

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

In the Matter of the Application of The Empire District)
Gas Company, for a Certificate of Public Convenience)
and Necessity Authorizing it to Construct, Install, Own,)
Operate, Control, Manage and Maintain a Natural Gas) File No. GA-2012-_____
Distribution System to Provide Gas Service in Nodaway)
County, Missouri, as an Expansion of its Existing)
Certified Area.)

APPLICATION

COMES NOW The Empire District Gas Company (“EDG” or “Applicant”) by and through the undersigned counsel, and for its Application pursuant to §393.170 RSMo, 4 CSR 240-2.060 and 4 CSR 240-3.205 for a certificate of public convenience and necessity, respectfully states as follows:

APPLICANT

1. EDG is a corporation organized and existing under the laws of the State of Kansas, with its principal office located at 602 Joplin Street, Joplin, Missouri 64802. EDG is a “gas corporation” and a “public utility” as those terms are defined in Section 386.020 RSMo and as such is subject to the jurisdiction of the Missouri Public Service Commission (“Commission”) as provided by law. EDG provides natural gas service in the Missouri counties of Cooper, Henry, Johnson, Lafayette, Morgan, Pettis, Platte, Ray Saline, Vernon, Chariton, Grundy, Howard, Linn, Atchison, Holt, Nodaway, Andrew and Livingston.

2. EDG was authorized to provide natural gas service pursuant to authority granted by the Commission in Case No. GO-2006-0205, by Commission Order issued on April 18, 2006. Included in such authority was a certificate of convenience and necessity to provide natural gas service in specified service areas in Missouri. 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. EDG has no pending action or final unsatisfied judgments or decisions against it from any state or federal agency or court within the past three years that involve customer service or rates. EDG has no annual report or assessment fees that are overdue.

3. All correspondence, pleadings, communications, notices, orders and decisions of the Commission with respect to this matter should be sent to the undersigned counsel and to the following:

Ron Gatz, President
The Empire District Gas Company
602 Joplin Street
Joplin, Missouri 64802
Tel. (417) 625-5103
Fax (417) 625-5153
Email: rgatz@empiredistrict.com

And
Scott Keith
The Empire District Gas Company
602 Joplin Street
Joplin, Missouri 64802
Tel. (417) 625-4266
Fax (417) 625-5173
Email: skeith@empiredistrict.com

CERTIFICATE APPLICATION

4. Attached hereto, incorporated herein by reference and marked as **Appendix A** is the legal description of the area to be certificated, which includes twenty (20) sections in Nodaway County, Missouri.

5. Attached hereto, incorporated herein by reference and marked as **Appendix B** is a map of the location of the proposed service area.

6. The area in which EDG is seeking to be certificated hereby is adjacent to existing service territory currently served by EDG. It is EDG's belief that there is no natural gas service available in the described area at the present time.

7. Three potential commercial customers in this area have expressed an interest in converting from their existing fuel sources to natural gas. Because EDG does not have a certificate from the Commission for the area where potential customers are located, it is necessary for EDG to obtain the requisite permission from the Commission.

8. This application seeks to provide customers in the proposed area with an opportunity to receive natural gas service from an experienced supplier of such service. These potential new customers should be afforded the opportunity to take service from EDG if they so desire, pursuant to EDG's tariffs. For these reasons, a granting of the Application is required by the public convenience and necessity.

9. Attached hereto, incorporated herein by reference and marked as **Appendix C** is a list of ten (10) residents or landowners in the proposed service area, including the three commercial customers expressing an interest in receiving gas service..

10. Attached hereto, incorporated herein by reference and marked as **Appendix D (HC)** is a feasibility study containing an estimate of the cost of construction and an estimate of the number of customers and delivery revenues during the first three (3) years of operations.

11. The cost of the project will be paid for by Applicant or customer supplied funds pursuant to EDG's extension policy. No external financing for this construction will be necessary.

12. Construction methods will follow EDG's customary standards and the rules of the Commission. EDG's existing rates and regulations for natural gas service contained in its tariff

for the Northwest system, as the same may change from time to time pursuant to law, will apply to service in the proposed area.

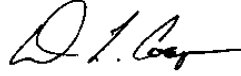
13. EDG will not require any additional franchises or permits from municipalities, counties, or other authorities in connection with the proposed construction for this filing other than the usual and customary state highway, railroad and county road permits, which will be obtained prior to construction.

