

# BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of Atmos Energy Corporation's Tariff )  
Revision Designed to Implement a General Rate ) **File No. GR-2010-0192**  
Increase for Natural Gas Service in the Missouri ) Tariff No. YG-2010-0426  
Service Area of the Company )

## ORDER DIRECTING NOTICE, SUSPENDING TARIFF, SETTING HEARINGS, AND DIRECTING FILINGS

Issue Date: January 6, 2010

Effective Date: January 6, 2010

### ***Procedural History***

On December 28, 2009, Atmos Energy Corporation ("Atmos") submitted a tariff designed to implement a general rate increase for natural gas service. Atmos indicates the new gas service rates are designed to increase its gross annual revenues by approximately \$6,438,586. The submitted tariff carries a January 28, 2010 effective date.

### ***The Commission's Authority to Suspend Proposed Tariffs:***

Section 393.150, RSMo 2000, authorizes the Commission to suspend the effective date of a proposed tariff for 120 days, plus an additional six months to allow for a hearing on the matter. So that it will have sufficient time to study the effect of Atmos' general rate increase tariff and to determine if it is just, reasonable, and in the public interest, the Commission will suspend that tariff for a period of 120 days beyond the requested effective date. Furthermore, because a hearing on the tariff cannot be concluded within 120 days, the tariff will be suspended for an additional six months.

***Test Year, True-up and Local Public Hearing Recommendations:***

Atmos used a historical test year ending June 30, 2009. It is unclear from the current pleadings as to whether Atmos plans to update the test year figures for known and measurable changes or if a true-up hearing will be required. To quickly resolve test year and true-up questions, the Commission will require the other parties to promptly state their positions regarding Atmos' test year proposal, as well as the need for a true-up.

In addition to test year and true-up recommendations, the Commission will direct the parties to file recommendations regarding the scheduling of local public hearings. Any party recommending local public hearings shall also offer recommendations regarding the number, date, time, and location of those hearings.

***Hearing Dates, Customer Notice, and Prehearing Conference:***

The Commission will schedule an evidentiary hearing in this order and will reserve dates for a true-up hearing. By establishing the hearing dates now, the Commission will ensure that this matter is heard as expeditiously as possible. Additionally, the early establishment of the hearing dates will allow ample time for notice to be sent to customers. The Commission will also set an early prehearing conference and require the parties to file a proposed procedural schedule. Staff will have primary responsibility for preparing the proposed procedural schedule, but should coordinate the proposed schedule with the other parties as much as possible.

***Notice and Intervention:***

The Commission's Data Center shall serve a copy of this order upon the county commissions of the counties in Atmos' service area. In addition, the Commission's Public Information Office shall make notice of this order available to the media serving Atmos'

service area and to the members of the General Assembly representing that area. The Commission will allow proper persons 15 days from the issuance of this order to file an application to intervene.

**THE COMMISSION ORDERS THAT:**

1. The tariff submitted under Tariff File No. YG-2010-0426, on December 28, 2009, by Atmos Energy Corporation, for the purpose of increasing rates for natural gas service, is suspended for 120 days, from January 28, 2010, to May 28, 2010.

2. The tariff suspended for 120 days in ordered paragraph 1, is suspended an additional six months beyond May 28, 2010, to November 28, 2010.

3. The specific tariff sheets suspended are:

**P.S.C. MO. No. 2**

---

2nd Revised Sheet No. 2, Cancelling 1st Revised Sheet No. 2  
2nd Revised Sheet No. 19, Cancelling 1st Revised Sheet No. 19  
1st Revised Sheet No. 21, Cancelling Original Sheet No. 21  
2nd Revised Sheet No. 22, Cancelling 1st Revised Sheet No. 22  
1st Revised Sheet No. 23, Cancelling Original Sheet No. 23  
2nd Revised Sheet No. 24, Cancelling 1st Revised Sheet No. 24  
1st Revised Sheet No. 25, Cancelling Original Sheet No. 25  
2nd Revised Sheet No. 26, Cancelling 1st Revised Sheet No. 26  
2nd Revised Sheet No. 28, Cancelling 1st Revised Sheet No. 28  
1st Revised Sheet No. 30, Cancelling Original Sheet No. 30  
2nd Revised Sheet No. 42, Cancelling 1st Revised Sheet No. 42  
2nd Revised Sheet No. 43, Cancelling 1st Revised Sheet No. 43  
2nd Revised Sheet No. 115, Cancelling 1st Revised Sheet No. 115  
2nd Revised Sheet No. 116, Cancelling 1st Revised Sheet No. 116  
2nd Revised Sheet No. 117, Cancelling 1st Revised Sheet No. 117  
2nd Revised Sheet No. 118, Cancelling 1st Revised Sheet No. 118  
1st Revised Sheet No. 119, Cancelling Original Sheet No. 119

4. Any proper person or entity wishing to intervene shall file an application to intervene no later than January 19, 2010, with:

Steven C. Reed, Secretary  
Missouri Public Service Commission  
Post Office Box 360  
Jefferson City, Missouri 65102-0360

5. An early prehearing conference shall be held on January 26, 2010 at 10:00 a.m. The early prehearing conference will be held in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri.

6. Staff, the Office of the Public Counsel, and any persons or entities requesting intervention shall file, on or before February 2, 2010, a pleading either indicating concurrence in Atmos' recommended test year or recommending alternatives to that test year.

7. Staff, the Office of the Public Counsel and any intervenors shall file, on or before February 2, 2010, a pleading offering a recommendation concerning updating for known and measureable changes and for a true-up.

8. The parties shall file a proposed procedural schedule on or before February 2, 2010. Staff shall have the primary responsibility for preparing and filing the proposed procedural schedule.

9. The parties shall file recommendations as to the times, dates and locations for local public hearings regarding the proposed rate increase on or before February 2, 2010.

10. An evidentiary hearing is scheduled for July 12 through 16, and July 19 through 23, 2010, beginning each day at 8:30 a.m. August 9 and 10, 2010, are reserved for a true-up hearing, if such a hearing is ordered. The evidentiary hearing will be held in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri.

11. Atmos Energy Corporation shall notify each affected customer of the scheduled hearings. The form and time of the notice shall be agreed upon by the parties and shall be filed for the Commission's approval no later than February 2, 2010.

12. The Commission's Data Center shall serve a copy of this order upon the county commission of each county within Atmos Energy Corporation's service area.

13. The Commission's Public Information Office shall make notice of this order available to the members of the General Assembly representing Atmos Energy Corporation's service area and to the news media serving Atmos' service area.

14. All hearings in this case will be held in a building that meets accessibility standards required by the Americans with Disabilities Act. Any person requiring additional accommodations to participate in any hearing shall call the Missouri Public Service Commission's Hotline at 800-392-4211 (voice) or Relay Missouri at 711 before the hearing.

15. This order shall become effective immediately upon issuance.

**BY THE COMMISSION**



Steven C. Reed  
Secretary

( S E A L )

Harold Stearley, Senior Regulatory Law Judge,  
by delegation of authority under  
Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,  
on this 6th day of January, 2010.