

1 STATE OF MISSOURI
2 PUBLIC SERVICE COMMISSION
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6 TRANSCRIPT OF PROCEEDINGS
7 Early Prehearing Conference
8 January 26, 2010
9 Jefferson City, Missouri
Volume 1

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

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17 HAROLD STEARLEY, Presiding,
REGULATORY LAW JUDGE

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22 REPORTED BY:

23 KELLENE K. FEDDERSEN, CSR, RPR, CCR
MIDWEST LITIGATION SERVICES

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1 APPEARANCES:

2 JAMES M. FISCHER, Attorney at Law
3 LARRY W. DORITY, Attorney at Law
4 Fischer & Dority
5 101 Madison, Suite 400
6 Jefferson City, MO 65101
7 (573)636-6758
8 jfischerpc@aol.com

9 FOR: Atmos Energy Corporation.

10 SARAH MANGELSDORF, Assistant Attorney General
11 P.O. Box 899
12 Supreme Court Building
13 Jefferson City, MO 65102
14 (573)751-3321
15 sarah.mangelsdorf@ago.mo.gov
16 FOR: Missouri Department of Natural
17 Resources.

18 DIANA VUYLSTEKE, Attorney at Law
19 Bryan Cave, LLP
20 211 North Broadway, Suite 3600
21 St. Louis, MO 63102
22 (314)259-2543
23 FOR: Noranda Aluminum.

24 MARC D. POSTON, Senior Public Counsel
25 P.O. Box 2230
200 Madison Street, Suite 650
Jefferson City, MO 65102-2230
(573)751-4857
FOR: Office of the Public Counsel
and the Public.

ROBERT S. BERLIN, Senior Counsel
JAIME OTT, Legal Counsel

SAM RITCHIE, Legal Counsel
P.O. Box 360
200 Madison Street
Jefferson City, MO 65102
(573)751-3234
FOR: Staff of the Missouri Public
Service Commission.

1 P R O C E E D I N G S

2 JUDGE STEARLEY: All right. Good morning.
3 Today is Tuesday, January 26, 2010. We are here for a
4 prehearing conference in the matter of Atmos Energy
5 Corporation's tariff revision designed to implement a
6 general rate increase for natural gas service in the
7 Missouri service area of the company, which is File
8 No. GR-2010-0192.

9 My name is Harold Stearley. I'm the
10 presiding officer over this matter. And our court
11 reporter this morning is Kellene Feddersen. We'll begin
12 by taking entries of appearance, starting with Atmos
13 Energy Corporation.

14 MR. FISCHER: Thank you, Judge. Let the
15 record reflect the appearance of Larry W. Dority and Jim
16 Fischer appearing today on behalf of Atmos Energy
17 Corporation. Our address is 101 Madison Street,
18 Suite 400, Jefferson City, Missouri 65101.

19 JUDGE STEARLEY: Thank your, Mr. Fischer.
20 Noranda Aluminum, Incorporated. Ms. Vuylsteke, are you
21 still with us?

22 MS. VUYLSTEKE: Yes, I am, Judge. Diana
23 Vuylsteke from the law firm Bryan Cave, LLP, appearing for
24 Noranda Aluminum. Our street address is 211 North
25 Broadway, Suite 3600, St. Louis, Missouri 63102.

1 JUDGE STEARLEY: Thank you, Ms. Vuylsteke.

2 Can you hear me all right on your end?

3 MS. VUYLSTEKE: I can. Thank you.

4 JUDGE STEARLEY: Missouri Department of
5 Natural Resources.

6 MS. MANGELSDORF: Sarah Mangelsdorf
7 appearing for the Missouri Department of Natural
8 Resources, P.O. Box 899, Jefferson City, Missouri 65102.

9 JUDGE STEARLEY: Okay. Thank you. And the
10 Office of Public Counsel.

11 MR. POSTON: Marc Poston appearing for the
12 Office of the Public Counsel and the public, P.O. Box
13 2230, Jefferson City, Missouri 65102.

