

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

In the Matter of The Empire District Electric)
Company for Authority to File Tariffs Increasing)
Rates for Electric Service Provided to Customers)
in the Company's Missouri Service Area) Case No. ER-2014-0351

**NOTICE OF ACKNOWLEDGEMENT OF CONFLICT OF INTEREST AND CONSENT
OF CONFLICT**


COME NOW the Missouri Department of Economic Development – Division of Energy (“DE”), the Staff of the Commission (“Staff”), by and through their respective counsel, and, for their Notice of Acknowledgement of Conflict of Interest and Consent of Conflict (“Notice”), respectfully state as follows to the Missouri Public Service Commission (“Commission”):

1. On April 6, 2015, Alexander Antal was offered a position with the Missouri Department of Economic Development General Counsel’s Office as Associate General Counsel, where he would be responsible for providing legal representation for DE.
2. Prior to this position being offered to him, Alexander Antal had been employed with the Commission’s-Staff Counsel’s Office, where he was responsible for providing legal representation for the Staff.
3. Missouri Supreme Court Rule 4-Rules of Professional conduct sets forth certain obligations lawyers have to current and former clients. Specifically, this rule states certain obligations lawyers have to their current and former clients in regards to conflicts of interest representing another client.
4. Rule 4 also provides for a clients and former clients informed consent of a lawyers conflict of interest representing another party, confirmed in writing.
5. Both DE and Staff have signed an Acknowledgement of Concurrent Conflict of Interest and Consent of Conflict, attached as appendices A and B to this Notice in where each

gives informed consent of the conflict of interest of Alexander Antal confirmed in writing.

WHEREFORE, DE and Staff respectfully submit this Notice.

Counsel for the Staff of the Commission:

By: 
KEVIN A. THOMPSON

Counsel for the Missouri Department of Economic Development – Division of Energy:

By:

/s/ Alexander Antal
Alexander Antal
Associate General Counsel
Missouri Bar No. 65487
Department of Economic Development
P.O. Box 1157
Jefferson City, MO 65102
Phone: 573-522-3304
Fax: 573-526-7700
alexander.antal@ded.mo.gov

CERTIFICATE OF SERVICE

I hereby certify that the above and foregoing document was filed in EFIS and that a copy of the same was sent via electronic mail on this ~~20~~¹⁰ day of April, 2015, to all counsel of record.

^{10+L}
/s/ Alexander Antal

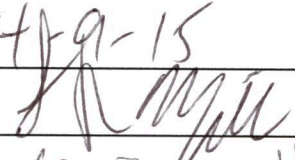
Acknowledgement of Concurrent Conflict of Interest and Consent of Conflict

Missouri Department of Economic Development-Division of Energy (“Division of Energy”), consents to representation by Alexander Antal, my attorney in any and all actions and proceedings before the Missouri Public Service Commission or any other tribunal while Alexander Antal is employed by the Missouri Department of Economic Development-General Counsel’s Office (“General Counsel’s Office”). To that end, Division of Energy makes the following statement:

1. Alexander Antal was offered a position with the General Counsel’s Office on April 6, 2015 as Associate General Counsel, where he would be responsible for providing legal representation for the Division of Energy.
2. Prior to this position being offered to Alexander Antal, he informed the General Counsel’s Office and the Division of Energy that he had been employed with the Missouri Public Service Commission-Staff Counsel’s Office, where he was responsible for providing legal representation for the Staff of the Missouri Public Service Commission.
3. Missouri Supreme Court Rule 4-1.7, states in part, “a lawyer shall not represent a client if the representation involves a concurrent conflict of interest. A concurrent conflict of interest exists if: (1) the representation of one client will be directly adverse to another client; or (2) there is a significant risk that the representation of one or more clients will be materially limited by the lawyer’s responsibilities to another client, a former client, or a third person or by a personal interest of the lawyer.” Rule 4-1.7 further states that notwithstanding the existence of a concurrent conflict of interest a lawyer may represent a client if:
 - (1) The lawyer reasonably believes that the lawyer will be able to provide competent and diligent representation to each affected client;
 - (2) The representation is not prohibited by law;
 - (3) The representation does not involve the assertion of a claim by one client against another client represented by the lawyer in the same litigation or other proceeding before a tribunal; and
 - (4) Each affected client gives informed consent, confirmed in writing.¹
4. Alexander Antal has informed the Division of Energy that there is a significant risk that his representation of the Division of Energy will be materially limited by his responsibilities to his former client.
5. Alexander Antal has informed the Division of Energy that he reasonably believes he will be able to provide competent and diligent representation to the Division of Energy, his representation of Division of Energy is not prohibited by law, and his representation of the Division of Energy will not involve the assertion of a claim by one client against another client represented by Alexander Antal in the same action or other proceeding before a tribunal.
6. The Division of Energy understands that it does not have any obligation to allow Alexander Antal to continue to represent it in any current or future action or proceeding.

