

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

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

**STAFF RESPONSE TO PUBLIC COUNSEL’S MOTION TO  
RESCHEDULE HEARING AND ATMOS ENERGY’S RESPONSE TO  
PUBLIC COUNSEL**

**COMES NOW** the Staff of the Commission and files its Response to *Atmos Energy’s Response To Office of Public Counsel’s Motion To Reschedule The Evidentiary Hearing* (Response) filed today and Public Counsel’s (OPC) *Motion To Reschedule The Evidentiary Hearing* (Motion) filed on July 29, 2009. In support of this pleading, Staff limits its response to addressing certain procedural aspects of the above-captioned case and respectfully states:

1. In its July 29<sup>th</sup> Motion, OPC indicated it “...is hopeful that continued discussions may result in an agreement or a narrowing of the issues to be considered by the Commission.” Staff shares the same hope. As OPC pointed out, the parties have met and discussed issues involved in this matter. Staff believes those discussions were fruitful. As a result of the progress made in those discussions, Staff agrees that some additional discussion may lead to an agreement or at least narrow the issues put before the Commission.

2 With regard to Atmos’ Response to OPC’s Motion, the Staff concurs with the Company’s proposed alternative suggestion that “...should the Commission determine the current hearing date should be rescheduled and to not unduly delay this matter....the

hearing be rescheduled to the week of August 24, 2009, and the witness lists, proposed order of cross-examination and position statements filing be rescheduled accordingly.” Staff believes Atmos’ proposed alternative strikes a reasonable balance between the Company and Public Counsel because it allows sufficient time for the parties to conduct discussions that may lead to either a narrowing of the issues or possible settlement of this matter.

**WHEREFORE**, the Staff respectfully submits its Response to Atmos’ Response and Public Counsel’s Motion and prays the Commission accept Staff’s Response.

Respectfully submitted,

**/s/ Robert S. Berlin**

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### **Certificate of Service**

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record this 30<sup>th</sup> day of July 2009.

**/s/ Robert S. Berlin**