

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

In the Matter of the Application of	)	
The Empire District Gas Company for a	)	Case No. GT-2007-0207
Waiver from the application of certain	)	Tariff Filing YG-2007-0375
Tariff language regarding refunds.	)	

**MOTION TO GRANT APPLICATION FOR WAIVER  
AND TO APPROVE TARIFF WITHOUT FURTHER PROCEEDINGS**

COMES NOW The Empire District Gas Company (“EDG”), and for its *Motion To Grant Application For Waiver And To Approve Tariff Without Further Proceedings*, respectfully states as follows:

1. On December 14, 2006 the Staff filed its *Staff Memorandum and Recommendation* advising the Commission that Staff recommended approval of EDG’s Application For Waiver and approval of EDG’s proposed tariff, which bore an effective date of January 1, 2007.
2. On December 15, 2006 Intervenor Sedalia Industrial Energy Users’ Association (“SIEUA”) filed its *Response And Recommendation* wherein it did not request a hearing but requested clarification by EDG on two points of concern. The Commission subsequently suspended EDG’s tariff and scheduled a prehearing conference
3. At the request of the parties, the Commission canceled the February 2, 2007 prehearing conference pending a resolution of SIEUA’s two points of concern by the parties.

4. Counsel for EDG, SIEUA and Staff have discussed SIEUA's two points of concern and have resolved same. Namely: a) upon review, SIEUA concurs that the questioned interest calculation reflects interest that accrues due to the deferred 12-month spreading of the PGA credit distribution to sales customers and is, thus, properly not allocable to transportation customers; and b) EDG agrees that former sales-now transportation customers that previously qualified for refunds will not be required to requalify.

5. In addition, for purposes of clarifying the record EDG is filing herewith *Supplemental Exhibit A*, which is a list of large volume customers that are pre-qualified for refunds. *Supplemental Exhibit A* is being filed as **HIGHLY CONFIDENTIAL** as it contains customer-specific information.

6. EDG filed its *Application for Waiver* and proposed tariff in order to allow it to proceed, as expeditiously as possible, in making refunds due its customers. Counsel for EDG has been informed that with the filing of this *Motion* and *Supplemental Exhibit A*, no further issues remain among the parties which would require further proceedings.

WHEREFORE, EDG moves the Commission to approve its *Application For Waiver* and proposed tariff, without further proceedings and as expeditiously as possible, so that EDG may be permitted to make the refunds due its customers.

Respectfully submitted,

**/s/ Charles Brent Stewart**

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ATTORNEYS FOR THE  
EMPIRE DISTRICT GAS  
COMPANY

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing was sent to all counsel of record in Case No. GT-2007-0207 and Tariff Filing No. YG-2007-0375 by electronic mail transmission, this 8<sup>th</sup> day of February, 2007.

**/s/ Charles Brent Stewart**

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