

# BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of the Application of The Empire )  
District Gas Company d/b/a Liberty for a Certificate )  
of Convenience and Necessity to Construct, Install, )  
Own, Operate, Maintain, and Otherwise Control and ) **File No. GA-2023-0110**  
Manage a Natural Gas Distribution System in and )  
Around Platte County, Missouri as an Expansion of )  
its Existing Certified Areas )

## ORDER AND NOTICE

Issue Date: September 22, 2022

Effective Date: September 22, 2022

On September 21, 2020, The Empire District Gas Company d/b/a Liberty filed the above-referenced application. Liberty seeks permission and approval and a certificate of convenience and necessity (“CCN”) to construct, install, own, operate, maintain, and otherwise control and manage a natural gas distribution system to provide gas service in Platte County, Missouri, as a further expansion of its existing certificated area.

The Commission will direct notice of the application be given to the Platte County Commission, local newspapers, and members of the General Assembly representing residents of Platte County. The Commission will set a deadline for interested parties to intervene.

### THE COMMISSION ORDERS THAT:

1. The Commission’s Data Center shall provide a copy of this order and the Application to the County Commission of Platte County, Missouri.
2. The Commission’s Public Information Officer shall make notice of this order available to the members of the General Assembly representing Platte County and to the media serving that county.

3. Any person wishing to intervene in this matter shall file an application to intervene no later than October 7, 2022. The application shall be filed in the Commission's Electronic Filing and Information System ("EFIS") or with the Secretary of the Commission. Comments on the Application may also be made in EFIS.

4. This order shall be effective when issued.



**BY THE COMMISSION**

A handwritten signature in black ink that reads "Morris L. Woodruff". The signature is written in a cursive, flowing style.

Morris L. Woodruff  
Secretary

Ronald D. Pridgin, Regulatory Law Judge,  
By delegation of authority pursuant  
To Section 388.240, RSMo 2016.

Dated at Jefferson City, Missouri,  
On the 22<sup>nd</sup> day of September, 2022.

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

In the Matter of the Application of The Empire            )  
District Gas Company d/b/a Liberty for a                )  
Certificate of Convenience and Necessity to            )  
Construct, Install, Own, Operate, Maintain, and        )     File No. GA-2023-\_\_\_\_\_  
Otherwise Control and Manage a Natural Gas            )  
Distribution System in and around Platte County,        )  
Missouri as an Expansion of its Existing                )  
Certified Areas    )

**APPLICATION FOR A CERTIFICATE OF CONVENIENCE AND NECESSITY  
AND REQUEST FOR WAIVER**

**COMES NOW** The Empire District Gas Company d/b/a Liberty (“EDG” or the “Company”), by and through its undersigned counsel, and pursuant to RSMo. §393.170 and Missouri Public Service Commission (“Commission”) Rules 20 CSR 4240-2.060 and 20 CSR 4240-3.205, states as follows in support of its Application for a Certificate of Convenience and Necessity (“CCN”) to construct, install, own, operate, maintain, and otherwise control and manage a natural gas distribution system to provide natural gas service in and around Platte County, Missouri as a further expansion of its existing certified area, and Request for Waiver from the notice provisions of Commission Rule 20 CSR 4240.4.017(1):

1. EDG is a corporation organized and existing under the laws of the state of Kansas and provides natural gas utility service throughout a number of Missouri counties, with its principal office located at 602 S. Joplin Ave, Missouri, 64802.
2. EDG is a “gas corporation” and a “public utility” as those terms are defined in RSMo. §386.020 and as such is subject to the jurisdiction of the Commission as provided by law. EDG is engaged in the business of distributing and transporting natural gas to customers in Missouri as a gas corporation subject to the jurisdiction of the Commission.
3. A certified copy of EDG’s Certificate of Authority to do business as a foreign corporation evidencing EDG’s authority to conduct business in Missouri was submitted in Case No.

GO-2006-0205 and is incorporated herein by this reference. The information on such Certificate is currently applicable and correct.

4. EDG has no pending or final unsatisfied judgements or decisions against it from any state of federal agency or court that involve customer service or rates and that have occurred within the three years immediately preceding this filing.

5. All correspondence, communications, notices, orders and decisions of the Commission with respect to this matter should be sent to the undersigned counsel.

6. The requested CCN will allow EDG to serve a new development known as Logistics Park in Platte County. The area in which EDG is seeking to be certified hereby is adjacent to existing service territory currently served by EDG. It is EDG's belief that there is no natural gas service available in the described area at the present time. Because EDG does not have a certificate from the Commission for the area where potential customers are located, it is necessary for EDG to obtain the requisite permission from the Commission.

7. Attached hereto, incorporated herein by reference, and marked as **Appendix A** is the legal description of the area to be certificated, which includes six sections in Platte County, Missouri.

8. Attached hereto, incorporated herein by reference, and marked as **Appendix B** is a map of the location of the proposed service area.

9. There are ten or more residents or landowners in the areas, and, as such, pursuant to Rule 20 CSR 4240-3.205(1)(A)(2), a listing of the names and addresses of ten or more residents or landowners is attached hereto as **Appendix C - Confidential**. This appendix has been identified as Confidential pursuant to Commission Rule 20 CSR 4240-2.135(2)(A)1 because it contains information relating directly to specific customers.

10. This application seeks to provide customers in the proposed area with an opportunity to receive natural gas service from an experienced supplier of such service. These potential new

customers should be afforded the opportunity to take service from EDG if they so desire, pursuant to EDG's tariffs. For these reasons, a granting of the Application is required by the public convenience and necessity.

11. Attached hereto, incorporated herein by reference and marked as **Appendix D – Confidential** is a feasibility study containing an estimate of the cost of construction and an estimate of the number of customers and delivery revenues during the first three (3) years of operations. Appendix D is confidential pursuant to Commission Rule 20 CSR 4240-2.135(2)(A)5 because it contains confidential business information.

12. The cost of the project will be paid for by Applicant or customer supplied funds pursuant to EDG's extension policy. No external financing for this construction will be necessary.

13. Construction methods will follow EDG's customary standards and the rules of the Commission. EDG's existing rates and regulations for natural gas service contained in its tariff for the adjacent certificated territories, as the same may change from time to time pursuant to law, will apply to service in the proposed area.

14. EDG will not require any additional franchises or permits from municipalities, counties, or other authorities in connection with the proposed construction for this filing other than the usual and customary state highway, railroad, and county road permits, which will be obtained prior to construction, as applicable.

15. Commission Rule 20 CSR 4240-4.017(1) provides that "(a)ny person that intends to file a case shall file a notice with the secretary of the commission a minimum of sixty (60) days prior to filing such case." No such notice was filed herein. As such, EDG seeks a waiver of the 60-day notice requirement.

16. Commission Rule 20 CSR 4240-4.017(1)(D) provides that a waiver may be granted for good cause. In this regard, EDG declares (as verified below) that they have had no communication

with the Office of the Commission (as defined in Commission Rule 20 CSR 4240-4.015(10)) within the prior 150 days regarding any substantive issue likely to be in this case. Additionally, the area is in need of gas service, and a delay in filing this Application would delay construction and the ultimate provision of service.

**WHEREFORE**, EDG respectfully requests an order granting waiver of the 60-day notice requirement and granting EDG a certificate of convenience and necessity as requested above.

Respectfully submitted,

/s/ Diana C. Carter

Diana C. Carter MBE #50527

The Empire District Gas Company d/b/a Liberty

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### **CERTIFICATE OF SERVICE**

I hereby certify that the above document was filed in EFIS on this 21<sup>st</sup> day of September, 2022, and sent by electronic transmission to the Staff of the Commission and the Office of the Public Counsel.

/s/ Diana C. Carter

**VERIFICATION**

On behalf of The Empire District Gas Company d/b/a Liberty, and pursuant to Commission Rules, the undersigned, upon his oath and under penalty of perjury, hereby states that the above filing is true and correct to the best of his information, knowledge, and belief.

/s/ Mike Beatty  
Liberty Central Region Vice President


**STATE OF MISSOURI**

**OFFICE OF THE PUBLIC SERVICE COMMISSION**

I have compared the preceding copy with the original on file in this office and I do hereby certify the same to be a true copy therefrom and the whole thereof.

**WITNESS** my hand and seal of the Public Service Commission,  
at Jefferson City, Missouri, this 22<sup>nd</sup> day of September, 2022.



  
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**Morris L. Woodruff**  
**Secretary**



**MISSOURI PUBLIC SERVICE COMMISSION**

**September 22, 2022**

**File/Case No. GA-2023-0110**

**Missouri Public Service  
Commission**

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**County of Platte, Missouri**

County Commission Clerk  
415 Third St., Ste. 30  
Platte County Administration Bldg.  
Platte City, MO 64079  
CountyClerk@CO.Platte.MO.US

**Liberty (Empire)**

Diana C Carter  
428 E. Capitol Avenue, Suite 303  
Jefferson City, MO 65101  
Diana.Carter@LibertyUtilities.com

**Enclosed find a certified copy of an Order or Notice issued in the above-referenced matter(s).**

**Sincerely,**



**Morris L. Woodruff  
Secretary**

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Recipients listed above with a valid e-mail address will receive electronic service. Recipients without a valid e-mail address will receive paper service.