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## Missouri Public Service Commission

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February 20, 2002

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Mr. Dale Hardy Roberts  
Secretary/Chief Regulatory Law Judge  
Missouri Public Service Commission  
P. O. Box 360  
Jefferson City, MO 65102

**FILED<sup>3</sup>**  
FEB 20 2002

**RE: Case No. GR-2000-573**

Missouri Public  
Service Commission

Dear Mr. Roberts:

Enclosed for filing in the above-captioned case are an original and eight (8) conformed copies of a **JOINT MOTION TO CLOSE CASE**.

This filing has been mailed or hand-delivered this date to all counsel of record.

Thank you for your attention to this matter.

Sincerely yours,

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DLF:ccl  
Enclosure  
cc: Counsel of Record

BEFORE THE MISSOURI PUBLIC SERVICE COMMISSION

OF THE STATE OF MISSOURI

FILED<sup>3</sup>

FEB 20 2002

Missouri Public  
Service Commission

In the Matter of Atmos Energy )  
Corporation's Purchased Gas Adjustment )  
Factors to be Reviewed in its 1999-2000 )  
Actual Cost Adjustment. )

Case No. GR-2000-573

JOINT MOTION TO CLOSE CASE

COME NOW the Staff ("Staff") of the Missouri Public Service Commission ("Commission"), Associated Natural Gas Company ("ANG"), a division of Arkansas Western Gas Company, Atmos Energy Corporation ("Atmos") and the Office of the Public Counsel, and for their Joint Motion To Close Case, respectfully state as follows:

1. On June 1, 2000, Atmos Energy Corporation ("Atmos"), pursuant to a Commission-approved Unanimous Stipulation And Agreement in Case No. GM-2000-312, became the owner and operator of the Missouri properties of Associated Natural Gas Company ("ANG"), a division of Arkansas Western Gas Company.

2. On November 2, 2001, the parties filed the First Amended Settlement Agreement And Release ("Agreement") in this case. The Agreement, which was approved by a Commission order dated November 27, 2001, resolves the ACA audit for the 1999-2000 time period only as to ANG. As it pertains to the instant case, the Agreement separates the time period relating to ANG's natural gas purchasing practices and operations in Missouri (*i.e.* September 1, 1999 through May 31, 2000) from the time period relating to the gas purchasing practices and operations of Atmos (*i.e.*, June 1, 2000 through August 31, 2000). Further, the Agreement recommends that the Commission establish "a new and separate case into which it transfers all

issues arising out of Atmos' natural gas purchasing practices and operations in Missouri during the June 1, 2000 through August 31, 2000 time period, and bars the Parties from raising any claims against Atmos in that new and separate case based on the acts, omissions, or decisions of ANG." The Agreement also recommends that, upon establishing a new and separate case and transferring Atmos-specific issues to that case, "the Commission issue an order in Case No. GR-2000-573 which recognizes that the only remaining issues involve the gas costs of ANG, acknowledges this Agreement, recites that all of the issues presented or which could have been presented therein relating to ANG have been fully compromised by this Agreement, and unconditionally closes Case No. GR-2000-573."

3. On November 1, 2001, the Staff filed its Atmos 1999-2000 Actual Cost Adjustment Recommendation. Atmos, in its December 6, 2001 Response, contested some of the recommendations raised by the Staff. Upon completing its subsequent investigation and analysis, the Staff, on February 15, 2002, filed its Revised Recommendation. The Revised Recommendation includes a Memorandum containing a revised list of Staff's recommended over/under-recovered ACA, Transition Cost and Refund balances, and states that none of the other parties to this case objects to the Memorandum. The Staff recommended that the Commission issue an order approving the revised list of balances set forth in the Memorandum.

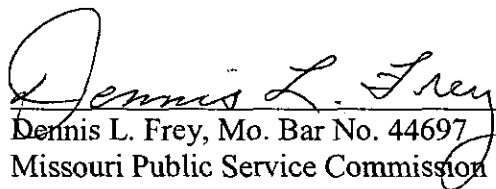
4. The Revised Recommendation also advised the Commission that the parties intended to meet early this week to discuss whether the instant case could be closed, and whether, pursuant to the provision in the Agreement, there is a need to establish a new and separate case into which any remaining issues pertaining only to Atmos would be transferred. The meeting was held on February 19, 2002. The parties agree that ANG has discharged all of its obligations under the Agreement. Furthermore, Atmos asserts that it has identified the former

ANG customers now eligible for refunds as a result of the 1999/2000 Actual Cost Adjustment, and that the process of distributing those refunds is nearing completion. The Staff will review the Atmos refund process in due course, in the context of a subsequent ACA case. Accordingly, upon approval by the Commission of the revised list of balances set forth in the aforementioned Revised Recommendation, this case may be closed. Moreover, given that all Atmos-specific issues either will have been disposed of or will be considered in a future ACA case, the parties agree there is no need to open a new and separate case for such issues, as contemplated in the Agreement.

**WHEREFORE**, the parties respectfully request that, upon ordering the approval of the recommendations set forth in the Staff's February 15, 2002 Revised Recommendation, the Commission issue an order unconditionally closing Case No. GR-2000-573 in the manner contemplated by the November 2, 2001 Agreement, as it pertains to said case; except that the parties recommend that no new and separate case be established for "Atmos issues," since there is no need for such a case.

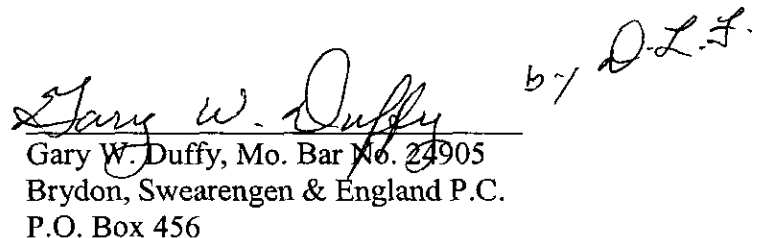
Respectfully submitted,

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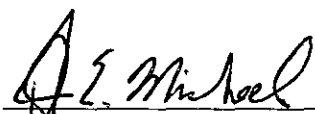
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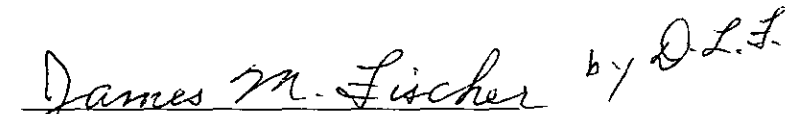
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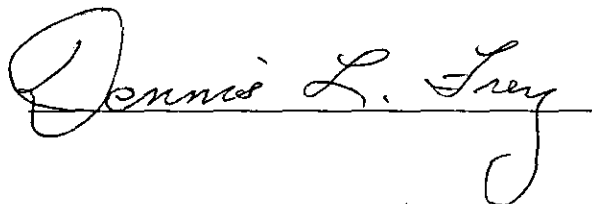


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#### Certificate of Service

I hereby certify that copies of the foregoing have been mailed or hand-delivered to all counsel of record as shown on the attached service list this 20th day of February 2002.



**Service List for  
Case No. GR-2000-573  
Revised: February 20, 2002 (ccl)**

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