14. EDG does not anticipate that this matter will be a contested case since no hearing is required by statute. Accordingly, EDG was not required to file a 60-day Notice of Filing pursuant to 4 CSR 240-4.020(2). However, to the extent that a 60-day Notice of Filing could otherwise be required under 4 CSR 240-4.020(2), EDG respectfully requests that such notice requirement be waived for good cause in that no contact concerning this matter has been made with a Commissioner and the public interest would not be served by a sixty (60) day waiting period before its filing. 4 CSR 240-4.020(2)(B).

WHEREFORE, EDG respectfully requests an order from the Commission granting it a certificate of convenience and necessity to construct, install, own, operate, control, manage and maintain a system for the provision of natural gas service to the public pursuant to its approved rates, rules and regulations (as the same may change from time to time as provided by law) in Sections 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26 and 27, Township 63 North, Range 34 West and Sections 7, 8, 17, 18, 19, 20, 29 and 30 Township 63 North, Range 33 West, all in Nodaway

County, Missouri.

Respectfully submitted,



Dean L. Cooper MBE #36592
BRYDON, SWEARENGEN & ENGLAND P.C.
312 East Capitol Avenue
P.O. Box 456
Jefferson City, Missouri 65102-0456
Telephone: (573) 635-7166
Facsimile: (573) 635-3847
Email: Dcooper@brydonlaw.com

ATTORNEYS FOR THE EMPIRE DISTRICT
GAS COMPANY

CERTIFICATE OF SERVICE

The undersigned certifies that a true copy of the foregoing was sent to the following by electronic mail, this 11th day of October, 2011.

Ms. Lera Shemwell
Missouri Public Service Commission
General Counsel Office
P.O. Box 360
200 Madison St., Suite 800
Jefferson City, MO 65102
GenCounsel@psc.mo.gov
Lera.shemwell@psc.mo.gov

Mr. Marc Poston
Office of the Public Counsel
P.O. Box 2230
200 Madison St., Suite 650
Jefferson City, MO 65102
opcservice@ded.mo.gov
marc.poston@ded.mo.gov



AFFIDAVIT

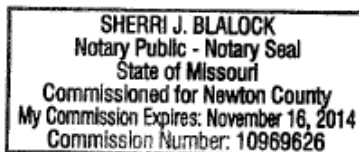
State of Missouri)
) ss
County of Jasper)

I, Ronald F. Gatz, having been duly sworn upon my oath, state that I am President of The Empire District Gas Company (EDG), that I am duly authorized to make this affidavit on behalf of EDG, and that the matters and things stated in the foregoing Application and appendices thereto are true and correct to the best of my information, knowledge and belief.

Ronald F. Gatz

Subscribed and sworn before me this 11 day of Oct., 2011.

Sherrif Blalock
Notary Public



APPENDIX A

The Empire District Gas Company
Application for Certificate of Public Convenience and Necessity

Legal Description of Requested Service Territory

<u>County</u>	<u>Township and Range</u>	<u>Sections</u>
Nodaway	T63N R33W	7, 8, 17, 18, 19, 20, 29, and 30
Nodaway	T63N R34W	10, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, and 27

APPENDIX C

The Empire District Gas Company
Application for Certificate of Public Convenience and Necessity

List of Potential Customers

<u>Name</u>	<u>Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>
Conception Abbey	P.O. Box 501	Conception	MO	64433
Congregation of Benedictine Sisters of Perpetual Adoration Benedictine Monastery	31970 State Highway P	Clyde	MO	64432
Jefferson High School	37614 US Highway 136	Conception Jct.	MO	64434
Ed Barry	37991 US Highway 136	Conception Jct.	MO.	64434
Ralph Bliley	37725 US Highway 136	Clyde	MO.	64432
Gloria Carlson	37403 US Highway 136	Conception Jct.	MO	64434
Frieja Gross	37543 US Highway 136	Conception Jct.	MO	64434
Tim Jermain	37289 US Highway 136	Conception Jct.	MO	64434
Keith Kelly	37489 US Highway 136	Conception Jct.	MO	64434
Francis Mattson	37695 US Highway 136	Conception Jct.	MO	64434
Louis Schieber	37701 US Highway 136	Conception Jct.	MO	64434
Something Country	37799 US Highway 136	Conception Jct.	MO	64434
Jeff Strueby	37758 US Highway 136	Conception Jct.	MO	64434