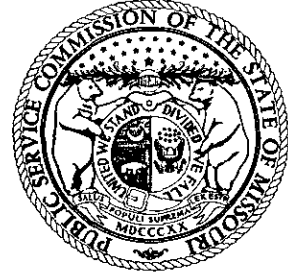


## Notice of *Ex Parte* Contact

TO: Data Center  
All Parties in Case No. **EO-2005-0156**  
**EA-2005-0248**

FROM: Chairman Jeff Davis  
Commissioner Connie Murray  
Commissioner Steve Gaw  
Commissioner Robert Clayton  
Commissioner Lin Appling



DATE: December 7, 2005

On December 7, 2005 we received the attached document via electronic mail from Della January regarding Aquila. Also attached is Chairman Davis' electronic response to Ms. January. The Commission is currently considering the issues discussed in this document in cases **EO-2005-0156 and EA-2005-0248**, both of which are contested cases. 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 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: Commissioners  
Executive Director  
Secretary/Chief Regulatory Law Judge  
General Counsel

**Finnell, Kay**

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**From:** Davis, Jeff  
**Sent:** Wednesday, December 07, 2005 10:55  
**To:** Finnell, Kay  
**Subject:** FW: EO-2005-0156  
Ex parte communication.

JND

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**From:** Della January [mailto:della.january@uug.com]  
**Sent:** Wednesday, December 07, 2005 10:18 AM  
**To:** steve.gaw@psc.mo.gov; robert.clayton@psc.mo.gov; lin.appling@psc.mo.gov; connie.murray@psc.mo.gov; jeff.davis@psc.mo.gov; pscinfo@psc.mo.gov  
**Subject:** EO-2005-0156

Aquila's Denny Williams was wrong again in his testimony on Monday, Dec 5. He was being asked about Aquila's involvement in StopAquila v The City of Peculiar (WD6500). He stated they had no involvement, he was asked if Aquila was paying the City's legal fees and he replied that Aquila had paid the fees but were deducting those amounts from the PILOT payments as provided under the financial agreement. The city had previously told us that Aquila was covering its legal fees without consideration, so StopAquila representatives attended the Peculiar City Counsel meeting on Tuesday, Dec 6 confirmed with Mike Fisher, City Administrator for Peculiar that Aquila has paid the City's legal fees gratuitously up to this point. Aquila has also reimbursed StopAquila for approximately \$50,000 in legal fees.

Thank you for your perseverance in trying to get to the bottom of this. Good Luck.

Della January

\*\*\*\*\* PLEASE NOTE \*\*\*\*\*

This message, along with any attachments, may be confidential or legally privileged. It is intended only for the named person(s), who is/are the only authorized recipients. If this message has reached you in error, please notify the sender immediately and promptly destroy it without review. Dissemination, distribution or copying of this communication is strictly prohibited. Thank you for your help.

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12/7/2005

**Finnell, Kay**

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**From:** Davis, Jeff  
**Sent:** Wednesday, December 07, 2005 1:03 PM  
**To:** Della January  
**Cc:** Finnell, Kay  
**Subject:** RE: EO-2005-0156

Dear Della,

Thank you for your e-mail. I did read it and will file an ex parte notice in this case.

Sincerely,

Jeff Davis

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**From:** Della January [mailto:della.january@uug.com]  
**Sent:** Wednesday, December 07, 2005 10:18 AM  
**To:** steve.gaw@psc.mo.gov; robert.clayton@psc.mo.gov; lin.appling@psc.mo.gov; connie.murray@psc.mo.gov; jeff.davis@psc.mo.gov; pscinfo@psc.mo.gov  
**Subject:** EO-2005-0156

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Della January

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12/7/2005