

Notice of *Ex Parte* Contact

TO: Data Center
All Parties to Cases No. ER-2007-0002
and EO-2007-0037

FROM: Cherlyn D. Voss
Regulatory Law Judge

DATE: January 3, 2007



On January 3, 2007, Chairman Jeff Davis, Commissioner Steve Gaw, Commissioner Lin Appling, and I received the attached e-mail communication from Ms. Cheryl Nelson, 5th Ward Committeewoman for the City of St. Louis. The Commission is currently considering the issues discussed in this e-mail in Cases No. ER-2007-0002 and EO-2007-0037, both of which are contested cases. 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 must be made known to all parties to a 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 shall 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 on behalf of myself and the afore-mentioned Commissioners pursuant to the rules cited above. This will ensure that any party to Cases No. ER-2007-0002 and EO-2007-0037 will have notice of the attached information and a full and fair opportunity to respond to the comments contained therein.

Attachment

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