

**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 CONCURRENCE WITH
REQUEST TO WITHDRAW THE LIMIT TO POSTHEARING BRIEFS**

COMES NOW the Office of the Public Counsel states:

1. On June 2, 2006, the Commission issued its *Order Concerning Test Year and True-up and Adopting Procedural Schedule with Modifications*. The Commission's *Order* included a list of conditions, including condition (F), which states:

Because much of the evidence will have been filed before the hearing, the Commission will require prehearing briefs that address all the issues in dispute and all the relevant prefiled testimony. Since posthearing briefs will cover most of the record, posthearing briefs will not need to be very lengthy, and will be limited to ten pages in length. Prehearing briefs will generally just need to update the prehearing briefs for new evidence adduced at the hearing.

On June 5, 2006, Hannibal Regional Hospital's ("HRH") requested that the Commission withdraw condition (F). Public Counsel concurs with this request.

2. Public Counsel will not repeat the arguments made by HRH. Public Counsel will add that the parties proposed a procedural schedule that included prehearing briefs nine (9) days after simultaneous surrebuttal testimony. The procedural schedule adopted by the Commission allows only one (1) day between surrebuttal testimony and the prehearing briefs. This prevents the parties from devoting little, if any, of the prehearing brief responding to evidence submitted in surrebuttal testimony. Parties may not be able to fully address "all the relevant prefiled

testimony” in the prehearing brief as stated in condition (F), and it leaves the parties with only ten pages to address the evidence introduced through surrebuttal testimony and the evidentiary hearing. Public Counsel believes it is premature to determine that ten pages will be sufficient. Without the concurrence of all parties to limit their posthearing brief to ten pages, Public Counsel believes condition (F) from the Commission’s *Order* could prevent the parties from fully presenting their arguments to the Commission on all issues.

WHEREFORE, Public Counsel respectfully concurs with the request to modify the Commission’s *Order* and withdraw condition (F) from the procedural schedule.

Respectfully submitted,

OFFICE OF THE PUBLIC COUNSEL

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, emailed or hand-delivered to the following this 9th day of June 2006:

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