

In the Matter of Atmos Energy)
Corporation's 2008-2009 Purchased Gas) Case No. GR-2009-0417
Adjustment and Actual Cost Adjustment)

COMES NOW Atmos Energy Corporation ("Atmos" or "Company"), by and through its attorneys, pursuant to Missouri Public Service Commission ("Commission") Rules 4 CSR 240-3.015 and 240-2.080(16) and requests that the Commission grant it a waiver from the Atmos tariff provisions on P.S.C. Mo.No. 2, Sheet Nos. 40-43 to allow the discontinuance of the ACA factor of the SEMO, NEMO and Rich-Hill/Hume Districts at this time, even though the Company has already revised its ACA factor during the last twelve months. In support of this Motion, Atmos respectfully states:

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 may have pending actions against it involving customer service or rates having occurred within three (3) years from the date of this Motion 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. Simultaneously with the filing of this Motion, Atmos is filing a revised tariff sheet which is designed to discontinue Atmos' Actual Cost Adjustment ("ACA") factors for the SEMO, NEMO and Rich-Hill/Hume Districts. The tariff has an issue date of September 15, 2009, and an effective date of October 1, 2009. Since Atmos has already filed an ACA factor during the last twelve months, it may be necessary for the Company to obtain a waiver to allow it to file another ACA factor for these districts during the same twelve month period. Atmos's tariffs also provide that such proposed changes should be filed with effective dates that allow the Commission Staff ten (10) business days to review the tariffs.

5. During the 2006 Atmos rate case, Case No. GR-2006-0387, the Commission authorized the Company to consolidate its six PGA areas into four PGA areas. However, as noted in the Commission's *Report And Order*, Staff witness Tom Imhoff testified at the hearing “that Staff will have each individual ‘legacy’ district take care of its respective Actual Cost Adjustment (ACA) balances to ‘zero them out.’” (*Report And Order*, p. 35) As a result, the Company has maintained separate ACA factors for its legacy districts until such time as the ACA balances neared zero. At this time, the Company believes that the ACA balance for the SEMO District will be approaching zero by October 1, 2009. The Company also believes it will

be unable to refund all monies to the Rich Hill Hume customers before the Winter Filing. The Company would like to discontinue the ACA Factor for the Rich/Hill Hume District in order to issue a one time credit for our customers to zero out this balance. The Company also believes that it will be approaching a zero balance for the NEMO District by October 1, 2009 and would like to discontinue the ACA Factor in order to avoid an under-recovered state even though this district will not consolidate with any other district. As a result, it is now appropriate to discontinue these ACA factors to become effective on October 1, 2009. Accordingly, Atmos respectfully submits that good cause exists for granting the relief requested herein. No other public utility will be affected by such waiver.

6. The Commission recently granted similar waivers to allow the elimination of the separate Old Butler District, Kirksville, and Neelyville ACA factors when these factors were nearing a zero balance. See *Order Approving Revised ACA Factor And Granting Waiver Of Tariff Provisions*, Case No. GR-2008-0364 (February 25, 2009); *Order Approving Revised ACA Factor, Granting Waiver Of Tariff Provisions, And Approving PGA Changes*, Case No. GR-2008-0364 (April 29, 2009); *Order Approving Revised ACA Factors And Granting Waiver Of Tariff Provisions*, Case No. GR-2009-0417 (July 29, 2009).

7. In order that the tariff may become effective as soon as possible to reflect Atmos's discontinuance of the ACA factor for the SEMO, NEMO and Rich-Hill/Hume Districts, as contemplated by the Commission's Report & Order in Case No. GR-2006-0387, Atmos respectfully requests that the Commission issue its Order Approving Tariff and allow the tariff to go into effect on October 1, 2009, and grant it a waiver from any tariff provisions that would otherwise limit the filing of another ACA factor for this district at this time. This will permit

Atmos to implement the change in its ACA factor in an orderly fashion with its October billing cycle.

8. Pursuant to 4 CSR 240-2.080(16), the Company requests that the Order Approving Tariff be effective no later than October 1, 2009. In addition, since the ACA balances will be near zero or in an under-recovered state on that date, expedited approval of the revised tariff sheet is requested. Delay in the approval will cause a greater under-recovery of gas costs for these districts. This pleading is also being filed as soon as it could have been once it became apparent that the ACA balances will be near zero or an under-recovered balance on October 1, 2009.

WHEREFORE, Atmos Energy Corporation respectfully requests that the Commission, on an expedited basis, authorize its tariff to become effective on October 1, 2009, and grant it a waiver from any tariff provisions that might not allow for the change of the ACA balances at this time.

Respectfully submitted,

/s/ James M Fischer

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been emailed, mailed or hand-delivered this 15th day of September, 2009, to:

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/s/ James M. Fischer

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