

BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of a Review of the Missouri Public)
Service Commission's Standard of Conduct Rules)
and Conflicts of Interest Policies)

Case No. AO-2008-0192

NOTICE REGARDING EXTERNAL COMMUNICATION **COMMENTS FROM MS. HELEN H. SWYERS**

Issue Date: January 22, 2008

On January 17, 2008, Ms. Helen H. Swyers, mailed a letter to Cecelia Barr in the Commission's Consumer Services Division providing comments in relation to the Roundtable Discussion held in this matter. The salutation line is directed to all of the Commissioners. This letter was forwarded to the Regulatory Law Judge in this matter and the letter is attached to this Notice to ensure its filing in the Commission's Electronic Filing and Information System ("EFIS").

To be clear, the proceeding that was held on Monday, January 7, 2008, was a Roundtable Discussion. To quote directly from the Notice of Clarification that was issued on December 19, 2007:

Additionally, the Chairman wishes to stress that this is not an adversarial proceeding. This is not a "contested case," meaning a proceeding before the agency in which legal rights, duties or privileges of specific parties are required by law to be determined after hearing.¹ This is a workshop docket opened to receive input regarding the Commission's Standard of Conduct Rules, policies and practices and the Conflicts of Interest Statute.

Determination of contested cases involves the Commission's exercise of its judicial power. Workshop cases, such as these, do not constitute contested cases, even if they result in a determination that the Commission will engage

¹ Section 536.010(4), RSMo 2000.

in rulemaking. Rulemaking is an exercise of the Commission's legislative power.² In contrast to an adjudicatory, trial-type hearing in the nature of that in a contested case, workshop proceedings contemplate that the Commission, or this instance the Chairman, will meet interested members of the public face to face providing an opportunity for comments and presentations.³

At the Roundtable, the Chairman invited comments from the participants, as well as any other interested person, group or entity that was not in attendance the day of the Roundtable. Ms. Swyers' comments do not constitute an *ex parte* contact because this is not a contested case and there are no adversarial parties to this workshop. The Chairman welcomes comments from all interested persons and this notice is being filed to facilitate the filing of Ms. Swyers' letter in this docket.

BY THE COMMISSION



Colleen M. Dale
Secretary

(S E A L)

Dated at Jefferson City, Missouri,
on this 22nd day of January, 2008.

Stearley, Regulatory Law Judge

² "The identifying badge of a modern administrative agency is the combination of judicial power (adjudication) with legislative power (rulemaking)." *McNeil-Terry v. Roling*, 142 S.W.3d 828, 835 (Mo. App. 2004).

³ *State ex rel. Atmos Energy Corp. v. Public Service Com'n of State*, 103 S.W.3d 753, 759-760 (Mo. banc 2003).

Missouri Public Service
Commissioners

Commissioners-

Hope I am not late in protecting the new activity of by Jeff Davis, in changing the law about speaking to any one that is coming before you + retaining any record of same.

It seems similar to having a fox in the hen house.

We, as consumers should have a voice in the way our taxes are raised. And restore our faith in trust in your group.

Thanks for previous aiding me with my over charge on two utilities.

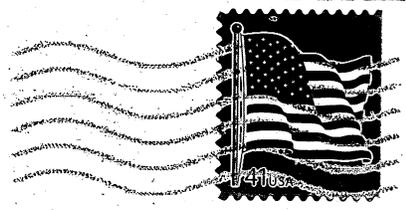
Sincerely,
Helen H. Swyers
3120 Skochelford
Florissant, Mo. 63031



Ms. Helen Swyers
3120 Shackelford Rd
Florissant, MO 63031-1006

ST. LOUIS MO 631

15 JAN 08 PM 04L



Missouri Public Service
Commission

Post Office Box 360
Jefferson City, Mo. 65102

Attn: - Ceelia Barr

