

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

In the Matter of the Application of Atmos Energy	)	
Corporation for a Variance and Waiver from the	)	<b><u>File No. GE-2009-0443</u></b>
Provisions of 4 CSR 240-3.235.	)	

**ORDER DIRECTING FILING**

Issue Date: September 3, 2009

Effective Date: September 3, 2009

Upon review of the Stipulation and Agreement filed by Atmos Energy Corporation and the Office of the Public Counsel, the Commission needs additional information and explanation from the parties. Atmos has requested a waiver or variance from 4 CSR 240-3.235. It is not clear, however, under what authority the Commission may waive that particular rule. Therefore, the Commission will direct Atmos and the Staff of the Missouri Public Service Commission to file a brief regarding this issue. Any other party may also file a brief.

**THE COMMISSION ORDERS THAT:**

1. Atmos Energy Corporation and the Staff of the Missouri Public Service Commission shall file a brief regarding the Commission's authority to grant a waiver of 4 CSR 240-3.235 no later than September 14, 2009.
2. Any other party may file a brief regarding the Commission's authority to grant a waiver of 4 CSR 240-3.235 no later than September 14, 2009.

3. This order shall become effective upon issuance.

**BY THE COMMISSION**

A handwritten signature in black ink, appearing to read 'S. Reed', is positioned above the printed name.

Steven C. Reed  
Secretary

( S E A L )

Nancy Dippell, Deputy Chief Regulatory  
Law Judge, by delegation of authority  
pursuant to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,  
on this 3rd day of September, 2009.