

**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

Tariff No. YG-2010-0568

STAFF’S RECOMMENDATION

COMES NOW the Staff of the Missouri Public Service Commission (“Staff”), and for its recommendation states as follows to the Missouri Public Service Commission (“Commission”):

1. On June 5, 2009, The Empire District Gas Company (“EDG”), filed with the Commission proposed tariff sheets bearing an effective date of July 5, 2009, which were designed to produce a gross annual revenue increase of approximately \$2.9 million for natural gas service.

2. On June 12, 2009, the Commission issued its Suspension Order and Notice.

3. On December 18, 2009, Staff, EDG, and the Office of the Public Counsel (“OPC”) filed their *Partial Stipulation and Agreement* (“*Partial Agreement*”). The *Partial Agreement* was not opposed by any party, and was approved by Order of the Commission dated January 20, 2010, to become effective January 30, 2010.

4. Also on December 18, 2009, Staff, EDG, and OPC filed their *Partial Stipulation and Agreement on DSM Funding and Implementation*, which was opposed by the Missouri Department of Natural Resource (“DNR”).

5. On January 8, 2010, EDG and Constellation NewEnergy–Gas Division, LLC (“Constellation”) filed their *Partial Stipulation and Agreement on Transportation Tariff*. This stipulation was not opposed by any party, resolved all items on the issues list related to transportation, and was approved by Order of the Commission dated January 20, 2010, to become effective January 30, 2010.

6. On January 8, 2010, the Commission held a hearing regarding the uncontested agreements and the DSM funding issue.

7. On February 24, 2010, the Commission entered its Report and Order on DSM Funding, with an effective date of March 1, 2010, which on March 4, 2010, was corrected to March 9, 2010.

8. On March 10, 2010, the Commission entered its Order Clarifying Report and Order on DSM Funding, effective March 20, 2010.

9. On March 17, 2010, the Commission entered its Order Denying Applications for Rehearing.

10. Also on March 17, 2010, EDG filed their revised gas tariff sheets, Tariff No. YG-2010-0568.

11. In the attached memorandum, labeled Attachment A, the Staff notes that it has reviewed the tariff sheets as filed by EDG on March 17, 2010, and states EDG's filing complies with the applicable Commission Orders. Staff recommends approval of these tariff sheets, as listed in Staff's memorandum.

12. In that the revised tariffs bear the effective dates referenced in the *Partial Agreement*, and the *Partial Stipulation and Agreement on Transportation Tariff*, and were filed the day the Order Denying Applications for Rehearing was issued and effective, and two days before the Order Clarifying Report and Order on DSM Funding was effective, and such tariffs are to take effect on the date designated by the Commission in its Report and Order on DSM Funding, Staff recommends the tariffs be ordered or allowed to go into effect on April 1, 2010, on less than thirty days' notice.

WHEREFORE, the Staff respectfully recommends the Commission approve EDG's tariff filing, or allow the tariffs to take effect by operation of law, on less than thirty days' notice.

Respectfully submitted,

/s/ Sarah Kliethermes

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record this 22nd day of March, 2010.

/s/ Sarah Kliethermes