

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

In the Matter of the Application of Missouri)
Gas Energy, a Division of Southern Union)
Company, for a Certificate of Public)
Convenience and Necessity Authorizing it to)
Construct, Install, Own, Operate, Control,)
Manage and Maintain a Natural Gas)
Distribution System to Provide Gas Service in)
Platte County, Missouri, as an Expansion of its)
Existing Certified Area.)

Case No. GA-2007-0289, et al.
YG-2008-0703

**STAFF RECOMMENDATION FOR APPROVAL OF EMPIRE DISTRICT GAS
SUBSTITUTE TARIFF FILING**

COMES NOW the Staff of the Missouri Public Service Commission (Staff) and for its Recommendation, states as follows:

1. On May 23, 2008, The Empire District Gas Company (Empire or Company) of Joplin, Missouri, filed with the Commission four (4) tariff sheets with an issue date of May 23, 2008, and a proposed effective date of June 22, 2008 attached as Appendix 1 to its application as ordered by the Commission's Report and Order issued February 14, 2008, effective February 24, 2008. These tariff sheets contain revisions of the Original Tariff Sheets containing *Authorized Service Territory – Gas*. On June 26, 2008, Empire extended the requested effective date to July 22, 2008¹, and filed four (4) substitute tariff sheets.

2. Pursuant to the Commission's September 11, 2008 Order Directing Filing and Recommendation, Empire timely filed a second set of four (4) substitute tariff sheets, with an issue date of September 15, 2008 and proposed effective date of October 15, 2008.

¹ Empire originally filed Tariff Tracking No. YG-2008-0703 with an issue date of May 23, 2008 and an effective date of June 22, 2008. That filing was withdrawn in compliance with the Commission's ORDER GRANTING STAFF AN EXTENSION OF TIME TO EVALUATE COMPLIANCE FILINGS, effective June 24, 2008.

3. In accordance with the Commission's September 11th Order, the Staff has reviewed Empire's second set of substitute tariff sheets. As explained in Staff's Memorandum, attached hereto as Appendix A and incorporated by reference, the Staff has determined the tariff sheets, as substituted, are in compliance with the Commission's Order in Case No. GA-2007-0289. Therefore, Staff recommends the Commission approve Empire's proposed tariff sheets as substituted.

WHEREFORE, for the above-stated reasons Staff respectfully recommends the Commission issue an order approving Empire's tariff sheets, as substituted on September 15, 2008, in file tracking no. YG-2008-0703 or allow them to go into effect by operation of law.

Respectfully submitted,

/s/ Robert S. Berlin

Robert S. Berlin
Senior Counsel
Missouri Bar No. 51709

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Certificate of Service

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronic mail to all counsel of record this 19th day of September 2008.

/s/ Robert S. Berlin

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

In the matter of the application of)
Missouri Gas Energy, a division of)
Southern Union Company, for a)
certificate of public convenience and)
necessity authorizing it to construct,)
install, own, operate, control, manage)
and maintain a natural gas distribution)
system to provide gas service in Platte)
County, Missouri, as an expansion of its)
existing certified area.)

Case No. GA-2007-0289, et al

AFFIDAVIT OF HENRY WARREN

STATE OF MISSOURI)
) ss
COUNTY OF COLE)

Henry Warren, of lawful age, on oath states: that he has participated in the preparation of the foregoing written memorandum, to be presented in the above case; that the information in the attached written report was given by Missouri Gas Energy (MGE); that he has knowledge of the matters set forth in such memorandum; and that such matters are true to the best of his knowledge and belief.


Henry Warren

Subscribed and sworn to before me this 18th day of September, 2008.



