

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

**FILED<sup>3</sup>**  
OCT 19 2001

Missouri Public  
Service Commission

In the matter of Associated Natural Gas Company's Tariff Revisions to be Reviewed in its 1995-1996 Actual Cost Adjust.	)	Case No. GR-96-227
	)	
	)	
	)	
In the matter of Associated Natural Gas Company's Tariff Revision to be Reviewed in its 1996-1997 Actual Cost Adjustment.	)	Case No. GR-97-191
	)	
	)	
	)	
In the matter of Associated Natural Gas Company's Purchased Gas Adjustment Factors to be Reviewed in its 1997-1998 Actual Cost Adjustment.	)	Case No. GR-98-399
	)	
	)	
	)	
In the matter of Associated Natural Gas Company's Purchased Gas Adjustment Factors to be Reviewed in its 1998-1999 Actual Cost Adjustment.	)	Case No. GR-99-392
	)	
	)	
	)	
In the matter of Atmos Energy Corporation's Purchased Gas Adjustment to be Reviewed in its 1999-2000 Actual Cost Adjustment.	)	Case No. GR-2000-573
	)	
	)	
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**Filing of the Parties in Compliance with the Commission Order  
Dated October 11, 2001  
And Request for Waiver on Filing Requirements as to Number of Copies**

COME NOW the Staff of the Missouri Public Service Commission, the Office of the Public Counsel, Associated Natural Gas Company, and Atmos Energy Corporation ("the Parties"), and, in response to the Commission's order directing the Parties to file a procedural schedule, respectfully state:

1. On July 17, 2001 the Parties filed a settlement agreement with the Commission designed to dispose entirely of all the cases listed above except for the

Atmos Energy portion of Case No. GR-2000-573. The Commission convened a question and answer session on that stipulation on July 25, 2001. At that session the Commission expressed reservations with the stipulation as filed, and directed the Parties to rework the stipulation in light of the Commission's concerns.

2. The Commission's Order of October 11 directs a jointly filed procedural schedule no later than October 22, 2001. The Parties believe this is an unnecessary action under the circumstances. The first two listed cases, GR-96-227 and GR-97-191, have been litigated before, and decided by, the Commission. Therefore, there is no need for a procedural schedule in them. The Commission's decision in Case No. GR-96-227 has been affirmed by the Missouri Court of Appeals, and Case No. GR-97-191 is currently pending before the Cole County Circuit Court on review. Further, the Circuit Court is currently holding in its registry funds impounded pursuant to a stay granted by the Court in its review of GR-96-227. Both of these cases would be finally disposed of pursuant to the terms of the draft settlement being discussed.

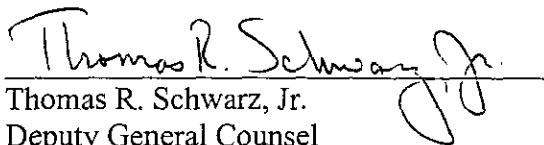
3. In response to the Commission's concerns expressed at the question and answer session, the Parties have prepared a First Amended Settlement Agreement and Release that is designed to address the Commission's concerns. The Parties understand that recently the Commission and its counsel have reviewed new language that the Parties have drafted with respect to the funds impounded in the Circuit Court and the settlement on review of GR-97-191. The Commission's counsel has not yet had an opportunity to formally communicate the position of the Commission on the new language to the Parties. Therefore, the Parties have not yet had an opportunity to discuss that aspect of the amended settlement with counsel for the Commission, but anticipate doing so within a week.

4. Barring something happening which is unforeseen at this time, the Parties intend to file the amended settlement with the Commission promptly after consulting with counsel for the Commission. In that regard, and since the Commission has issued a

single Order in all of the referenced cases even though they are not consolidated, the Parties request a waiver for this and subsequent pleadings and filings in this matter of the Commission's rule which requires the filing of an original and eight copies of pleadings in all cases which have not been consolidated. As it applies in this situation, it appears to the Parties that the rule only results in the Commissioners getting five copies of the same document. The Parties request that in this and future filings, they be allowed to file 13 copies, i.e., one for each of the five separate cases, and then eight copies of that, instead of 45 copies which is the result of applying the Commission's rule. Alternatively, the Parties suggest that the Commission could issue an order consolidating the referenced cases solely for the purposes of dealing with the proposed settlement.

5. Because the Parties reasonably anticipate that all the referenced cases but the Atmos portion of Case No. GR-2000-573 will shortly be resolved, they respectfully suggest that the preparation of a lengthy and jointly filed procedural schedule is premature and unnecessary and request that the Commission rescind its Order of October 11. If the Commission determines otherwise, however, it would be appropriate for Case Nos. GR-98-399 and GR-99-392 to be set for pre-hearing sometime during the week of December 10, 2001 unless earlier settled. The parties further note that Staff is scheduled to file its recommendation in Case No. GR-2000-573 on November 1, 2001.

Respectfully submitted,



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#### Certificate of Service

I hereby certify that copies of the foregoing have been mailed or hand-delivered to all counsel of record as shown on the attached service list this 19<sup>th</sup> day of October, 2001.

Thomas R. Schwan Jr.

Service List for  
Case Nos. GR-96-227, GR-97-191, GR-98-399,  
GR-99-392 and GR-2000-573  
Revised: October 19, 2001 (SW)

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