

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

In the Matter of the Application of)	
Atmos Energy Corporation for a Variance and)	Case No. GE-2009-0443
Waiver from the Provisions of)	
4 CSR 240-3.235.)	

**RESPONSE OF ATMOS ENERGY CORPORATION TO STAFF
RECOMMENDATION IN SUPPORT OF WAIVER**

COMES NOW Atmos Energy Corporation (“Atmos” or “Company”), pursuant to 4 CSR 240-2.080, for its Response To Staff Recommendation In Support Of Waiver respectfully states as follows:

1. On June 19, 2009, Atmos filed its Application for a Variance and Waiver from the provisions of Commission Rule 4 CSR 240-3.235 to allow it to file its next rate case without the inclusion of a new depreciation study.

2. On June 23, 2009, the Commission issued its Order Directing Notice And Order Directing Filing which directed Staff to file its Staff Recommendation in this matter by July 8, 2009, and that any responses to the Staff Recommendation should be filed by July 13, 2009.

3. On July 8, 2009, the Commission Staff filed its Staff Recommendation In Support Of Waiver recommending that the Commission approve Atmos’s Application for waiver from 4 CSR 240-3.235 subject to the following conditions:

- (1) this waiver will apply only to a rate case filed in calendar year 2009; and
- (2) Atmos will not propose changes to its depreciations rates as a part of its 2009 rate case.

4. In response to the Staff Recommendation and the Order Directing Filing issued on June 23, 2009, Atmos wishes to inform the Commission that the Staff Recommendation, including the proposed conditions discussed therein, is acceptable to Atmos.

WHEREFORE, Atmos respectfully renews its request that the Commission grant it a variance or waiver from 4 CSR 240-3.235 to permit the Company to file its next rate case without the inclusion of a new depreciation study, subject to the two conditions proposed by Staff discussed therein.

Respectfully submitted,

/s/ James M. Fischer

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Certificate of Service

I hereby certify that a copy of the above and foregoing document was sent by electronic mail, or hand delivered, on this 13th day of July, 2009 to counsel for the parties of record in this proceeding.

/s/ James M. Fischer

James M. Fischer