SUSAN L. SUNDERMEYER
My Commission Expires
September 21, 2010
Callaway County
Commission #06942086


Notary Public

MEMORANDUM

TO: Missouri Public Service Commission Official Case File
Case No. GA-2007-0289, et al., Tariff Tracking No. YG-2008-0703
The Empire District Gas Company

FROM: Tom Imhoff, Rate & Tariff Examination Supervisor, Project Coordinator
Henry Warren, Regulatory Economist II

/s/ Thomas M. Imhoff 09/18/08 /s/ Robert S. Berlin 09/18/08
Energy Department / Date General Counsel's Office / Date

SUBJECT: Staff Recommendation For **Approval** of Tariff Sheets Filed on May 23, 2008 To
Comply With The Commission's ORDER DIRECTING FILING issued February
14, 2008.

DATE: September 18, 2008

On May 23, 2008, The Empire District Gas Company (Empire or Company) of Joplin, Missouri, filed with the Commission four (4) tariff sheets with an issue date of May 23, 2008, and a proposed effective date of June 22, 2008 attached as Appendix 1 to its application as ordered by the Commission in its REPORT AND ORDER issued February 14, 2008, effective February 24, 2008. These tariff sheets contain revisions of the Original Tariff Sheets containing *Authorized Service Territory – Gas*. On June 26, 2008, Empire extended the requested effective date to July 22, 2008¹, and filed four (4) substitute tariff sheets. Pursuant to the Commission's ORDER DIRECTING FILING AND RECOMMENDATION, effective September 11, 2008, Empire filed a second set of four (4) substitute tariff sheets, with an issue date of September 15, 2008 and a proposed effective date of October 15, 2008.

Staff Recommendation

The Staff has reviewed the proposed tariff sheets, and is of the opinion that they were filed in a timely manner and are in compliance with the Commission's Orders in Case No. GA-2007-0289.

Ordered paragraph 8 states, "The Empire District Gas Company and Missouri Gas Energy shall file revised tariff sheets with the Commission identifying which types of certificates they have (i.e. transport, line, or service area certificates) in all of the areas in which they hold any type of certificate to provide any type of natural gas service."

Subsequent to the Commission's ORDER SUSPENDING COMPLIANCE TARIFF FILINGS AND

¹ Empire originally filed Tariff Tracking No. YG-2008-0703 with an issue date of May 23, 2008 and an effective date of June 22, 2008. That filing was withdrawn in compliance with the Commission's ORDER GRANTING STAFF AN EXTENSION OF TIME TO EVALUATE COMPLIANCE FILINGS, effective June 24, 2008.

DIRECTING RESPONSES, effective July 18, 2008, Staff further reviewed the Commission's ORDER APPROVING UNANIMOUS STIPULATION AND AGREEMENT AND GRANTING A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY, effective April 28, 2006, in Case No. GO-2006-0205 and had discussions with the Company regarding item 6. of the ORDER,

The Empire District Gas Company is granted a certificate of convenience and necessity to provide natural gas service as a gas corporation and public utility, subject to the jurisdiction of the Commission, in the service areas now served by Aquila, Inc.

Staff agrees with the Company that this ORDER is comprehensive in designating the areas Empire is authorized to serve, and referencing Case No. GO-2006-0205 in a footnote on tariff sheets Nos. 4-7 is sufficient to document the Commission's authorization. On September 15, 2008, the Company filed substitute tariff sheets Nos. 4-7 with the following footnote,

All of the service territory displayed on this tariff sheet represents a service area certificate granted in Case No. GO-2006-0205.

The Staff therefore recommends that the Commission issue an order approving the following proposed tariff sheets, as filed on May 23, 2008, as substituted on September 15, 2008, to become effective on October 15, 2008, Empire's requested date, or permit the tariff sheets to go into effect by operation-of-law:

P.S.C. MO. No. 2

First Revised Sheet No. 4 canceling Original Sheet No. 4
First Revised Sheet No. 5 canceling Original Sheet No. 5
First Revised Sheet No. 6 canceling Original Sheet No. 6
First Revised Sheet No. 7 canceling Original Sheet No. 7

The Staff has verified that this Company is not delinquent on any assessment or the filing of its annual report. The Staff is not aware of any other matter pending before the Commission that affects or is affected by this tariff filing.

cc: Roger W. Steiner
Jeffrey A. Keevil
Lewis Mills