

STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

TRANSCRIPT OF PROCEEDINGS

Prehearing Conference

February 26, 2009
Jefferson City, Missouri
Volume 1

In the Matter of Atmost Energy)
Corporation's Filing for)Case No.
Purchased Gas Adjustments in)GR-2007-0403
the 2006-2007 Period)

KENNARD L. JONES, Presiding
SENIOR REGULATORY LAW JUDGE

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1 P R O C E E D I N G S

2 JUDGE JONES: This is Case No. CR-2007-0403, the
3 matter of Atmos Energy Corporation's filing for purchased
4 gas adjustments in the 2006-2007 period.

5 Let's take entries of appearance beginning first
6 with Atmos.

7 MR. DORITY: Thank you, Judge. Appearing on
8 behalf of Atmos Energy Corporation, Larry W. DORITY and
9 James M. Fischer, Fischer & DORITY, PC. Our address is
10 101 Madison, Suite 400, Jefferson City, Missouri, 65101.

11 JUDGE JONES: And for Office of Public Counsel?

12 MR. POSTON: Thank you. Mark Poston, appearing
13 for Office of Public Counsel.

14 JUDGE JONES: And Staff of the Commission?

15 MR. BERLIN: Appearing on behalf of the Staff of
16 the Missouri Public Service Commission, Bob Berlin and
17 Lera Shemwell, Post Office Box 360, Jefferson City,
18 Missouri, 65201.

19 MS. SHEMWELL: 102.

20 MR. BERLIN: 102.

21 JUDGE JONES: Well, just to get you all started,
22 so I understand what's going on, what -- what issues does
23 Atmos take with Staff's position? Please don't tell me
24 they have to do with affiliate transactions.

25 MR. DORITY: Actually, your Honor, that -- that

1 is one area that -- that we would take exception with.

2 And we are in the process of trying to work through a
3 number of the issues that we've identified for Staff.

4 As I mentioned off the record, we will convene a
5 conference call among the parties at 10:30 this morning.
6 That will involve a number of our folks that could not be
7 here in person. There are still some discovery
8 outstanding. Not at issue at this point. It's just from
9 a time line standpoint, our responses are -- are not yet
10 -- not yet due. And so that will probably be the subject
11 of some discussion as well.

12 JUDGE JONES: Okay.

13 MR. DORITY: And we had informally visited prior
14 to going on the record about a -- a realistic time line
15 for continuing our discussions and then providing your
16 Honor with a proposed procedural schedule.

17 And we were thinking a -- a three-week time
18 frame would probably give us sufficient opportunity to --
19 to know whether or not we're going to be needing to
20 proceed in this matter. So if that would --

21 JUDGE JONES: No problem for me.

22 MR. DORITY: -- be acceptable to you, then we'd
23 probably be looking at a date about three weeks out to
24 file a procedural schedule.

25 JUDGE JONES: Okay. That -- when you say three

1 weeks, you mean you need that amount of time to know
2 whether or not you need to proceed to a hearing?

3 MR. DORITY: Correct.

4 JUDGE JONES: So after three weeks, it's either
5 -- some kind of filing, either status or procedural
6 schedule?

7 MR. DORITY: That's right.

8 JUDGE JONES: Have you all been following the
9 Laclede case? You have. 203 -- 288, I think it is. It
10 has do with Laclede and LER and the affiliate transactions
11 and all those things.

12 MR. DORITY: Yes, Judge.

13 JUDGE JONES: Could this case possibly take that
14 same route?

15 MS. SHEMWELL: Possibly.

16 JUDGE JONES: Okay. And let me also ask -- and
17 -- and I can't recall if Staff, in your recommendation,
18 requested that the Commission open up an investigatory
19 docket.

20 MS. SHEMWELL: We have not.

21 JUDGE JONES: Okay. I don't -- so it sounds
22 like everything is going to be involving discovery of
23 transaction of affiliates? Is that pretty much it, or are
24 there other little things that --

25 MR. DORITY: I think there are a few other

1 smaller items. And I don't believe that at least at this
2 point the -- the scope of the affiliate issue is perhaps
3 as broad as it may have been in the -- in the Laclede
4 matter.

5 JUDGE JONES: Okay.

6 MS. SHEMWELL: And Staff would concur.

7 JUDGE JONES: You do concur, or you would concur
8 under certain conditions?

9 MS. SHEMWELL: We concur. I --

10 JUDGE JONES: Mr. Poston, did you have an
11 opinion?

12 MR. POSTON: No. We haven't taken any position
13 on any of this stuff.

14 JUDGE JONES: Okay. That's all I had. Does
15 anyone have anything else they want to talk about on the
16 record?

17 MR. DORITY: I don't believe so.

18 MR. BERLIN: No.

19 JUDGE JONES: Hope you can work it out. And
20 thank you.

21 MR. DORITY: Thank you.

22 JUDGE JONES: We're off the record.

23 (The proceedings were concluded at 10:07 a.m.
24 on February 26, 2009.)

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1 REPORTER'S CERTIFICATE

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3 STATE OF MISSOURI)
4)ss.
5 COUNTY OF OSAGE)

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7 I, Monnie S. VanZant, Certified Shorthand Reporter,
8 Certified Court Reporter #0538, and Registered
9 Professional Reporter, and Notary Public, within and for
10 the State of Missouri, do hereby certify that I was
11 personally present at the proceedings as set forth in the
12 caption sheet hereof; that I then and there took down in
13 stenotype the proceedings had at said time and was
14 thereafter transcribed by me, and is fully and accurately
15 set forth in the preceding pages.

16

17 IN WITNESS WHEREOF, I have hereunto set my hand and
18 seal on March 3, 2009.

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Monnie S. VanZant, CSR, CCR #0539

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Registered Professional Reporter

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