

1 BEFORE THE PUBLIC SERVICE COMMISSION

2 STATE OF MISSOURI

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5 TRANSCRIPT OF PROCEEDINGS

6 Prehearing Conference

7 March 1, 2011

8 Jefferson City, Missouri

9 Volume 1

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13 In The Matter Of Atmos Energy)

Corporation's Purchased)

14 2008-2009 Gas Adjustments And) File No. GR-2009-0417

Actual Cost Adjustment,)

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16 MORRIS L. WOODRUFF, presiding

CHIEF REGULATORY LAW JUDGE

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19 REPORTED BY:

Lisa M. Banks, CCR No. 1081

20 TIGER COURT REPORTING, LLC

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A P P E A R A N C E S

LARRY DORITY, Attorney at Law

JAMES FISCHER, Attorney at Law

Fischer and DORITY, PC

101 Madison Street, Suite 400

Jefferson City, Missouri 65101

573.636.6758

FOR: Atmos Energy Corporation

MARK POSTON, Deputy Public Counsel

PO Box 2230

Jefferson City, Missouri 65102

573.751.4857

FOR: Office of Public Counsel

LERA SHEMWELL, Deputy Counsel

ROBERT BERLIN, Senior Counsel

PO Box 360

Jefferson City, Missouri 65101

573.751.4140

FOR: Staff of the Missouri Public Service Commission

1 JUDGE WOODRUFF: Good morning everyone.

2 We're here for a prehearing conference in Case No.

3 GR-2009-0417. We'll begin by taking entries of appearance
4 beginning with Atmos.

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

10 JUDGE WOODRUFF: Staff?

11 MS. SHEMWELL: Robert Berlin and Lera
12 Shemwell representing the Staff of the Missouri Public
13 Service Commission and our address is on file with the
14 reporter.

15 MR. DORITY: Your Honor, if I may,
16 Mr. Poston asked that I enter his appearance on his behalf.
17 He is involved in depositions in the other Atmos ACA case
18 upstairs.

19 And so at this point, I would also enter the
20 appearance on behalf of Mark Poston, Office of the Public
21 Counsel.

22 JUDGE WOODRUFF: I appreciate that,
23 Mr. DORITY. All right. I believe that's all the parties
24 that will be participating.

25 I scheduled this prehearing conference today

1 so that we could discuss how to proceed in this case. And
2 as Mr. Dority already mentioned there is an earlier ACA
3 case is set for hearing in about three weeks.

4 MR. DORITY: Correct.

5 JUDGE WOODRUFF: So I guess my question to
6 the parties is do we need to do anything on this case until
7 after that earlier case is resolved?

8 MR. DORITY: I would think we would want to
9 go ahead and provide Your Honor with a procedural schedule,
10 a proposed procedural schedule, recognizing that many of
11 the same issues are involved. And we're hoping to get a
12 resolution of those issues sometime late spring/summer.

13 So with that, I think we should go ahead and
14 at least get a procedural schedule filed and give the
15 parties notice as to what our expected process is going to
16 be.

17 JUDGE WOODRUFF: Okay. Ms. Shemwell,
18 anything different?

19 MS. SHEMWELL: Yes. Staff doesn't see any
20 point in setting a procedural schedule until after the
21 hearing in the pending case that's coming up at the end of
22 March. The parties will present their sides.

23 I think that after the decision of the
24 Commission in that case, certainly we can set a procedural
25 schedule in this case. If you would like us to just set

1 something rather vague, but I -- I don't see the point
2 until the prior case is resolved.

3 And when that prior case is resolved, it may
4 resolve this case as well, so I don't know -- unless the
5 Commission thinks we need to reserve some dates, that
6 there's any push to set a procedural schedule in this case.

7 JUDGE WOODRUFF: Okay.

8 MR. DORITY: And I would respectfully
9 disagree for many of the points she just mentioned. I
10 think the other case will help resolve many of the issues
11 and to that extent I think given the Commission's very busy
12 hearing schedule, I would suggest it would be in our
13 collective interests to at least try to get that nailed
14 down.

15 JUDGE WOODRUFF: Get a date set in case we
16 need it?

17 MR. DORITY: I mean, we just established on
18 the deposition upstairs we're now into our third year of
19 the other case and we're still in discovery, Your Honor.
20 So we would like to get a procedural schedule.

21 MS. SHEMWELL: Well, Staff would like to
22 proceed, obviously, through the discovery much more quickly
23 than it has and we will have discovery, I'm sure ongoing in
24 this case as well.

25 The Company has already had the benefit of

1 passing all of these costs through to its customers, so the
2 Company is not harmed by this. They have the money in
3 their pocket. So the Company -- again, the Company doesn't
4 suffer from delay. It's the customers who will.

5 But Staff cannot proceed and present a case
6 until its discovery is complete and the Company controls
7 all of the information. And when they're not willing to
8 give it to Staff that creates a problem for Staff to
9 present its case.

10 We are certainly willing to look at perhaps
11 a date. I'm thinking fall perhaps, for a hearing, which
12 will give us time to see what happens in the current case.
13 But unless the Commission's particularly busy in the fall,
14 I don't know that there's any rush to do that.

15 JUDGE WOODRUFF: I don't know what
16 schedule's going to be like in -- six months from now or
17 eight months from now. Certainly there has been a busy
18 schedule in these months.

19 MS. SHEMWELL: Right.

20 JUDGE WOODRUFF: So it's unpredictable. I'm
21 going to go ahead and direct you to file a proposed
22 procedural schedule. We can at least reserve the dates and
23 if we don't wind up needing them then we'll clear the date
24 later on.

25 So go ahead and give me a proposed

1 procedural schedule by next week at this time. That would
2 be the 8th I guess and we'll go from there.

3 MR. DORITY: Okay.

4 MS. SHEMWELL: Okay. Thank you.

5 JUDGE WOODRUFF: Anything else we need to
6 deal with while we're on the record?

7 MR. DORITY: Not from our standpoint, Judge.

8 MS. SHEMWELL: Nothing else, Judge. Thank
9 you.

10 JUDGE WOODRUFF: All right. All right.
11 With that then I'll conclude the on-the-record portion of
12 this proceeding and leave you to your discussions.

13 MR. DORITY: Thank you.

14 MS. SHEMWELL: Thank you, Judge.

15 (Off the record.)

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2 CERTIFICATE OF REPORTER
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4 I, Lisa M. Banks, CCR within and for the State of
5 Missouri, do hereby certify that these proceedings were taken by
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Lisa M. Banks, CCR
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