

**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. \_\_\_\_\_  
Waiver from the Provisions of )  
4 CSR 240-40.040(3). )

**APPLICATION FOR WAIVER**

COMES NOW Atmos Energy Corporation (“Atmos” or “Company”), pursuant to 4 CSR 240-3.015 and 4 CSR 240-40.040(5), and in support of its Application for Variance and Waiver (“Application”) from the provisions of 4 CSR 240-40.040(3) of the Rules of the Missouri Public Service Commission (the “Commission”), states as follows:

1. Atmos is a corporation duly organized, validly existing and in good standing in all respects under the laws of the State of Texas and Commonwealth of Virginia, with its principal office and place of business at 5430 LBJ Freeway, Dallas, Texas 75240. Atmos is authorized to conduct business in the State of Missouri and is engaged in the distribution and retail sale of natural gas in those areas of Missouri certificated to it by the Commission.

2. A certified copy of Atmos’ certificate of authority to do business as a foreign corporation in Missouri was filed with the Commission in Case No. GR-2006-0387, which was Atmos’ most recent general rate proceeding in Missouri. Said document is incorporated herein by reference in accordance with 4 CSR 240-2.060(1)(G) and made a part hereof for all purposes. Atmos is a “gas corporation” and a “public utility” as those terms are defined in Section 386.020 of the Revised Statutes of Missouri and as such is subject to the jurisdiction of the Commission as provided by law.

3. Atmos has pending actions against it involving customer service or rates having occurred within three (3) years from the date of this Application in certain of the jurisdictions in which it provides service, but none in Missouri. Atmos has no annual report or assessment fees that are overdue.

4. Communication in regard to this Application should be addressed to the undersigned counsel and:

Thomas H. Petersen  
Atmos Energy Corporation  
5420 LBJ Freeway  
Suite 1600  
Dallas, Texas 75240  
(214) 303-9124

5. Commission Rule 4 CSR 240-40.040 sets forth certain requirements for gas utilities regulated by the Commission with respect to keeping and maintaining records in accordance with the Uniform System of Accounts (USOA) prescribed by the Federal Energy Regulatory Commission. Among these requirements, 4 CSR 240-40.040(3)(G)(I) and (J) prescribe that gas utility plant records be classified under these respective subparts according to vintage year. Specifically, subpart (G) requires a gas utility to "...estimate original cost with an appropriate average of the original cost of the units by vintage year..."; subpart (I) requires a gas utility to "...keep its work order system so as to show the nature of each addition to or retirement of gas plant by vintage year...", and subpart (J) requires a gas utility to "...maintain records which classify, for each plant account, the amounts of the annual additions and retirements so as to show the number and cost of the various record units or retirement units by vintage year..." In Atmos' most recent general rate proceeding before the Commission, Atmos agreed, as

part of the terms of the Partial Non-Unanimous Stipulation and Agreement between Atmos, the Commission's Staff and the Office of Public Counsel, and which was subsequently approved by the Commission by Report and Order issued February 22, 2007, to update its continuing property record system with respect to the vintage portion of the record.

6. Pursuant to 4 CSR 240-40.040(5), Atmos respectfully requests that the Commission waive the requirements addressed in Paragraph 5 above with respect to vintage data for Atmos' Division 97 plant records in Missouri for periods prior to July 1997. Division 97 is the accounting division internally assigned to the Missouri natural gas distribution assets acquired by Atmos through its merger with United Cities Gas Company ("United Cities") in 1997, and which was approved by the Commission in Case No. GM-97-70. At that time, United Cities did not keep all of their plant records vintaged in their plant accounting system. Atmos has attempted to comply with the Commission's requirements regarding complete vintage data for its Division 97 gas utility plant recorded to FERC Accounts 376 (Mains), 378 (Measuring and Regulating Station equipment), 380 (Services), 381 (Meters), 382 (Meter Installations) and 383 (House Regulators), but the adequacy and number of historical records maintained prior to July 1997 are insufficient to enable Atmos to record actual vintage dates for the items of utility plant in these accounts.

7. Pursuant to 4 CSR 240-40.040(5), Atmos respectfully requests that the Commission grant a variance to the requirements addressed in Paragraph 5 above with respect to certain vintage data for Atmos' Divisions 70, 71, and 72 plant records in Missouri. Divisions 70, 71, and 72 are the accounting divisions internally assigned to the

Missouri natural gas distribution assets acquired by Atmos through its purchase of the Missouri assets of the Associated Natural Gas division of Arkansas Western Gas Company ("ANG") in 2000, which was approved by the Commission in Case No. GM-2000-312. At the time of the asset purchase, these divisions' vintage records were converted to a new property record platform that recorded the date of the acquisition as the date of installation. At the time of this conversion, certain of the property records were recorded individually while other records were grouped with like assets. Records from various vintages have been rolled up in seven accounts: 36701 (Transmission Steel Mains), 37601 (Distribution Steel Mains), 37602 (Distribution Plastic Mains), 38000 (Services), 38100 (Meters), 38200 (Meter Installations), and 38400 (House Regulator Installations). Atmos is able to determine the actual installation date for individual asset records by identifying the record in spreadsheets that have been extracted from the legacy accounting system. Using this process, the Company was able to identify the vintages for 7,742 of 8,848 asset records that were converted at the time of the ANG asset purchase.

8. With the exception of the asset records described herein, Atmos has maintained and will continue to maintain a continuing property record in accordance with the Commission's rules. For assets with no vintage record, Atmos will record retirements into each account based on the average cost per unit of the retirements by business segment and account at the date of retirement. Atmos has reviewed with Commission Staff the revintaging process and the process for retirement value related to assets that will continue to have no vintage. Commission Staff and the Office of the Public Counsel have represented to Atmos that they have no objection to the foregoing proposal.

WHEREFORE, Atmos respectfully request that the Commission enter an order granting Atmos a waiver from the provisions of 4 CSR 240-40.040(3) for the reasons set forth in the foregoing Application.

Respectfully submitted,

**/s/ Larry W. Dority**

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Attorneys for Atmos Energy Corporation

Certificate of Service

I hereby certify that two true and correct copies of the above and foregoing document were sent by electronic mail, or hand delivered, on this 15th day of April, 2008 to:

General Counsel  
Missouri Public Service Commission  
Governor Office Building  
P.O. Box 360  
Jefferson City, MO 65102

Office of the Public Counsel  
Governor Office Building, 6<sup>th</sup> Floor  
P.O. Box 2230  
Jefferson City, MO 65102-7800

**/s/ Larry W. Dority**

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Larry W. Dority

**VERIFICATION**

STATE OF TEXAS            )  
  )  
COUNTY OF DALLAS        )            ss

I, Thomas H. Petersen, of lawful age, state that I am Director of Rates for Atmos Energy Corporation; that I have read the above and foregoing Application; that the statements contained therein are true and correct to the best of my information, knowledge and belief; and that I am authorized to make this statement on behalf of Atmos Energy Corporation.

*Thomas H. Petersen*  
\_\_\_\_\_  
Thomas H. Petersen

Subscribed and sworn to before me this 14 day of April, 2008.

*Deborah D Littleton*  
\_\_\_\_\_  
Notary Public, State of Texas

My Commission Expires:

5-12-10

