

**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)	<u>Case No. GR-2009-0434</u>
Provided to Customers in the Missouri)	Tariff No. YG-2009-0855
Service Area of the Company		

APPLICATION TO INTERVENE

COMES NOW Constellation NewEnergy-Gas Division, LLC (hereinafter referred to as "Constellation"), by and through counsel, and files its Application to Intervene in this case pursuant to Section 386.420 RSMo and 4 CSR 240-2.075.

In support of this application, Constellation states as follows:

1. Constellation NewEnergy-Gas Division, LLC is a Kentucky Limited Liability Company duly authorized to do business in Missouri. Constellation is a natural gas marketer whose principal place of business is located at: 9960 Corporate Campus Drive, Suite 2000, Louisville, Kentucky (KY) 40223.

2. All communications, pleadings and orders in this case should be served on:

William D. Steinmeier
Mary Ann (Garr) Young
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And on:

Richard Haubensak
Constellation NewEnergy-Gas Division, LLC
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3. On June 5, 2009, The Empire District Gas Company (hereafter “Empire”), submitted to the Commission proposed tariff sheets intended to implement a general rate increase for natural gas service. The proposed tariff sheets bore a requested effective date of July 5, 2009. On June 12, 2009, the Commission issued its *Suspension Order and Notice, Order Setting Hearings, and Order Directing Filing* in this case, suspending the tariffs to May 2, 2010 and directing that interested parties wishing to intervene must do so no later than July 2, 2009. Therefore, this Application to Intervene is timely.
4. Pursuant to 4 CSR 240-2.075 (2), Constellation states that it is a major marketer of natural gas to industrial and commercial customers on Empire’s Missouri natural gas distribution system. Constellation provides valuable natural gas supply and price risk management services to its customers located on the Empire distribution system. Constellation and its customers rely heavily on the transportation tariff availability, rates, terms and conditions, and on the performance of the operator of the natural gas distribution system in question, to provide this service. Constellation is continuing to review Empire’s filing in this case and is currently unsure of the position(s) it will take in this matter.

5. Pursuant to 4 CSR 240-2.075 (4) (A), Constellation states that, as a natural gas marketer, Constellation has an interest in this matter which is different from that of the general public and which may be adversely affected by a final order arising from this case.
6. Pursuant to 4 CSR 240-2.075 (4) (B), Constellation states that it is also interested in the impact of any decisions in this proceeding on behalf of current and potential natural gas transportation customers on the Empire distribution system. Therefore, granting the instant Application to Intervene would serve the public interest.

WHEREFORE, Constellation NewEnergy-Gas Division, LLC, respectfully requests that the Missouri Public Service Commission grant its Application to Intervene in this matter and make Constellation a party to this proceeding for all purposes.

Respectfully submitted,

/s/ William D. Steinmeier

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COUNSEL FOR CONSTELLATION
NEWENERGY-GAS DIVISION, LLC

CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing document has been served electronically on the Office of Public Counsel at opcservice@ded.mo.gov, on the General Counsel's office at gencounsel@psc.mo.gov, and on counsel for MGE at jswearengen@brydonlaw.com this 1st day of July 2009.

/s/ William D. Steinmeier

William D. Steinmeier