

James M. Fischer Larry W. Dority

## Attorneys at Law Regulatory & Governmental Consultants

101 Madison, Suite 400 Jefferson City, MO 65101 Telephone: (573) 636-6758 Fax: (573) 636-0383

May 12, 2002

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

RE: Associated Natural Gas Company's Rate Case Remand, Case No. GR-97-272

Dear Mr. Roberts:

Enclosed for filing in the above-referenced matter is an original and eight (8) copies of Atmos Energy Corporation's Motion For Third Extension of Time To File Briefs. This pleading has been hand-delivered or mailed this date to parties of record.

Thank you for your attention to this matter.

Sincerely,

James M. Fischer

Enclosures

cc:

Office of the Public Counsel

Dana K. Joyce

All parties of record

## BEFORE THE PUBLIC SERVICE COMMISSION STATE OF MISSOURI

In the Matter of Associated Natural Gas Company's )
Tariff Revision Designed to Increase Rates for Gas )
Service to Customers in the Missouri Service Area )
of the Company.

Case No. GR-97-272

## ATMOS ENERGY CORPORATION'S MOTION FOR THIRD EXTENSION OF TIME TO FILE BRIEFS

COMES NOW Atmos Energy Corporation (hereinafter "Atmos") and for its Motion For Third Extension Of Time To File Briefs states to the Missouri Public Service Commission ("Commission"):

- 1. On February 14, 2002, the Commission issued its Order Directing Filing in which the parties "shall, on or before Monday, March 25, 2002, prepare and file briefs regarding whether or not this matter has become moot due to intervening circumstances and must therefore be dismissed." The Order Directing Filing also stated that Atmos may file a brief on this issue as well.
- 2. On March 18, Atmos moved for a 30-day extension of the deadline to file briefs and advised the Commission that all parties had been consulted and that none opposed the extension. On March 26, 2002, the Commission granted this motion. On April 22, 2002, Atmos on behalf of the parties to this proceeding, requested a further extension of the deadline to May 15. This request was granted on April 29, 2002.
- 3. The purpose of this pleading is to request a further extension on the date for filing briefs by all parties, in order to give Atmos and Noranda to finalize contract discussions that have been ongoing for several weeks. Atmos and Noranda believe that they are close to being able to sign a contract which would resolve issues between Atmos

and Noranda, and should make it unnecessary for the Commission to issue any further orders in this proceeding. In order to ensure that there will be sufficient time to complete these contract discussions, Atmos requests that the deadline for filing the briefs be extended to June 15, 2002.

4. All parties to the case have been contacted regarding this request, and all parties either support this request or have no objection.

WHEREFORE, for the reasons stated herein, Atmos respectfully requests the Commission to issue its order extending the date to file briefs by all parties until June 15, 2002.

Respectfully submitted,

James M. Fischer

FISCHER & DORITY, P.C.

**Y**01 Madison Street, Suite 400

Jefferson City, Missouri 65101

Telephone: Fax:

(573) 636-6758 (573) 636-0383

M. Ferchen

ATTORNEYS FOR

ATMOS ENERGY CORPORATION

## **CERTIFICATE OF SERVICE**

I do hereby certify that a true and correct copy of the foregoing document has been hand-delivered or mailed, postage prepaid, this 13th day of May, 2002, to:

Office of the Public Counsel P.O. Box 7800 Jefferson City, Missouri 65102

Dana K. Joyce General Counsel P.O. Box 360 Jefferson City, Missouri 65102

Dean Cooper/Gary Duffy Brydon, Swearengen & England P.O. Box 456 Jefferson City, Missouri 65102

Robin Fulton Schnapp, Fulton, Fall, Silvey & Reid, LLC 135 East Main Fredericktown, MO 63645-0151

James M. Fischer