

Exhibit No.: _____
Issue: Schedules of Raymond L Gifford
Witness: Raymond Gifford
Type of Exhibit: Gifford Schedules
Sponsoring Party: Constellation NewEnergy-Gas
Division, LLC Symmetry Energy Solutions, LLC
File No.: GR-2022-0179

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI
FILE NO. GR-2022-0179
SCHEDULES
OF
RAYMOND L. GIFFORD
ON
BEHALF OF
CONSTELLATION NEWENERGY-GAS DIVISION, LLC AND SYMMETRY
ENERGY SOLUTIONS, LLC

September 9, 2022

Raymond L. Gifford
Wilkinson Barker Knauer LLP
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Denver, Colorado 80211
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PROFESSIONAL EXPERIENCE

- Managing Partner, Wilkinson Barker Knauer LLP** *Denver-Colorado* *2010-present*
Managing partner in firm's Denver office, leading practice focusing on communications, electricity, gas and transportation regulation and administrative litigation. Member of firm management committee.
- Partner, Kamlet Reichert LLP** *Denver, Colorado* *2006-2010*
Chairman and founder of the Communications, Internet and Utility practice group. Member of the firm's management committee.
- President, The Progress & Freedom Foundation** *Washington, DC; Denver, CO* *2003-2006*
President of a think tank focusing on regulatory, antitrust and intellectual property issues of the digital age. Specific focus on communications, Internet, energy and intellectual property law.
- Chairman, Colorado Public Utilities Commission** *Denver, Colorado* *1999-2003*
Chief utility regulator for the State of Colorado. Chairman of three-person commission that regulates telecommunications, electric, gas, water and transportation companies in Colorado. Preside over quasi-judicial hearings, rulemaking and implementation of 1996 federal Telecommunications Act.
- First Assistant Attorney General** *Denver, Colorado* *1997-1999*
Manage regulatory law attorneys in Colorado Attorney General's Office. Regulatory and litigation work involved administrative hearings, district court litigation, and appeals in state and federal courts.
- Private Law Practice** *Denver, Colorado* *1993-1996*
Practiced commercial litigation with Kirkland & Ellis and Baker & Hostetler.
- Law Clerk to the Honorable Richard P. Matsch, U.S. District Court, D. Colo.** *1992-1993*

EDUCATION

- Juris Doctor, University of Chicago** *Chicago, Illinois* *1992*
President, The Federalist Society; Chairman, The Edmund Burke Society
- B.A., St. John's College** *Annapolis, Maryland* *1989*
Great Books (Philosophy, Mathematics)
Dow Jones Scholarship

PROFESSIONAL ACTIVITIES

- Chairman of the Advisory Committee and Executive Fellow,** *Jun 2009-present*
Silicon Flatirons Center for Law and Entrepreneurship
- Adjunct Professor, University of Colorado Law School** *2000-present*
Seminars on "Law and Economics of the Information Age" and
"Law and Economics of Utility Regulation"
- Co-Director, Institute for Regulatory Law and Economics** *2003-present*
Co-direct and teach annual seminar on law and economics of network industries.

The American Law Institute, Elected Member	<i>Apr 2003-present</i>
Technology Policy Institute, Board Member	<i>Sep 2007-2019</i>
National Association of Regulatory Utility Commissioners Telecommunications Committee	<i>1999-2003</i>
Qwest Regional Oversight Committee	<i>1999-2003</i>
Western Conference of Public Service Commissioners Telecommunication Committee Chair	<i>1999-2003</i> <i>2000-2003</i>
Federalist Society Telecommunications Practice Group Chairman	<i>2004-2011</i>

SELECT PUBLICATIONS

Gifford, Raymond and Larson, Matthew “Snoop Dogg and Resource Adequacy Reality Meet Head-on as Summer Approaches” (UtilityDive – May 23, 2022)

Gifford, Raymond and Larson, Matthew “2022 Electric Market Resolution: Changing How We Approach the RTO/ISO Debate” (UtilityDive – February 7, 2022)

Gifford, Raymond, Miller, Michael, Clark, Tony, and Larson, Matthew “At the Precipice: The Perils of Utility Restructuring” WBK White Paper (March 16, 2021)

Gifford, Raymond, “How the Texas Power Catastrophe Could Have Been Avoided” RealClearPolicy.com (March 5, 2021)

