

Notice of *Ex Parte* Contact

TO: Data Center
All Parties in Case No. EA-2006-0309

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



DATE: January 31, 2006

On January 26, 2006, we received an e-mailed from Ms. Cindi L. Mayer regarding Aquila. The Commission is currently considering the same issues discussed in this document in case EA-2006-0309, which is a contested case. In contested cases, the Commission is bound by the same *ex parte* rule as a court of law.

Pursuant to 4 CSR 240-4.020(4) it is improper for any person to attempt to sway the judgment of the Commission by undertaking, directly or indirectly, outside the hearing process, to bring pressure or influence to bear upon the Commission, or the Regulatory Law Judge assigned to the proceeding.

Whenever such contact might occur 4 CSR 240-4.020(8) states: as *ex parte* communications (either oral or written) may occur inadvertently, any member of the Commission or Regulatory Law Judge who received the communication shall immediately prepare a written report concerning the communication and submit it to the Chair and each member of the Commission. 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, out of an abundance of caution, I think it appropriate to submit this notice of *ex parte* contact pursuant to the standards set out in 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
General Counsel

Neuner, Joyce

From: Keith Mayer [kmayer@casstel.net]
Sent: Thursday, January 26, 2006 9:42 AM
To: PSC Info (Public Info Email Address) - PSC
Subject: South Harper Site-Specific Authority
Attachments: "AVG certification"

January 26, 2006

Missouri Public Service Commission

Re: Aquila South Harper Plant

Dear Commissioners,

This letter is in regards to Aquila filing for Site Specific Authority for the South Harper Plant. This applies to case EA-2006-0309. Aquila is doing this because of the Missouri Court of Appeals ruling against them in case number WD64985.

As you know, there has been a long going legal battle over the South Harper Plant involving Aquila, Cass County, Stop Aquila, and the PSC. We are now at the next step of this battle. Aquila applying for site specific authority after the plant has been built. The Missouri Court of Appeals clearly stated that Aquila needed site specific authority "BEFORE" it turned one spade of soil. It also clearly made reference to Aquila needing to comply with local regulations "BEFORE" applying for site specific authority. Aquila built the South Harper Plant knowing full well of the risk that they may have to tear it down. Aquila's attitude has been that of a spoiled child. Aquila can do or build whatever it wants and then expect everyone to accept it because it is already done. I believe that was the plan from the beginning. They are also trying to apologize to everyone, after creating all of this trouble, and they expect everyone to accept that.

I feel that the Public Service Commission should hold the companies that provide our regulated utilities to a much higher standard than what we have witnessed from Aquila. I feel that is what is owed to the citizens of Missouri. I do not understand how the PSC can authorize the South Harper plant in Cass County when there is another plant in Cass County, the Aries plant, which is virtually idle. That seems environmentally and morally wrong. I really cannot see the justification for the South Harper plant. Please do not grant Aquila their "after the fact" Site Specific Authority for the South Harper Plant.

Sincerely,

Cindi L. Mayer
10501 E 235th St
Peculiar, Mo 64078
816-779-0800

1/31/2006