

**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

**STAFF RESPONSE TO ORDER
DIRECTING NOTICE, SUSPENDING TARIFF,
SETTING HEARINGS, AND DIRECTING FILINGS**

1. On June 5, 2009, The Empire District Gas Company ("Empire"), submitted to the Missouri Public Service Commission tariff sheets, proposing to implement a general rate increase for natural gas service to customers in its Missouri service area.

2. In its June 12, 2009 Order Directing Notice, Suspending Tariff, Setting Hearings, and Directing Filings, the Commission Ordered the tariffs be suspended to May 2, 2010, unless otherwise ordered by the Commission.

3. The Commission further ordered Staff to file, on or before July 13, 2009, a pleading either indicating concurrence in Empire's recommended test year or recommending alternatives to that test year.

4. The Company proposed a test year ending December 31, 2008, to be updated for known and measurable changes through June 30, 2009.

5. The Staff concurs in use of this twelve-month period ending December 31, 2008 as the test year for this case.

6. Staff will further update its test-year audit results for known and measurable changes to material revenue requirement components from January 1 to June 30, 2009, which is the Company's proposed test year update period.

7. At this time, the Staff does not believe a true-up is necessary for this filing, but reserves the right to address this matter further in its direct testimony if, as a result of its audit, the Staff reaches a different conclusion as to the appropriateness of a true-up audit.

WHEREFORE Staff requests the Commission accept this pleading in compliance with its June 5, 2009 Order.

Respectfully submitted,

/s/ Sarah Kliethermes

Sarah L. Kliethermes

Legal Counsel

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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 13th day of July, 2009.

/s/ Sarah Kliethermes