

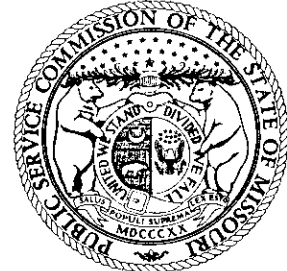
Notice of *Ex Parte* Contact

TO: Data Center
All Parties in Case No. **ER-2007-0004**

FROM: Commissioner Steve Gaw



DATE: February 22, 2007



On January 22, 2007, I received a telephone call from Ted Turner, the Mayor of Peculiar, Missouri, regarding the pilot payments made by Aquila's South Harper Plant to the city of Peculiar and then distributed. Mr. Turner's understanding was that any legal fees associated with Aquila's South Harper Plant would be paid by Aquila. However, Mr. Turner informed me that these legal fees have been deducted from the pilot payments made to the city, reducing the city's payment. This information was similar to that given in an article in the Kansas City Star soon after the aforementioned call. In an abundance of caution, I am filing this notice, since the Commission has an active case involving Aquila, ER-2007-0004, 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 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 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 the attached information and a full and fair opportunity to respond to the comments contained therein.

cc: Commissioners
Executive Director
Secretary/Chief Regulatory Law Judge
General Counsel