


Notice of *Ex Parte* Contact

TO: Commissioners
Parties in Case No. EC-2007-0146

FROM: Colleen M. Dale, Chief RLJ 

DATE: October 18, 2006

On October 16, 2006, I received a voice mail from the complainant, Cheryl L. Fabulae concerning Case No. EC-2007-0146, a contested case. In contested cases, the Commission is bound by the same *ex parte* rule as a court of law; that is, to avoid off-the-record discussions of the merits of the contested case.

Although communications from members of the public are always welcome, those communications relating to a contested case must be made known to all of the parties to the contested case so that those parties have an opportunity to respond. According to the Commission's rules (4 CSR 240-4.020(8)), when a communication (either oral or written) concerning a contested case occurs outside the hearing process, any member of the Commission or Law Judge who received the communication must prepare a written report concerning the communication and submit it to each member of the Commission and to the parties to the case. The report must identify the person or persons 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, I submit this report pursuant to the rules cited above. In the voice mail message, Ms. Fabulae asserted that she had filed a formal complaint and that during the pendency of the complaint, her electric service had been disconnected. She noted that she has cancer and an infant grandson living with her. She also noted that the amount due was utterly beyond her ability to pay. This disclosure will ensure that any party to this case will have notice of the information and have a full and fair opportunity to respond.

cc: Executive Director
General Counsel