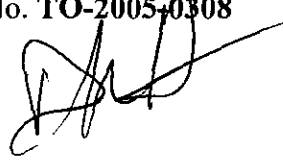


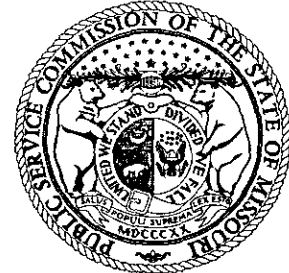
Notice of *Ex Parte* Contact

TO: Data Center
All Parties in Case No. **TO-2005-0308**

FROM: Douglas Healy
Personal Advisor



DATE: June 22, 2005



On June 22, 2005 I returned a phone call to Tracy Mishler. During our conversation, she noted the following: (1) Relay Missouri is ok with limiting phones. The only state that doesn't is Texas and (2) to broaden the current surcharge to include cell phones. The Commission is currently considering the issues discussed in this conversation in case **TO-2005-0308**, which may be a contested case. In contested cases, the Commission is bound by the same *ex parte* rules 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 this conversation and a full and fair opportunity to respond to it.

cc: Commissioners
Executive Director
Secretary
General Counsel