

# BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of a Review of the Missouri Public )  
Service Commission's Standard of Conduct Rules )  
and Conflicts of Interest Policies )

**Case No. AO-2008-0192**

## **NOTICE REGARDING EXTERNAL COMMUNICATIONS:** **COMMENTS FROM JULIE NOONAN**

Issue Date: January 31, 2008

On January 31, 2008, Ms. Julie Noonan sent the Regulatory Law Judge ("RLJ") in this matter multiple electronic mail messages providing comments and appendices in relation to the Roundtable Discussion held in this matter. Additionally, the RLJ made phone contact with Ms. Noonan at approximately 8:22 a.m. to ensure receipt of all documents that Ms. Noonan wished to file. Consequently, the e-mail dialog and Ms. Noonan's Revised Recommendations are attached to this Notice to ensure they are properly filed in the Commission's Electronic Filing and Information System ("EFIS"). The Appendices were composed of multiple files including many public documents from the following Commission Cases:

In the Matter of the Application of Aquila, Inc. )  
For Authority to Acquire, Sell and Lease Back )  
Three Natural Gas-Fired Combustion Turbine )  
Power Generation Units and Related Improvements )  
To be Installed and Operated in the City of )  
Peculiar, Missouri. )

**Case No. EO-2005-0156**

In the Matter of the Application of Aquila, Inc., for )  
Specific Confirmation or, in the Alternative, Issuance )  
of a Certificate of Convenience and Necessity )  
Authorizing It to Construct, Install, Own, Operate, )  
Control, Manage, and Maintain a Combustion Turbine ) **Case No. EA-2005-0248**  
Electric Generating Station and Associated Electric )  
Transmission Substations in Unincorporated Areas )  
of Cass County, Missouri, Near the Town of Peculiar. )

In the Matter of the Application of Aquila, Inc. for )  
Permission and Approval and a Certificate of Public )  
Convenience and Necessity Authorizing it to Acquire, )  
Construct, Install, Own, Operate, Maintain, and ) **Case No. EA-2006-0309**  
Otherwise Control and Manage Electrical Production )  
and Related Facilities in Unincorporated Areas of )  
Cass County, Missouri Near the Town of Peculiar )

In the Matter of a Management Audit of )  
Aquila, Inc. d/b/a Aquila Networks-MPS ) **Case No. EO-2006-0356**  
and Aquila Networks-L&P )

These documents, including Reports and Orders, pleadings and transcripts are too voluminous to attach to this filing. Consequently, the RLJ takes official notice of these public documents that are available on the Commission's Webpage, through the Commission's Electronic and Filing System, and many of which are published in the Public Service Commission's Reports volumes.

Additionally, as part of her Appendix A, Ms. Noonan included a copy of the Constitution of the United States of America and the Constitution of the State of Missouri. Again, these documents are too voluminous to attach to this notice and the RLJ takes official notice of these public documents that are available in multiple venues including various State of Missouri Webpages and in Volume 20 of the Missouri Revised Statutes – also available on line.

At the Roundtable, the Chairman invited comments from the participants, as well as any other interested person, group or entity that was not in attendance the day of the Roundtable. Ms. Noonan's comments and filing do not constitute an *ex parte* contact because this is not a contested case and there are no adversarial parties to this workshop.<sup>1</sup> The Chairman welcomes comments from all interested persons and this notice is being filed to facilitate the filing of Ms. Noonan's e-mails and attachments in this docket.

**BY THE COMMISSION**



Colleen M. Dale  
Secretary

Dated at Jefferson City, Missouri,  
on this 31st day of January, 2008.

Stearley, Regulatory Law Judge

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<sup>1</sup> To be clear, the proceeding that was held on Monday, January 7, 2008, was a Roundtable Discussion. To quote directly from the Notice of Clarification that was issued on December 19, 2007:

Additionally, the Chairman wishes to stress that this is not an adversarial proceeding. This is not a "contested case," meaning a proceeding before the agency in which legal rights, duties or privileges of specific parties are required by law to be determined after hearing. Section 536.010(4), RSMo 2000. This is a workshop docket opened to receive input regarding the Commission's Standard of Conduct Rules, policies and practices and the Conflicts of Interest Statute.

Determination of contested cases involves the Commission's exercise of its judicial power. Workshop cases, such as these, do not constitute contested cases, even if they result in a determination that the Commission will engage in rulemaking. Rulemaking is an exercise of the Commission's legislative power.<sup>1</sup> In contrast to an adjudicatory, trial-type hearing in the nature of that in a contested case, workshop proceedings contemplate that the Commission, or this instance the Chairman, will meet interested members of the public face to face providing an opportunity for comments and presentations. *State ex rel. Atmos Energy Corp. v. Public Service Com'n of State*, 103 S.W.3d 753, 759-760 (Mo. banc 2003).

