

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**

In the Matter of the Application of Missouri)
Gas Energy, a Division of Southern Union)
Company, for a Certificate of Public)
Convenience and Necessity Authorizing it to)
Construct, Install, Own, Operate, Control,)
Manage and Maintain a Natural Gas)
Distribution System to Provide Gas Service in)
Platte County, Missouri, as an Expansion of its)
Existing Certified Area.)

Case No. GA-2007-0289, et al.

YG-2008-0691

YG-2008-0703

**NOTICE OF CORRECTION TO APPENDIX A OF STAFF'S RECOMMENDATIONS AND
REQUEST TO REPLACE ORIGINAL WITH CORRECTED VERSION**

COMES NOW the Staff of the Missouri Public Service Commission (Staff) and for its Notice of Correction, states as follows:

On July 15, 2008, the Staff timely filed its *Staff Recommendations Regarding Compliance Tariff Filings Showing Certificated Service Areas*.

Page 1 of Appendix A of Staff's Memorandum regarding The Empire District Gas Company Tariff No. YE-2008-0703 should reflect the following corrected tariff dates:

SUBJECT: Staff Recommendation For **Approval** of Tariff Sheets Filed on May 23, 2008 To Comply With The Commission's ORDER DIRECTING FILING issued February 14, 2008.

"On May 23, 2008, The Empire District Gas Company (Empire or Company) of Joplin, Missouri, filed with the Commission four (4) tariff sheets with an issue date of May 23, 2008, and a proposed effective date of June 22, 2008 to be similar to the illustrative Original Sheet Nos. 4-7 attached as Appendix 1 to its application, ordered by the Commission in its REPORT AND ORDER issued February 14, 2008, effective February 24, 2008. These tariff sheets contain revisions of the Original Tariff Sheets containing *Authorized Service Territory – Gas*. On June 26, 2008, Empire extended the requested effective date to July 22, 2008¹, and filed substitute tariff sheets."

Page 2 of Appendix A of Staff's Memorandum regarding The Empire District Gas Company Tariff No. YE-2008-0703 should reflect the following corrected tariff dates:

"The Staff therefore recommends that the Commission issue an order approving the following proposed tariff sheets, as filed on May 23, 2008, and substituted on June 26, 2008 [*date filed in EFIS*], to become effective on July 22, 2008, as requested by Empire or permit the tariff sheets to go into effect by operation-of-law:"

These date changes are non-substantive. But to avoid any confusion, Staff has corrected Appendix A to reflect these tariff dates in the entire document and has attached a date-corrected copy of its Appendix A to replace the original Appendix A filed yesterday with Staff's Recommendations. Staff apologizes for any inconvenience these date errors may have caused.

WHEREFORE, Staff respectfully submits a date-corrected copy of its Appendix A and requests the Commission replace the original Appendix A filed on July 15, 2008, with the attached corrected Appendix A.

Respectfully submitted,

/s/ Robert S. Berlin

Robert S. Berlin
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Missouri Bar No. 51709

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Certificate of Service

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronic mail to all counsel of record this 16th day of July 2008.

/s/ Robert S. Berlin

MEMORANDUM

TO: Missouri Public Service Commission Official Case File
Case No. GA-2007-0289, et al., Tariff Tracking No. YG-2008-0703
The Empire District Gas Company

FROM: Tom Imhoff, Rate & Tariff Examination Supervisor, Project Coordinator
Henry Warren, Regulatory Economist II

/s/ Thomas M. Imhoff 7/16/08 /s/ Robert S. Berlin 7/16/08
Energy Department / Date General Counsel's Office / Date

SUBJECT: Staff Recommendation For **Approval** of Tariff Sheets Filed on May 23, 2008 To
Comply With The Commission's ORDER DIRECTING FILING issued February
14, 2008.

DATE: July 16, 2008

On May 23, 2008, The Empire District Gas Company (Empire or Company) of Joplin, Missouri, filed with the Commission four (4) tariff sheets with an issue date of May 23, 2008, and a proposed effective date of June 22, 2008 to be similar to the illustrative Original Sheet Nos. 4-7 attached as Appendix 1 to its application, ordered by the Commission in its REPORT AND ORDER issued February 14, 2008, effective February 24, 2008. These tariff sheets contain revisions of the Original Tariff Sheets containing *Authorized Service Territory – Gas*. On June 26, 2008, Empire extended the requested effective date to July 22, 2008¹, and filed substitute tariff sheets.

Staff Recommendation

The Staff has reviewed the proposed tariff sheets, and is of the opinion that they were filed in a timely manner and are in compliance with the Commission's Order in Case No. GA-2007-0289.

Ordered paragraph 8 states, "The Empire District Gas Company and Missouri Gas Energy shall file revised tariff sheets with the Commission identifying which types of certificates they have (i.e. transport, line, or service area certificates) in all of the areas in which they hold any type of certificate to provide any type of natural gas service."

Staff's position is that this paragraph in the Order requires Empire to review the entirety of these tariff sheets depicting service areas and verify that they have certificates for every section listed in these tariff sheets and to indicate what type of certificate they have for each section listed. Consequently, no section should appear in a Company's tariff sheet for which it does not have a certificate. It is Staff's position that the Commission's Order makes Empire responsible for the accuracy of these tariff sheets and any discrepancy between Commission's Orders in Certificate of Convenience and Necessity Cases and these tariff sheets violates the Commission's Order in this Case.

¹ Empire originally filed Tariff Tracking No. YG-2008-0703 with an issue date of May 23, 2008 and an effective date of June 22, 2008. That filing was withdrawn in compliance with ORDER GRANTING STAFF AN EXTENSION OF TIME TO EVALUATE COMPLIANCE FILINGS.

Subsequent to Empire filing their tariff sheets, Staff began a review of the tariff sheets and submitted data requests asking the Company to submit verification of the sections. The time available before the Staff recommendation as ordered did not allow a thorough verification of all the land sections in all the tariff sheets.

In response to the Empire objection to Staff's Data Request, Staff suggested that Empire add this footnote to the Empire tariff sheets depicting service areas by section, "Orders granting the service territory take precedence in any discrepancies between them and the information listed above. More detail is available in the orders, and the above should not be relied upon for detailed territory boundaries." Staff finds this footnote an appropriate alternative to the Company responding to the Data Request asking for thorough documentation of the sections listed in the tariff, because there is an acknowledgement that the controlling documents are the Commission's Orders granting the service areas if any question arises as to the precise boundary of the service area. Empire agreed to include this footnote in their tariff sheets containing land sections in their *Authorized Service Territory – Gas* and filed substitute tariff sheets containing the footnote.

The Staff therefore recommends that the Commission issue an order approving the following proposed tariff sheets, as filed on May 23, 2008, and substituted on June 26, 2008, to become effective on July 22, 2008, as requested by Empire or permit the tariff sheets to go into effect by operation-of-law:

P.S.C. MO. No. 2

First Revised Sheet No. 4 canceling Original Sheet No. 4

First Revised Sheet No. 5 canceling Original Sheet No. 5

First Revised Sheet No. 6 canceling Original Sheet No. 6

First Revised Sheet No. 7 canceling Original Sheet No. 7

The Staff has verified that this Company is not delinquent on any assessment or the filing of its annual report. The Staff is not aware of any other matter pending before the Commission that affects or is affected by this tariff filing.

cc: Roger W. Steiner
Jeffrey A. Keevil
Lewis Mills

Susan L. Sundermeyer
Notary Public