Notice of *Ex Parte* Contact

TO: Data Center
        All Parties to Case No. GC-2006-0390

FROM: Nancy Dippell
        Deputy Chief Regulatory Law Judge

DATE: December 13, 2006

On December 11 and 12, 2006, Chairman Jeff Davis, Commissioner Connie Murray, Commissioner Steve Gaw, Commissioner Robert M. Clayton III, Commissioner Lin Appling, and I received the attached letter from an anonymous writer. The letter was accompanied by a DVD labeled "AMR test," which appears to show two automated meter reading devices allegedly working improperly   The Commission is currently considering the issues discussed in the letter in Case No. GC-2006-0390, which is a contested case. In contested cases, the Commission is bound by the same *ex parte* rule as a court of law; that is, to avoid off-the-record discussions going to the merits of the contested case.

Although communications from members of the public are always welcome, those communications relating to a contested case must be made known to all parties to the contested case so that those parties have an opportunity to respond. According to the Commission's rules (4 CSR 240-4.020(8)), when a communication (either oral or written) concerning a contested case occurs outside the hearing process, any member of the Commission or Law Judge who received the communication must prepare a written report concerning the communication and submit it to each member of the Commission and to the parties to the case. The report must identify the person or persons 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.

Attachment

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