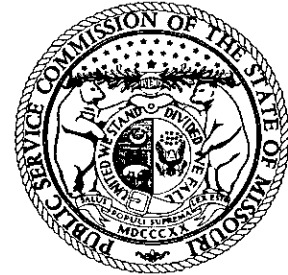


Notice of *Ex Parte* Contact

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 27, 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: Friday, January 27, 2006 4:50 PM
To: PSC Info (Public Info Email Address) - PSC
Subject: South Harper Plant case # ea-2006-0309
Attachments: January 27 letter to PSC.doc; "AVG certification"

please see attached letter

1/31/2006

January 27, 2006

Public Service Commission

Re: South Harper Plant, case# EA-2006-0309

Dear Commission,

I have just returned from the hearing in Judge Dandurand's Court for Aquila's request for a stay on the permanent injunction. Judge Dandurand admonished Aquila for their lack of respect for law. He ordered that the South Harper plant not operate under any condition. He ordered that it be torn down on May 31, 2006. He also ordered a 20 million dollar bond. He knows that Aquila has filed with you for Site-Specific Authorization. You are their last life line on this plant. I like to think that you Commissioners are smart enough not to endorse someone who is clearly against the law. Please, take this opportunity to set a correct precedence for other utilities. Take this opportunity to give other utilities guidelines for the correct way to build new facilities. You could make a positive addition to history. Please consider this before you award Aquila Site-Specific Authorization for the South Harper Plant.

Sincerely,

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