

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

In the Matter of the Application of The Empire)
District Gas Company d/b/a Liberty for an Order)
Granting a Variance from 20 CSR 4240-)
10.030(19) to Revise its Meter Testing Plan) Case No. _____

APPLICATION FOR VARIANCE AND REQUEST FOR WAIVER

COMES NOW The Empire District Gas Company d/b/a Liberty (“EDG” or the “Company”), by and through its undersigned counsel, and pursuant to 20 CSR 4240-2.060 and 20 CSR 4240-4.017(1), submits this Application for Variance and Request for Waiver. In support of this Application, EDG respectfully states as follows to the Missouri Public Service Commission (“Commission”):

1. EDG is a corporation organized and existing under the laws of the state of Kansas and provides natural gas utility service throughout a number of Missouri counties, with its principal office located at 602 S. Joplin Ave, Missouri, 64802.

2. EDG is part of the Liberty Central Region, as is Liberty Utilities (Midstates Natural Gas) Corp. (“Midstates”). EDG and Midstates are both “gas corporations” and “public utilities” as those terms are defined in RSMo. §386.020 and as such are subject to the jurisdiction of the Commission as provided by law.

3. A certified copy of EDG’s Certificate of Authority to do business as a foreign corporation evidencing EDG’s authority to conduct business in Missouri was submitted in Case No. GO-2006-0205 and is incorporated herein by this reference. The information on such Certificate is currently applicable and correct.

4. EDG has no pending or final unsatisfied judgements or decisions against it from any state of federal agency or court that involve customer service or rates and that have occurred

within the three years immediately preceding this filing. EDG has no annual report or assessment fees overdue to this Commission.

5. Regarding the provision of gas service, Commission Rule 20 CSR 4240-10.030 provides, in part, as follows:

(18) No gas service meter shall be allowed in service which has incorrect gear ratio or dial train or is in any way mechanically defective or shows an error in measurement in excess of two percent (2%) when passing gas at the rate of six (6) cubic feet per hour per rated light capacity. When adjustment is necessary, the adjustment should be made to within at least one percent (1%) of correct registration. Tests for accuracy shall be made with a suit-able meter prover, at least two (2) consecutive test runs being made which agree within one-half (1/2) of one percent (1%).

(19) Unless otherwise ordered by the commission, each gas service meter installed shall be periodically removed, inspected and tested at least once every one hundred twenty (120) months, or as often as the results obtained may warrant to insure compliance with the provisions of section (18) of this rule.

6. On February 17, 2006, Aquila, Inc. (“Aquila”) filed a request for a variance from 20 CSR 4240-10.030(19), which generally required then (as it does now) the removal, inspection, and testing of all natural gas service meters no less than once every 120 months. Specifically, Aquila asked to use a statistical sampling plan for meters with a capacity under 450 cubic feet per hour (“Sample Meter Testing Plan”). The Sample Meter Testing Plan also stated Aquila’s intentions to sell its Missouri gas system to EDG and that this program would be followed should the sale be completed.

7. The sale was fully complete on June 1, 2006. The Commission, noting the cost savings and other efficiencies created by the Sample Meter Testing Plan, approved the variance (Case No. GE-2006-0330) and required Aquila to re-submit the Sample Meter Testing Plan with certain revisions. Aquila re-submitted the Sample Meter Testing Plan on March 24, 2006, and EDG has used this methodology for sample tests for gas meters since that time. The Commission’s

Order and the Company's revised and approved Sample Meter Testing Plan are included as **Appendix A and Appendix B**, respectively.

8. EDG submits this Application for Variance and Request for Waiver to obtain a variance from Commission Rule 20 CSR 4240-10.030(19) to implement a new Sample Meter Testing Plan in lieu of any meter testing plans currently in place. The proposed Sample Meter Testing Plan is attached to this Application as **Appendix C**.

9. The requested sampling method will allow EDG to check fewer meters each year, continuing to save the Company, and thus its customers, money, while still ensuring that gas meters remain accurate. Further, this change will align EDG's meter testing program with the Commission-approved meter testing program for Midstates.

10. EDG requests approval to implement these revisions with the 2023 calendar year. EDG does not anticipate that this matter will be a contested case. A hearing is not required in order to grant a variance from a portion of the Commission's regulations.

11. EDG has not filed a 60-day notice pursuant to 20 CSR 4240-4.017(1) and requests a waiver of this requirement. Rule 20 CSR 4240-4.017(1)(D) provides that a waiver may be granted for good cause. Good cause exists in this case. EDG declares (as verified below) that it has had no communication with the office of the Commission (as defined by Commission Rule 20 CSR 4240-4.017(1)(D)) within the prior 150 days regarding any substantive issue likely to be in this case. Accordingly, to the extent that the Commission may find it to be applicable, and for good cause shown, EDG moves for a waiver of the 60-day notice requirement of Rule 20 CSR 4240-4.017(1) and acceptance of this Application at this time.

WHEREFORE, EDG respectfully requests, for good cause shown, that the Commission waive the notice requirement of 20 CSR 4240-4.017(1) and grant the requested variance from 20

CSR 4240-10.030(19), to allow the Company to revise and update its meter testing plan.

Respectfully submitted,

/s/ Diana C. Carter

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CERTIFICATE OF SERVICE

I hereby certify that the above document was filed in EFIS on this 13th day of December, 2022, and sent by electronic transmission to the Staff of the Commission and the Office of the Public Counsel.

/s/ Diana C. Carter

VERIFICATION

On behalf of The Empire District Gas Company d/b/a Liberty, and pursuant to Commission Rules, the undersigned, upon his oath and under penalty of perjury, hereby states that the above filing is true and correct to the best of his information, knowledge, and belief.

/s/ Mike Beatty
Liberty Central Region Vice President