

# 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, et al.**  
Increase for Natural Gas Service in the Missouri ) Tariff No. YG-2010-0426  
Service Area of the Company )

## ORDER ADOPTING PROCEDURAL SCHEDULE WITH MODIFICATIONS, ESTABLISHING TEST YEAR, AND ADOPTING PROPOSED CUSTOMER NOTICE

Issue Date: February 16, 2010

Effective Date: February 16, 2010

On February 2, 2010, the parties jointly filed a proposed a procedural schedule. On that same date, the Commission's staff ("Staff") and the Office of the Public Counsel ("Public Counsel") filed recommendations regarding the Test Year and True-Up. Atmos Energy Corporation ("Atmos") had filed its recommendation for the Test Year and True-Up on January 26, 2010. Since all parties accept the proposed schedule, and since no party is objecting to the proposed Test Year,<sup>1</sup> the Commission will adopt both with certain modifications that are delineated in the ordered paragraphs.

Atmos and Staff state that no True-Up period is required. Public Counsel states it cannot offer a recommendation on the need for a True-Up until a substantial portion of the audit is completed. Because Atmos represents that no True-Up is required, and Atmos is the proponent of its rate case, the Commission will not reserve dates for a True-Up hearing.

The Commission will also adopt Atmos' proposed customer notices. However, the notice for the Small General Service and Medium General Service customers shall be amended in conformity with Public Counsel's suggestions filed on February 8, 2010.

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<sup>1</sup> Staff represents that Atmos agreed to shorten the update period by month from its original recommendation of March 31, 2010. The parties are now recommending the update period extend through February 28, 2010.

## **THE COMMISSION ORDERS THAT:**

1. The Test Year for this case is the twelve month period ending June 30, 2009, updated for known and measureable changes through February 28, 2010.

2. The following procedural schedule is established:

<b>Rate Design Technical Conference</b>	<b>- March 2-3, 2010 (10:00 a.m. &amp; 8:30 a.m. respectively)</b>
<b>Revenue Requirement Direct</b>	<b>- June 4, 2010</b>
<b>Rate Design Direct</b>	<b>- June 18, 2010</b>
<b>Local Public Hearings (locations and dates to be established by subsequent order)</b>	<b>- Tentative Dates June 21-25, 2010</b>
<b>Preliminary Reconciliation (not filed)</b>	<b>- June 22, 2010</b>
<b>Settlement Conference (This is an informal conference among the parties and will not be "on-the-record.")</b>	<b>- June 29 – July 2, 2010</b>
<b>Rebuttal (all issues, simultaneous)</b>	<b>- July 16, 2010</b>
<b>List of Issues, List of Witnesses, Order Of Witnesses, Order of Parties for Cross- Examination, Order of Opening Statements</b>	<b>- July 30, 2010</b>
<b>Simultaneous Surrebuttal</b>	<b>- August 6, 2010</b>
<b>Reconciliation</b>	<b>- August 10, 2010</b>
<b>Position Statements</b>	<b>- August 13, 2010</b>
<b>Joint Stipulation of Non-Contested Material Facts</b>	<b>- August 13, 2010</b>
<b>Evidentiary Hearing</b>	<b>- August 18 - 27, 2010, beginning at 8:30 a.m.</b>
<b>Transcripts</b>	<b>- September 3, 2010</b>

**Simultaneous Post-Hearing Briefs**

- **September 28, 2010**

**Proposed Findings of Fact and  
Conclusions of Law**

- **September 28, 2010**

3. The parties shall comply with the following additional procedural requirements:

(A) Testimony shall be prefiled as defined in Commission Rule 4 CSR 240-2.130.

All parties must comply with this rule, including the requirement that testimony be filed on line-numbered pages.

(B) The parties shall agree upon and Staff shall file a list of the issues to be heard, the witnesses to appear on each day of the hearing, the order in which they will be called, and the order of party cross-examination for each witness. The list of issues shall be stated with particularity. If the parties are unable to agree to an issues list, each party shall file a separate issues list.

