

MEMORANDUM OF EX PARTE CONTACT

FROM: Ron Pridgin, Senior Regulatory Law Judge

DATE: October 12, 2010

RE: **Files No. ER-2010-0355 and ER-2010-0356**

At approximately 9:30 this morning, Robert Wagner, an intervenor in the above-styled case, left me a voicemail. I returned his call, and Mr. Wagner asked me about how to get certain matters into evidence at the hearing.

I told him I couldn't answer his question, other than to direct him to Commission rules on evidence. He further asked specifically how to get rate schedules from other states into evidence. I informed him I couldn't answer, because I am a judge, and am not allowed to assist a party in presenting evidence. I further stated that I didn't know what objection, if any, a party may raise. He then stated he needed to know how to deal with possible objections, as he is a pro se intervenor and does not have a legal background.

At that point, I apologized and informed him I believed his questions were improper under Commission rules, I could no longer speak to him about this, and that I would have to file a notice in the case about the conversation. He then asked about how to set up a telephone conference regarding a discovery dispute, which I believe to not be an improper ex parte contact. The phone call lasted approximately five minutes.

This memo is to satisfy the requirements of Commission Rule 4 CSR 240-4.020(3) and (4). Under Commission Rule 4 CSR 240-4.020(4), the person initiating an ex parte communications has a duty to give notice of the communication in the

case file within three business days following the communication. Under Commission Rule 4 CSR 240-4.020(15), the Commission may issue an order to show cause why sanctions should not be ordered against any party engaging in an ex parte communication and against any party who fails to file notice of an ex parte communication.