

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office in
Jefferson City on the 3rd day of
March, 2010.

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

**ORDER DENYING THE OFFICE OF THE
PUBLIC COUNSEL'S MOTION**

Issue Date: March 3, 2010

Effective Date: March 3, 2010

On February 3, 2010, the Commission issued an interlocutory order re-opening the evidentiary record in File Number GR-2006-0387 and consolidating that file with File Number GR-2010-0192.¹ On February 12, 2010, the Office of the Public Counsel filed an "Application for Rehearing" requesting the Commission to "rehear its Order Consolidating Cases."²

No hearing has been held that has resulted in a final order on the merits in the re-opened file (GR-2006-0387) or the most recently filed rate increase request (GR-2010-0192). Consequently, the Commission will properly treat Public Counsel's motion as a motion for reconsideration of the interlocutory procedural order consolidating the matters.³

All of Public Counsel's arguments were previously addressed in prior Commission orders, and no "pre-determination" has been made with regard to any contested issue as Public Counsel asserts. Indeed, the evidentiary record is open in GR-2006-0387 to receive

¹ The procedural schedule was set for these consolidated matters on February 16, 2010.

² Atmos Energy Corporation and the Commission's Staff filed responsive pleadings on February 19, 2010. These pleadings repeat these parties' arguments against Public Counsel's repeated arguments.

additional evidence in conformity with the Western District Court of Appeals' remand. Public Counsel's application is meritless and will be denied.

Public Counsel filed its application under File No. GR-2006-0387. Consequently, the Commission's Data Center was required to duplicate the filing in GR-2010-0192, the designated lead case. To promote administrative economy and eliminate duplicate pleadings in two separate files, all future filings for these consolidated matters shall be made under the lead case file number, GR-2010-0192.

THE COMMISSION ORDERS THAT:

1. The Office of the Public Counsel's "Application for Rehearing" is denied.
2. All filings regarding File Numbers GR-2006-0387 and GR-2010-0192 shall be filed under the lead case file, File Number GR-2010-0192.
3. This order shall become effective immediately upon issuance.

BY THE COMMISSION



Steven C. Reed
Secretary

(S E A L)

Clayton, Chm., Davis, Jarrett, Gunn,
and Kenney, CC., concur.

Stearley, Senior Regulatory Law Judge

³ See Commission Rule 4 CSR 240-2.160.