

Notice of *Ex Parte* Contact

TO: Records Department:
All Parties in Case No. **IR-2004-0272**
All Commissioners



FROM: Commissioner Robert M. Clayton III *RC*

DATE: March 18, 2004

On March 18, 2004, the attached letter was received from Jim Cunningham. The Commission is currently considering the issues discussed in this document in Case No. **IR-2004-0272** and is bound by the same *ex parte* rule as a court of law.

Although communications from the Company or the public 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), when a communication (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 substance of the communication and the relationship of the communication to a particular matter at issue before the Commission.

Therefore, this report is submitted 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: Executive Director
Secretary/Chief Regulatory Law Judge
General Counsel



March 15, 2004

Commissioner Robert M Clayton
Missouri Public Service Commission
Governor Office Building
200 Madison Street, P.O. box 360
Jefferson City, MO. 65102

Dear Commissioner Clayton:

During the Public Hearing on March 9, 2004, in Sullivan, MO. regarding Case No. IR-2004-0272, on Fidelity Telephone Company's request for a rate increase, Mr. James Lux gave statements in his testimony of ongoing trouble with his phone service. This was the only testimony of service problems in either of the Public Hearings that I am aware of.

I am enclosing a copy of the trouble ticket history, as well as the individual trouble tickets. You will notice there are five reports, dating back to June 9, 1993. The most recent report was made October 25, 2002. This report was cleared with the code indicating the trouble was in the customer -owned equipment. I have reviewed Mr. Lux's bill, and he does not subscribe to our inside wire maintenance service.

An appointment was made with Mr. Lux for one of our technicians to check his line March 12, 2004. I am enclosing pictures of a customer- owned interior jack that had been installed out in the weather with no cover. The interior wire going to the jack was taped at a damage spot and had other damage spots that were not taped. Corrosion can be seen at the modular jack coupling. The red lead broke loose in the process of removing and bringing the jack in to be photographed.

After the customer- owned equipment was removed from the network interface device, a test was taken on the complete line. I am enclosing the results from that test, which are all within limits. While I am confident we have resolved Mr. Lux's trouble, he has been encouraged to report any trouble he has to our service center.

We here at Fidelity Telephone Company are very concerned about quality of service and regret any inconvenience that Mr. Lux has experienced as a result of repeat trouble. Please contact me if I can provide any more information on this matter.

Sincerely,

A handwritten signature in cursive script that reads "Jim Cunningham".

Jim Cunningham
Vice President Operations