

## 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 Clayton  
Commissioner Lin Applin



DATE: March 28, 2005

On March 25, 2005 we received the attached documents via electronic mail from Mr. Frank Dillon regarding Aquila. The Commission is currently considering the issues discussed in these documents 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 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: State Senator Chris Koster  
State Representative Rex Rector  
Commissioners  
Executive Director  
Secretary/Chief Regulatory Law Judge  
General Counsel

## Davis, Jeff

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**From:** dillon@casstel.net  
**Sent:** Friday, March 25, 2005 9:39 AM  
**To:** Jeff.davis@psc.mo.gov; Connie.murray@psc.mo.gov  
**Cc:** geflink@comcast.net

**Attachments:** DSCN0003[1].jpg; Sign+[1].pdf



DSCN0003[1].jpg  
(400 KB)



Sign+[1].pdf (766  
KB)

Dear Commissioners:

As I testified at the 3/15/05 public hearing, after speaking with representatives of Aquila, they changed the vehicle used to patrol our neighborhood. They began using an unmarked car with a license traced to Enterprise rental company. The frequency of the patrols and the "route" of the vehicle are the basis for my contention that it was Aquila continuing to patrol.

Friday evening 3/18/05, shortly after 8 p.m. as I was returning home, I met the car. The car turned around and followed me flashing his headlights. I turned west on 241st street. The car stopped at 241st and Harper Rd. and sat there several minutes. I went to a neighbor who agreed to follow me home. The car was gone from 241st and Harper, but turning south on Harper Rd. I saw the car sitting with lights off. He turned the lights on and drove north towards me and paused in front of my driveway as if to block it. I pulled in my driveway as the car turned around to come back towards my house. Not wanting a confrontation at my home, I then went north on Harper Rd to another neighbor until I felt I could return home without being harassed.

Since this time I have not seen any vehicle behaving as if they are patrolling the neighborhood. If they are still patrolling, they are doing it non-harassing manner. On a different subject, across the road from my front yard is a sign posted on Aquila property stating in part "This facility is under recorded electronic surveillance." If that's the case, then I assume they are able to record the activities at my home and others nearby. I consider this an invasion of privacy. In addition to the sign in front of my property, every house across the road from Aquila's property has a sign directly in front of the home. A picture of the sign is attached.

I've wondered if there is surveillance equipment on the crane that is in the air most of the time; also attached.

Frank Dillon



