

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

FILED²
SEP 16 2002
Missouri Public
Service Commission

In the Matter of the Tariff Filing of Atmos)
Energy Corporation)

Case No. GT-2003-0037

STATEMENT OF POSITION

COMES NOW the Atmos Energy Corporation ("Atmos"), and respectfully submits the following Position Statement regarding the Proposed List of Issues filed by the Staff in this proceeding:

LIST OF CONTESTED ISSUES AND POSITION STATEMENT

A. Do the tariffs filed by Atmos provide for the aggregate purchasing of natural gas supplies and pipeline transportation service on behalf of eligible school entities in accordance with aggregate purchasing contracts negotiated by and through a not-for-profit school association as required by Section 393.310.4(1) RSMo Supp. 2002?

ANSWER: Yes.

B. Do the tariffs filed by Atmos provide for the resale of such natural gas supplies, including related transportation service costs, to the eligible school entities at the gas corporation's cost of purchasing of such gas supplies and transportation, plus all applicable distribution costs, plus an aggregation and balancing fee to be determined by the Commission, not to exceed four-tenths of one cent per therm delivered during the first year as required by Section 393.310.4(2) RSMo Supp. 2002?

Answer: Yes, in conjunction with its existing tariffs.

C. Do the Atmos tariffs not require telemetry or special metering, except for individual school meters over one hundred thousand therms annually as required by Section 393.310.4(3) RSMo Supp. 2002?

Answer: Yes. Telemetry or special metering is not required, except for individual school meters over one hundred thousand therms annually.

D. Is there sufficient evidence for the Commission to find that implementation of the aggregation program set forth in the Atmos tariffs will not have any negative financial impact on Atmos as required by Section 393.310.5 RSMo Supp. 2002?

Answer: Yes. Atmos' tariffs have been designed to preclude negative, material financial impacts on Atmos by including new aggregation and balancing fees.

E. Is there sufficient evidence for the Commission to find that implementation of the aggregation program set forth in the Atmos tariffs will not have any negative financial impact on SMG's other customers as required by Section 393.310.5 RSMo Supp. 2002?

Answer: Yes. Atmos' tariffs have been designed to preclude negative, material financial impacts on the other customers of Atmos, since no changes to the tariffs of other Atmos customer classes are being proposed at this time.

F. Is there sufficient evidence for the Commission to find that implementation of the aggregation program set forth in the Atmos tariffs will not have any negative financial impact on local taxing authorities as required by Section 393.310.5 RSMo Supp. 2002?

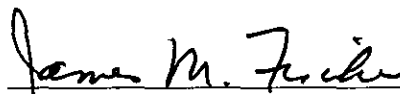
Answer: Yes. Atmos' tariffs have been designed to preclude material financial impacts on local taxing authorities by requiring eligible school entities to agree to pay local taxes or similar fees in a manner similar to the way such taxes are levied on sales customers.

G. Is there sufficient evidence for the Commission to find that the aggregation charge is sufficient to generate revenue at least equal to all incremental costs caused by the experimental aggregation program as required by 393.310.5 RSMo Supp. 2002?

Answer: Atmos' tariffs have been designed with an aggregation charge. Atmos cannot, at this time, assert without limitation that the specific charge is "sufficient to generate revenue at least equal to all incremental costs caused by the experimental aggregation program." Given that this is a new provision, and there are no facts or experience as to what the costs will be, how many customers may be served by the provision, or what volumes will be transported, there is simply no way at this time to make an unqualified representation on this particular point. Atmos, however, does assert that given the overall structure of the new tariff provisions, they have attempted to minimize the costs covered by the charge.

WHEREFORE, for the foregoing reasons, Atmos respectfully requests that the Commission accept its Position Statement.

Respectfully submitted,



James M. Fischer, Esq. MBN 27543
Fischer & Dority, P.C.
101 Madison Street, Suite 400
Jefferson City, Missouri 65101
Telephone: (573) 636-6758
Facsimile: (573) 636-0383
e-mail address: JFISCHERPC@aol.com

ATTORNEYS FOR
ATMOS ENERGY CORPORATION

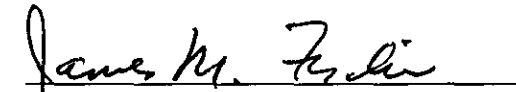
Certificate of Service

I hereby certify that copies of this Position has been mailed, hand-delivered, transmitted by facsimile or e-mailed to the foregoing this 16th day of September, 2002.

**Doug Micheel
Office of the Public Counsel
P.O. Box 7800
Jefferson City, MO 65102**

**Richard S. Brownlee, III
Hendren And Andrae, LLC
221 Bolivar Street, Suite 300
Jefferson City, MO 65102**

**Robert Franson
Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO 65102**


James M. Fischer