

**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) **Case No. AO-2008-0192**
and Conflicts of Interest Policies)

NOTICE REGARDING EXTERNAL COMMUNICATIONS;
COMMENTS FROM DAVID MOHN

Issue Date: January 28, 2008

On January 26, 2008, at approximately 4:49 p.m., Mr. David Mohn sent the Regulatory Law Judge in this matter an electronic mail message providing comments in relation to the Roundtable Discussion held in this matter. Consequently, those comments are attached to this Notice to ensure they are properly filed 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 in rulemaking. Rulemaking is an exercise of the Commission’s legislative

¹ Section 536.010(4), RSMo 2000.

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. Mr. Mohn's 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 Mr. Mohn's e-mail in this docket.

BY THE COMMISSION



Colleen M. Dale
Secretary

(S E A L)

Dated at Jefferson City, Missouri,
on this 28th 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).

From: damohnfamily@aol.com [mailto:damohnfamily@aol.com]
Sent: Saturday, January 26, 2008 4:49 PM
To: Stearley, Harold
Subject: South Harper Power Plant

Your Honor,

It seems incredulous you should be asked to weigh in on this matter. I can not think of another instance where an intentional, well organized, conspiracy, to illegally construct, and operate any industry has been allowed. Would we allow a casino to build whenever and where ever they decided they needed to? Would we allow a destination attraction to build and operate without meeting proper all legalities and zoning restrictions? Landfills? Quarries? We, the nearby county residents specifically and Missourians at large have suffered a great loss if Corporate greed is allowed to run ruff shod over the very laws designed to protect us. I trust you will see the danger in allowing big business or big government to operate without the legal constraint designed to protect our communities, and it's inhabitants. Any cost the utility might suffer due to their ill advised attempt to circumvent our laws, pale in light of the cost of our freedoms.

Thank you for your time.

David Mohn
8900 E 227th
Peculiar, MO.
1.5 miles from the plant.
