

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION
JEFFERSON CITY
February 21, 2001**

CASE NO: SM-2000-608

Office of the Public Counsel
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Nixa, MO 65714

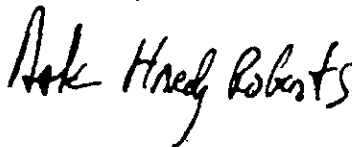
Deborah Neff
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P. O. Box 899
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Springfield, MO 65804

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1111 S Glenstone
PO Box 4929
Springfield, MO 65808-4929

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

Sincerely,



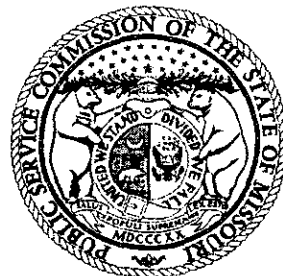
**Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge**

Notice of *Ex Parte* Contact

TO: All Commissioners
All Parties in Case No. **SM-00-608**

FROM: Commissioner Connie Murray

DATE: February 21, 2001



On February 21, 2001, I received the attached copies of correspondence between Staff and Northern Christian County Regional Wastewater Facility. The Commission is currently considering the same issues as to those set out in this document in Case No. **SM-00-608**. 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 judgement 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(8) 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 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, out of an abundance of caution, I think it appropriate to submit this notice of *ex parte* contact 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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NORTHERN CHRISTIAN COUNTY REGIONAL WASTEWATER FACILITY
(N.C.C.R.W.F.)

P.O. Box 1920 • Nixa, Missouri 65714
Phone: 417-725-7800 • Fax: 417-725-8400

Dale Johansen
Public Service Commission
Jefferson City, MO

2-19-01

RE: English Village Settlement

Dear Dale,

I have some questions from your 5:00 p.m. fax Friday afternoon.

- 1.) Who is Ted Robertson and what is his position?
- 2.) When did John Coffman leave the case and why?
- 3.) What in your conversation with Ted seems to be an issue? I was under the impression from our weekly conference calls last fall that all the issues with OPC had been addressed.
- 4.) What is "staff's view" of the case, in detail? We have never seen anything in writing regarding PSC's position or what you think should occur.
- 5.) What impact (in detail please) does English Village M.H.C. intervention have on the settlement of this case?
- 6.) What "other matters" are you referring to?
- 7.) Why does the idea of a settlement not look favorable at this time?

I guess I just can not understand how this case last year was such "high priority" and can not be settled. Upon reviewing the many files on this subject I was reminded of the time you and Wes Henderson met with me in Rep. Jim Kreider's office to basically discuss what could be done to improve English Village sewer. The very sad thing about that meeting Dale, was it took place in February of 1996.

If we could get some answers to the seven questions above as soon as possible it would be greatly appreciated.

Respectfully,

Keith Roberts

Faxed

Cc: Debra Neff

Don Busch

Bill Todd

Jim Kreider

Bruce Martin

Connie Wible *MURRAY*

FACSIMILE TRANSMISSION COVER SHEET**MISSOURI PUBLIC SERVICE COMMISSION****UTILITY OPERATIONS DIVISION****WATER & SEWER DEPARTMENT****TO:****KETH ROBERTS & JED FORRESTER****FAX NUMBER: 417-725-8400****TELEPHONE NUMBER: 417-725-7800****FROM:****DALE W. JOHANSEN****FAX NUMBER: 573-751-1847****TELEPHONE NUMBER: 573-751-7074****SUBJECT:****POSSIBILITY OF SETTLEMENT OF CASE NO. SM-2000-608****DATE:****FEBRUARY 16, 2001****PAGES BEING SENT:****ONE****(COUNTING COVER PAGE)****COPY TO FOLLOW BY MAIL: NO**

MESSAGE: Sorry for not getting back in response to your phone calls, but I have been unavailable most of the week even though I have been in the office. I just spoke with Ted Robertson from the OPC this afternoon regarding the case and the possibility of developing a settlement document. Based on that conversation, the Staff's view of the case, the intervention of the English Village M.H.C. in the case and other matters, it is my and Ted's view that the Company should assume that the procedural schedule will go forward as set, and thus that the Company should assume it will be necessary to file its direct testimony in support of the application as now scheduled. The Staff and the OPC are not precluding the idea of a settlement, but do not believe it looks favorable at this time. I will be meeting with Ted early next week and he indicated he planned to come down and visit you to discuss the case further. I will let you know as soon as possible if it appears that a settlement becomes a realistic possibility.

JUST THE FAX FROM

**FOR
SOLD
SALE**

Empire

Broker/Officer **REALTORS** **PRIME
REAL ESTATE**

**Keith
Roberts**

725-3995

307 West Street Nixa, MO. 65714
Fax: 417-725-8400

DATE: 2-20-0TO: DALE JOHANSENFAX: 573-751-1847# OF PAGES TO FOLLOW: 2

COMMENTS:

DEBRA NEFF 573-751-8464DON BUSCH 887-8935BILL TODD 725-6492JIM KREIDER 573-526-0507BRUCE MARTIN 891-4399✓ CONNIE MURRAY 573-526-7341

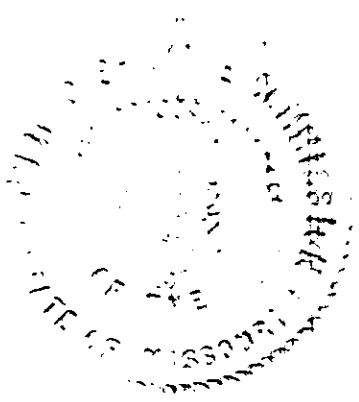
The information contained herein is furnished by sources deemed to be reliable. Information believed to be accurate but not guaranteed.

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 21st day of February 2001.





Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge