## **MEMORANDUM**

TO: Missouri Public Service Commission Official Case File, Case No. GR-2009-0417 File No. JG-2010-0027 Atmos Energy Corporation

FROM: Thomas M. Imhoff, Energy Department - Tariffs/Rate Design

/s/ Thomas M. Imhoff 07/23/09	/s/ Robert S. Berlin 07/23/09
Energy Department/Date	General Counsel's Office/Date

- SUBJECT: Staff Recommendation in the Matter of Atmos Energy Corporation's Motion for Waiver of Tariff Provisions Related to the Filing of a Revised ACA
- DATE: July 23, 2009

On July 16, 2009, Atmos Energy Corporation (Atmos or Company), of Franklin, Tennessee, filed a Purchased Gas Adjustment (PGA) tariff sheet with the Missouri Public Service Commission (Commission) with a proposed effective date of August 1, 2009. In addition, Atmos filed a Motion for Waiver of Tariff Provisions (Waiver) to the filing of a revised Actual Cost Adjustment (ACA) Factor. On July 16, 2009, the Commission issued an ORDER DIRECTING STAFF TO FILE ECOMMENDATION AND ESTABLISHING TIME FOR RESPONSE (ORDER) for Staff to file its recommendation no later than July 23, 2009. This memorandum is in response to that ORDER.

Atmos seeks a Waiver from its PGA tariff provisions to file a revised ACA factor for its Neelyville District customers in its Southeast Area. Atmos' ACA level for its Neelyville District will be nearly \$0 by the end of July. By making this change now, Atmos will have a *de minimus* ACA balance and avoid an over-collection of these costs for the upcoming regular ACA filing in November 2009. The Commission's Energy Tariff/Rate Design Staff (Staff) has reviewed Neelyville's ACA balance and is of the opinion this change should be made.

Staff has reviewed the Company's tariff filing and has determined that the tariff sheet has been filed in compliance with Atmos' PGA Clause, Commission rules and regulations. Staff is of the opinion that good cause for approval of these tariff sheets on less than thirty (30) days notice is demonstrated by Atmos' Commission-approved PGA clause allowing for ten (10) business days notice for PGA change filings and its Motion. Staff has no objection to Atmos' request due to the Neelyville District's minimal ACA balance by the end of July 2009, and the avoidance of an over-collection of these gas costs. 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 sheet and Waiver be approved, as filed on July 16, 2009, and be allowed to become effective on August 1, 2009.

P.S.C. MO. No. 2 7<sup>th</sup> Revised SHEET NO. 44, Cancelling 6<sup>th</sup> SHEET NO. 44

Staff has verified that Atmos has filed its annual report and is not delinquent on any assessment.

## **BEFORE THE PUBLIC SERVICE COMMISSION**

## **OF THE STATE OF MISSOURI**

In the Matter of Atmos Energy Corporation's Purchased Gas Adjustment

Case No. GR-2009-0417

## AFFIDAVIT OF THOMAS M. IMHOFF

STATE OF MISSOURI ) ) ss COUNTY OF COLE )

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

Them M. Julo Thomas M. Imhof

Subscribed and sworn to before me this  $23^{4}$  day of July, 2009.



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

Notary Public