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**From:** Noonan, Julie L [CK] [mailto:Julie.L.Noonan@sprint.com]  
**Sent:** Thursday, January 31, 2008 8:42 AM  
**To:** Stearley, Harold  
**Subject: AO-2008-0192 Appendix A**

Judge Stearley:

The attached zip file contains Appendix A associated with my Revised Recommendations.

Thank you,  
Julie Noonan

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**From:** Noonan, Julie L [CK] [mailto:Julie.L.Noonan@sprint.com]  
**Sent:** Thursday, January 31, 2008 7:01 AM  
**To:** jeff.davis@psc.gov.mo  
**Cc:** Stearley, Harold  
**Subject: AO-2008-0192 Appendix B**

Chairman Davis:

The attached Appendix B is part of my revised recommendations for AO-2008-0192.

**Regards,**  
**Julie Noonan**

**Copy: Judge Harold Stearley**

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**From:** Stearley, Harold  
**Sent:** Thursday, January 31, 2008 7:33 AM  
**To:** 'Noonan, Julie L [CK]'  
**Subject: RE: AO-2008-0192 Appendix C**

Dear Ms. Noonan,

I have only received Appendices A-F. I have not received Appendix G or your revised recommendations. If you could please forward those to me I would greatly appreciate it.

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**From:** Noonan, Julie L [CK] [mailto:Julie.L.Noonan@sprint.com]  
**Sent:** Thursday, January 31, 2008 7:03 AM  
**To:** jeff.davis@psc.gov.mo  
**Cc:** Stearley, Harold  
**Subject: AO-2008-0192 Appendix C**

Chairman Davis:

The attached Appendix C is part of my revised recommendations for AO-2008-0192. This e-mail is the last e-mail containing revisions to the recommendations document and associated Appendices. You should have received the Revised Recommendations document and Appendices A-G.

Respectfully Submitted,  
Julie Noonan

Copy: Judge Harold Stearley

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**From:** Stearley, Harold  
**Sent:** Thursday, January 31, 2008 7:34 AM  
**To:** 'Noonan, Julie L [CK]'  
**Subject:** RE: AO-2008-0192 Appendix C

[I'm sorry, I have also not received Appendix A.](#)

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**From:** Noonan, Julie L [CK] [mailto:Julie.L.Noonan@sprint.com]  
**Sent:** Thursday, January 31, 2008 7:03 AM  
**To:** jeff.davis@psc.gov.mo  
**Cc:** Stearley, Harold  
**Subject:** AO-2008-0192 Appendix C

Chairman Davis:

The attached Appendix C is part of my revised recommendations for AO-2008-0192. This e-mail is the last e-mail containing revisions to the recommendations document and associated Appendices. You should have received the Revised Recommendations document and Appendices A-G.

Respectfully Submitted,  
Julie Noonan

Copy: Judge Harold Stearley

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**From:** Stearley, Harold  
**Sent:** Thursday, January 31, 2008 7:00 AM  
**To:** 'Noonan, Julie L [CK]'  
**Subject:** RE: AO-2008-0192 Appendix D

[You are quite welcome, and I'll look forward to receiving the remainder of your filings. I was able to unzip the files you sent without problem.](#)

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**From:** Noonan, Julie L [CK] [mailto:Julie.L.Noonan@sprint.com]  
**Sent:** Thursday, January 31, 2008 6:58 AM  
**To:** Stearley, Harold  
**Subject:** RE: AO-2008-0192 Appendix D

Judge Stearley:

Thank you for confirming receipt of the documents mentioned below. I am sending the Revised Recommendations and Appendices A-C this morning. Please note that I will continue to send these documents to Chairman Davis and copy you, however, I've received an automated reply from Chairman Davis' e-mail that the Revised Recommendations document was undeliverable even after I was able to convert to PDF and significantly reduce the size of the document.

Please let me know if you do not receive the Revised Recommendations and Appendices A-C within the hour. I sincerely appreciate your assistance in this matter.

Thanks,  
Julie Noonan

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**From:** Stearley, Harold [mailto:harold.stearley@psc.mo.gov]  
**Sent:** Thursday, January 31, 2008 6:52 AM  
**To:** Noonan, Julie L [CK]  
**Subject:** RE: AO-2008-0192 Appendix D

Good Morning Ms. Noonan,

Thank you for your recent submissions for workshop docket AO-2008-0192. I have opened up all of the documents that you have sent in your appendices D, E and F, and I do not see any document entitled "Revised Recommendations." I am unsure if you will be sending an additional document or if for some reason I have not received a document with that title, but I wanted to check with you to be sure we have all of your filings prior to the deadline for receiving comments, which is midnight tonight.

Thank you again for your participation.

