

# BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of the Application of	)	
Peaceful Valley Service Company's Request	)	<b><u>File No. SR-2014-0153</u></b>
For Increase in Sewer Operating Revenues	)	Tracking No. YS-2014-0425

In the Matter of the Application of	)	
Peaceful Valley Service Company's Request	)	<b><u>File No. WR-2014-0154</u></b>
For Increase in Water Operating Revenues	)	Tracking No. YW-2014-0426

## **NOTICE OF COMMUNICATION**

Issue Date: August 28, 2014

On August 27, 2014, the Office of the Pulic Counsel filed its *Notice of Objection to Ex Parte Communication* alleging an "ex parte communication" occurred in violation of Commission Rule 4 CSR 240-4.020. Commission Rule 4 CSR 240-4.020(1)(G) defines an "ex parte communication" to be a communication regarding any "substantive issue." Subsection (O) of the same regulation defines "substantive issue" as:

The merits, specific facts, claims, or positions which have been or likely to be presented or taken in a contested case. The term substantive issue does not include procedural issues, unless those procedural issues are contested or likely to materially impact the outcome of a contested case.

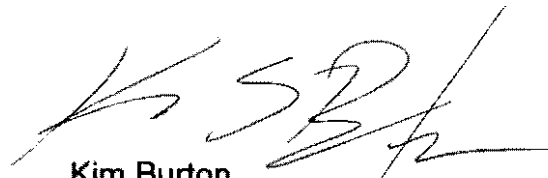
Although the communications identified by the Office of the Public Counsel only pertained to procedural issues and therefore are not considered prohibited ex parte communications, Presiding Officer Kim Burton provides the following notice:

On August 20, 2014, after the conclusion of the Missouri Public Service Commission's weekly agenda meeting at the Governor Office Building, I talked with Kevin Thompson, Chief Staff Counsel of the Missouri Public Service Commission about

procedural issues in File Nos. SR-2014-0153 and WR-2014-0154. I informed him that the Commission would like to ask the president<sup>1</sup> of Peaceful Valley Service Company ("company") some questions and was considering either subpoenaing him directly or issuing an order directing the Staff of the Commission to subpoena him to appear before the Commission. I informed Mr. Thompson that I was considering three possible dates –September 18, 22, or 23 – and would like to know what dates would work for the witness.

Mr. Thompson said he would contact the president of the company and see if he would be willing to appear voluntarily. The next afternoon I asked Mr. Thompson if he knew what dates would work and he informed me he had not heard back from the company's president but would let me know.

On August 26, 2014, Mr. Thompson sent me an email about available dates for the witness and cc'd on the email message Jim Busch, Utility Regulatory Manager for Water & Sewer. A copy of all messages in the correspondence chain is attached with this notice.

A handwritten signature in black ink, appearing to read 'KSB', is written over the printed name and title.

Kim Burton  
Regulatory Law Judge

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<sup>1</sup> The President of Peaceful Valley Service Company is August B. Hoernschemeyer.

**Burton, Kim**

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**From:** Thompson, Kevin  
**Sent:** Tuesday, August 26, 2014 4:30 PM  
**To:** Burton, Kim  
**Cc:** Busch, Jim  
**Subject:** RE: Peaceful Valley Service Co., SR-2014-0153 and WR-2014-0154

Thank-you!

Kevin A. Thompson  
Chief Staff Counsel  
Missouri Public Service Commission

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**From:** Burton, Kim  
**Sent:** Tuesday, August 26, 2014 4:30 PM  
**To:** Thompson, Kevin  
**Cc:** Busch, Jim  
**Subject:** RE: Peaceful Valley Service Co., SR-2014-0153 and WR-2014-0154

Thank you for the update. I'll check with the Commissioners' schedules to see what works best.

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**From:** Thompson, Kevin  
**Sent:** Tuesday, August 26, 2014 4:29 PM  
**To:** Burton, Kim  
**Cc:** Busch, Jim  
**Subject:** Peaceful Valley Service Co., SR-2014-0153 and WR-2014-0154

Judge—

I am advised that the president of the Peaceful Valley HOA is available on either 9-22 or 9-23 to come to Jefferson City to answer Commissioner questions.

Kevin A. Thompson  
Chief Staff Counsel  
Missouri Public Service Commission

**Burton, Kim**

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**From:** Busch, Jim  
**Sent:** Tuesday, August 26, 2014 4:32 PM  
**To:** Thompson, Kevin; Burton, Kim  
**Subject:** RE: Peaceful Valley Service Co., SR-2014-0153 and WR-2014-0154

Not a problem, Little Buddy.

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**From:** Thompson, Kevin  
**Sent:** Tuesday, August 26, 2014 4:32 PM  
**To:** Busch, Jim; Burton, Kim  
**Subject:** RE: Peaceful Valley Service Co., SR-2014-0153 and WR-2014-0154

Thanks for the clarification, Skipper!

Kevin A. Thompson  
Chief Staff Counsel  
Missouri Public Service Commission

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**From:** Busch, Jim  
**Sent:** Tuesday, August 26, 2014 4:31 PM  
**To:** Thompson, Kevin; Burton, Kim  
**Subject:** RE: Peaceful Valley Service Co., SR-2014-0153 and WR-2014-0154

If I could, he is not the president of the HOA. I made a mistake. He is the president of the utility company which is owned by the HOA.

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**From:** Thompson, Kevin  
**Sent:** Tuesday, August 26, 2014 4:29 PM  
**To:** Burton, Kim  
**Cc:** Busch, Jim  
**Subject:** Peaceful Valley Service Co., SR-2014-0153 and WR-2014-0154

Judge—

I am advised that the president of the Peaceful Valley HOA is available on either 9-22 or 9-23 to come to Jefferson City to answer Commissioner questions.

Kevin A. Thompson  
Chief Staff Counsel  
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