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FILED

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Commissioner Kevin Gunn, Chair
Commissioner Jeff Davis
Commissioner Terry M. Jarrett
Commissioner Robert S. Kenney
Missouri Public Service Commission
Governor Office Building
200 Madison Street
Jefferson City, Missouri 65102

Missouri Public
Service Commission

Dear Chair Gunn and Commissioners Davis, Jarrett and Kenney,

It has come to my attention that you are considering a change to the Public Service Commission's Standards of Conduct Rule that would, in effect, eviscerate the rule. The removal of the subsection on ex parte communications would eliminate the crux of the reasons that a new conduct rule, or ethics code, was needed in the first place.

In 2008, as Ranking Member of the Senate Appropriations Committee, I proposed a line item of \$100,000 within the PSC's budget for Fiscal Year 2009 to research, write and adopt an ethics code and to train commissioners and staff in the new code. The committee unanimously approved the amendment, and it was subsequently approved by both the Senate and the House and signed by Governor Matt Blunt.

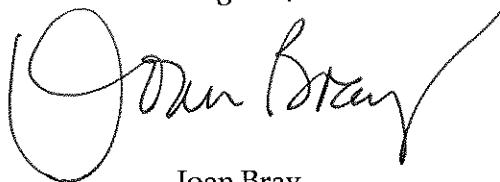
Reasons for proposing the line item specifically for the development of an ethics code were incidents that gave, at a minimum, the appearance of impropriety on the part of the PSC. These incidents gave the public the impression that certain private parties with vested interests in the regulatory process that is in the PSC's purview had unique access to the commission that the public did not have.

The commission adopted the rule after a lengthy and thoughtful process. Nothing has changed in the year and a half since the adoption to make it less relevant. The public still expects the commission to behave impartially when it is carrying out its judicial-like duties. No one wants a judge talking privately or off the record with only one side of a lawsuit before the court; a similar expectation applies to the commission when its members are acting in their judicial roles.

Nothing in the commission's ethics code prevents a side in a case before the commission from discussing the case or sharing information in the context of a public forum. The rule just does not allow it to be done under a cloak of secrecy.

Again, I urge you to leave the rule as it was adopted only last year. The credibility of the commission is at stake.

Regards,



Joan Bray
Missouri Senator, Retired

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