

**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 SEMO), Southeastern   )  
Area (Old Neelyville), Kirksville Area, and in   )  
the Northeastern Area                                )

**Case No. GR-2008-0364**

**MOTION TO COMPEL ATMOS' RESPONSE TO STAFF DATA  
REQUESTS 117.1 AND 131.1**

COMES NOW the Staff of the Missouri Public Service Commission (Staff) and respectfully moves the Commission to compel Atmos Energy Corporation (Atmos or Company) to fully respond to Staff's follow-up Data Requests 117.1 and 131.1 and in support thereof states as follows:

1. On August 27, 2010, the Staff issued follow-up Data Requests (DRs) 117.1 and 131.1. Staff issued both DRs as a result of its analysis of certain highly confidential (HC) information that Atmos provided to Staff and Office of Public Counsel pursuant to the Commission's July 15<sup>th</sup> *Order Granting Staff's Motion To Compel Atmos To Respond To Data Requests*.

2. On September 7, 2010, Atmos counsel timely objected to both Staff Data Requests 117.1 and 131.1 on the grounds they are "...irrelevant to this proceeding and [are] not designed to lead to admissible evidence."

3. On September 9, 2010, pursuant to the Commission's discovery rule 4 CSR 240-2.090(8)(A), Staff counsel and Staff witness David Sommerer held an initial telephone

conference with Atmos counsel to discuss the reasons why Staff needs the information requested in DRs 117.1 and 131.1.

4. On September 13, 2010, the parties held a telephone conference with the presiding officer pursuant to 4 CSR 240-2.090(8)(B).

#### **Data Request 117.1**

5. The Company provided information in response to Staff DR 117 that revealed unexplained anomalies in the quantities of gas supplies provided by Atmos' unregulated marketing affiliate Atmos Energy Marketing (AEM) to the Hannibal/Bowling Green service area.

6. In Staff's follow-up DR 117.1, the Staff seeks documents related to the baseload supply acquired by AEM in three specific trades intended by AEM to provide flexible baseload service to Atmos' LDC customers. Staff seeks documents that explain the anomalies in the quantities of gas supplies in these three trades. *See Staff DR 117.1 attached hereto as Appendix A (HC).*

#### **Data Request 131.1**

7. In Staff DR 131, Staff requested AEM's economic analysis of its sales obligation with Atmos LDC. Atmos legal department, and not AEM's gas trading department, responded to Staff that this kind of documentation was not available. The position of Atmos' legal department runs against the express provisions of AEM policy which requires AEM traders to create documents that evaluate and track the economics of the supply deal.

8. Relying on AEM's stated policy, the Staff again asked in DR 131.1 for AEM documents on the evaluation and tracking of the gas supply deal between AEM and Atmos LDC. Staff needs these documents to support its assessment of the fair market value of the gas supplies

that AEM provided to Atmos LDC customers and for Staff to evaluate the integrity of Atmos' bid process for those supplies. *See Staff DR 131.1 attached hereto as Appendix B (HC).*

### **Conclusion**

9. Staff asserts that the information it seeks in both DRs is highly relevant and necessary to its evaluation of the fair market value of the "full requirements" gas supply deal that Atmos awarded to its unregulated affiliate AEM. Staff is prepared to argue need and relevancy should the Commission wish to set this matter for hearing.

WHEREFORE, for the reasons stated above, the Staff respectfully moves that the Commission issue an order to Atmos directing the Company to respond to Staff DRs 117.1 and 131.1.

Respectfully submitted,

**/s/ Robert S. Berlin**

Robert S. Berlin  
Senior Counsel  
Missouri Bar No. 51709

Attorney for the Staff of the  
Missouri Public Service Commission  
P. O. Box 360  
Jefferson City, MO 65102  
(573) 526-7779 (Telephone)  
(573) 751-9285 (Fax)  
email: bob.berlin@psc.mo.gov

### **Certificate of Service**

I hereby certify that copies of the foregoing have been mailed, hand-delivered, or transmitted by facsimile or electronic mail to all counsel of record this 14<sup>th</sup> day of September 2010.

**/s/ Robert S. Berlin**