

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

In the Matter of PGA/ACA filing of Atmos Energy)
Corporation for the West Area (Old Butler), West)
Area (Old Greeley), Southeastern Area (Old) Case No. GR-2008-0364
SEMO), Southeastern Area (Old Neelyville),)
Kirksville Area, and in the Northeastern Area.)

STAFF'S RECOMMENDATION

COMES NOW the Staff of the Missouri Public Service Commission, and for its Recommendation, states:

1. On February 12, 2009, Atmos Energy Corporation (Atmos or Company), of Franklin, Tennessee, filed a Purchased Gas Adjustment (PGA) tariff sheet with the Missouri Public Service Commission (Commission) with a proposed effective date of March 1, 2009.

2. In addition, Atmos filed a Motion for Waiver of Tariff Provisions (Waiver) to the filing of a revised Actual Cost Adjustment (ACA) Factor and Motion for Expedited Treatment (Motion).

3. Atmos seeks a Waiver from its PGA tariff provisions to file a revised ACA factor for its Butler District customers in its West Area.

4. The Commission's Energy Tariff/Rate Design Staff (Staff) has reviewed Butler's ACA balance and is of the opinion, this change should be made.

WHEREFORE Staff recommends the Waiver and Motion be approved, as filed on February 12, 2009, and be allowed to become effective on March 1, 2009.

Respectfully submitted,

/s/ Lera L. Shemwell

Lera L. Shemwell

Deputy General Counsel

Missouri Bar No. 43792

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Missouri Public Service Commission

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Certificate of Service

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronic mail to all counsel of record this 18th day of February 2009.

/s/ Lera L. Shemwell

MEMORANDUM

TO: Missouri Public Service Commission Official Case File, Case No. GR-2008-0364
File No. YG-2009-0579
Atmos Energy Corporation

FROM: Thomas M. Imhoff, Energy Department - Tariffs/Rate Design

/s/ Thomas M. Imhoff 02/18/09

Energy Department/Date

/s/ Lera Shemwell 02/18/09

General Counsel's Office/Date

SUBJECT: Staff Recommendation in the Matter of Atmos Energy Corporation's Motion for Waiver of Tariff Provisions Related to the Filing of a Revised ACA Factor and Motion for Expedited Treatment

DATE: February 18, 2009

On February 12, 2009, Atmos Energy Corporation (Atmos or Company), of Franklin, Tennessee, filed a Purchased Gas Adjustment (PGA) tariff sheet with the Missouri Public Service Commission (Commission) with a proposed effective date of March 1, 2009. In addition, Atmos filed a Motion for Waiver of Tariff Provisions (Waiver) to the filing of a revised Actual Cost Adjustment (ACA) Factor and Motion for Expedited Treatment (Motion). On February 13, 2009, the Commission issued an ORDER DIRECTING STAFF TO FILE ECOMMENDATION AND ESTABLISHING TIME FOR RESPONSE (ORDER) its recommendation by February 23, 2009. This memorandum is in response to that ORDER.

Atmos seeks a Waiver from its PGA tariff provisions to file a revised ACA factor for its Butler District customers in its West Area. Atmos' ACA level for its Butler District will be nearly \$0 by the end of February. By making this change now, Atmos will have a *de minimus* ACA balance and avoid an over-collection of these costs for the upcoming regular ACA filing in November of 2009. The Commission's Energy Tariff/Rate Design Staff (Staff) has reviewed Butler's ACA balance and is of the opinion, this change should be made.

Staff has reviewed the Company's tariff filing and has determined that the tariff sheet has been filed in compliance with Atmos' PGA Clause, Commission rules and regulations. Staff is of the opinion that good cause for approval of these tariff sheets on less than thirty (30) days notice is demonstrated by Atmos' Commission-approved PGA clause allowing for ten (10) business days notice for PGA change filings and its Motion. Staff has no objection to Atmos' request due to the Butler District's *de minimus* ACA balance by the end of February 2009 and the avoidance of an over-collection of these gas costs. Staff has reviewed this filing and is not aware of any issue currently pending before the Commission that affects, or is affected by, this filing.

MO PSC TARIFF FILING Case No. GR-2008-0364

Tariff No. YG-2009-0579

OFFICIAL CASE FILE MEMORANDUM

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Therefore, Staff recommends that the following tariff sheet, Waiver and Motion be approved, as filed on February 12, 2009, and be allowed to become effective on March 1, 2009.

P.S.C. MO. No. 2

5th Revised SHEET NO. 44, Cancelling 4th SHEET NO. 44

Staff has verified that Atmos has filed its annual report and is not delinquent on any assessment.

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Northeastern Area)

Case No. GR-2008-0364

AFFIDAVIT OF THOMAS M. IMHOFF

STATE OF MISSOURI)
) ss
COUNTY OF COLE)

Thomas M. Imhoff, of lawful age, on oath states: that he participated in the preparation of the foregoing Staff Recommendation in memorandum form, to be presented in the above case; that the information in the Staff Recommendation was provided to him; that he has knowledge of the matters set forth in such Staff Recommendation; and that such matters are true to the best of his knowledge and belief.


Thomas M. Imhoff

Subscribed and sworn to before me this 18th day of February, 2009.



SUSAN L. SUNDERMEYER
My Commission Expires
September 21, 2010
Callaway County
Commission #06942086


Notary Public