

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION**

At a session of the Public Service  
Commission held at its office in  
Jefferson City on the 17th day  
of March, 2010.

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

**ORDER DENYING APPLICATIONS FOR REHEARING**

Issue Date: March 17, 2010

Effective Date: March 17, 2010

On February 24, 2010, the Commission issued its Report and Order on DSM Funding ("Report and Order") which incorrectly stated that it would become effective on March 1, 2010. The Office of the Public Counsel filed a motion for reconsideration on March 3, 2010, requesting the Commission to reconsider the effective date of the Report and Order. Public Counsel also requested that the Commission reconsider certain findings and conclusions.

An Order of Correction was issued on March 3, 2010, correcting the effective date of the Report and Order so that it became effective on March 9, 2010. The Office of the Public Counsel timely filed an application for rehearing on March 8, 2010, contending the Commission should rehear the Report and Order. Public Counsel's request for rehearing makes the same arguments as were found in its motion for reconsideration.

On March 10, 2010, the Commission issued an Order Clarifying Report and Order on DSM Funding ("Clarification Order"). In the Clarification Order the Commission

addressed several points raised by Public Counsel; however, its decision on demand side management funding levels and the water heater rebate remained the same. Public Counsel's Application for Rehearing and Motion for Clarification was filed on March 12, 2010, in response to the Commission's Clarification Order.

Public Counsel argues for a second time that there is not evidence to support the Commission's finding that the water heater rebate should begin at \$75 and be adjusted if necessary with input from the Energy Efficiency Collaborative. At pages 51-52 of the transcript, as cited in Finding of Fact 5 of the Report and Order, Ms. McCormack testified as follows:

Q: Would you agree with me that the Applied Energy Group study recommended a \$75 rebate amount for the tank storage water heaters?

A: Yes, they did.

The Commission's decision remains unchanged.

Section 386.500.1, RSMo 2000, states that the Commission shall grant an application for rehearing if "in its judgment sufficient reason therefor be made to appear." Public Counsel's applications for rehearing merely restate the arguments the Commission rejected in its Report and Order and Clarification Order. The Commission finds no reason to grant rehearing.

**THE COMMISSION ORDERS THAT:**

1. The Application for Rehearing filed by the Office of the Public Counsel is denied.
2. Public Counsel's Application for Rehearing and Motion for Clarification filed on March 12, 2010, is denied.

3. This order shall become effective upon issuance.

**BY THE COMMISSION**

A handwritten signature in black ink, appearing to read 'S. Reed', is positioned above the printed name.

Steven C. Reed  
Secretary

( S E A L )

Clayton, Chm., Davis, Jarrett,  
Gunn, and Kenney, CC., concur.

Dippell, Deputy Chief Regulatory Law Judge