

Exhibit No.	Rate Design –
Issue:	Gas Transportation
Witness:	Richard Haubensak
Sponsoring Party:	Constellation NewEnergy- Gas Division, LLC
Type of Exhibit:	Surrebuttal Testimony
Case No.:	GR-2009-0434
Date Testimony Prepared:	December 29, 2009

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

**CASE NO. GR-2009-0434
THE EMPIRE DISTRICT GAS COMPANY**

SURREBUTTAL TESTIMONY

OF

RICHARD HAUBENSAK

ON BEHALF OF CONSTELLATION NEWENERGY-GAS DIVISION, LLC

December 29, 2009

Constellation
Exhibit No. 22
Case No(s). GR-2009-0434
Date 1-08-10 Rptr XX

SURREBUTTAL TESTIMONY
OF
RICHARD HAUBENSAK

TABLE OF CONTENTS

I.	Identification and Purpose of Testimony	1
II.	Surrebuttal of Empire Rebuttal – Edwin Overcast	1-2

1 Q. PLEASE STATE YOUR NAME AND BUSINESS ADDRESS.

2 A. My name is Richard Haubensak. My business address is 12120 Port Grace
3 Boulevard, Suite 200, LaVista, Nebraska 68128.

4 Q. DID YOU PREVIOUSLY PRESENT DIRECT AND REBUTTAL TESTIMONY IN
5 THIS CASE?

6 A. Yes, I did.

7 Q. WHAT IS THE PURPOSE OF YOUR SURREBUTTAL TESTIMONY?

8 A. I wish to comment on the Rebuttal Testimony of Empire witness H. Edwin
9 Overcast regarding the reasons for which Empire may issue an Operational
10 Flow Order (OFO).

11 Q. PLEASE PROCEED.

12 A. Mr. Overcast argues on page 10 of his Rebuttal Testimony, beginning at line
13 9, that "there are many operational reasons for an OFO for the local system
14 unrelated to pipeline OFO orders". It is confusing why Mr. Overcast has
15 included this argument in his rebuttal testimony. I generally agree with him.
16 As stated in my direct testimony, on page 12, starting on line 6, "Empire
17 should only be allowed to call an OFO when one has been called by the
18 respective interstate pipeline or if there is a true emergency on the Empire
19 system. *[Emphasis added.]* Empire should not be allowed to call an OFO just
20 for its own convenience with the result that Empire would be imposing
21 possible penalties on the transportation customers and marketers that those
22 customers and marketers are not responsible for."

1 **Q. WHAT DO YOU THINK IS APPROPRIATE TARIFF LANGUAGE FOR WHEN AN**
2 **LDC LIKE EMPIRE SHOULD BE ALLOWED TO CALL AN OFO?**

3 A. I have provided Schedule RJH-3 which is made up of pages WT-31 and WT-
4 32 of MidAmerican Energy Company's Iowa tariff. At the top of tariff sheet
5 WT-32, five reasons are set out for which the LDC may call an OFO. I believe
6 similar language to this would be appropriate for Empire.

7 **Q. DOES THIS CONCLUDE YOUR SURREBUTTAL TESTIMONY?**

8 A. Yes, it does.

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

In the Matter of The Empire District Gas)	
Company of Joplin, Missouri for Authority to)	<u>Case No. GR-2009-0434</u>
File Tariffs Increasing Rates for Gas Service)	Tariff No. YG-2009-0855
Provided to Customers in the Missouri)	
Service Area of the Company)	

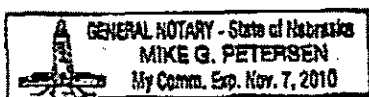
AFFIDAVIT OF RICHARD HAUBENSAK


Richard Haubensak, of lawful age, on his oath, states that he has participated in the preparation of the foregoing Surrebuttal Testimony in question and answer form, to be presented in the above case; that the answers in the foregoing Surrebuttal Testimony were given by him; that he has knowledge of the matters set forth in such answers; and that such matters are true and correct to the best of his knowledge and belief.



Richard Haubensak

Subscribed and sworn before me this 28th day of December 2009.





Notary Public

My Commission Expires: Nov 7 2010

**CASE NO. GR-2009-0434
THE EMPIRE DISTRICT GAS COMPANY**

SURREBUTTAL TESTIMONY

OF

RICHARD HAUBENSAK

ON BEHALF OF CONSTELLATION NEWENERGY-GAS DIVISION, LLC

SCHEDULE RJH 3

MidAmerican Energy Company
Iowa Tariffs Regarding Operational Flow Orders (OFOs)

Schedule RJH 3.2 – MidAmerican Tariff Sheet WT-31

Schedule RJH 3.3 – MidAmerican Tariff Sheet WT-32

Schedule RJH 3.1



MIDAMERICAN ENERGY COMPANY
Gas Tariff No. 1
Filed with the Iowa Utilities Board

Fifth Revised Sheet No. WT-31
Cancels Fourth Revised Sheet No. WT-31

RATE DESIGNATION: General Terms and Conditions
CLASS OF SERVICE: Gas Transportation Tariffs