Gifford, Raymond; Clark, Tony; Larson, Matthew, “It’s time for emergent markets to take center stage in non-RTO regions of the country” (Utility Dive — July 27, 2020)

Gifford, Raymond; Clark, Tony, “One of These Things Is Not Like the Other” (Inside Sources.com — June 23, 2020)

Gifford, Raymond; Larson, Matthew; Clark, Tony “COVID-19 and Critical Infrastructure Part II: Regulatory Stability for the Future” (WBK White Paper — June 2020)

Gifford, Raymond and Matthew Larson “Got to have a code: Co-ops, The Wire’s Omar Little, and the struggle to exit G&T providers” (UtilityDive — May 22, 2020)

Clark, Tony; Gifford, Raymond; Larson, Matthew; Miller, Michael; Nelson, Michael “COVID-19 and Critical Infrastructure: An Agenda for Decisive State Regulatory Action” (WBK White Paper — April 2020)

Gifford, Raymond and Larson, Matthew “Mandatory Capacity Markets and the Need for Reform” (WBK White Paper — March 2020)

Gifford, Raymond and Larson, Matthew “FERC gets around: PJM super MOPR — an around-market solution for the around-market solutions” (UtilityDive — January 21, 2020)

Gifford, Raymond “Railroad Regulation and Communications Law Reform” (2019).

Gifford, Raymond and Larson, Matthew “For RTOs and ISOs: Don’t Call It a Market” (UtilityDive — November 12, 2018)

Gifford, Raymond and Larson, Matthew “Why Federal Regulators Shouldn’t Save the Mystic Power Plant” (The Boston Globe — June 28, 2018)

Gifford, Raymond and Larson, Matthew “ ‘Around Market,’ ‘In Market,’ and FERC at a Crossroads WBK White Paper (May 2018)

Gifford, Raymond and Larson, Matthew “Of Monopolies and Monopolies: Cost of Service ‘Markets’ Abound UtilityDive (March 28, 2018)

Gifford, Raymond “Good Riddance to Net Neutrality” The Denver Post (December 22, 2018)

Gifford, Raymond and Larson, Matthew “The DOE NOPR: Ain’t a Damn Thing Changed” UtilityDive (December 7, 2017)

Gifford, Raymond and Larson, Matthew “The DOE NOPR: An Inevitable Next Step in Power ‘Market’ Regulation” *UtilityDive* (October 6, 2017)

Gifford, Raymond and Larson, Matthew “Courts back state ‘around market’ actions; other states likely to take action” *IHSEnergy Daily* (August 23, 2017)

Gifford, Raymond “DOE Study Offers No Panaceas to Struggling Nuclear and Coal Plants” *UtilityDive* (September 11, 2017)

Gifford, Raymond, Larson, Matthew, Lunt, Robin and Power Research Group, “The Breakdown of the Merchant Generation Business Model” (WBK White Paper June 2017)

Gifford, Raymond and Larson, Matthew “Litigation is the solution to state ‘around market’ power subsidies” *UtilityDive* (May 15, 2017)

Gifford, Raymond and Larson, Matthew “Subsidies are Subsidies, Whether ‘In’ or ‘Around Market’” *UtilityDive* (April 28, 2017)

Gifford, Raymond and Larson, Matthew, “State Actions in Organized [Electric] Markets: Continued Use of ‘Around Market’ Solutions to ‘Fix’ Markets and the Natural Gas Conundrum” (WBK White Paper February 2017)

Gifford, Raymond and Larson, Matthew, “State Actions in Organized [Electric] Markets: States Strive to ‘Fix’ Markets and Retain Base Load Generation” (WBK White Paper September 2016)

Gifford, Raymond “How to keep the lights on in organized markets” *UtilityDive* (July 13, 2016)

Gifford, Raymond, Sopkin, Gregory and Larson, Matthew “The Clean Power Plan: Carbon Trading, State Legislation and the Political Economy Issue” (WBK White Paper August 2015)

Gifford, Raymond, Sopkin, Gregory and Larson, Matthew “The New EPA Building Block 3 and the Final Rule” (WBK White Paper August 2015)

Gifford, Raymond “Will EPA Make State Utility Regulation Irrelevant?” *Energy Daily* April 13, 2015.

