

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

The Staff of the Missouri Public Service Commission,	)	
	)	
	)	
Complainant,	)	
	)	Case No. WC-2008-0405
v.	)	
	)	
Dale Whiteside and Whiteside Hidden Acres, L.L.C.	)	
	)	
Respondents.	)	

**NOTICE OF INTENTION TO USE BUSINESS RECORDS AS SUBSTANTIVE  
EVIDENCE AT THE HEARING OF THIS MATTER  
PURSUANT TO SECTION 490.692**

The undersigned gives notice that Complainant will use the attached affidavits and the accompanying business records as substantive evidence in the hearing of this matter on January 20-21, 2009, or a later date if the hearing is continued. Section 490.692 specifically provides for the use of such affidavits and records without the need for a record custodian. The records are identified as follows:

Missouri Department of Natural Resources # 20001-20114  
Missouri Department of Natural Resources # 020115-020124

Respectfully submitted,

**/s/ Jennifer Hernandez**  
Jennifer Hernandez  
Missouri Bar No. 59814

Steven C. Reed  
Missouri Bar No. 40616

Attorneys for the Staff of the  
Missouri Public Service Commission  
PO Box 360  
Jefferson City, MO 65102  
(573) 751-8706 (Telephone)  
(573) 751-9285 (Fax)

**CERTIFICATE OF SERVICE**

I hereby certify that copies of the notice, affidavits, and business records were delivered by first class mail postage prepaid to Lisa Henderson, Attorney for Respondents, and hand delivered to Christina Baker, Office of the Public Counsel, on this 8th day of January, 2009.

**/s/ Jennifer Hernandez**

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Commission, )

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v. )

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Dale Whiteside and Whiteside Hidden )

Acres, )

Respondents. )

THE STATE OF MISSOURI

COUNTY OF COLE

**AFFIDAVIT**

Before me, the undersigned authority, personally appeared  
Ellen Harrel, who, being by me duly sworn, deposed as follows:

My name is Ellen Harrel, I am of sound mind, capable of  
making this affidavit, and personally acquainted with the facts herein stated:

I am the custodian of the records of the Missouri Department of Natural Resources Water Protection Program. Attached hereto are 114 pages of records from the Missouri Department of Natural Resources. These 114 pages of records are kept by the Missouri Department of Natural Resources in the regular course of business, and it was the regular course of business of the Missouri Department of Natural Resources for an employee or representative of the Missouri Department of Natural Resources with knowledge of the act, event, condition, opinion, or diagnosis recorded to make the record or to transmit information thereof to be included in such record; and the record was made at or near the time of the act, event, condition, opinion or diagnosis. The records attached hereto are the original or exact duplicates of the original.

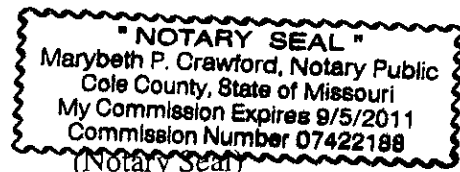
Ellen Harrel

Affiant

In witness whereof I have hereunto subscribed my name and affixed my official seal this  
22<sup>nd</sup> day of OCTOBER, 2008.

Marybeth P. Crawford

(Signed by Notary)



BEFORE THE PUBLIC SERVICE COMMISSION  
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The Staff of the Missouri Public Service  
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THE STATE OF MISSOURI

COUNTY OF COLE

**AFFIDAVIT**

Before me, the undersigned authority, personally appeared  
Ellen Harrel, who, being by me duly sworn, deposed as follows:

My name is Ellen Harrel, I am of sound mind, capable of  
making this affidavit, and personally acquainted with the facts herein stated:

I am the custodian of the records of the Missouri Department of Natural Resources Water  
Protection Program. Attached hereto are 10 pages of records from the Missouri Department  
of Natural Resources. These 10 pages of records are kept by the Missouri Department of  
Natural Resources in the regular course of business, and it was the regular course of business of  
the Missouri Department of Natural Resources for an employee or representative of the Missouri  
Department of Natural Resources with knowledge of the act, event, condition, opinion, or  
diagnosis recorded to make the record or to transmit information thereof to be included in such  
record; and the record was made at or near the time of the act, event, condition, opinion or  
diagnosis. The records attached hereto are the original or exact duplicates of the original.

Ellen Harrel

Affiant

In witness whereof I have hereunto subscribed my name and affixed my official seal this  
7<sup>th</sup> day of January, 2009.

Marybeth P. Crawford

(Signed by Notary)