14 JUDGE STEARLEY: Thank you, Mr. Poston.
15 And the Staff of the Missouri Public Service Commission.

16 MR. BERLIN: Appearing on behalf of the
17 Staff of the Missouri Public Service Commission, Robert S.
18 Berlin, Samuel Ritchie and Jamie Ott, Post Office Box 360,
19 Jefferson City, Missouri 65102.

20 JUDGE STEARLEY: Thank you, Mr. Berlin.

21 Do we have any preliminary matters we need
22 to address at this time? Okay. Well, hearing none, a
23 couple of quick things to go over with you-all
24 schedule-wise. I know I've got February 2nd set as a
25 deadline for the filing of a procedural schedule, for

1 recommendations on test year and true-up, for
2 recommendations on local public hearings, and for filing a
3 proposed customer notice.

4 In addition to those items, when you file
5 your procedural schedule, I would like you to place an
6 item in there for the filing of a joint stipulation of
7 non-contested material facts. It can probably coincide
8 with the date for surrebuttal testimony.

9 And I know the Commission sent tentative
10 hearing dates, and usually we hear from the parties and we
11 adjust those to accommodate you, but I have since acquired
12 a couple conflict dates myself for that first week in July
13 that I had named in the Order, the 12th through the 16th.
14 I will be unavailable the 13th, 15th and 16th.

15 So in putting your schedule together, I
16 don't know if you want to push the evidentiary hearing to
17 start on the following week or how you-all may want to
18 adjust that.

19 MR. BERLIN: Judge, if I may make a comment
20 on that?

21 JUDGE STEARLEY: Certainly.

22 MR. BERLIN: One of the things we're going
23 to talk about with regard to the procedural schedule, of
24 course, is the date of the hearing. I'd like to also note
25 that Staff is constrained from a staffing standpoint

1 because of ongoing rate cases. So I would anticipate that
2 that date would be moved back.

3 JUDGE STEARLEY: All right. Very good.

4 MR. BERLIN: Perhaps into August.

5 JUDGE STEARLEY: Well, we'll see how far
6 the Commission is willing to let you go back. Do you
7 think Staff is going to have to request obtaining any
8 outside resources?

9 MR. BERLIN: At this time, I understand
10 that Staff is pursuing that option.

11 JUDGE STEARLEY: All right. Very good.
12 Well, I will wait for your proposed procedural schedule,
13 and maybe we'll accommodate all our potential conflicts.
14 I've brought a couple copies of our adjudication calendar.
15 I don't know if you have any with you or not, but this may
16 aid you in picking your dates.

17 MR. FISCHER: Judge, I also might mention
18 that I noticed in the procedural order there was some
19 confusion or uncertainty about the test year that the
20 company was proposing, and that others were to respond to
21 that on February 2nd. I thought it might be helpful if
22 the company filed a clearer pleading that clearly
23 identified the test year and update period. I was
24 planning to do that probably later today.

25 JUDGE STEARLEY: That would be fine,

1 Mr. Fischer, and I'm sure greatly appreciated. We'll all
2 know our starting point. Is there anything else that we
3 need to address this morning for the on-the-record portion
4 of this conference?

5 (No response.)

6 JUDGE STEARLEY: Hearing nothing further,
7 we will adjourn the on-the-record portion and I'll leave
8 you all to your discussions. Thank you all very much.

9 WHEREUPON, the recorded portion of the
10 prehearing conference was concluded.

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3 STATE OF MISSOURI)

4) ss.

5 COUNTY OF COLE)

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7 I, Kellene K. Feddersen, Certified

8 Shorthand Reporter with the firm of Midwest Litigation

9 Services, do hereby certify that I was personally present

10 at the proceedings had in the above-entitled cause at the

11 time and place set forth in the caption sheet thereof;

12 that I then and there took down in Stenotype the

13 proceedings had; and that the foregoing is a full, true

14 and correct transcript of such Stenotype notes so made at

15 such time and place.

16 Given at my office in the City of

17 Jefferson, County of Cole, State of Missouri.

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Kellene K. Feddersen, RPR, CSR, CCR

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