

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

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|---|---|-----------------------|
| In the matter of Aqua Missouri, Inc. (CU) |) | |
| Request for Increase in Annual Sewer System |) | Case No. SR-2010-0026 |
| Operating Revenue MPSC Sewer Utility Small |) | |
| Company Rate Increase Procedures |) | |

NOTICE

Comes now, Terry M. Jarrett, Commissioner for the Missouri Public Service Commission, and for this Notice in the above captioned matter states the following;

(1) On July 15, 2009, Aqua Missouri Inc. filed with this Commission a Rate Increase Request.

(2) On September 11, 2009 I received an unsolicited letter regarding the above captioned matter from Mr. Larry Flatt of Jefferson City, Missouri.

(3) Mr. Larry Flatt is to the best of my knowledge not a party to this case, thus the Commission's *ex parte communication* reporting requirement rules would not apply. However, in the interest of transparency, I have prepared a report in accordance with the specifications set forth in 4 CSR 240-4.020(8) and have distributed the report in compliance with the Commission rule contemporaneously with this filing. The rules' requirements do not require filing in any particular docket, case or file.

(4) To the extent this communication involves the subject of a pending filing or case, Missouri law provides under Section 386.210.3(3)(a) that "*the person or party making the communication shall no later than the next business day following the communication file a copy of the written communication in the official case file of the pending filing or case and serve it upon all parties of record.*" (Emphasis added). The General Assembly has placed that burden

upon the "person or party" that makes the communication, not the Commission, nor this Commissioner.

(6) No Missouri law or Commission rule requires this Commissioner to publicly distribute a copy of the letter, and it is questionable whether the prohibitions set out in Section 386.480 RSMo 2000 would permit such disclosure. Because of the limits set out in Section 386.480 RSMo 2000, I am filing this notice only in the EFIS system for this matter and not the letter or report.

Respectfully Submitted,

A handwritten signature in black ink, reading "Terry M. Jarrett". The signature is written in a cursive, flowing style with a large initial 'T'.

Terry M. Jarrett, Commissioner

Dated in Jefferson City, Missouri,
on this 11th day of September, 2009.