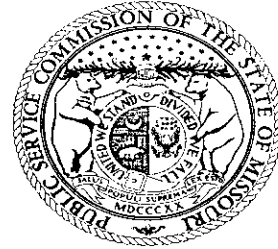
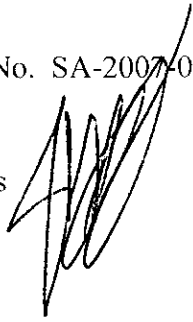


## Notice of *Ex Parte* Contact

TO: Data Center  
All Parties in Case No. SA-2007-0373  
All Commissioners

FROM: Chairman Jeff Davis

DATE: December 13, 2007



On December 10, 2007, at 1:35 p.m., I received a phone call from State Representative Sally Faith (R-St. Charles). I subsequently returned her phone call. Representative Faith informed me that she had been contacted by Don Collier, who was developing the Jaxon subdivision near Moscow Mills, Missouri, in north St. Charles County. Mr. Collier had requested a "certificate," staff had filed a recommendation in early October and he was still awaiting his permit. I told Representative Faith that I would look into the matter and get back to her.

I inquired of Chief Regulatory Law Judge Cully Dale who informed me that Judge Kennard Jones was assigned to the case and that based on her review, the case was uncontested and we ought to be able to produce an order in the next week.

I called Representative Faith back and left her a message that the case would be on the agenda for a decision in the next week. I subsequently spoke to Judge Jones who informed me that an opinion in the case was already being circulated to the Commission for discussion at this Thursday's agenda. I next received a phone message from Don Collier, asking when the case would be put on agenda. I did not speak to him. I directed Mark Hughes, my Chief of Staff, to call him back and tell him an order would be on for this Thursday. Mark did not tell him what kind of order.

Although communications from the public and members of the Legislature 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 240-4.020(8)), when a communication (either oral or written) occurs outside the hearing process, any member of the Commission or the 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 information and a full and fair opportunity to respond to the comments contained therein.

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