

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

In the Matter of Atmos Energy)	
Corporation's 2008-2009 Purchased Gas)	Case No. GR-2009-0417
Adjustment and Actual Cost Adjustment)	

**PUBLIC COUNSEL'S
APPLICATION FOR REHEARING**

COMES NOW the Missouri Office of the Public Counsel (OPC) and for its Application for Rehearing respectfully requests rehearing of the Commission's December 21, 2011 Report and Order and the Commission's January 18, 2012 Order Establishing Ending ACA Balances (collectively "Orders"). In support of this Application, OPC requests rehearing as follows:

1. The evidence relied upon by the Orders does not provide a reasonable basis for concluding that the natural gas purchased by Atmos from its affiliate Atmos Energy Marketing (AEM) satisfied the asymmetrical pricing standards of the Commission's affiliate transactions rules, 4 CSR 240-40.016.
2. The Orders are unlawful in that they misinterpret 4 CSR 240-40.016 and fail to require Atmos to acquire natural gas from AEM at the lesser of fully distributed cost (FDC) or fair market price (FMP) as required by 4 CSR 240-40.016.
3. The Orders are unlawful in that they allow bids alone to establish a fair market price. 4 CSR 240-40.016.
4. The Orders are unlawful in that they rely upon the legal conclusion that there are no recordkeeping requirements in "a situation where an affiliate company has simply sold a product to the regulated entity". 4 CSR 240-40.016.

5. The Orders are unlawful in that they apply a prudence standard, a burden of proof, and authorize rates in violation of §§ 386.430, 393.130, 393.140, and 393.150 RSMo.

6. The Orders' findings and conclusions regarding the errors identified in paragraphs 1 through 5 of this Application are: 1) unlawful, 2) not based on competent and substantial evidence, 3) arbitrary, capricious, and unreasonable, and 4) constitute an abuse of discretion.

WHEREFORE, the Office of the Public Counsel respectfully requests rehearing to address the errors identified above.

Respectfully submitted,

OFFICE OF THE PUBLIC COUNSEL

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, emailed or hand-delivered to all counsel of record this 19th day of January 2012.

Missouri Public Service Commission

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