Gifford, Raymond, Sopkin, Gregory and Larson, Matthew “EPA’s CO₂ Rules and the Common Elements Approach” (WBK White Paper April 2015).

Gifford, Raymond, Sopkin, Gregory and Larson, Matthew "State Implementation of CO₂ Rules v.2.0" (WBK White Paper November 2014)

Gifford, Raymond, Sopkin, Gregory and Larson, Matthew "EPA's CO₂ Rules and the Cooperative and Municipal Question" (WBK White Paper October 2014)

Gifford, Raymond, Sopkin, Gregory and Larson, Matthew "EPA's CO₂ Rules and the State Institutional Problem" (WBK White Paper September 2014)

Gifford, Raymond, Sopkin, Gregory and Larson, Matthew "EPA's CO₂ Rule and 18 States' Resolutions and Legislation" (WBK White Paper August 2014)

Gifford, Raymond "The Continuing Case for Serious Communications Reform," George Mason University Mercatus Center Working Paper Series (Nov. 2011)

Gifford, Raymond and Gunning, Eric "The Promise and Peril of Smart Grid," *Engage* (Federalist Society Spring 2010)

Gifford, Raymond "Municipal Broadband: The Results so Far," *Engage* (Federalist Society Summer 2009)

Gifford, Raymond and Walker, Mark "Glenwood Springs Residents Should Say No to Municipal Broadband", Convergence Law Institute (April 2009), and companion editorial column in *Glenwood Springs Post Independent*, April 2009.

Gifford, Raymond "Morgan Stanley v. Public Utility District: The Supreme Court Takes Up Regulatory Takings" podcast for Federalist Society Administrative Law practice group available at http://www.fed-soc.org/publications/pubID.665/pub_detail.asp

Gifford, Raymond and Adam Peters "Sports versus Cable: Tiers of a Fan" *Engage* (Federalist Society Fall 2007)

Gifford, Raymond "Schumpeter and Electric Markets" podcast delivered at Edison Electric Institute Wall Street Dialogue (2007)

Gifford, Raymond and Adam Peters "Power Gridlock" *Rocky Mountain News* December 30, 2006 op-ed.

Gifford, Raymond, Thomas Lenard. "The FCC Asks the Right Questions on USF: Reverse Auctions a Promising Way to Distribute Funds." Progress on Point 2.20. The Progress & Freedom Foundation, August 2006.

"Legislature in the Dark about Electricity," *The Baltimore Sun*, July 7, 2006

Gifford, Raymond. "The Internet Left Gets a Case of the Vapors." Progress Snapshot 2.15 The Progress & Freedom Foundation, June 2006.

Gifford, Raymond L. "Reconsidering Our Communications Laws: Ensuring Competition and Innovation." Testimony before the U.S. Senate Committee on the Judiciary, June 16, 2006.

Dixon, Kyle, Raymond L. Gifford, Thomas M. Lenard, Randolph J. May, Adam D. Thierer. "A Skeptic's Primer on Net Neutrality." Progress on Point 13.14. The Progress & Freedom Foundation, June 2006.

Gifford L. Raymond. "Let the FTC Do It! Maybe It Already Can." Progress Snapshot 2.12. The Progress & Freedom Foundation, April 2006.

May, Randolph, James Speta, Kyle Dixon, James Gattuso, Raymond Gifford, Howard Shelanski, Douglas Sicker and Dennis Weisman. The Digital Age Communications Act's Regulatory Framework and Network Neutrality: A Statement of the DACA Regulatory Framework Working Group. The Progress & Freedom Foundation, March 20, 2006.

Thierer, Adam and Raymond Gifford. "False 'Choices'." Progress Snapshot 2.1. The Progress & Freedom Foundation, January 2006.

Gifford, Raymond. "Intellectual Property and Innovation in the Digital World." Remarks at Digital Europe 2006. January 17, 2006.

Gifford, Raymond L. "Franchising Détente: Is it Possible?" Progress Snapshot 1.25. The Progress & Freedom Foundation, December 2005.

Gifford, Raymond, Adam Peters, Michael Riordan, Robert C. Atkinson, Robert D. Atkinson, Robert Crandall, Jerry Ellig, Dale Hatfield, Philip Weiser, Simon Wilkie. *DACA Communications Act: Proposal of the Universal Service Group - Release 2.0*. The Progress & Freedom Foundation, 2005.

