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December 1, 2011

FILED³

DEC 01 2011

**Missouri Public
Service Commission**

Steven C. Reed
Secretary of Commission
Missouri Public Service Commission
Governor Office Building
Jefferson City, MO 65101

RE: Proposed Amendment to 4 CSR 240-4.020
Ex Parte and Extra Record Communications

Dear Commission and Secretary Reed:

The Commission's proposed amendment eliminates entirely the provisions of current subsection (11). The Missouri Retailers Association opposes this change.

As the provisions of Chapter 610, RSMo declare, the open and public conduct of public business is an overarching principle of Missouri government. The statute and cases construing it leave no doubt as to this proposition. Judicial records are presumed open, as well, pursuant to Supreme Court Operating Rule 2. Of course, the provisions of Section 386.480 provide limitation on access to utility-provided information, subject to the discretion of the Commission.

Although the provisions of subsection (11) of the Ex Parte Rule may not be necessary to comply with the specific terms of Section 386.210, RSMo, the Commission has an independent obligation to preserve the appearance of impartiality and propriety. See, Supreme Court Rule 2.01, Canon 1 and Canon 2. This is particularly important to preserve the public's confidence in the process by which its rates are set.

The Missouri Retailers Association recommends that the Commission retain subsection (11) to preserve the appearance of impartiality when issues could be discussed that potentially impact ratepayers.

Respectfully,

A handwritten signature in black ink, appearing to read "David Overfelt", written over a horizontal line.

David Overfelt, President
Missouri Retailers Association

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, emailed or hand-delivered to the parties of record this 1st day of December 2011.

Steven Reed
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steven.reed@psc.mo.gov

/s/ David S. Overfelt