- (f) **Firm Supply Standby Service:** Customer or its agent, shall notify the Company's representative at least by 4:00 p.m. CCT prior to the end of the gas day of its requested quantity of Firm Supply Standby service gas to be delivered by Company at the Delivery Point.
- (g) **Late Nominations:** The Company may, at its sole discretion, reduce the Nomination requirements outlined above in those situations where operationally the Company can accommodate a change in Nomination on less notice. Nominations shall be implemented only if they are confirmed by the Interstate pipeline. For each Late Nomination, the Company will charge a Rescheduling Service fee of \$50 per Delivery Point. The charge will be imposed for each nomination change received and confirmed by the Company. In connection with the Company's annual PGA reconciliation, revenue arising from this service will be shared. Three-fifths will go to Company's sales customers and the remaining two-fifths will go to the Company.
- (h) **MidAmerican ONLINE Transportation (MOT) Bulletin Board:** The MidAmerican ONLINE Transportation (MOT) bulletin board is a functional electronic bulletin board available on a 24-hour basis via the Internet. This system offers access to daily nominations, usage, balancing information, system notifications, weather, and other pertinent information. Customers electing the MOT bulletin board shall be required to submit nominations electronically. Customers who choose not to utilize the MOT bulletin board will not have access to this information without charge.
- (i) **Operational Flow Order (OFO):** The Company may call an OFO on customers behind a specific pipeline, delivery zone, town border station; on a marketer, agent, group of customers, or specific customer. This OFO will result in requiring customers that the OFO was called on to balance gas volumes under either the Short or Long Critical Day provisions. The OFO will remain in effect until the operational condition requiring its issuance has been remedied. The type of OFO call and process the Company will use is as follows:

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Schedule RJH 3.2

Issued: November 11, 2002
Issued by: James J. Howard
Vice President

Effective: November 25, 2002



MIDAMERICAN ENERGY COMPANY
Gas Tariff No. 1
Filed with the Iowa Utilities Board

First Revised Sheet No. WT-32
Cancels Original Issue Sheet No. WT-32

RATE DESIGNATION: General Terms and Conditions
CLASS OF SERVICE: Gas Transportation Tariffs

OFO call by pipeline, Delivery Zone, or Town Border Station (TBS). The Company will call a Short or Long Critical Day on a specific pipeline, delivery zone, or TBS for the following reasons:

1. When the Company experiences failure of transmission, distribution, gas storage or gas manufacturing facilities.
2. When transmission system pressures or other unusual conditions jeopardize the operation of the Company's system.
3. When the Company's transportation, storage, and supply resources are being used at or near their maximum rated deliverability.
4. When any of the Company's transporters or suppliers call the equivalent of a Critical Day.
5. When the Company is unable to fulfill its firm contractual obligations or otherwise when necessary to maintain the overall operational integrity of all or a portion of the Company's system.

OFO call by a marketer, agent, group of customers, or specific customer. The Company will call a Short or Long Critical Day on a marketer, agent, group of customers or specific customer when in the Company's judgment, the OFO is necessary to maintain or restore operational integrity when a marketer, agent, group of customers, or specific customer is significantly delivering long or short during periods of significant gas price changes.

13. **Provisions Applicable to Third Party Suppliers:** If a Gas Transportation Customer wishes to utilize brokers, marketers, or other third party suppliers ("Third Party Suppliers") either as agents or as suppliers of gas into the Company's system, the Customer must notify the Company in writing of the Third Party Supplier that will be used in any particular gas month and whether the Third Party Supplier will be acting as agent for Customer for making nominations. If the Customer is using a Third Party Supplier, Customer agrees that as between Company and Customer, the Company shall be entitled to rely upon information concerning nominations and deliveries of natural gas on behalf of Customer provided by Third Party Supplier.
14. **Failure to Comply:** If the Customer or assigned agent fails to comply with or perform any of the obligations on its part to be complied with or performed under a Schedule, the Company shall have the right to give Customer written notice of the Company's intention to terminate the Transportation on account of such failure, then the Company shall have the right to terminate such Transportation at the expiration of five days after the giving of said notice, unless within five days the Customer shall make good such failure. Termination of such Transportation for any such cause shall be a cumulative remedy as to the Company, and shall not release the Customer from its obligation to make payment of any amount or amounts due or to become due from the Customer to the Company under the applicable Schedule. In order to resume Transportation after termination of service hereunder, it shall be necessary for Customer to file a new request for service.

Schedule RJH 3.3

Issued: September 30, 1997
Issued by: Brent E. Gale
Vice President-Law and Regulatory Affairs

Effective: November 1, 1997