

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)
Provisions of 4 CSR 240-3.235.)

File No. GE-2009-0443

ORDER SETTING HEARING

Issue Date: July 24, 2009

Effective Date: July 24, 2009

On June 19, 2009, Atmos Energy Corporation filed a request for a variance from certain provisions of 4 CSR 240-3.235 to allow it to file its next rate case without the inclusion of a new depreciation study. The Office of the Public Council objected to that application and requested the Commission deny the variance. Atmos requested expedited treatment regarding the waiver and specifically requested a decision by July 31, 2009.

The Commission is unable to grant the motion for expedited treatment for the particular time frame requested, but will expedite a hearing on this matter. Therefore, the Commission sets a hearing as set out below.

The following conditions shall apply to the hearing:

- (A) Prefiled testimony will not be required. Live testimony will be utilized.
- (B) The parties shall jointly file a list of witnesses and proposed order of cross-examination.
- (C) Each party shall file a brief synopsis of, or position statement regarding, the issue/topic about which each of its witnesses is expected to testify, including a summary of the factual and legal points relied on by the party. Such statement shall be simple and

concise and shall not contain argument about why the party believes its position to be the correct one.

(D) The Commission will hear closing arguments in lieu of briefs; however, if any party wishes to submit a brief, the party may do so prior to the close of the hearing.

(E) All parties are required to bring an adequate number of copies of exhibits that they intend to offer into evidence at the hearing. The party shall bring, in addition to the copy for the court reporter, copies of each exhibit for the five Commissioners, the Regulatory Law Judge, and all counsel.

(F) The hearing transcript will be expedited to be available **no later than the next business day following the close of testimony.**

THE COMMISSION ORDERS THAT:

1. A hearing is set on August 4-5, 2009, beginning at 9:00 a.m. on August 4 in the Commission's offices, Governor Office Building, 200 Madison Street, Room 310, Jefferson City, Missouri.

2. The Governor Office Building meets accessibility standards required by the Americans with Disabilities Act. Anyone needing additional accommodations to participate in the hearing should call the Public Service Commission's Hotline at 1-800-392-4211 (voice) or Relay Missouri at 711 prior to the hearing.

3. The parties shall follow the procedures as set out in the body of this order and shall file their witness lists, proposed order of cross-examination, and position statements no later than July 31, 2009.

4. This order shall become effective upon issuance.

BY THE COMMISSION



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 24th day of July, 2009.