

# BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of a Review of the Missouri Public       )  
Service Commission's Standard of Conduct Rules       )  
and Conflicts of Interest Policies                        )  
**Case No. AO-2008-0192**

## **NOTICE REGARDING EXTERNAL COMMUNICATIONS:** **COMMENTS FROM CINDI MAYER**

Issue Date: January 14, 2008

On January 13, 2008, at approximately 7:23 p.m., Cindi Mayer sent the Regulatory Law Judge in this matter an electronic mail providing comments in relation to the Roundtable Discussion held in this matter. Consequently, those comments are attached to this Notice to ensure they are filed in the Commission's Electronic Filing and Information System ("EFIS"). Judge Stearley responded to Ms. Mayer's e-mail, thanking her for her comments and informing her that they would be filed in this workshop docket, purely a procedural response.

To be clear, the proceeding that was held on Monday, January 7, 2008, was a Roundtable Discussion. To quote directly from the Notice of Clarification that was issued on December 19, 2007:

Additionally, the Chairman wishes to stress that this is not an adversarial proceeding. This is not a "contested case," meaning a proceeding before the agency in which legal rights, duties or privileges of specific parties are required by law to be determined after hearing.<sup>1</sup> This is a workshop docket opened to receive input regarding the Commission's Standard of Conduct Rules, policies and practices and the Conflicts of Interest Statute.

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<sup>1</sup> Section 536.010(4), RSMo 2000.

Determination of contested cases involves the Commission's exercise of its judicial power. Workshop cases, such as these, do not constitute contested cases, even if they result in a determination that the Commission will engage in rulemaking. Rulemaking is an exercise of the Commission's legislative power.<sup>2</sup> In contrast to an adjudicatory, trial-type hearing in the nature of that in a contested case, workshop proceedings contemplate that the Commission, or this instance the Chairman, will meet interested members of the public face to face providing an opportunity for comments and presentations.<sup>3</sup>

Ms. Mayer's comments and Judge Stearley's response are not *ex parte* contacts because this is not a contested case and there are no adversarial parties to this workshop docket.

Dated at Jefferson City, Missouri,  
on this 14th day of January, 2008.

Stearley, Regulatory Law Judge

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<sup>2</sup> "The identifying badge of a modern administrative agency is the combination of judicial power (adjudication) with legislative power (rulemaking)." *McNeil-Terry v. Roling*, 142 S.W.3d 828, 835 (Mo. App. 2004).

<sup>3</sup> *State ex rel. Atmos Energy Corp. v. Public Service Com'n of State*, 103 S.W.3d 753, 759-760 (Mo. banc 2003).

**From:** Stearley, Harold  
**Sent:** Monday, January 14, 2008 6:42 AM  
**To:** 'Keith Mayer'; Davis, Jeff  
**Cc:** Julie.L.Noonan@mail.sprint.com  
**Subject:** RE: Ao-2008-0192

Thank you for your comments. I will attach them to a Notice and file them in this workshop docket.

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**From:** Keith Mayer [mailto:kmayer@casstel.net]  
**Sent:** Sunday, January 13, 2008 7:23 PM  
**To:** Davis, Jeff; Stearley, Harold  
**Cc:** Julie.L.Noonan@mail.sprint.com  
**Subject:** Ao-2008-0192

1-13-2008

Public Service Commission  
Attention: Chairman Jeff Davis and Judge Harold Stearley  
Re: AO-2008-0192

My name is Cindi Mayer. I am writing in support of the "Recommendations for Actions" that was presented by Julie Noonan at the Round Table Hearing held 1-07-2008.

I agree with Julie that the laws, rules, and statutes that are currently in place need to be followed. She presented many examples where they were not followed, ignored and manipulated. This present attitude is most definitely creating an atmosphere of distrust among the citizens of Missouri. There is also a strong appearance that the Commission is lined up with the utilities it is supposed to be regulating. It is becoming difficult to see the utilities and the PSC as two different organizations. They seem to be meshed. One example that came to my attention at the hearing is the fact that Warren Woods is now the president of MEDA. That confirmed my distrust of the PSC. In my experiences with the cases involving Stop Aquila, Aquila, and the PSC, Warren Woods was the staff spokesperson. He was also the person that first gave advice to Stop Aquila members. I for one felt there was a certain amount of misdirection and misinformation given to us. Warren Woods was also the person that created the Guidelines for placement of a power plant that was entered into evidence in PSC case EA-2006-0309. In the guidelines he place local government zoning as a minimal concern to the power company. This obviously upset most of us that count on the local laws of zoning to protect our residential investments. The PSC appears to have more respect for utility companies than it does for the laws that protect the citizens of Missouri.

I would also like to add support for the Rulemaking Actions that Julie presented.

- #1: PSC Complaint Support
- #2: Establishment of Intervener Fund

I would also like to add support for the proposed Statutory Changes that Julie presented. #1: PSC Refrains from Sponsoring or Supporting changes that Legalize that which is currently Illegal.

#2: Add to Commission Membership in order to have more Attendance at hearings.

Thank You,

Cindi Mayer  
Missouri Citizen  
Stop Aquila Member  
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816-779-0800