

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

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| In the Matter of Atmos Energy |) | |
| Corporation's Purchased Gas |) | Case No. GR-2011-_____ |
| Adjustment Tariff Filing |) | |

**ATMOS ENERGY CORPORATION'S
NOTICE OF INTENDED CASE FILING
AND APPLICATION FOR WAIVER**

COMES NOW Atmos Energy Corporation ("Atmos") and, pursuant to Missouri Public Service Commission ("Commission") Rules 4 CSR 240-4.020(2) and 4 CSR 240-2.060(4), respectfully submits its Notice of Intended Case Filing ("Notice") and request for a waiver from the application of 4 CSR 240-4.020(2) to its next Purchased Gas Adjustment ("PGA") tariff filing. In support of its Notice and Application for Waiver, Atmos states as follows:

1. Atmos is a corporation duly organized, validly existing and in good standing in all respects under the laws of the State of Texas and Commonwealth of Virginia, with its principal office and place of business at 5430 LBJ Freeway, Dallas, Texas 75240. Atmos is authorized to conduct business in the State of Missouri and is engaged in the distribution and retail sale of natural gas in those areas of Missouri certificated to it by the Commission.

2. A certified copy of Atmos' certificate of authority to do business as a foreign corporation in Missouri was filed with the Commission in Case No. GR-2006-0387. Said document is incorporated herein by reference in accordance with 4 CSR 240-2.060(1)(G) and made a part hereof for all purposes. Atmos is a "gas corporation" and a

“public utility” as those terms are defined in Section 386.020 of the Revised Statutes of Missouri and as such is subject to the jurisdiction of the Commission as provided by law.

3. Atmos may have pending actions against it involving customer service or rates having occurred within three (3) years from the date of this Application in certain of the jurisdictions in which it provides service, but none in Missouri. Atmos has no annual report or assessment fees that are overdue.

4. Communication in regard to this Notice and Application should be addressed to the undersigned counsel and:

Mark Martin
Atmos Energy Corporation
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Owensboro, Kentucky 42303-1312
(270) 685-8024
Mark.Martin@atmosenergy.com

5. Commission Rule 4 CSR 240-4.020(2) became effective July 30, 2010, one month ago, and provides in part as follows:

Any regulated entity that intends to file a case likely to be a contested case shall file a notice with the secretary of the commission a minimum of sixty (60) days prior to filing such a case. Such notice shall detail the type of case and issues likely to be before the commission.

4 CSR 240-4.020(2)(B) provides: “Any party may request a waiver of this section for good cause.”

6. Pursuant to its approved tariffs, in addition to its required Winter PGA filing made between October 15 and November 4 of each calendar year,¹ Atmos also is permitted to make three (3) Optional PGA filings.

¹ Atmos submitted its Winter PGA filing on October 15, 2010, which was approved on an interim basis subject to refund by the Commission’s Order Approving Interim Rates issued October 27, 2010, effective November 1, 2010, in Case No. GR-2010-0238.

7. At this time, it is unclear when Atmos will be making its next Optional PGA filing. In making such filing, Atmos does not intend to create a contested case. It does not appear that Atmos' PGA filings are the type of case intended to be covered by the above-referenced rule. Nevertheless, due to the fact that the rule is new and clarifications have yet to be provided, and due to the strict penalty imposed for not filing a required notice, Atmos is filing this Notice and requesting this waiver out of an abundance of caution. To the extent Atmos makes its next Optional PGA tariff filing prior to January 31, such filing will not comply with the prescribed minimum sixty (60) day period. Accordingly, Atmos respectfully submits that, to the extent 4 CSR 240-4.020(2) may apply to its next Optional PGA filing, good cause exists for a waiver of the application of the sixty (60) day minimum filing period of said rule.

WHEREFORE, Atmos Energy Corporation respectfully submits its Notice of Intended Case Filing and requests that the Commission grant Atmos' requested waiver of 4 CSR 240-4.020(2) as specifically set forth herein.

Respectfully submitted,

/s/ Larry W. Dority

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Attorneys for Atmos Energy Corporation

Certificate of Service

I hereby certify that a copy of the above and foregoing document was sent by electronic mail, or hand delivered, on this 2nd day of December, 2010 to:

General Counsel
Missouri Public Service Commission
Governor Office Building
P.O. Box 360
Jefferson City, MO 65102

Office of the Public Counsel
Governor Office Building, 6th Floor
P.O. Box 2230
Jefferson City, MO 65102-7800

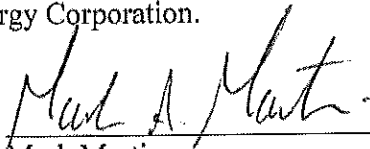
/s/ Larry W. Dority

Larry W. Dority

VERIFICATION

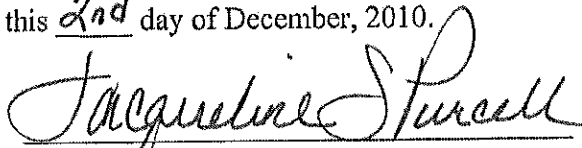
STATE OF KENTUCKY)
)
COUNTY OF DAVIESS) ss

I, Mark Martin, of lawful age, state that I am Vice President-Rates and Regulatory Affairs for the Kentucky/Mid-States Division of Atmos Energy Corporation; that I have read the above and foregoing pleading; that the statements contained therein are true and correct to the best of my information, knowledge and belief; and that I am authorized to make this statement on behalf of Atmos Energy Corporation.



Mark Martin

Subscribed and sworn to before me this 2nd day of December, 2010.



Notary Public

My Commission Expires:

11/15/2011