

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Verified Application and)	
Petition of Atmos Energy Corporation for)	<u>Case No. GO-2009-0046</u>
Establishment of an Infrastructure System)	Tariff No. YG-2009-0293
Replacement Surcharge)	

STAFF RECOMMENDATION

COMES NOW the Staff of the Missouri Public Service Commission (Staff), by and through counsel, and for its Staff Recommendation in Case No. GO-2009-0046 states as follows:

1. On August 14, 2008, Atmos Energy Corporation (Atmos or the Company) filed a *Verified Application and Petition* and concurrent tariff sheets with the Missouri Public Service Commission (Commission) to establish an Infrastructure System Replacement Surcharge (ISRS), pursuant to RSMo¹ Sections 393.1009, 393.1012 and 393.1015.

2. These sections, as well as Commission Rule 4 CSR 240-3.265, allow gas corporations to recover certain ISRS costs outside of a formal rate case filing through a surcharge on customers' bills.

3. On August 15, 2008, the Commission issued its *Order Suspending Tariff, Directing Notice, and Setting Intervention Date*, suspending the tariff until December 12, 2008 in order to allow sufficient time for parties to review the petition.

4. On September 5, 2008, the Commission issued an *Order Directing Staff to File Report*, directing Staff to file a report regarding its examination of Atmos' ISRS filing no later than October 13, 2008.

¹ All references to RSMo are to the Missouri Revised Statutes 2000, as currently supplemented.

5. On October 9, 2008, Staff filed its *Staff Report*, recommending that the Commission reject the Atmos ISRS tariff sheet, approve Staff's determination of the ISRS surcharge revenues, and authorize Atmos to file an ISRS rate for each customer class as reflected in Staff's report.

6. On October 23, 2008, the Commission issued its *Order Approving ISRS Rates, Rejecting Submitted Tariff, and Authorizing Atmos to File Tariff in Compliance*, rejecting Atmos' ISRS tariff filing and authorizing the Company to file a revised tariff implementing an ISRS sufficient to recover the revenues authorized in that October 23, 2008 *Order*.

7. On October 27, 2008, Atmos concurrently filed tariff sheets attempting to comply with the Commission's Order of October 23, 2008, and a *Motion for Expedited Treatment*, requesting the expedited treatment of those tariff sheets.

8. The tariff filing was assigned tracking number YG-2009-0293 and although the tariff sheets carried a proposed effective date of November 26, 2008, Atmos requested that the Commission allow the tariff sheets to go into effect on November 4, 2008.

9. On October 28, 2008, the Commission issued its *Order Directing Staff to File Recommendation*, ordering Staff to file a recommendation concerning Tariff File No. YG-2009-0293 by October 30, 2008.

10. In the attached document, labeled Appendix A, Staff indicates that the tariff sheets filed by Atmos on October 27, 2008 comply with the Commission's October 28, 2008 *Order*.

11. Staff has no objection to the expedited effective date of November 4, 2008.

12. Staff has verified that the Company has filed its 2007 annual report and is not delinquent of any Commission assessment. Staff is not aware of any other matter before the Commission that affects, or is affected by this filing.

WHEREFORE, Staff recommends that the Commission issue its Order approving the tariff sheets filed in Tariff File No. YG-2009-0293, to become effective November 4, 2008.

Respectfully submitted,

/s/ Eric Dearmont

Eric Dearmont
Assistant General Counsel
Missouri Bar No. 60892

Attorney for the Staff of the
Missouri Public Service Commission
P. O. Box 360
Jefferson City, MO 65102
(573) 751-5472 (Telephone)
(573) 751-9285 (Fax)
eric.dearmont@psc.mo.gov

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 28th day of October, 2008.

/s/ Eric Dearmont

MEMORANDUM

TO: Missouri Public Service Commission Official Case File
Case No. GO-2009-0046 / File No. YG-2009-0293 – Atmos Energy Corporation

FROM: Tom Solt, Tariffs/Rate Design - Energy

<u>/s/ Tom Imhoff</u> <u>10/28/08</u> Project Coordinator / Date	<u>/s/ Eric Dearmont</u> <u>10/28/08</u> General Counsel's Office / Date
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SUBJECT: Staff's Recommendation on the Tariff Sheets Filed in Compliance with Commission Order and Atmos Energy Corporation's MOTION FOR EXPEDITED TREATMENT

DATE: October 28, 2008

On August 14, 2008, Atmos Energy Corporation (Atmos or Company), filed tariff sheets with the Missouri Public Service Commission (Commission) with a proposed effective date of September 13, 2008. On August 15, 2008, the Commission issued an order suspending the filed tariff pages, directing notice, and setting an intervention date. On September 5, 2008, the Commission issued an order directing the Staff of the Commission (Staff) to file a report no later than October 13, 2008. On October 9, 2008, the Staff filed its report in accordance with the Commission's September 5th order. On October 23, 2008, the Commission issued an ORDER APPROVING ISRS RATES, REJECTING SUBMITTED TARIFF AND AUTHORIZING ATMOS TO FILE TARIFF IN COMPLIANCE (Order). On October 27, 2008, the Company filed compliance tariff sheets and a motion for expedited treatment, asking that the tariff sheets be approved to go into effect on November 4, 2008. On October 28, 2008, the Commission issued an order directing Staff to file its recommendation no later than October 30, 2008.

The Staff has reviewed Atmos' tariff sheets and Atmos' Motion. The Staff's analysis indicates that the tariff sheets were filed in compliance with the Commission's October 23, 2008 Order in this case. Staff has no objection to the requested effective date of November 4, 2008.

The Staff has verified that Atmos has filed its annual report and is not delinquent on any assessment. The Staff has reviewed this filing and is not aware of any issue currently pending before the Commission that affects, or is affected by this filing.

Therefore, Staff recommends that the following tariff sheets, as filed on October 27, 2008, be allowed to go into effect on November 4, 2008, as requested by Atmos.

P.S.C. MO. No. 2

1st Revised SHEET NO. 19, Cancelling Original SHEET NO. 19
1st Revised SHEET NO. 22, Cancelling Original SHEET NO. 22
1st Revised SHEET NO. 24, Cancelling Original SHEET NO. 24
1st Revised SHEET NO. 26, Cancelling Original SHEET NO. 26
1st Revised SHEET NO. 28, Cancelling Original SHEET NO. 28
1st Revised SHEET NO. 31, Cancelling Original SHEET NO. 31

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OF THE STATE OF MISSOURI**

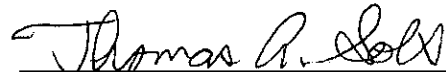
In the Matter of the Verified Application)
and Petition of Atmos Energy Corporation)
for Establishment of an Infrastructure)
System Replacement Surcharge.)

Case No. GO-2009-0046

AFFIDAVIT OF THOMAS A. SOLT

STATE OF MISSOURI)
) ss
COUNTY OF COLE)

Thomas A. Solt, of lawful age, on oath states: that he participated in the preparation of the foregoing Staff Report in memorandum form, to be presented in the above case; that the information in the Staff Report was provided to him; that he has knowledge of the matters set forth in such Staff Report; and that such matters are true to the best of his knowledge and belief.

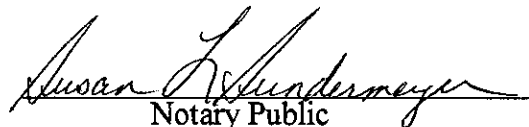


Thomas A. Solt

Subscribed and sworn to before me this 28th day of October, 2008.



SUSAN L. SUNDERMEYER
My Commission Expires
September 21, 2010
Callaway County
Commission #06942086



Notary Public