

BEFORE THE PUBLIC SERVICE COMMISSION
STATE OF MISSOURI

In the Matter of Atmos Energy Corporation's Tariff)
Revision Designed to Consolidate Rates and) **Case No. GR-2006-0387**
Implement a General Rate Increase for Natural Gas)
Service in the Missouri Service Area of the Company.)

In the Matter of Atmos Energy Corporation's Tariff
Revision Designed to Implement a General Rate
Increase for Natural Gas Service in the Missouri
Service Area of the Company.) **Case No. GR-2010-0192**
) Tariff No. YG-2010-0426
)

Staff's Response to Public Counsel's Application for Rehearing

COMES NOW the Staff of the Missouri Public Service Commission, by and through counsel, and for its Response to the Public Counsel’s Application for Rehearing, states that it concurs in the response filed today by Atmos Energy Corporation.

After a thorough consideration of the issues and the positions of the parties, the Commission on February 3, 2010, consolidated the remand of Case No. GR-2006-0387, Atmos’ previous rate case, into Case No. GR-2010-0192, Atmos’ current rate case. Staff considers that resolution to be appropriate. The remand order of the Circuit Court of Cole County simply states “[t]he PSC’s Report and Order issued on February 22, 2007 in Commission Case No. GR-2006-0387 is hereby reversed and remanded back to the Commission consistent with the Opinion of the Court of Appeals.” The mandate of the Court of Appeals—which is addressed to the circuit court—states that “the cause is remanded . . . for further proceedings, all in accordance with the Opinion of the

Court herein delivered.” The Court of Appeals’ opinion stated “we reverse the Commission’s decisions . . . and remand those matters to the Commission for further proceedings.” The action taken by the Commission on February 3 is consistent with the remand order of the Circuit Court of Cole County and with the mandate and opinion of the Court of Appeals.

WHEREFORE, for the reasons set out above, Staff prays that the Commission will deny Public Counsel’s Application for Rehearing.

Respectfully submitted,

s/ Kevin A. Thompson

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Certificate of Service

I hereby certify that a true and correct copy of the foregoing was served, either electronically or by hand delivery or by First Class United States Mail, postage prepaid, on this **19th day of February, 2010**, on the parties of record as set out on the official Service List maintained by the Data Center of the Missouri Public Service Commission for this case.

s/ Kevin A. Thompson