

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

In the Matter of Atmos Energy Corporation’s Tariff)
Revision Designed to Implement a General Rate)
Increase for Natural Gas Service in the Missouri) Case No. GR-2010-0192
Service Area of the Company.)

**REPLY OF ATMOS ENERGY CORPORATION
TO THE RESPONSE OF IBEW LOCAL 1439**

COMES NOW Atmos Energy Corporation (“Atmos”), pursuant to Missouri Public Service Commission (“Commission”) Rule 4 CSR 240-2.080(15), and submits its Reply to the “Response To Atmos Energy Corporation’s Objection To Motion To File Application Of IBEW Local 1439 To Intervene Out Of Time” (“Response”) filed by International Brotherhood of Electrical Workers Local 1439 (“Local 1439”). For its Reply, Atmos respectfully states as follows:

1. In its previous Objection (incorporated herein by reference), Atmos pointed out that Local 1439’s Motion and Application (“Late-Filed Application”) to intervene in this proceeding almost three months after the intervention deadline, clearly did not rise to the level of good cause (as required by Commission Rule) and the granting of same would be contrary to Commission precedent. Now, attempting to bolster its Late-Filed Application, Local 1439 seeks to interject allegations regarding contract negotiations between Local 1439 and Atmos. While Atmos would dispute the characterization of the purported representations set forth in Local 1439’s pleading, pending union contract negotiations do not give Local 1439 standing or “good cause” for a late-filed intervention in a Commission proceeding.

2. Indeed, Section 386.315.1, RSMo 2000, provides in part: “In establishing public utility rates, the commission shall not reduce or otherwise change any wage rate, benefit, working condition, or other term or condition of employment that is the subject of a collective bargaining agreement between the public utility and a labor organization.” The Commission should not countenance Local 1439’s thinly-veiled attempt to leverage its contract negotiations by intervention in a pending Public Service Commission proceeding.

3. In its Response, Local 1439 appears to find “significant” the fact that Atmos’ Objection did not address Atmos being prejudiced by the pending Late-Filed Application. Any significance associated with this red-herring argument is that Atmos is not required to establish prejudice – Local 1439 is required to establish good cause under the specific requirements of the applicable Commission Rule! As noted in the Missouri Gas Energy rate case, Case No. GR-2006-0422, wherein Cornerstone Energy, Inc. was denied intervention almost two months out of time, Cornerstone had also emphasized that no party would be prejudiced by granting its application. Irrespective of that allegation, the Commission held: “Were the Commission to accept ‘we just found out’ as good cause for filing a request to intervene almost two months out of time, ‘good cause,’ as used in the Commission’s rule, would have no substance.” (Objection, page 2). Nevertheless, now that Local 1439 has telegraphed its true purpose in seeking intervention in this proceeding, clearly all parties would be prejudiced by Local 1439’s inappropriate attempts to interject contract negotiation issues in the midst of a complex rate case proceeding.

WHEREFORE, Atmos Energy Corporation respectfully submits its Reply to IBEW Local 1439's Response, renews its Objection to both IBEW Local 1439's Motion and Application, and requests that the Commission deny the relief requested therein.

Respectfully submitted,

/s/ Larry W. Dority

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CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing Objection has been emailed this 27th day of April, 2010, to all counsel of record and to Sherrie A. Schroder and Michael A. Evans, Attorneys for IBEW Local 1439.

/s/ Larry W. Dority

Larry W. Dority