

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION
JEFFERSON CITY**

April 11, 2000

CASE NO: TA-2000-204

Office of the Public Counsel
P.O. Box 7800
Jefferson City, MO 65102

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804 Elkins Lake
Huntsville, TX 77340

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Anthony K. Conroy/Katherine C. Swaller
Southwestern Bell Telephone Company
One Bell Center, Room 3518
St. Louis, MO 63101
James W. Fischer
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Jefferson City, MO 65101

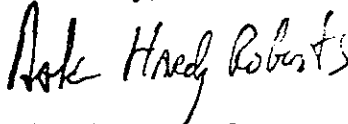
General Counsel
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P.O. Box 360
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P.O. Box 1438
Jefferson City, MO 65102

Enclosed find certified copy of NOTICE of *EX PARTE* in the above-numbered case(s).

Sincerely,



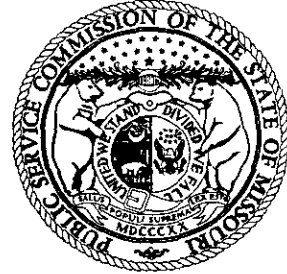
Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

Notice of *Ex Parte* Contact

TO: Records Department: All Parties in Case No. TA-2000-204
All Commissioners

FROM: Morris L. Woodruff
Regulatory Law Judge

DATE: April 11, 2000



On April 10, 2000, Judge Morris L. Woodruff had a phone conversation with Bruce Bates, Legal Counsel for the General Counsel and attorney for the Staff of the Commission. Mr. Bates indicated that he had received a phone call from Harry Thielepape, owner of Missouri State Discount Telephone, wanting to know when the Commission would rule upon his application for certificate of service authority. Mr. Bates said that Mr. Thielepape had asked him to tell the Commission that he did not appear for the on-the-record presentation on March 24, 2000 because he did not receive notice of that presentation and that if he had received such notice he would have appeared. While Mr. Bates' conversation was not an attempt on his part to sway the judgment of the Commission, it was improper because it passed on to the Commission a statement of Mr. Thielepape that was, in effect, an argument that should have been made in an appropriate motion.

The Commission is bound by the same *ex parte* rule as a court of law. Pursuant to 4 CSR 240-4.020(4) it is improper for any person to attempt to sway the judgment of the Commission by undertaking, directly or indirectly, outside the hearing process, to bring pressure or influence to bear upon the Commission, or the Regulatory Law Judge assigned to the proceeding. Whenever such contact might occur 4 CSR 240-4.020(a) states: as *ex parte* communications (either oral or written) may occur inadvertently, any member of the Commission or Regulatory Law Judge who received the communication shall immediately prepare a written report concerning the communication and submit it to the Chair and each member of the Commission. The report shall identify the person(s) who participated in the *ex parte* communication, the circumstances that 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, out of an abundance of caution, this notice of *ex parte* contact is being submitted pursuant to the standards set out in 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

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

I have compared the preceding copy with the original on file in this office and
I do hereby certify the same to be a true copy therefrom and the whole thereof.

WITNESS my hand and seal of the Public Service Commission, at Jefferson City,
Missouri, this 11th day of April 2000.



Dale Hardy Roberts

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge