

**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 File Tariffs Increasing Rates)
for Gas Service Provided to Customers in)
the Missouri Service Area of the)
Company.)

Case No. GR-2009-0434

PUBLIC COUNSEL’S STATEMENT OF POSITIONS

COMES NOW the Office of the Public Counsel (OPC) and for Public Counsel’s
Statement of Positions states:

1. The parties identified two general issues that remain contested: 1) demand
side management and energy efficiency funding; and 2) Empire District Gas Company’s
(“Empire”) proposed changes to its Transportation Service tariff.

2. OPC concurs with Empire’s position statement on the issue of demand
side management and energy efficiency funding as stated in Empire’s Statement of
Positions filed December 31, 2009.

3. At this time OPC takes no position on Empire’s proposed changes to its
Transportation Service tariff. OPC reserves the right to take positions on the
Transportation Service tariff issues following the evidentiary hearing. § 386.710 RSMo.

WHEREFORE, the Office of the Public Counsel respectfully offers this
Statement of Positions on the remaining contested issues.

Respectfully submitted,
OFFICE OF THE PUBLIC COUNSEL

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, emailed or hand-delivered to the following this 31st day of December 2009:

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