

**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.	)	

**ATMOS ENERGY CORPORATION'S RESPONSE  
TO PUBLIC COUNSEL'S MOTION TO RESCHEDULE  
THE EVIDENTIARY HEARING**

COMES NOW Atmos Energy Corporation (“Atmos” or “Company”), pursuant to 4 CSR 240-2.080, and files its Response to the Office of the Public Counsel’s (“OPC”) *Motion To Reschedule The Evidentiary Hearing* (“Motion”) filed on July 29, 2009. In support of this Response, Atmos respectfully states as follows:

1. As recited in OPC’s Motion, the Commission’s July 24, 2009 Order Setting Hearing set a hearing in this matter on August 4-5, 2009, and further directed the filing of witness lists, proposed order of cross-examination, and position statements no later than July 31, 2009. The Commission noted that while it is unable to grant Atmos’ motion for expedited treatment for the particular time frame requested, it will expedite a hearing on this matter.

2. In *Atmos Energy Corporation’s Reply to Public Counsel’s Response to Application* filed July 23, 2009, Atmos fully addressed the arguments raised by OPC, and as the Commission Staff pointed out in *Staff’s July 15<sup>th</sup> Reply*, the granting of this waiver does no harm to the ratepayers or to the Company. As Atmos further noted, it will continue the process of retrieving the necessary data to complete the re-vintaging process,

but in the meantime, it will not be proposing any changes to its existing depreciation rates in its planned 2009 rate case.

3. While Atmos takes issue with most of the statements/allegations contained in OPC's Motion and will not burden the record with further argument herein<sup>1</sup>, Atmos agrees that Staff, Atmos and OPC have met and discussed the issues involved with this case on *several* occasions. Atmos is prepared to comply with the Commission's existing schedule.

4. Nevertheless, given OPC's expressed hope that continued discussions may result in an agreement and a "delay in the evidentiary hearing will afford the parties an opportunity to continue these discussions," should the Commission determine that the current hearing date should be rescheduled and to not unduly delay this matter, Atmos would respectfully suggest that the hearing be rescheduled to the week of August 24, 2009, and the witness lists, proposed order of cross-examination and position statements filing be rescheduled accordingly.

**WHEREFORE**, Atmos respectfully submits its Response to the Office of the Public Counsel's Motion.

Respectfully submitted,

/s/ Larry W. Dority

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<sup>1</sup> Atmos acknowledges that on July 15, 2009, OPC sent the data request to Atmos that is attached to OPC's Motion, and Atmos is preparing its response in conformance with the Commission's discovery rules.

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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 30<sup>th</sup> day of July, 2009 to counsel of record.

/s/ Larry W. Dority

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Larry W. Dority