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**From:** Noonan, Julie L [CK] [mailto:Julie.L.Noonan@sprint.com]  
**Sent:** Thursday, January 31, 2008 1:57 AM  
**To:** Davis, Jeff  
**Cc:** Stearley, Harold  
**Subject:** AO-2008-0192 Appendix D

Chairman Davis:

The attached includes documentation for Appendix D of the AO-2008-0192 Revised Recommendations. Three additional e-mails will be sent with the remaining appendices.

Thank you for ensuring that these are extracted and posted for inclusion in the record of this case.

Sincerely,  
Julie Noonan

Copy: Judge Harold Stearley

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**From:** Noonan, Julie L [CK] [mailto:Julie.L.Noonan@sprint.com]  
**Sent:** Thursday, January 31, 2008 2:03 AM  
**To:** Davis, Jeff  
**Cc:** Stearley, Harold  
**Subject:** AO-2008-0192 Appendix E

Chairman Davis:

Even as a zipped file, the primary recommendation document that I attempted to send to you (twice) exceeded the size limit for your mail server. After I've sent the Appendices, I will work on splitting the actual Revised Recommendations document in order to enable you to receive and post.

Respectfully,  
Julie Noonan

Copy: Judge Harold Stearley

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**From:** Noonan, Julie L [CK] [mailto:Julie.L.Noonan@sprint.com]  
**Sent:** Thursday, January 31, 2008 2:06 AM  
**To:** Davis, Jeff  
**Cc:** Stearley, Harold  
**Subject:** AO-2008-0192 Appendix F

Chairman Davis:

The attached Appendix F is part of my revised recommendations for AO-2008-0192.

Regards,

**Julie Noonan**

**Copy: Judge Harold Stearley**

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**From:** Stearley, Harold  
**Sent:** Thursday, January 31, 2008 7:58 AM  
**To:** 'Noonan, Julie L [CK]'  
**Subject:** **Missing Documents**

Hello Ms. Noonan,

Just to be clear, at this time I have not received your Revised Recommendations, or Appendices A and G. I hope that you are able to transmit those documents to me without difficulty. If there are any problems, please feel free to call me in my office at 573-522-8459.

Thank you again.

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**From:** Noonan, Julie L [CK] [mailto:Julie.L.Noonan@sprint.com]  
**Sent:** Thursday, January 31, 2008 8:28 AM  
**To:** Stearley, Harold  
**Subject:** **FW: AO-2008-0192 Revised Recommendations**

Judge Stearley:

I believe that I have determined the cause of the problem in transmitting all documentation. I inadvertently failed to copy you on the attached. Sorry for causing additional concern. I will also forward Appendix A and G momentarily.

I appreciate your patience and assistance.

Regards,  
Julie Noonan

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**From:** Noonan, Julie L [CK]  
**Sent:** Thursday, January 31, 2008 6:48 AM  
**To:** 'jeff.davis@psc.gov.mo'  
**Subject:** **AO-2008-0192 Revised Recommendations**

Chairman Davis:

Attached please find a revised version of the recommendations I originally submitted in draft form and spoke to at the January 7<sup>th</sup> Roundtable. Due to the fact that the original document was presented as a draft and that a correction was necessary, I respectfully request that this document be posted and the original draft be removed. Please note that this is one of several e-mails and documents I am sending. PSC mail size limitations prohibit me from submitting as a single document with additional documents embedded, so I will send multiple e-mails with zip files to ensure receipt. I intended to post the document myself, however, I received errors at the time I completed revisions.



Although it appears from your initial report that you may not intend to act on any of the recommendations from the Roundtable other than a recommendation regarding ex parte, I remain hopeful that the Commission and/or the legislature will consider and ultimately act upon the recommendations. Additional changes in how the Commission conducts business are essential to fulfill the mission of the PSC and to restore public trust and confidence in the Commission.

Respectfully Submitted,

Julie Noonan

Copy: Judge Harold Stearley

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**From:** Stearley, Harold  
**Sent:** Thursday, January 31, 2008 8:55 AM  
**To:** 'Noonan, Julie L [CK]'  
**Subject:** RE: AO-2008-0192 Appendix G

[Thank you again for all of your efforts, Ms. Noonan.](#)

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**From:** Noonan, Julie L [CK] [mailto:Julie.L.Noonan@sprint.com]  
**Sent:** Thursday, January 31, 2008 8:54 AM  
**To:** Stearley, Harold  
**Subject:** AO-2008-0192 Appendix G

Judge Stearley:

I received notification that Appendix G was not received due to file size limitations even though I submitted as a zipped file. I will be resubmitting several separate e-mails with the contents of Appendix G broken into multiple files. The separate e-mails will be forthcoming this morning after I've had the opportunity to split the file into multiple files.

