

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

In the Matter of Atmos Energy Corporation’s Tariff)
Revision Designed to Consolidate Rates and) **File No. GR-2006-0387**
Implement a General Rate Increase for Natural Gas)
Service in the Missouri Service Area of Atmos)

In the Matter of Atmos Energy Corporation's Tariff)
Revision Designed to Implement a General Rate) **File No. GR-2010-0192**
Increase for Natural Gas Service in the Missouri) Tariff No. YG-2010-0426
Service Area of the Company)

DISSENTING OPINION OF CHAIRMAN ROBERT M. CLAYTON III

This Commissioner dissents from the Order Consolidating Cases. As one who dissented in the underlying Report and Order in Case No. GR-2006-0387, this Commissioner continues to have concerns with a number of the provisions of that Order, including the change to the Straight Fixed Variable (SFV) rate design and the funding level and approach to energy efficiency.

The Court remanded this case because of Public Counsel’s (OPC’s) successful arguments that the Commission erred in adopting the SFV. This Commissioner continues to share some of those concerns and cannot endorse the rate design without addressing the inequities to low usage, space heating customers who are adversely affected by the new rate design. This Commissioner would require additional study of that impact on customers, especially identifiable low-income customers, and request recommendations on how best to address any inherent unfairness in the rate design.

This Commissioner would also encourage the Commission to increase its commitment to energy efficiency with higher funding levels, aggressive goals and identification of

appropriate programs that would empower customers to make more informed decisions relating to energy use and assist them in reducing their utility bills. The Commission recently adopted new policies associated with energy efficiency and rate design associated with Missouri Gas Energy's recent rate increase request in Case No. GR-2009-0355. The Commission should consider implementing similar provisions in this case.

These issues cannot be addressed in a timely fashion because of the consolidation with the newly filed rate case. This remand will now take the full eleven-month timeframe to address these issues, which negates any relief for the successful appellant, OPC. This Commissioner is concerned that this delay flies in the face of the remand Order and ignores the Commission's opportunity to address the inadequacies in the underlying Report and Order. There is sufficient information in the record for the Commission to reevaluate its Order and issue new findings and directives.

For the foregoing reasons, this Commissioner dissents.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Robert M. Clayton III". The signature is written in a cursive, flowing style.

Robert M. Clayton III
Chairman

Dated at Jefferson City, Missouri
On this 17th day of February, 2010.