

## Notice of *Ex Parte* Contact

TO: Data Center  
All Parties in **Case No. ER-2009-0089**

FROM: Chairman Robert M. Clayton III  
Commissioner Connie Murray  
Commissioner Jeff Davis  
Commissioner Kevin Gunn



DATE: March 19, 2009

On March 19, 2009, the following email and attached letter were received. This case, ER-2009-0089, is a contested case. The Commission is bound by its *ex parte* rule, and, we are therefore giving notice to the parties this communication has been received.

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 from any person interested in a case (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, we 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

## Neuner, Joyce

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**From:** Gunn, Kevin  
**Sent:** Thursday, March 19, 2009 10:31 AM  
**To:** Neuner, Joyce  
**Subject:** FW: letter of concern with KCP&L

**Attachments:** Tommy's\_Letter\_for\_KCP&L\_Financing\_Problem[1].doc



Tommy's\_Letter\_for  
\_KCP&L\_Finan...

We should do an ex parte or external communication with this letter.

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

**From:** fatka5@charter.net [mailto:fatka5@charter.net]  
**Sent:** Thursday, March 19, 2009 10:19 AM  
**To:** Clayton, Robert; Murray, Connie; jeff.davis@mo.gov; Jarrett, Terry; Gunn, Kevin; wass.henderson@psc.mo.gov; Drewel, Debi; Boone, Robert; Kelly, Kevin; Dale, Cully; Fred, Gay  
**Subject:** letter of concern with KCP&L

Please feel free to contact me with any questions.  
This letter has been forwarded to the State Capital and the White House

Tommy Fatka  
Director of Sales and Marketing  
Air Design Heating and Cooling  
660-429-4800

## **Air Design Heating & Cooling**

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3/13/2009

Missouri Public Service Commission:

Dear Chairman, Commissioners, and Directors,

It has recently come to my attention that Kansas City Power and Light (KCP&L) will soon be filing a motion to discontinue its financing program that currently benefits thousands of current and potential customers. It is stated in the mission of the Missouri Public Service Commission that consumers have access to safe, reliable, and reasonably priced utility service and that the providing companies earn a reasonable return on their investment. Discontinuing this financing program would be very detrimental to people not able to afford high efficiency heating and cooling equipment. The American Recovery and Reinvestment Plan, recently signed into law by the President of the United States of America, provides incentives for Americans to move toward more efficient HVAC technologies. With the United States economy currently in the worst slump since the 1930's, it is vitally important to the citizens of Missouri and to the nation as a whole to have access to the stimulus programs that have been developed to help them. The financing program that KCP&L currently offers (and is intending to end) provides financial access for more efficient heating and cooling equipment to citizens who otherwise would not be able to afford it. The KCP&L financing program is not a free service. We believe it provides them with a reasonable return on their investment. This program provides a return of 2% above the prime lending rate, while the average American citizen is finding it hard to get above a 2% return on a certificate of deposit. Discontinuing this program would not only have a negative effect on the consumers seeking high efficiency HVAC equipment that would provide them with lower utility bills, it would have a very negative effect on the ability of HVAC contractors to stay in business. With our economy in a tough recession and the predictions stating that it will get worse before it gets better, the average American homeowner is finding it hard to write a check for new HVAC equipment, be it high efficiency or not. I would submit that more businesses closing in Missouri is not what our already troubled economy needs. I find it truly ironic that KCP&L would choose to support Senate Bill No.376 and then choose to make it harder for their consumers to take advantage of the higher efficiency technologies, or simply to switch from R-22 refrigerant to R-410A refrigerant (a more ecologically friendly refrigerant). I would like to thank Kansas City Power and Light for providing this consumer friendly financing service for the past several years. It has solidified at least part of our worsening economy and I would urge them to keep it in place. I believe it is imperative for the commissioners to take into consideration the

detrimental effect that allowing this motion to move forward would have on both consumers and all businesses involved.

Thank You for your consideration of this matter,

“It is sobering times that we are in. You are our hope, the ones we are looking to as the future to create and retain jobs and create growth. I’m excited to see what you have done—and can do—to improve the future of Missouri.” ~Missouri Senator David Pearce

“From the Mark Twain National Forest to the mighty Mississippi River, our great state of Missouri has many abundant and beautiful natural resources. Today, as we celebrate Earth Day, people across the globe are standing up and calling for governments and corporations to pay closer attention to the way we treat the environment. I grew up enjoying the sunshine and the outdoors and I want my children and my children’s children to enjoy the same environmental treasures in Missouri that I did as a child. But taking care of the environment goes beyond the importance of keeping our forests and rivers clean. As the price of oil continues to hit record levels per barrel it is time to stand up for our planet, reduce carbon emissions, invest in renewable energy and lessen our dependence on oil. Clean, renewable energy production creates jobs right here in America. I challenge my fellow Missourians to take action in honor of Earth Day. Real change starts small, but if we work together, we can produce big results that will benefit both our environment and our economy for generations to come.”

~ Missouri Senator Claire McCaskill

“I was pleased to hear President Obama mention the importance of solving our credit crisis and moving to energy independence and look forward to partnering with him on these critical issues.” ~Missouri Senator Kit Bond

“To turn this economy around, the Governor knows we must make energy as affordable as possible for Missouri consumers and businesses.” ~Jack Cadetti, Spokesman for Missouri Governor Jay Nixon

“Expanding the production of alternative energy and creating next generation jobs aren’t things government can do alone.” ~Mark N. Templeton, Director of the Missouri Department of Natural resources

“Finding new energy solutions and protecting our natural resources are the keys to Missouri’s environmental and cultural resources. These energy solutions will lessen our dependence on foreign oil, create next generation jobs and help turn this economy around.” ~Missouri Governor Jay Nixon

“It’s clear that Missouri families are hurting. We learned today that January saw another discouraging increase in the number of unemployed Missourians, even though the state was already at a 25 year high. That is unacceptable. It is clear that the status quo just

will no do. Our families, our businesses, and our communities need swift action to get our economy moving in the right direction.” ~Missouri Governor Jay Nixon

“For Missouri’s economy to get back on the right track and for us to create good paying jobs, we must do everything we can to encourage the development and growth of small businesses like this. That’s why my Show Me Jobs plan is all about putting Missourians back to work and supporting small businesses growth during these difficult times.  
~Missouri Governor Jay Nixon

“Jobs are the lifeblood of our economy. When jobs are lost and shut down, communities suffer and people start losing hope.” ~Missouri Governor Jay Nixon

“Small businesses give our communities character and they make our main streets vibrant. We must renew our efforts to help small businesses thrive and prosper.”  
~Missouri Governor Jay Nixon

“We must help small business grow. And we must invest in technology, science, and innovation to create the next generation of jobs we need to compete in the 21<sup>st</sup> Century. We must create new jobs and we must do it now.” ~Missouri Governor Jay Nixon

“President Obama has laid out an ambitious agenda to put millions of people to work by investing in clean energy technology like geothermal energy.” ~Steven Chu, Energy Secretary of the United States of America

“The administration is committed to funding important research like this to transform the way we use and produce energy and reduce our dangerous dependence on foreign oil.”  
~Steven Chu, Energy Secretary of the United States of America

“We will soon lay down thousands of miles of power lines in addition to vowing to help make our homes and buildings more efficient so that we can save billions of dollars on our energy bills.” ~Barack Obama, President of the United States of America

“We know the country that harnesses the power of clean, renewable energy, will lead the 21<sup>st</sup> Century.” ~Barack Obama, President of the United States of America

Respectfully Submitted,

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