

**BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI**

In the Matter of a Review of the Missouri	)	
Public Service Commission's Standard of	)	<b><u>Case No. AO-2008-0192</u></b>
Conduct Rules and Conflicts of Interest Statute	)	

**PUBLIC COUNSEL'S RESPONSE TO REQUEST FOR FILING**

COMES NOW the Office of the Public Counsel and for its Response to Request for Filing states as follows:

1. At the roundtable meeting on January 7, Chairman Davis asked that the specific portions of the Slavin<sup>1</sup> case that refer to a PSC Commissioner's compliance with the standards of judicial conduct be filed.

2. There are two such passages: "However, the courts in this state have held officials occupying quasi-judicial positions to **the same high standard as apply to judicial officers** by insisting that such officials be free of any interest in the matter to be considered by them" and "It is clear from King's Lake, Forest Hills Utility Company, and American General Insurance that **the same standards and rules apply to quasi-judicial officers** as to judicial officers."<sup>2</sup> The Slavin court could have limited its decision by simply saying that a quasi-judicial officer shall not participate in a case in which she has a specific interest, but it did not. The Slavin decision speaks much more broadly of applying the "same [judicial] standards and rules" to PSC Commissioners as are applied to judges.

WHEREFORE, Public Counsel respectfully submits this Response to Request for Filing.

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<sup>1</sup> Union Electric Co. v. Public Service Com., 591 S.W.2d 134 (Mo. Ct. App. 1979)

<sup>2</sup> Ibid., at 137 and 139.

Respectfully submitted,

OFFICE OF THE Public Counsel

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By: \_\_\_\_\_

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**CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing have been mailed, emailed or hand-delivered to the following this 10<sup>th</sup> day of January 2008:

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