Gifford, Raymond L. "Start Again: Communications Reform Has Inauspicious Start in House." Progress Snapshot 1.11. The Progress & Freedom Foundation, September 2005.

Arrison, Sonia, Robert C. Atkinson, Kyle D. Dixon, Raymond L. Gifford, Kent Lassman, Douglas C. Sicker, Adam D. Thierer, Steven Titch, and Philip J. Weiser. *A Digital Age Communications Act - Preliminary Report from the Working Group on Federal-State Framework, Release 1.0*. The Progress & Freedom Foundation, July 2005.

"The Place for Property and Commons." Progress on Point 12.17. The Progress & Freedom Foundation, September 2005.

Digital Age Communications Act - Proposal of the Regulatory Framework Working Group, Release 1.0. The Progress & Freedom Foundation, June 2005. (with Kyle Dixon, James L. Gattuso, Randolph J. May, Howard A. Shelanski, Douglas C. Sicker, James B. Speta, and Dennis Weisman).

"Progress, Freedom and Regulatory Transcendence: Video Service Debate Illustrates Importance of Core Regulatory Principles." Progress on Point 12.7. The Progress & Freedom Foundation, May 2005 (with Kyle Dixon).

"Platform Envy: Don't Unbundle the iPod" Testimony before the U.S. House Judiciary Committee, Subcommittee on Courts, the Internet & Intellectual Property, April 6, 2005

"Standards in the Digital Age." Progress on Point 12.2. The Progress & Freedom Foundation, March 2005.

Testimony before the Illinois Senate Committee on Environment and Energy on communications law reform, March 15, 2005.

"Reforming Universal Service for the Digital Age" in *A Digital Age Communications Act: Essays*

on the Need for Communications Policy Reform, The Progress and Freedom Foundation, February 2005.

"A Model State Act for Communications." Progress on Point 11.21. The Progress & Freedom Foundation, December 2004 (with Adam Peters).

"Universal Service: Is It Still Relevant?" Progress on Point 11.18. The Progress & Freedom Foundation, October 2004.

"State Barriers to VoIP Deployment." Progress on Point 11.17. The Progress & Freedom Foundation, October 2004 (with Kent Lassman).

"Regulation, Competition, and Universal Service in the IP Era." Heartland IT Update, September 24, 2004.

"Just right rates." *The San Jose Mercury News*, September 22, 2004.

"The Fallacy of Predation in Wireline Communication." Progress on Point 11.13. The Progress & Freedom Foundation, August 2004. (with Adam Peters).

Gifford, Raymond L. "Telecommunications Policy: A Look Ahead." Testimony before the U.S. Senate Committee on Commerce, Science, and Transportation, April 28, 2004.

EXPERT WITNESS TESTIMONY

Constellation NewEnergy – Gas Division LLC v. Spire Missouri, Inc., File No. GC-2021-0315, Missouri PSC (December 2021).

Grid Reliability and Resilience Pricing, Docket No. RM18-1-000 (affidavit on behalf of First Energy, Inc.) (October 2017).

In re P.J.M. Interconnection, Docket No. EL05-121-009 (Federal Energy Regulatory Commission July 2016) (Expert for settling parties in transmission cost allocation case before FERC involving multiple parties across the Pennsylvania, New Jersey and Maryland (PJM) regional transmission organization against transmission and generation interests in the New York Independent System Operator).

City of Thornton v. Verizon Wireless, Case No. 2014CV34249 (Denver County District Court)

Comcast of Colorado IX LLC v. City of Golden, Colorado, Case No. 13CV31253 (Jefferson County District Court) (Testified at bench trial; client prevailed at trial).

SG v. Gunnison Energy Corp, Arbitration (2013) (Expert for Gunnison Energy over regulability of gas pipeline under PHMSA) (summary judgment granted to client on PHMSA issue).

Qwest Corporation v. Sky-Wi, Inc., Cv. 08-1122 (D.NM 2009) (client prevailed when preliminary injunction motion withdrawn).

In the Matter of the Application of Public Service Company of New Mexico for Revision of its Retail Electric Rates Pursuant to Advice Notice No. 334, Case No. 07-00077-UT (New Mexico PRC, 2008) (expert testimony filed on behalf of Public Service Company of New Mexico).

Billiard v. Public Service Co. of Colorado, Case No. 2006 CV 1477 (El Paso Co. District Court 2007) (Expert report and disclosure submitted; case settled before trial).