¹ Supreme Court Rule 4-1.11, which deals with special conflicts of government officers and employees, states in part that except as law may otherwise expressly permit, a lawyer currently serving as a public officer or employee is subject to Rules [4-1.7](#) and [4-1.9](#).

7. The Division of Energy understands that it has a right to consult with independent counsel as to whether to retain Alexander Antal as its lawyer in any and all current or future actions or proceedings.
8. After being fully informed of the above issues, and after an opportunity to consider these issues at length, the Division of Energy has determined that it wants Alexander Antal to represent the Division of Energy as its lawyer in any and all current and future actions and proceedings.

Date: 4-9-15
Signature: 
Printed Name: Lewis Mills
Title: Director, Division of Energy

Acknowledgement of Concurrent Conflict of Interest and Consent of Conflict

Staff of the Missouri Public Service Commission ("Staff"), consents to the representation of the Missouri Department of Economic Development-Division of Energy ("Division of Energy") by Alexander Antal, the Staff's former attorney in any and all actions and proceedings before the Missouri Public Service Commission or any other tribunal while Alexander Antal is employed by the Missouri Department of Economic Development-General Counsel's Office ("General Counsel's Office"). To that end, Staff makes the following statement:

1. Alexander Antal was offered a position with the General Counsel's Office on April 6, 2015 as Associate General Counsel, where he would be responsible for providing legal representation for the Division of Energy.
2. Prior to this position being offered to him, Alexander Antal had been employed with the Missouri Public Service Commission-Staff Counsel's Office, where he was responsible for providing legal representation for the Staff.
3. Missouri Supreme Court Rule 4-1.9, states in part, "A lawyer who has formerly represented a client in a matter shall not thereafter represent another person in the same or a substantially related matter in which that person's interests are materially adverse to the interests of the former client unless the former client gives informed consent, confirmed in writing." Rule 4-1.9 further states, A lawyer who has formerly represented a client in a matter shall not thereafter:
 - (1) use information relating to the representation to the disadvantage of the former client except as these Rules would permit or require with respect to a client or when the information has become generally known; or
 - (2) reveal information relating to the representation except as these Rules would permit or require with respect to a client.¹
4. Alexander Antal has informed Staff that his representation of the Division of Energy may result in his representing another client in the same or a substantially related matter in which the Division of Energy's interests are materially adverse to the interests of Staff.
5. Alexander Antal has informed Staff that he will not use information relating to the representation of Staff to the disadvantage of Staff except as the Missouri Supreme Court Rules would permit or require with respect to a client or when the information has become generally known, or reveal information relating to the representation of Staff except as the Missouri Supreme Court Rules would permit or require with respect to a client.
6. Staff understands that by signing this document it is giving informed consent, confirmed in writing, of Alexander Antal's conflict of interest representing the Division of Energy in any and all current and future actions or proceedings, and consents to such conflicts.
7. The Staff understands that it has a right to consult with independent counsel as to whether to sign this document and its legal effect.

¹ Supreme Court Rule 4-1.11, which deals with special conflicts of government officers and employees, states in part that except as law may otherwise expressly permit, a lawyer currently serving as a public officer or employee is subject to Rules [4-1.7](#) and [4-1.9](#).

8. After being fully informed of the above issues, and after an opportunity to consider these issues at length, the Staff has determined that it gives its informed consent, confirmed in writing, of Alexander Antal's conflict of interest representing the Division of Energy in any and all current and future actions or proceedings, and consents to such conflicts.

Date: April 9, 2015

Signature: KAC

Printed Name: Kevin A. Thompson

Title: Staff Chief Counsel