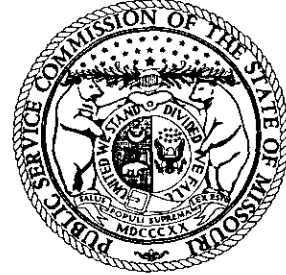
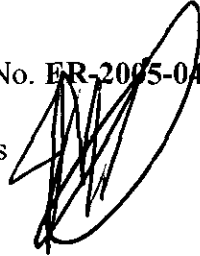


Notice of *Ex Parte* Contact

TO: Data Center
All Parties in Case No. **ER-2005-0436**

FROM: Chairman Jeff Davis

DATE: June 6, 2005



On June 3, 2005 I received a telephone call from Mr. Jose Alamonta regarding the Aquila rate case. Mr. Alamonta asked if Aquila's recent tender offer would be factored into their rate case. I replied that I could not answer his question, but, in general, all parties are allowed ample opportunity to present new evidence and have it considered. The Commission is currently considering issues related to this conversation in case **ER-2005-0436** which is a contested case. 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, I submit this report pursuant to the rules cited above. This will ensure that any party to this case will have notice of this conversation and a full and fair opportunity to respond to it.

cc: Commissioners
Executive Director
Secretary
General Counsel