Van Wyck v. Public Service Co. of Colorado, Case No. 97 CV 39 (Douglas Co. District Court) (Expert report tendered 10/2004; summary judgment granted for client).

Doe v. Qwest Corporation, Case No. 03CV 2198 (Boulder County District Court 2005) (Expert for Qwest Corporation on filed-rate doctrine; summary judgment granted for client).

Form RF	Index No.
THE STATE CORPORATION COMMISSION OF KANSAS	
<u>ATMOS ENERGY CORPORATION</u> (Name of Issuing Utility)	<u>SCHEDULE I: Rules and Regulations</u>
<u>ENTIRE SERVICE AREA</u> (Territory to which Schedule is applicable)	Replaces Rules & Regulations-All Divisions Filed January 26, 2004 through September 2007
No Supplement or separate understanding shall modify the tariff as shown hereon.	Sheet 95 of 110 Sheets

System required to maintain system reliability. Shipper shall be responsible for complying with the directives set forth in the OFO. Any charges derived below shall not be additive to charges derived during a period of curtailment or allocations of authorized deliveries.

Upon issuance of an OFO, the Company will direct Shipper to comply with one of the following conditions: (a) Shipper must take delivery of an amount of natural gas from the Company that is no more than the hourly or daily amount being delivered by the Interconnecting Party to the Company for the Shipper; or (b) Shipper must take delivery of an amount of natural gas from the Company that is no less than the hourly or daily amount being delivered by the Interconnecting Party to the Company for the Shipper.

Provision of oral notice by telephone or written notice by facsimile or email or any other reasonable means to Shipper shall be deemed as proper notice of an OFO. Shipper shall respond to an OFO by either adjusting its deliveries into Company's System or its consumption at the End User facility.

Should Shipper be unable to deliver sufficient volumes of transportation gas to Company's System, the Company will not be obligated hereunder to provide standby quantities for purposes of supplying such End User's requirements.

All volumes taken by End User in excess of volumes delivered by Interconnecting Party to Company for Shipper in violation of the above "condition (a)" OFO shall constitute an unauthorized delivery by Shipper on the Company's System. All volumes taken by Shipper less than volumes delivered by Interconnecting Party to Company for Shipper in violation of "condition (b)" OFO shall constitute an unauthorized delivery by Shipper to Company. Shipper shall be charged the greater of \$35.00 per Mcf for all unauthorized deliveries in excess of 3% of the nomination or 125% of the actual charge made to Company by the Interconnecting Party, plus any other charges applicable under this tariff for such unauthorized receipts or deliveries that occur during the OFO.

Issued:	August	15,	2015	16-ATMG-079-RTS Approved Kansas Corporation Commission March 17, 2016 /S/ Amy L. Greey
	(Month)	(Day)	(Year)	
Effective:	March	17	2016	
	(Month)	(Day)	(Year)	
By:	/s/ Jennifer Ries Vice President, Rates & Regulatory Affairs			
	(Signature of Officer)			(Title)

APPENDIX E **NOMINATION AND BALANCING PROVISIONS**

OPERATIONAL FLOW ORDERS

Transporter is obligated, when requested by the Company through an Operational Flow Order ("OFO"), to nominate and deliver gas supply to Company's city gates in the manner instructed by Company. Company may call a Cold Weather OFO or a Warm Weather OFO where such action is necessary, in Company's sole judgment, to (1) protect the reliability of Company's gas system; (2) comply with Company's Curtailment Procedures, and/or (3) adhere to the various interstate pipeline companies' balancing requirements, as stated in their FERC-approved tariffs. Company may call a Cold Weather OFO or a Warm Weather OFO for a specific Operating System or for Company's entire system.

Cold Weather OFO Day: During a Cold Weather OFO, Transporter shall be subject to the following Daily OFO Under-Delivery Imbalance provisions:

If Transporter's Daily Under-Delivery Imbalance Quantities are greater than 5% of Total Daily Usage, the shortfall quantities shall be cashed out with the Company. Transporter shall pay Company the following:

- (1) For each Dekatherm of Daily Under-Delivery Imbalance Quantities greater than five (5) percent of Total Daily Usage, the greater of the highest per unit gas cost paid by Company on the date of noncompliance or the Daily Under-Delivery Charge; plus
- (2) The payment of all other charges incurred by Company and attributable to Transporter's Daily Under-Delivery Imbalance Quantities, including pipeline penalty charges on the OFO shortfall quantities; plus
- (3) An OFO Imbalance Charge of \$9.85 per Dekatherm on the portion of the Daily Under-Delivery Imbalance Quantities that is greater than five (5) percent of Total Daily Usage; plus
- (4) Applicable taxes.

