

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**

In the Matter of the application of)
Nickie Hertzog for a Change of Electric)
Supplier)

File No. EO-2012-0343

NOTICE OF EX PARTE CONTACT

Issue Date: November 27, 2012

On April 13¹, Nickie Hertzog filed an application with the Missouri Public Service Commission requesting that her electric supplier be changed from Osage Valley Electric Cooperative ("Osage Valley") to Kansas City Power & Light ("KCP&L").² On November 27, the Regulatory Law Judge assigned to this case received an e-mail purporting to be from Nickie Hertzog. The e-mail is attached to this notice.

The contents of the e-mail appear to be an ex parte communication regarding a pending case, as defined by Commission Rule 4 CSR 240-4.020. This notice is given pursuant to Commission Rule 4 CSR 240-4.020(3), (4).

BY THE COMMISSION



Steven C. Reed
Secretary

(S E A L)

Ronald D. Pridgin, Senior Regulatory
Law Judge, by delegation of authority
pursuant to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 27th day of November, 2012.

¹ Dates are in 2012 unless otherwise noted.

² Ms. Hertzog appears to be referring to KCP&L Greater Missouri Operations Company ("GMO"), and not Kansas City Power & Light Company.

From: PNHertzog@aol.com [<mailto:PNHertzog@aol.com>]

Sent: Tuesday, November 27, 2012 2:06 PM

To: cj@cjlaw.com; Hernandez, Jennifer

Cc: Roger.Steiner@kcpl.com; Mills, Lewis; Williams, Nathan; Tompkins, Goldie; Pridgin, Ron

Subject: Re: direct testimony in EO-2012-0343

Hello All,

My apologies for the time delay. I just returned from out of town.

In response to the discovery issue, the information requested was embedded in an email from my recollection and I sent the information as requested. There was some other discussion within the email concerning construction experience, which is not relevant. I saved the information and not the email.

Regarding my testimony, as I have stated over and over: I am requesting a change of suppliers due to the NUMEROUS solar advantages that stand on their own merit and even based on some of the information provided by the Public Service Commission.

What else is being requested needs to be clarified. This is a very basic request from my perspective.

Nickie Hertzog

In a message dated 11/20/2012 7:18:09 A.M. Central Standard Time, cj@cjlaw.com writes:

Jennifer:

Thanks for sending this.

My reaction is that Ms. Hertzog's planned use of the application as direct testimony is not what the procedural schedule contemplates. The application was a pleading, it has had responsive pleadings. Her application is not testimony as to the issues. The schedule contemplated Ms. Hertzog would file testimony addressing the issues framed by the pleadings. She didn't, and now the rest of the parties have nothing to rebut. Therefore there will be no evidence in the record upon which the Commission can rule, and her application should be dismissed.

I would propose to file either a motion to dismiss, or a motion to cancel the procedural schedule and have another prehearing conference. In addition I have outstanding discovery requests that have not been fulfilled by Ms. Hertzog.

Before I file anything, I would like to survey the parties for their ideas as to what to do. I would ask Ms. Hertzog and all counsel to respond to this request, and include us all on that response. Please respond by November 27.

Thanks.

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From: Hernandez, Jennifer [mailto:jennifer.hernandez@psc.mo.gov]
Sent: Monday, November 19, 2012 10:53 AM
To: Pridgin, Ron
Cc: 'Craig Johnson'; 'Steiner Roger'; Mills, Lewis; 'PNHertzog@aol.com'; Williams, Nathan; Tompkins, Goldie; Beck, Dan
Subject: direct testimony in EO-2012-0343

Fyi—on the direct filing of testimony.

From: PNHertzog@aol.com [mailto:PNHertzog@aol.com]
Sent: Tuesday, November 13, 2012 8:37 PM
To: Hernandez, Jennifer
Subject: Re: Friday

Hi,

Thanks for responding. My only testimony is the request for the supplier changed based on the advantages of solar and the rebate. I don't have anything to add at this point.

Nickie

The content in this email, form or solution is not meant to replace legal, medical, ethical or tax advice nor any other government regulated entities' regulations but rather presented for good business consideration.

In a message dated 11/13/2012 3:48:37 P.M. Central Standard Time,
jennifer.hernandez@psc.mo.gov writes:

Ms. Hertzog,

You do not need to appear this Friday. No hearing is set. However, the procedural schedule sets out when your direct written testimony is due, and that is this Friday, November 16. You can file any testimony in EFIS without appearing. If you have any other questions, please let me know.

Jennifer

Jennifer Hernandez, Senior Staff Counsel

Office of the Chief Staff Counsel

Missouri Public Service Commission

200 Madison Street, P.O. Box 360

Jefferson City, MO 65102

573-751-8706 (telephone)

573-751-9285 (fax)

jennifer.hernandez@psc.mo.gov

From: PNHertzog@aol.com [<mailto:PNHertzog@aol.com>]

Sent: Monday, November 12, 2012 8:25 AM

To: Hernandez, Jennifer

Subject: Friday

Hi,

This Friday - still on? What time? I would like to request afternoon because of my drive there.

Nickie