

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**

In the Matter of an Investigation into)	
Compliance with the Required)	
Registration of Sellers of Electricity and)	Case No. GO-2004-0195
Gas for Use or Consumption within)	
Missouri)	

**MOTION OF ATMOS ENERGY CORPORATION
AND ATMOS ENERGY MARKETING, L.L.C.
FOR DISMISSAL OF CERTAIN PARTIES TO THIS ACTION**

COMES NOW Atmos Energy Corporation, formerly known as Greeley Gas Company, and formerly known as United Cities Gas Company, and Atmos Energy Marketing, L.L.C. (formerly known as Woodward Marketing, L.L.C.) (hereinafter collectively referred to as the "Atmos Parties"), by and through their undersigned counsel, and pursuant to 4 CSR 240-2.116(4), respectfully request that the Commission dismiss from this proceeding Greeley Gas Company ("Greeley"), United Cities Gas Company ("UCGC"), and Atmos Energy Marketing, L.L.C. ("Atmos Energy Marketing") upon the grounds that 1) Greeley and UCGC are no longer in existence as separate legal entities, and 2) Atmos Energy Marketing is already a certificated energy seller in the State of Missouri, and therefore does not need to be a party to this proceeding.

1. The designated representatives of the Atmos Parties are listed below. The Atmos Parties request that service in this proceeding be made on both of the following designated representatives:

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2. In 1993, Atmos merged with the Greeley Gas Company, pursuant the Commission's "Order Approving The Acquisition Of The Capital Stock Of Greeley Gas Company, And Approving The Merger Of Greeley Gas Company Into Greeley Gas Acquisition Corporation And Atmos Energy Corporation" in Case No. GM-94-6 (issued December 17, 1993), with Atmos being the surviving corporation. In 1997, Atmos merged with the UCGC, pursuant to the Commission's Report & Order in Case No. GM-97-70 (issued on March 19, 1997), with Atmos again being the surviving corporation. Following the respective mergers of Greeley and UCGC, Atmos operated the Greeley and UCGC properties as separate operating divisions of Atmos. However, Greeley and UCGC no longer existed as separate legal entities following the mergers.

Since October 1, 2002, Atmos Energy Corporation has operated all its various divisions, including the Greeley and UCGC divisions, using the name of "Atmos Energy." For purposes of the Missouri currently effective tariff, the former Greeley division is now referred to as "Area G", and the former United Cities Gas Company division is now referred to as "Area P" (Palmyra area) and "Area U" (remainder of United Cities division). However, as previously noted, Greeley and UCGC no longer exist as separate legal entities. As a result, Greeley and UCGC should be dismissed from this proceeding, with Atmos Energy Corporation being the real party with an interest in this proceeding.¹

3. In 1997, Atmos acquired a 45 percent interest in Woodward Marketing, L.L.C. a gas marketer operating in several states, including Missouri as part of its merger with UCGC. On October 16, 1998, Woodward Marketing filed an Application with the Commission, pursuant

¹ In 2000, Atmos also acquired the Missouri assets of Arkansas Western Gas Company, d/b/a Associated Natural Gas Company, pursuant to the Commission's Order Approving Stipulation And Agreement in Case No. GM-2000-312 (issued on April 20, 2000). Since Atmos did not acquire the name "Associated Natural Gas Company," this Motion To Dismiss does not address the issue of whether Associated Natural Gas Company should remain a party to this proceeding.

to 4 CSR 240-45.010, requesting certification as a seller of energy services in Missouri. On November 17, 1998, the Commission issued its Order Granting Certificate As An Energy Seller in Case No. GO-99-163, in which the Commission approved Woodward Marketing's application to be certified as a seller of energy services. In 2001, Atmos acquired the remaining 55 percent in Woodward Marketing, bringing the Company's ownership in Woodward Marketing to 100 percent. In 2003, Woodward Marketing, L.L.C changed its name to Atmos Energy Marketing, L.L.C. Since the apparent purpose of this proceeding is to ensure that all sellers of energy services are certificated by the Commission, it is unnecessary for Atmos Energy Marketing to remain a party to this proceeding because it is already a certificated seller of energy services, pursuant to the Commission's "Order Granting Certificate As An Energy Seller" in Case No. GO-99-163. As a result, Atmos Energy Marketing respectfully requests that it be dismissed from this proceeding, or otherwise allowed to withdraw as a party.

WHEREFORE, for the reasons stated herein, the Atmos Parties respectfully request that Greeley Gas Company, United Cities Gas Company, and Atmos Energy Marketing, L.L.C. be dismissed as party respondents to this proceeding and be relieved from all further participation as a party to this matter.

Respectfully submitted,

By: 

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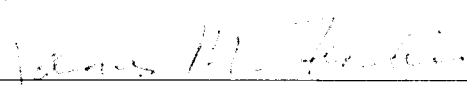
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**ATTORNEYS FOR ATMOS ENERGY
CORPORATION F/K/A GREELEY GAS
COMPANY, AND F/K/A UNITED CITIES GAS
COMPANY, AND ATMOS ENERGY
MARKETING, L.L.C.**

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was delivered by emailed, mailed, by U.S. mail, postage prepaid, or hand-delivered on this the 3rd day of March, 2004 to counsel of record in this case.




James M. Fischer

State of Texas)
) ss.
County of Dallas)

Douglas C. Walther
Douglas C. Walther

 **JAYNE A. ZABALA**
NOTARY PUBLIC STATE OF TEXAS
COMMISSION EXPIRES:
DECEMBER 13, 2005

Notary 

My commission expires on the 23rd day of December, 2005.