

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

In the Matter of Atmos Energy Corporation's)
Tariff Revision Designed to Consolidate Rates)
and Implement a General Rate Increase for)
Natural Gas Service in the Missouri Service)
Area of the Company.)

Case No. GR-2006-0387

PUBLIC COUNSEL'S PROCEDURAL RECOMMENDATION

COMES NOW the Office of the Public Counsel ("Public Counsel") and for its recommendation on the procedure to follow on remand states:

1. The Court of Appeals June 23, 2009 Opinion reversed the Commission's residential rate design and district consolidation decisions. The Commission's October 7, 2009 Order Establishing Deadline for Responses invited the parties to make suggestions on the procedure to follow on remand.

2. Public Counsel believes the Commission has two procedural options. The Commission can reconsider the evidence already in the record and issue a new Order, or the Commission can open the record for the receipt of new evidence before issuing a new Order. Public Counsel recommends that the Commission issue new findings based on the existing record and briefs. Public Counsel also recommends that the Commission invite the parties to file proposed orders.

3. Public Counsel urges the Commission to act expeditiously on this matter because Atmos Energy Corporation is expected to file for a new rate increase by the end of the year. A prompt resolution will also protect ratepayers from the harm that could be

caused by a rate design that the Court of Appeals determined has not been proven to be just and reasonable.

WHEREFORE, Public Counsel respectfully offers this reply to the Commission's request for input from the parties regarding the Commission's procedure on remand.

Respectfully submitted,

OFFICE OF THE PUBLIC COUNSEL

By: /s/ Marc D. Poston

Marc D. Poston (#45722)

Deputy Public Counsel

P. O. Box 2230

Jefferson City MO 65102

(573) 751-5558

(573) 751-5562 FAX

marc.poston@ded.mo.gov

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been sent via email on this 30th day of October 2009.

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

Thompson Kevin
Missouri Public Service
Commission
200 Madison Street, Suite 800
P.O. Box 360
Jefferson City, MO 65102
Kevin.Thompson@psc.mo.gov

Reid Scott
Noranda Aluminum, Inc.
135 East Main St.
P.O. 151
Fredericktown, MO 63645
reid-scott@sbcglobal.net

Walther C Douglas
Atmos Energy Corporation
Three Lincoln Centre, Ste. 1800
PO Box 650205
Dallas, TX 75265-0205
douglas.walther@atmosenergy.com

Fischer M James
Atmos Energy Corporation
101 Madison Street, Suite 400
Jefferson City, MO 65101
jfischerpc@aol.com

Dority W Larry
Atmos Energy Corporation
101 Madison, Suite 400
Jefferson City, MO 65101
lwdority@sprintmail.com

Woodsmall David
Hannibal Regional Hospital
428 E. Capitol Ave., Suite 300
Jefferson City, MO 65101
dwoodsmall@fcplaw.com

Conrad Stuart
Hannibal Regional Hospital
3100 Broadway, Suite 1209
Kansas City, MO 64111
stucon@fcplaw.com

/s/ Marc D. Poston

Marc D. Poston