

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

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

MISSOURI DEPARTMENT OF NATURAL RESOURCES'
MOTION TO LATE FILE BRIEF

COMES NOW the Missouri Department of Natural Resources (MDNR) and for tis Motion to Late File Brief states as follows:

On January 22, 2010, the MDNR inadvertently filed its Brief in the above-styled matter in Case No. GR-2009-0355, the Missouri Gas Energy rate case. The style on the Initial Brief did reflect that is was being filed in the Empire Gas rate case. Unfortunately, the case number on the brief was the case number for the Missouri Gas Energy case.

Although MDNR attempted to correct its error, the Commission's electronic filing system, or EFIS, was not available after 6:00 p.m. on January 22, 2010, due to routine maintenance. MDNR did not discover the mistake until after 5:00 p.m.

While MDNR did file its Brief in this case before the deadline, it did not file it in the correct docket.

WHEREFORE, MDNR respectfully moves this Commission to allow it to re-file its Initial Brief in the correct docket.

Respectfully submitted,

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Certificate of Service

I hereby certify that copies of the foregoing have been transmitted by email to all counsel of record this 25th day of January, 2010.

/s/ Sarah Mangelsdorf