BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

ALICE GEARY)
Complainant,)
v.)) File No. WC-2009-0147
MISSOURI AMERICAN WATER COMPANY)))
Respondent.)

Report of Ex Parte Contact

Issue Date: April 6, 2009

COMES NOW Daniel Jordan the regulatory law judge ("RLJ") assigned to this case and reports an ex parte contact as follows.

On April 3, 2009, at approximately 4:00 p.m., I received a letter that Alice Geary sent to Missouri American Water Company ("MAWC"), and copied to me, but not the Commission's staff and Office of the Public Counsel. Because the letter relates to the prehearing conference and settlement offers between MAWC and Ms. Geary, it is confidential¹ and privileged.² Also, the letter appears to have been copied to me only to keep me apprised of the parties' progress. For those reasons, I will not file the letter in EFIS without the express permission of Ms. Geary and MAWC.³

Nevertheless, such a contact is subject to the Commission's regulations for reporting:

³ 4 CSR 240-2.135(5).

¹ Section 435.014.2, RSMo 2000. ² 4 CSR 240-2-090(7).

[Because] ex parte communications (either oral or written) may occur inadvertently, any [RLJ] who receives that communication shall immediately prepare a written report concerning the communication and submit it to the chairman and each member of the commission. The report shall identify the employee and 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.[4]

Pursuant to that provision, I am filing this report.

Respectfully submitted,

Daniel Jordan,

Regulatory Law Judge

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⁴ 4 CSR 240-2.020(8)