Please note that I have not copied Chairman Davis on e-mails after original delivery failure this morning since I believe his e-mail may be at capacity and unable to receive additional large e-mails at this time.

Regards,  
Julie Noonan

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**From:** Noonan, Julie L [CK] [mailto:Julie.L.Noonan@sprint.com]  
**Sent:** Thursday, January 31, 2008 8:58 AM

**To:** Stearley, Harold  
**Subject:** AO-2008-0192 Appendix G1 - Law Suits

Judge Stearley:

Attached please find the zip file for Appendix G1- Law Suits.

Thanks,  
**Julie Noonan**

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**From:** Noonan, Julie L [CK] [mailto:Julie.L.Noonan@sprint.com]  
**Sent:** Thursday, January 31, 2008 9:30 AM  
**To:** Stearley, Harold  
**Subject:** AO-2008-0192 Appendix G2a 06-CA-CV-01698 Cass v MPSC Stop Aquila Brief

Judge Stearley:

I received an undeliverable message from my attempted submission of a single Appendix G2. There are only two documents included, so I am further splitting and zipping these into separate files. Hopefully, you will receive this e-mail and another with Appendix G2b. If e-mailing is successful, Appendix G2b e-mail forthcoming should complete my submissions relative to my Revised Recommendations for this case.

Thank you,

**Julie Noonan**

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**From:** Noonan, Julie L [CK] [mailto:Julie.L.Noonan@sprint.com]  
**Sent:** Thursday, January 31, 2008 9:39 AM  
**To:** Stearley, Harold  
**Subject:** AO-2008-0192 Appendix G2b Law Suits Cass v MPSC Judgment on Writ

Judge Stearley:

Attached please find Appendix G2b associated with my Revised Recommendations. If you have questions as you post these documents to the case, please contact me directly at 816.779.4191 or via e-mail. Unless you do not receive this e-mail and/or my e-mail with Appendix G2a, this concludes my submissions associated to my Revised Recommendations however, I may file additional comments prior to the midnight deadline based on additional comments by others today.

Thank you again for your assistance.

Best Regards,  
**Julie Noonan**

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**From:** Noonan, Julie L [CK] [mailto:Julie.L.Noonan@sprint.com]  
**Sent:** Thursday, January 31, 2008 9:11 AM  
**To:** Stearley, Harold  
**Subject:** **AO-2008-0192 Appendix G3 Law Suits WD67739**

Judge Stearley:

Attached please find the zip file for Appendix G3 Law Suits WD67739.

Thank you,  
Julie Noonan

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**From:** Stearley, Harold  
**Sent:** Thursday, January 31, 2008 10:04 AM  
**To:** 'Noonan, Julie L [CK]'  
**Subject:** RE: AO-2008-0192 Appendix G2b Law Suits Cass v MPSC Judgment on Writ

[No problem and thank you.](#)

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**From:** Noonan, Julie L [CK] [mailto:Julie.L.Noonan@sprint.com]  
**Sent:** Thursday, January 31, 2008 10:01 AM  
**To:** Stearley, Harold  
**Subject:** RE: AO-2008-0192 Appendix G2b Law Suits Cass v MPSC Judgment on Writ

[Yes, your list matches mine. I just hope that I haven't inadvertently omitted information or caused usability issues with the last minute changes. I'll have to trust that this will suffice since my attention is required elsewhere.](#)

[Thank you for all of your help.](#)

[Julie Noonan](#)

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**From:** Stearley, Harold [mailto:harold.stearley@psc.mo.gov]  
**Sent:** Thursday, January 31, 2008 9:54 AM

**To:** Noonan, Julie L [CK]

**Subject:** RE: AO-2008-0192 Appendix G2b Law Suits Cass v MPSC Judgment on Writ

Thank you Ms. Noonan,

So far I have received:

Revised Recommendations

Appendix A

Appendix B

Appendix C

Appendix D

Appendix E

Appendix F

Appendix G1

Appendix G2a

Appendix G2b

Appendix G3

I note that you might send additional comments, but I want to be sure that I have all of your current materials - does this list match yours?

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**From:** Noonan, Julie L [CK] [mailto:Julie.L.Noonan@sprint.com]

**Sent:** Thursday, January 31, 2008 9:39 AM

**To:** Stearley, Harold

**Subject:** AO-2008-0192 Appendix G2b Law Suits Cass v MPSC Judgment on Writ

Judge Stearley:

Attached please find Appendix G2b associated with my Revised Recommendations. If you have questions as you post these documents to the case, please contact me directly at 816.779.4191 or via e-mail. Unless you do not receive this e-mail and/or my e-mail with Appendix G2a, this concludes my submissions associated to my Revised Recommendations however, I may file additional comments prior to the midnight deadline based on additional comments by others today.

Thank you again for your assistance.

Best Regards,  
**Julie Noonan**