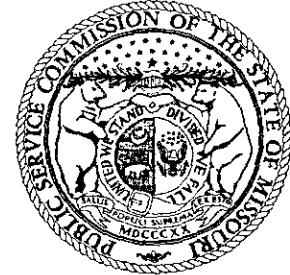


## Notice of *Ex Parte* Contact

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 M. Clayton III  
Commissioner Lin Appling

DATE: December 19, 2005

On December 15, 2005 we received an e-mail from Ms. Della January regarding Aquila. 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  
General Counsel

---

**From:** Della January [mailto:della.january@uug.com]

**Sent:** Thursday, December 15, 2005 3:18 PM

**To:** jeff.davis; 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:** RE: EO-2005-0156

This email is in response to Aquila's filing on my comments on whether or not Aquila is paying the City of Peculiar's legal fees in Case # 65000.

Representatives of Peculiar have very clearly stated on several occasions that Aquila has paid their legal fees and that those fees were not being deducted in any way from the Pilot payments. I have also been told that Aquila plans to stop this and that future payments may be withdrawn from the PILOT payments as provided under the agreement.

I don't know if Aquila or the City is accurate, but I trust the Commission has the resources to get to the bottom of this. Aquila's rate payers have a right to know what types of things are being included in the South Harper plant portion of Aquila's requested rate increase. I know a lot of Peculiar residents would like to know if in fact the City is bearing the whole burden of the legal costs of appealing to the MO Supreme Court rather than just putting the issue on either the April 2005 or April 2006 ballot.

I did not imply that Aquila paying StopAquila legal fees had anything to do with the agreement between the City and Aquila, only that Aquila is spending a lot of money on this.

Sorry to take up your time, just wanted to clarify.

Happy Holidays,

Della January

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

This message, along with any attachments, may be confidential or legally privileged. It is intended only for the named

12/19/2005