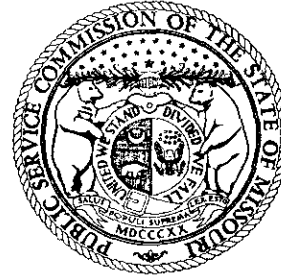


Notice of *Ex Parte* Contact

TO: Data Center
All Parties in Case No. EA-2005-0248
All Commissioners



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

DATE: May 6, 2005

On May 3, 2005, we received the attached document from Natalie Stephenson. The Commission will be considering the issues discussed in this document in Case No. EA-2005-0248. Case No. EA-2005-0248 is a contested case. The Commission is bound by the same *ex parte* rule as a court of law.

Although communications from members of the public 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), when a communication (either oral or written) occurs outside the hearing process, any member of the Commission or the Regulatory Law Judge who received the communication shall prepare a written report concerning the communication and submit it to 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 substance of the communication and the relationship of the communication to a particular matter at issue before the Commission.

Therefore, this report is submitted 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: Interim Executive Director
Secretary/Chief Regulatory Law Judge
General Counsel

Subject: FW: Concerns regarding the PSC handling of Case No. EA-2005-0248

Importance: High

-----Original Message-----

From: Stephenson, Natalie S [CC]
To: Jeff.davis@psc.mo.gov; Connie.murray@psc.mo.gov; Steve.gaw@psc.mo.gov;
Robert.clayton@psc.mo.gov; Linward.appling@psc.mo.gov; wess.henderson@psc.mo.gov
Cc: john.coffman@ded.mo.gov
Sent: 5/3/05 4:53 PM
Subject: Concerns regarding the PSC handling of Case No. EA-2005-0248

With regard to the proceedings surrounding Aquila's South Harper pet project (EA-2005-0248), or more specifically:

In the Matter of the Application of Aquila, Inc., for)
specific confirmation or, in the alternative, issuance)
of a certificate of convenience and necessity)
authorizing it to construct, install, own, operate,)
control, manage, and maintain a combustion turbine)
electric generating station and associated electric)
transmission substations in unincorporated areas)
of Cass County, Missouri near the town of Peculiar.)

I have several commendations, as well as a number of complaints, I believe need to be recognized and addressed by the MO Public Service Commission.

First of all, with regard to the public hearing held on March 15, 2005, I strongly believe the PSC misrepresented its intention with the following from the Informational Sheet on Aquila Case. "When this case comes before the Commission for a final decision, the parties may argue both the need for the new facilities, as well as the proper location. The Commissioners are here, tonight, to hear your input as they prepare for that hearing later this month."

Of grave concern, is that nearly half the Commissioners were, in fact, not present that night. (You invited us to your 'party,' and you didn't show up.) This act of omission speaks volumes and lends credence to my theory that some of the Commission might not have bothered to review the case material at all, which one could infer is evidenced by the majority decision.

Secondly, the PCS represented that they would consider "both the need for the new facilities, as well as the proper location." It is painfully clear that the Commission did not even know where "the location" was prior to the public hearing. With the exception of Commissioner Gaw and, perhaps, the public counsel, this crucial aspect was apparently swept under the carpet in order to grant Aquila the timely 'wink and nod' of approval it so desperately sought in an overt attempt to undermine the authority of Cass County, an authority which the PSC consistently claims "has the final determination in this matter."

Given all this, I can only question whether the PSC itself has any inkling as to what authority it possesses. Having been contacted about this matter previously, on numerous occasions, the Commission claimed no authority (as evidenced by Julie Noonan's testimony) and yet, Commissioner Appling, speaks these words in his closing remarks: "We need to get

involved in this process much earlier before a company gets this far down the road."
(Excuse me? We invited you to our 'party,' and you didn't show up.)

Worse yet, I wonder whom the PSC truly serves. I was under the impression it was the public, (hence the name Public Service Commission), but that I see that must be a euphemism. I hesitate to discount the few Commissioners that attended the hearing and actually paid attention, but when I heard: "Ma'am, this is back to the emissions question, and I'm seriously completely ignorant of this. I have never heard of there ever being any emissions problem with a natural gas plant," I about fell out of my seat! I am left to conclude that the only real interests the PSC serves are those so sickeningly predominant in society today: The old boys with the big bucks -- at any cost to those who would be trampled and maimed by them.

I think I can speak for all of us 'out here' by saying we are sick to death of flagrant lies, misrepresentations, and false promises. And, I am beyond dismayed and disappointed by the Majority actions on this matter.

To the contrary, I'd be happy to start a fan club for Commission Gaw, a rare find who did his homework and produced an excellent essay on the issue that was before you. Likewise, John Coffman deserves commendation for seeing through the transparent veil of Aquila's manipulation to which the Majority has so blindly yielded.

I submit these comments in foolish optimism that you will take future matters with a greater degree of seriousness and personal responsibility.

With the utmost sincerity,

Natalie Stephenson

24215 S Chadwick Drive

Peculiar, MO 64078