

Notice of *Ex Parte* Contact

TO: Data Center
All Parties in Case No. **ER-2010-0036**

FROM: Jeff Davis
Mark Hughes

DATE: January 6, 2010



On the evening of Tuesday, January 5, 2010, I was entering the local public hearing and received the attached document. On leaving the local public hearing in Hayti, Missouri, I was stopped by approximately two or three ladies who informed me that during the course of the hearing when I had asked the employees of the Fair Electricity Rate Action Fund (FERAF) in attendance at the hearing to identify themselves for the record, there was another gentleman wearing a blue shirt whom I had observed shooting video footage throughout the entire hearing who left the room in a hurry. I do not recall much about these ladies, I didn't get their names or initiate any contact with them. My personal advisor, Mark Hughes, noticed the gentleman shooting video earlier and had asked his name. He identified himself to Mark as "Isaac Wright" and that he was there videotaping for FERAF. This case, **ER-2010-0036**, is a contested case. The Commission is bound by its *ex parte* rule, and, I am therefore giving notice to the parties this communication has been received.

Although communications from members of 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 from any person interested in a case (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 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, we submit this report 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.

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

THE FAIR ELECTRICITY
RATE ACTION FUND
IS FIGHTING TO KEEP
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AFFORDABLE.



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Fair Electricity Rate Action Fund

36 Four Seasons Center #108

Chesterfield, MO 63017

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