


Notice of *Ex Parte* Contact  
Case No. WC-2008-0160

TO: Commissioners  
All Parties in Interest  
Data Center

FROM: Commissioner Robert M. Clayton   
Angie Robyn, Advisor to Commissioner Clayton

DATE: December 13, 2007



During the past thirty days, the Commission has considered amendments to its Annual Report forms which utilities complete each year. The data is used for the purpose of preparing assessment statements for regulated utilities, for use during cases and investigations as well as determining if utilities are complying with Commission Orders, Rules and statutes. The proposed amendments to the Annual Reports have been brought to the Commission Agenda meeting at various times during this period. Apparently, this material is the same material being discussed in the above case. This Commissioner and his Advisor were unaware that this case had been filed or that it was pending a decision by the Commission. This Commissioner is confused why these amendments would be brought at a time when a case involving the same issue would be brought before the Commission for a vote.

This Commissioner must advise his colleagues and the affected parties that a number of related communications have occurred by this Commissioner and this Commissioner's advisor. Those communications involved the subject of making public certain salary information of officers of Missouri-American Water, requested by a state senator and his staff.

This Commissioner and his staff have received communications from Missouri-American Water, the staff of a state senator and the staff of the Missouri Public Service Commission. All available written communications are attached hereto.

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 to 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, we 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: Executive Director  
Secretary/Chief Regulatory Law Judge  
Senator Tim Green