

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION  
JEFFERSON CITY  
December 18, 2001**

**CASE NO: GO-98-567**

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**Enclosed find certified copy of ORDER in the above-numbered case(s).**

**Sincerely,**

A handwritten signature in black ink that reads "Dale Hardy Roberts". The signature is written in a cursive style with a large, stylized "D" and "R".

**Dale Hardy Roberts**  
**Secretary/Chief Regulatory Law Judge**

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

In the Matter of the Application of Associated Natural Gas Company, a Division of Arkansas Western Gas Company, for a Three-Year Variance from Section (19) of 4 CSR 240-10.030, Regarding the Testing of Gas Meters.	)	
	)	
	)	<b><u>Case No. GO-98-567</u></b>
	)	

**ORDER DIRECTING FILING**

This order directs Atmos Energy Corporation to file a revised tariff sheet removing reference to the variance granted previously by the Commission no later than 30 days after the effective date of this order. This order also acknowledges the expiration of Atmos' previously-granted variance at the end of the calendar year 2001, the Commission's prior order that Atmos file an annual report for the calendar year 2001 no later than January 31, 2002, and that, beginning January 1, 2002, Atmos shall meet the meter testing standard set forth in Commission Rule 4 CSR 240-10.030(19) as recommended by the parties.

On July 21, 1998, the Commission granted Associated Natural Gas a variance of Commission Rule 4 CSR 240-10.030(19) for a three-year period ending on December 31, 2001. On June 1, 2000, ANG sold all of its Missouri gas properties to Atmos Energy Corporation. After substituting Atmos for ANG as the party of interest in this variance, on March 20, 2001, the Commission granted an extension of the variance through the end of the calendar 2001 year, at the request of Staff and Atmos. On March 20, 2001, the Commission also directed Atmos to revise the variance reference in its tariff, directed Atmos and Staff to file a report with their recommendations for continuation or revision of

the variance no later than November 30, 2001, and ordered Atmos to file an annual report for calendar year 2001 concerning the meter testing program no later than January 31, 2002.

In the Second Joint Report and Recommendation filed November 30, 2001, Staff and Atmos advised the Commission that Atmos has decided not to seek another variance or an extension of this variance to the meter testing rule at this time. Therefore, Atmos and Staff jointly recommended that this variance be discontinued, effective January 1, 2002, and that Atmos be directed to remove the reference to this variance from its tariff no later than 30 days after the effective date of the Commission's order discontinuing the variance. Atmos and Staff further recommended that the Commission direct Atmos to file the annual report for calendar year 2001 no later than January 31, 2002. Atmos and Staff also recommended that the Commission direct Atmos to test its meters at a minimum rate of ten percent per calendar year for the next ten years, beginning January 1, 2002, in compliance with the 120-month interval requirement in Commission Rule 4 CSR 240-10.030(19), unless Atmos seeks and is granted another variance.

The Commission finds that it extended the original variance through calendar year 2001 in its order issued March 20, 2001. Therefore, it is unnecessary to further order that this variance be discontinued effective January 1, 2002, as the variance will expire after December 31, 2001. Further, in its order issued March 20, 2001, the Commission ordered Atmos to file an annual report for the calendar year 2001, including the information specified in the application, no later than January 31, 2002. The March 20, 2001 order remains effective and no further order is required concerning the filing of an annual report for calendar year 2001.

Upon expiration of the variance, Atmos shall comply with Commission Rule 4 CSR 240-10.030(19), testing its meters at a minimum annual rate of ten percent for the next ten years, unless or until Atmos is granted a subsequent variance of this rule. The Commission finds this requirement reasonable in that Atmos has stated that it does not wish to continue the variance of Commission Rule 4 CSR 240-10.030(19). Therefore, Atmos should return to compliance with the Commission rules as recommended. Finally, the Commission will direct Atmos to file its revised tariff sheets to remove the reference to the expired variance in its tariff no later than 30 days after the effective date of this order.

**IT IS THEREFORE ORDERED:**

1. That Atmos Energy Corporation shall file its revised tariff sheets no later than January 17, 2002, removing the reference in its tariff to the variance, which shall expire effective January 1, 2002,
2. That this order shall become effective on December 28, 2001.

**BY THE COMMISSION**



**Dale Hardy Roberts  
Secretary/Chief Regulatory Law Judge**

( S E A L )

Shelly A. Register, Regulatory Law Judge,  
by delegation of authority pursuant to  
Section 386.240, RSMo 2000.

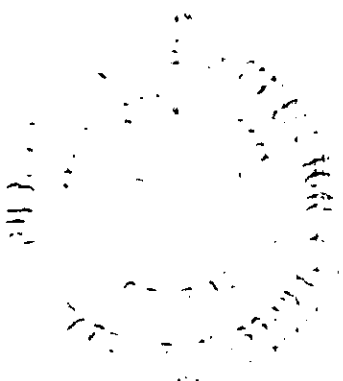
Dated at Jefferson City, Missouri,  
on this 18<sup>th</sup> day of December, 2001.

**STATE OF MISSOURI**

**OFFICE OF THE PUBLIC SERVICE COMMISSION**

I have compared the preceding copy with the original on file in this office and  
I do hereby certify the same to be a true copy therefrom and the whole thereof.

WITNESS my hand and seal of the Public Service Commission, at Jefferson City,  
Missouri, this 18<sup>th</sup> day of Dec. 2001.



*Dale Hardy Roberts*

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Dale Hardy Roberts  
Secretary/Chief Regulatory Law Judge