BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of Atmos Energy Corporation's filing for a Purchased Gas Adjustment.

Case No. GR-2008-0364

STAFF'S REQUEST TO ESTABLISH NEW CASE

)

COMES NOW the Staff of the Missouri Public Service Commission, and for its Request to Open New Case states:

1. On February 12, 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 March 1, 2009.

2. In addition, Atmos filed a Motion for Waiver of Tariff Provisions (Waiver) to the filing of a revised Actual Cost Adjustment (ACA) Factor and Motion for Expedited Treatment (Motion).

3. This filing should have been made in a new PGA case instead of being made in this case because the filings made on February 12, 2009 and April 17, 2009, by Atmos reflects changes that are in a different ACA period. If these two tariff filings are not put into another PGA/ACA case, two different ACA periods will be combined into one case, which would not be in compliance with Atmos' tariff.

4. Staff requests the Commission remove this and subsequent pleadings (Items 13-21 in the Docket Sheet) from this case and open a new ACA case for these documents. The new case may be captioned as above, but the new case will be for the 2009 – 2010 ACA period.

5. This request is procedural only and has no effect on the review of this or any subsequent case.

6. Neither Atmos nor the Office of the Public Counsel objects to this request.

1

WHEREFORE Staff recommends the Commission open a new case and move filings 13-

21 to a new ACA case.

Respectfully submitted,

<u>/s/ Lera L. Shemwell</u> Lera L. Shemwell Deputy General Counsel Missouri Bar No. 43792

Attorney for the Staff of the Missouri Public Service Commission P. O. Box 360 Jefferson City, MO 65102 (573) 751-7431 (Telephone) (573) 751-9285 (Fax) E-mail: <u>lera.shemwell@psc.mo.gov</u>

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 15th day of May 2009.

/s/ Lera L. Shemwell