(C) Each party shall file a simple and concise statement summarizing its position on each disputed issue.

(D) All pleadings, briefs, and amendments shall be filed in accordance with Commission Rule 4 CSR 240-2.080. Briefs shall follow the same list of issues as filed in the case and must set forth and cite the proper portions of the record concerning the unresolved issues that the parties believe require decision by the Commission.

(E) All parties shall bring an adequate number of copies of exhibits that they intend to offer into evidence at the hearing. If an exhibit has not been prefiled, the party offering it must bring, in addition to the copy for the court reporter, copies for the five Commissioners, the Presiding Judge, and all counsel.

(F) All parties shall provide copies of testimony (including schedules), exhibits, and pleadings to other counsel by electronic means and in electronic form, essentially

contemporaneously with the filing of such testimony, exhibits, or pleadings where the information is available in electronic format (.PDF, .DOC, .WPD, or .XLS). Parties are not required to put information that does not exist in electronic format into electronic format for purposes of exchanging it.

(G) The parties shall make an effort not to include highly confidential or proprietary information in data request questions. If highly confidential or proprietary information must be included in data request questions, the highly confidential or proprietary information shall be appropriately designated as such pursuant to Commission Rule 4 CSR 240-2.135.

(H) Each party serving a data request on another party shall provide an electronic copy of that data request to counsel for all other parties contemporaneously with when the data request is served on the party from whom the response is requested. Any party seeking a copy of the response to a data request issued by another party shall serve that request on the party to whom the original request was directed.

(I) Until rebuttal testimony is filed on July 16, 2010, the response time for all data requests shall be twenty calendar days, with ten calendar days to object or notify the requesting party that more than twenty calendar days will be needed to provide the requested information. After July 16, 2010, the response time for data requests shall be ten calendar days to provide the requested information and five calendar days to object or notify the requesting party that more than ten calendar days will be needed to provide the requested information.

(J) Workpapers that were prepared in the course of developing a witness' testimony shall not be filed with the Commission, but, without request, shall be submitted to each party within two business days after the particular testimony is filed. Workpapers

containing highly confidential or proprietary information shall be appropriately marked. Since workpapers for certain parties may be voluminous and generally not all parties are interested in receiving workpapers or a complete set of workpapers, a party shall be relieved of providing workpapers to those parties indicating that they are not interested in receiving workpapers or a complete set of workpapers. If such workpapers have been prepared in either Excel or Word format, the workpapers shall be provided on some form of conveniently accessible electronic medium (i.e., CD, Memory Stick, Flash Drive, Zip Drive, Data Cards, etc.) or through e-mail to the other parties. If there are no workpapers associated with testimony, the party's attorney shall notify the other parties within the time allowed for providing those workpapers.

(K) Atmos shall submit to Staff and interested parties an update of its direct revenue requirement and rate design calculations, as well as the necessary supporting data through February 28, 2010 no later than April 15, 2010.

(L) Documents filed in EFIS are properly served if provided to counsel of record for all other parties via e-mail.

(M) In the event that the parties reach a settlement of all of the issues, such settlement shall not be grounds for a continuance of the hearing unless the agreement is final, has been submitted to the Commission in writing, and there are no objections to the agreement.

4. Atmos Energy Corporation's proposed customer notices, filed on February 5, 2010, amended by the Office of the Public Counsel's suggestions filed on February 8, 2010, are adopted.

5. The hearing shall be held at the Commission's office at the Governor Office Building, Room 310, 200 Madison Street, Jefferson City, Missouri. This building meets accessibility standards required by the Americans with Disabilities Act. Any entity requiring additional accommodations to participate in this hearing shall call the Public Service Commission's Hotline at 1-800-392-4211 (voice) or Relay Missouri at 711 before the hearing.

5. 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 pursuant  
to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,  
on this 16<sup>th</sup> day of February, 2010.