

**SERVICE LIST FOR
CASE NO: TW-97-333**

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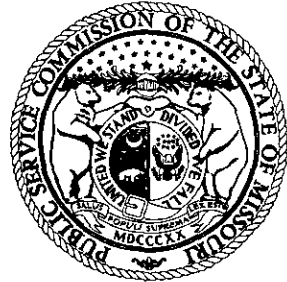
Notice of *Ex Parte* Contact

FILED
JAN 15 1998
MISSOURI
PUBLIC SERVICE COMMISSION

TO: Records Department: All Parties in Case No. TW-97-333
All Commissioners

FROM: Chairman Sheila Lumpe

DATE: January 15, 1998



On **January 15, 1998**, I received the attached document from **Connie Whitacre**. The Commission is currently considering the same issues as to those set out in this document in Case No. **TW-97-333**. The Commission is bound by the same *ex parte* rule as a court of law.

Pursuant to 4 CSR 240-4.020(4) it is improper for any person to attempt to sway the judgement of the Commission by undertaking, directly or indirectly, outside the hearing process, to bring pressure or influence to bear upon the Commission, or the Regulatory Law Judge assigned to the proceeding.

Whenever such contact might occur 4 CSR 240-4.020(a) states: as *ex parte* communications (either oral or written) may occur inadvertently, any member of the Commission or Regulatory Law Judge who received the communication shall immediately prepare a written report concerning the communication and submit it to the Chair and each member of the Commission. 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, out of an abundance of caution, I think it appropriate to submit this notice of *ex parte* contact pursuant to the standards set out in 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

January 13, 1998

Chairman Sheila Lumpe
Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO 65102

RECEIVED

JAN 15 1998

RE: Elimination of COS to Bernie subscribers

CHAIRMAN'S OFFICE

Dear Madam Chairman,

I was recently informed, along with the other customers of the BPS telephone system in Bernie Missouri, that the PSC has ruled to eliminate our Community Optional Service because it is "scarcely used". This notice is enclosed for your information. I would like to know how this program became the discussion of the PSC and who petitioned for it's elimination.

This ruling is disturbing for several reasons. One of which is the fact that we have no exchange in Bernie, there is no other community that we can call without incurring a toll charge. We are a very small community and many of us work and conduct business in the surrounding communities, of which Dexter is the largest. My particular situation is that I work in Dexter and the COS is greatly used by my family. I have two school age children and it is important that they can contact me at work and I can contact them at home, and the COS has made this much more affordable for us as a family. The program's elimination is going to create a great hardship on me and my family.

Additionally, I find it hard to believe that the Commission could make the determination that this is a "scarcely used" program without even consulting the subscribers of the program. The first indication that there was any consideration on the Commission's part regarding this program was when we were informed that it was being eliminated. I was not contacted as to my use of the program and neither was anyone else in the community to whom I have talked, and this has been a lively topic recently. It seems that the Commission would have consulted us regarding the possible elimination of the program since we are the group that will be mostly effected. I find it disturbing that we were informed only after the Commission had ruled on the issue and were not allowed to be party to any research or investigations as to the viability of the program.

I want to go on record to state that I strongly protest the elimination of the COS program to Bernie subscribers. As a small community, it is many times a struggle for us to receive quality service and we have few options as to the vendors offering their services to us. This COS program is very beneficial to Bernie subscribers, both private and business. The elimination of the program will create a great hardship on us as individuals and also to our business community, which in turn will adversely effect the individuals in the community.

As indicated below, I am sending a copy of this correspondence to the Office of Public Counsel. I ask that you reconsider your ruling.

Sincerely,

Connie Whitacre

Connie Whitacre
P.O. Box 38
Bernie, MO 63822

Enc.

copy: Martha Hogerty
Office of Public Counsel
Missouri Public Service Commission
P.O. Box 7800
Jefferson City, MO 65105



Commissioners

SHEILA LUMPE
Chair

HAROLD CRUMPTON

CONNIE MURRAY

M. DIANNE DRAINER
Vice Chair

Missouri Public Service Commission

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Executive Secretary

WESS A. HENDERSON
Director, Utility Operations

GORDON L. PERSINGER
Director, Advisory & Public Affairs

ROBERT SCHALLENBERG
Director, Utility Services

DONNA M. KOLILIS
Director, Administration

DALE HARDY ROBERTS
Chief Administrative Law Judge

DANA K. JOYCE
General Counsel

January 15, 1998

Connie Whitacre
P.O. Box 38
Bernie, MO 63822

Dear Ms. Whitacre:

The Commission appreciates knowing your opinion.

This case is an open case, so I cannot comment on it. Your letter will be shared with all the Commissioners and be placed in the official file so all the parties can view it.

Thank you for taking the time to write.

Sincerely,

A handwritten signature in cursive script that reads "Sheila Lumpe".

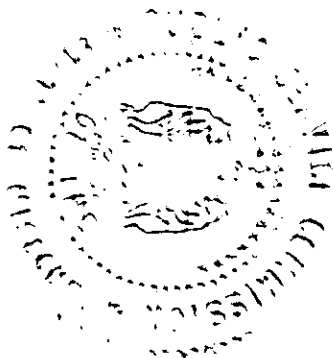
Sheila Lumpe

cc: Commissioners

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

**I have compared the preceding copy with the original on file in this office and
I do hereby certify the same to be a true copy therefrom and the whole thereof.**

**WITNESS my hand and seal of the Public Service Commission, at Jefferson City,
Missouri, this 16th day of January, 1998.**



Dale Hardy Roberts

**Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge**