

**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)	

**PLEADING OF CONSTELLATION NEWENERGY-GAS DIVISION, LLC
CONCERNING EMPIRE'S PROPOSED TEST YEAR AND TRUE-UP**

COMES NOW Constellation NewEnergy-Gas Division, LLC (hereinafter referred to as "Constellation"), by and through counsel, as directed by the *Suspension Order and Notice, Order Setting Hearings, and Order Directing Filing* issued by the Commission in this matter on June 12, 2009,¹ and respectfully states that Constellation takes no position concerning Empire District's proposed test year, or concerning a true-up, in this case.

Respectfully submitted,

/s/ William D. Steinmeier

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¹ See, ORDERED: Sections 4 and 5.

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 13th day of July 2009.

/s/ William D. Steinmeier

William D. Steinmeier