

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF ATMOS ENERGY)	
CORPORATION FOR AN ADJUSTMENT)	CASE NO.
OF RATES)	2009-00354

ORDER

On October 29, 2009, Atmos Energy Corporation (“Atmos”) tendered for filing an application with the Commission for a rate adjustment. In its filing, Atmos requested, pursuant to 807 KAR 5:001 § 10(11)(a-c), a waiver from the requirements and subparts of 807 KAR 5:001 §§ 10(9)(b), 10(9)(f), 10(9)(g), 10(9)(h), 10(9)(u)1, 10(10)(k) and 10(10)(l).

Having reviewed the filing and being otherwise sufficiently advised, the Commission finds that:

1. For good cause shown by a utility, the Commission has the authority to grant the deviations requested.
2. Atmos states in support of its request that it maintains its budgets and managerial data by fiscal year and that, as such, it would be more efficient for Atmos to provide fiscal year data instead of calendar year data. The Commission finds that the fiscal year information Atmos submitted is sufficient to enable the Commission to adequately review Atmos’s application with the exception of the information required under § 10(9)(h)(4). Therefore, Atmos’s request for waiver of the filing requirements of

807 KAR 5:001 §§ 10(9)(b), 10(9)(f), 10(9)(g), 10(9)(h) [with the exception of subsection (4)], 10(9)(u)1, 10(10)(k) and 10(10)(l), should be granted.

3. 807 KAR 5:001 § 10(9) requires any utility requesting a general adjustment in rates supported by a fully forecasted test period to provide certain information to the Commission or a statement explaining why the information does not exist and is not applicable to the utility's application. Section 10(9)(h)(4) requires the financial forecast corresponding to each of the three forecasted years included in the capital construction budget to include the revenue requirements necessary to support the forecasted rate of return.

4. The information required by 807 KAR 5:001 § 10(9)(h)(4) is critical to the Commission's effective review of Atmos's filing, and the operating income statement cited in the application as satisfying this requirement does not present the revenue requirements necessary to support the forecasted rate of return over the three forecasted years.

5. The request by Atmos to use a fiscal year rather than calendar year does not provide sufficient grounds to grant a waiver of the filing requirements of 807 KAR 5:001 § 10(9)(h)(4).

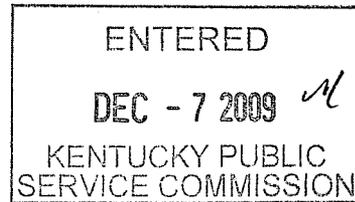
6. Atmos's request for a waiver of the requirements of 807 KAR 5:001 § 10(9)(h)(4) should be denied.

IT IS THEREFORE ORDERED that:

1. Atmos's request for a waiver of the filing requirements of 807 KAR 5:001 §§ 10(9)(b), 10(9)(f), 10(9)(g), 10(9)(h) [with the exception of subsection (4)], 10(9)(u)1, 10(10)(k) and 10(10)(i) is granted.

2. Atmos's request for a waiver of the filing requirements of 807 KAR 5:001 § 10(9)(h)(4) is denied.

By the Commission



ATTEST:



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