on a daily basis is impossible due to the nature of the businesses we are in. We can't very well "turn down the heat" when growing greenhouse plant material and put our crops at risk.

Northeast Missouri is not known as a state economic powerhouse. We struggle constantly to develop and grow our businesses. The potential loss of employment that may occur to offset ridiculously penalized utility usage is of grave concern not only for our firm, but for our community as a whole.

We respectfully request you consider deferring a decision on implementation of the proposal until a more thorough evaluation of its impact can be made. Thank you for your consideration.

Cameron Brown, President

Board of Directors, Stark Bro's Nurseries

Timothy L. Abair, CFO

Kim Young, Marian Kuntz, Kyle Brown,
Lita Mitchell-Eatock, Elmer Kidd, Anna Flory