

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

In the Matter of the Application of The Empire                     )  
District Gas Company for a Waiver from the                     )  
Application of Certain Tariff Language Regarding            )  
Refunds.   )  
**Case No. GT-2007-0207**

**ORDER DIRECTING NOTICE AND ESTABLISHING TIME FOR**  
**REQUESTING INTERVENTION AND FILING RECOMMENDATIONS**

Issue Date: December 5, 2006

Effective Date: December 5, 2006

On December 1, 2006, Empire District Gas Company filed an application for waiver of certain provisions of its tariffs. Empire's application explained that during the final closing of the acquisition of the Aquila, Inc. natural gas operations in the state of Missouri it became aware of two Kansas *ad Valorem* tax refunds from Southern Star Central Pipeline in the Federal Energy Regulatory Commission Docket No. RP98-52-000. Empire wants to pass those refunds on to its customers in proportion to their usage of gas during the overcharge period of 1983-1988. Empire explains that most of its customers that took Large Volume sales service in 1983-1988 have moved off those rate schedules and are now transportation customers. In addition, since 1988 a small volume transportation class has been established, and many small volume sales service customers, primarily schools, have moved from the sales service classification to small volume transportation service. Under Empire's tariffs, transportation customers would not share in these refunds. Empire proposes that the Commission grant it a waiver so that current transportation customers may share in the refund by establishing proof that they were sales customers in 1983-1988.

Empire did not include a motion for expedited treatment along with its application for waiver. However, Empire requests that the Commission issue an order granting it the request waivers with an effective date no later than December 31, 2006, to allow it to pass the refunds to its customers as soon as possible. Empire also indicates that absent a waiver the refunds to customers would be spread out over a twelve-month period. Empire does not, however, explain why the December 31 date has any significance, nor does it explain why the Commission should act on the application so quickly. The Commission will consider the application expeditiously, but it may not be able to issue an order effective by December 31.

So that it can consider Empire's application expeditiously, the Commission will set December 13, 2006 as the deadline to request intervention and direct its Staff and other interested parties to file recommendations by December 15, 2006. Further, to provide notice to potentially interested parties the Commission will direct that notice of the application be sent to the parties to Commission Case No. GO-2006-0205, the case in which the Commission authorized Aquila to sell, transfer and assign certain assets and liabilities to Empire

**IT IS ORDERED THAT:**

1. The Commission's Data Center shall send notice to all certified parties of record in Commission Case No. GO-2006-0205.
2. Any person wishing to intervene in this matter shall file an application to do so no later than December 13, 2006. Such application shall be filed with:

Colleen M. Dale, Secretary  
Missouri Public Service Commission  
Post Office Box 360  
Jefferson City, Missouri 65102

and a copy served on:

Charles Brent Stewart  
STEWART & KEEVIL, L.L.C.  
4603 John Garry Drive, Suite 11  
Columbia, Missouri 65203

3. The Commission's Staff shall file its recommendation regarding Empire District Gas Company's Application for Waiver no later than December 15, 2006.

4. Any other party that wishes to file a recommendation regarding Empire District Gas Company's Application for Waiver shall do so no later than December 15, 2006.

5. This order shall become effective on December 5, 2006.

**BY THE COMMISSION**

A handwritten signature in black ink, appearing to read 'Colleen M. Dale', is written over a horizontal line.

Colleen M. Dale  
Secretary

(S E A L)

Cherlyn D. Voss, Regulatory Law Judge,  
by delegation of authority pursuant to  
Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,  
on this 5th day of December, 2006.