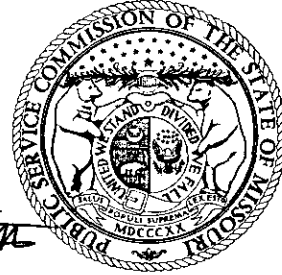


Notice of *Ex Parte* Contact

TO: Data Center
All Parties in Case No. **WO-2005-0286**

FROM: Commissioner Robert M. Clayton III



DATE: May 26, 2005

On May 5, 2005 I received the attached document from Mr. Edmond R. Ciarniello Jr. regarding the April 28th local public hearing in Kirkwood. The Commission is currently considering the issue discussed in this document in case **WO-2005-0286**, which is a contested case. In contested cases, the Commission is bound by the same *ex parte* rule as a court of law.

Although communications from members of the public and members of the legislature are always welcome, those communications must be made known to all parties to a contested case so that those parties have the opportunity to respond. According to the Commission's rules (4 CSR 240-4.020(8)), when a communication (either oral or written) occurs outside the hearing process, any member of the Commission or Regulatory Law Judge who received the communication shall prepare a written report concerning the communication and submit it each member of the Commission and the parties to the case. The report shall identify 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.

Therefore, I submit this report pursuant to the rules cited above. This will ensure that any party to this case will have notice of the attached information and a full and fair opportunity to respond to the comments contained therein.

cc: Commissioners
Executive Director
Secretary
General Counsel

Date: May 05, 2005
From: Ed Ciarniello, Kirkwood Resident
To: Commissioner Robert M. Clayton III
MISSOURI PUBLIC SERVICE COMMISSION
PO Box 360
JEFFERSON CITY, MISSOURI 65102
Re: Missouri-American Water / City of Kirkwood
Case No. WO-2005-0286

Dear Commissioner Clayton,

Thank you for your letter and comments regarding the April 28th PSC local hearing. I was very impressed with the hearing and am grateful to the PSC for reaching out to this community to allow the public a voice.

I am beyond impressed. I was unprepared for the formality of the hearing and could have been more outlined in my presentation. I envisioned an open ended Town Hall format. However, on reflection, I like the way the PSC conducted the hearing. It was professional, formal, and serious. To see my concerns rewarded with a public hearing of that quality speaks greatly to the integrity of the PSC.

I contacted other concerned residents on my receipt of the hearing notice. They could not adjust their schedules. I was challenged to think on my feet to include all topics. While I could have spoken better, 90% of the challenge was to show up and speak. Therefore, on balance, I am delighted that you created the opportunity.

Very Truly Yours,



Edmond R. Ciarniello Jr.
1149 N. Geyer Road
Kirkwood, MO 63122-1102
(314) 966-8313 voice
(314) 966-6026 fax

copy to: K.Krueger OPC
M. Dandino OPC
M. Sullivan MAW
M. Brown (Kirkwood)