

IN THE IOWA DISTRICT COURT
FOR FOLK COUNTY

LISA KRAGNES,

Plaintiff,

vs.

CITY OF DES MOINES, IOWA,

Defendant.

Equity No. 49273

AFFIDAVIT IN SUPPORT OF
DEFENSE MOTION TO AMEND
AND ENLARGE FINDINGS AND
CONCLUSIONS TO FURTHER
DENY CLASS CERTIFICATION

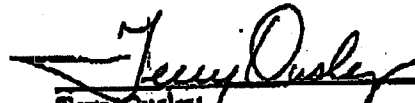
STATE OF IOWA)
) ss.
COUNTY OF MARION)

I, Terry Ousley, after first being duly sworn upon oath, do depose and state as follows:


1. This Affidavit is made of my personal knowledge.
2. At all times material hereto I have been Director of Customer Services for MidAmerican Energy or have held a similar title with similar duties.
3. As Director of Customer Services for MidAmerican Energy I am familiar with the invoices sent to our gas and electricity customers in the City of Des Moines and with the payments received from them.
4. Since July 1, 1999 no MidAmerican customer in the City of Des Moines has protested the payment of gas or electricity franchise fees.
5. Since July 1, 1999 no MidAmerican customer in the City of Des Moines has refused to pay all or any portion of any gas or electric franchise fee.
6. Since July 1, 1999 MidAmerican Energy has not threatened or otherwise compelled any customer in the City of Des Moines in any way, including that the customer's gas or electricity service would be discontinued if the customer did not pay a gas or electric franchise fee.

7. The MidAmerican Energy Company Quality department has responsibility to document any comments or protests regarding a gas or electric utility bill. That department maintains a database of such comments and protests which would include any protest to the payment of a gas or electric franchise fee or refusal to pay such fee. I reviewed the database for the period of July 1, 1999 through January 11, 2006. That database did not contain any notations regarding a protest of the payment of City of Des Moines gas or electric franchise fees, nor did it contain any notations regarding a refusal to pay all or any portion of the City of Des Moines gas or electric franchise fee.

FURTHER YOUR AFFIANT SAYETH NAUGHT.


Terry Ousley
Director of Customer Services
MidAmerican Energy

Subscribed and sworn to before me this 13th day of January, 2006.


Notary Public

