

## Notice of *Ex Parte* Contact

TO: All Commissioners  
All Parties to Case No. ER-2010-0036

FROM: Morris L. Woodruff  
Chief Regulatory Law Judge

DATE: February 22, 2010



On February 19, 2010, I received the attached letter via facsimile from Herbert C. Adams, Mayor of the City of Pacific. The Commission is currently considering some of the issues discussed in this letter in Case No. ER-2010-0036. This case is a contested case. In a contested case, the Commission is bound by the same *ex parte* rule as a court of law; that is, to avoid off-the-record discussions going to the merits of the contested case.

Although communications from members of the public are always welcome, those communications relating to a contested case must be made known to all parties to the contested case so that those parties have an opportunity to respond. According to the Commission's rules (4 CSR 240-4.020(8)), when a communication (either oral or written) concerning a contested case occurs outside the hearing process, any member of the Commission or Law Judge who received the communication must prepare a written report concerning the communication and submit it to each member of the Commission and to the parties to the case. The report must identify the person or persons 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, I submit this report 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.

Attachment

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