Warm Weather OFO Day: During a Warm Weather OFO, the Transporter shall be subject to the following Daily OFO Over-Delivery Imbalance provisions:

If Transporter's Daily Over-Delivery Imbalance Quantities are greater than 5% of its actual Total Daily Usage, Company may refuse to receive such excess quantities from the pipeline(s). If Company receives such excess quantities, they shall be cashed out with Company. Company shall pay Transporter for each Dekatherm of Daily Over-Delivery Imbalance Quantities greater than five (5) percent of Total Daily Usage, the lesser of the lowest per unit gas cost paid by Company on the date of non-compliance or the Daily Over-Delivery Charge. Transporter shall pay Company the following:

- (1) The payment of all charges incurred by Company and attributable to the Transporter's Daily Over-Delivery Imbalance Quantities; including pipeline penalty charges on the OFO excess quantities; and
- (2) An OFO Imbalance Charge of \$9.85 per Dekatherm on the portion of the Daily Over-Delivery Imbalance Quantities that is greater than five (5) percent of Total Daily Usage; plus
- (3) Applicable taxes.

APPENDIX E **NOMINATION AND BALANCING PROVISIONS**

OPERATIONAL FLOW ORDERS

Pool Operator is obligated, when requested by the Company through an Operational Flow Order ("OFO"), to nominate and deliver gas supply to the Company's city gates in the manner instructed by the Company. Company may call a Cold Weather OFO or a Warm Weather OFO where such action is necessary, in the Company's sole judgment, to (1) protect the reliability of Company's gas system, (2) comply with Company's Curtailment Procedures in the General Terms and Conditions Applicable to Gas Service, and/or (3) adhere to the various interstate pipeline companies' balancing requirements, as stated in their FERC-approved tariffs.

Cold Weather OFO Day: During a Cold Weather OFO, the Pool Operator shall be subject to the following Daily OFO Under-Delivery Imbalance provisions:

If Pool Operator's Daily Under-Delivery Imbalance Quantity is greater than 3% of Total Daily Usage, the shortfall quantities shall be Cashed-out with the Company. Pool Operator shall pay Company the following:

- (1) For each Dekatherm of Daily Under-Delivery Imbalance Quantities greater than three (3) percent of Total Daily Usage, the greater of the highest incremental gas cost paid by Company on the date of noncompliance or the Daily Under-Delivery Charge; plus
- (2) The payment of all other charges incurred by Company and attributable to Pool Operator's Daily Under-Delivery Imbalance Quantity, including pipeline penalty charges on the OFO shortfall quantities; plus
- (3) An OFO Imbalance Charge of \$9.85 per Dekatherm on the portion of the Daily Under-Delivery Imbalance Quantity that is greater than three (3) percent of Total Daily Usage; plus
- (4) Applicable taxes.

Warm Weather OFO Day: During a Warm Weather OFO, the Pool Operator shall be subject to the following Daily OFO Over-Delivery Imbalance provisions:

If Pool Operator's Daily Over-Delivery Imbalance Quantity is greater than 3% of its Total Daily Usage, Company may refuse to receive such excess quantities from the pipeline(s). If Company receives such excess quantities, they shall be Cashed out with the Company. Company shall pay the Pool Operator for each Dekatherm of Daily Over-Delivery Imbalance Quantities greater than three (3) percent of Total Daily Usage, the lesser of the lowest incremental gas cost paid by Company on the date of non-compliance or the Daily Over-Delivery Charge. Pool Operator shall pay Company the following:

- (1) The payment of all charges incurred by Company and attributable to the Pool Operator's Daily Over-Delivery Imbalance Quantity; including pipeline penalty charges on the OFO excess quantities; and
- (2) An OFO Imbalance Charge of \$9.85 per Dekatherm on the portion of the Daily Over-Delivery Imbalance Quantity that is greater than three (3) percent of Total Daily Usage; plus
- (3) Applicable taxes.