

Exhibit No.	
Issue:	Rate Design –
Witness:	Gas Transportation
Sponsoring Party:	Richard Haubensak
	Constellation
	NewEnergy-
	Gas Division, LLC
Type of Exhibit:	Surrebuttal Testimony
Case No.:	GR-2009-0434
Date Testimony Prepared:	December 29, 2009

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

**CASE NO. GR-2009-0434
THE EMPIRE DISTRICT GAS COMPANY**

SURREBUTTAL TESTIMONY

OF

RICHARD HAUBENSAK

ON BEHALF OF CONSTELLATION NEWENERGY-GAS DIVISION, LLC

December 29, 2009

SURREBUTTAL TESTIMONY
OF
RICHARD HAUBENSAK

TABLE OF CONTENTS

I.	Identification and Purpose of Testimony	1
II.	Surrebuttal of Empire Rebuttal – Edwin Overcast	1-2

1 **Q. PLEASE STATE YOUR NAME AND BUSINESS ADDRESS.**

2 A. My name is Richard Haubensak. My business address is 12120 Port Grace
3 Boulevard, Suite 200, LaVista, Nebraska 68128.

4 **Q. DID YOU PREVIOUSLY PRESENT DIRECT AND REBUTTAL TESTIMONY IN**
5 **THIS CASE?**

6 A. Yes, I did.

7 **Q. WHAT IS THE PURPOSE OF YOUR SURREBUTTAL TESTIMONY?**

8 A. I wish to comment on the Rebuttal Testimony of Empire witness H. Edwin
9 Overcast regarding the reasons for which Empire may issue an Operational
10 Flow Order (OFO).

11 **Q. PLEASE PROCEED.**

12 A. Mr. Overcast argues on page 10 of his Rebuttal Testimony, beginning at line
13 9, that “there are many operational reasons for an OFO for the local system
14 unrelated to pipeline OFO orders”. It is confusing why Mr. Overcast has
15 included this argument in his rebuttal testimony. I generally agree with him.
16 As stated in my direct testimony, on page 12, starting on line 6, “Empire
17 should only be allowed to call an OFO when one has been called by the
18 respective interstate pipeline *or* if there is a true emergency on the Empire
19 system. *[Emphasis added.]* Empire should not be allowed to call an OFO just
20 for its own convenience with the result that Empire would be imposing
21 possible penalties on the transportation customers and marketers that those
22 customers and marketers are not responsible for.”

1 **Q. WHAT DO YOU THINK IS APPROPRIATE TARIFF LANGUAGE FOR WHEN AN**
2 **LDC LIKE EMPIRE SHOULD BE ALLOWED TO CALL AN OFO?**

3 A. I have provided Schedule RJH-3 which is made up of pages WT-31 and WT-
4 32 of MidAmerican Energy Company's Iowa tariff. At the top of tariff sheet
5 WT-32, five reasons are set out for which the LDC may call an OFO. I believe
6 similar language to this would be appropriate for Empire.

7 **Q. DOES THIS CONCLUDE YOUR SURREBUTTAL TESTIMONY?**

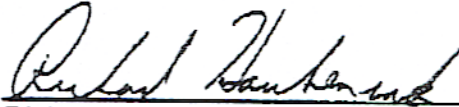
8 A. Yes, it does.

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

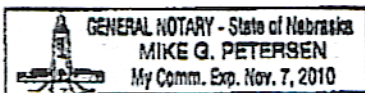
AFFIDAVIT OF RICHARD HAUBENSAK


Richard Haubensak, of lawful age, on his oath, states that he has participated in the preparation of the foregoing Surrebuttal Testimony in question and answer form, to be presented in the above case; that the answers in the foregoing Surrebuttal Testimony were given by him; that he has knowledge of the matters set forth in such answers; and that such matters are true and correct to the best of his knowledge and belief.



Richard Haubensak

Subscribed and sworn before me this 28th day of December 2009.





Notary Public

My Commission Expires: Nov 7 2010