

In the matter of The Empire District Gas )  
 Company of Joplin, Missouri for Authority to ) **Case No. GR-2009-0434**  
 File Tariffs Increasing Rates for Gas Service ) **Tariff No. YG-2009-0855**  
 Provided to Customers in the Missouri Service )  
 Area of the Company. )

Comes now The Empire District Gas Company (EDG or Company), and, in reply to the Public Counsel's Amended Response to Proposed Customer Notice, states as follows to the Missouri Public Service Commission (Commission):

2. Public Counsel's Response expressed its disagreement with a single sentence of the proposed customer notice. That is, the statement that "The impact of the rate change varies by customer class, but the overall result is an increase in revenue of 4.9%." Public Counsel argues that the sentence is "misleading because it creates the false implication that Empire is seeking only a 4.9% increase for distribution services, when in fact the percentage increase to revenues for the services Empire provides would be much greater." Public Counsel Response, para. 3.

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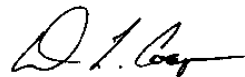
information in which the public historically has had an interest. In this regard, EDG was required to supply this information to the Commission as a part of the Commission's minimum filing requirements. Commission Rule 4 CSR 240-3.030(3)(B)1 requires companies to provide "the percentage of increase over current revenues which the tariff proposes."

4. The Commission apparently requests this information because it believes it is of interest to the public. As is commonly the case in these matters, the Commission's own press release found this information to be relevant as it stated, in part, "On June 5, 2009, The Empire District Gas Company filed a natural gas rate case with the Missouri Public Service Commission seeking to increase annual natural gas revenues by approximately \$2.9 million (4.87%)." See Appendix A.

5. It is unclear and the Public Counsel fails to explain why the same accurate information sought by the Commission in its minimum filing requirements and provided to the public in the Commission's own press release is now controversial and "misleading" in the context of the customer notice.

WHEREFORE, EDG requests that the Commission issue its order approving the forms of notice proposed by EDG.

Respectfully submitted,



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ATTORNEYS FOR  
THE EMPIRE DISTRICT GAS COMPANY

CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing document has been sent by electronic mail this 3<sup>rd</sup> day of August, 2009, to:

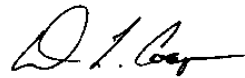
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