

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF ATMOS ENERGY CORPORATION ) CASE NO.  
FOR AN ORDER APPROVING USE OF DISCLAIMER ) 2011-00088  
BY NON-REGULATED AFFILIATES )

ORDER

On March 9, 2011, Atmos Energy Corporation (“Atmos”) filed an application pursuant to KRS 278.2213(13) requesting Commission approval of a disclaimer for use by its non-regulated affiliates. Atmos having responded to two rounds of discovery from Commission Staff and there being no intervenors, this matter stands submitted for decision.

Atmos proposes that the following disclaimer, in all capital letters, be used on the first page or at the first point where its name, trademark, logo or brand appears in print format:

[Company’s affiliate] is not the same company as Atmos Energy Corporation. [Company’s affiliate] is not regulated by any state public utility regulatory agency, including the Kentucky Public Service Commission. You do not have to buy the products or services of [Company’s affiliate] in order to continue to receive quality regulated services from Atmos Energy Corporation.

When used in televised format, the proposed disclaimer will appear at the first point where its name, trademark, logo or brand appears. In audio format, it will be spoken at the close of the advertisement.

KRS 278.2213(13) provides that a utility’s name, trademark, brand or logo shall not be used by a non-regulated affiliate in any type of visual or audio media without a

disclaimer and that the Commission shall approve any disclaimer prior to use by the utility's affiliate. The statute directs the Commission to develop specifications for the disclaimer. Pursuant to this statutory directive, the Commission promulgated 807 KAR 5:080, Section 6, which states as follows:

The disclaimer used by an affiliate of an affected utility shall comply with the following requirements:

(1) The disclaimer shall state that "(affiliate's name) is not the same company as (utility's name). (Affiliate's name) is not regulated by the Kentucky Public Service Commission. You do not have to buy (the affiliate's) (products or services, as applicable) in order to continue to receive quality regulated services from the utility.";

(2) If an affiliate of an affected utility uses the utility's name, trademark, brand, or logo in a print format, the disclaimer shall appear in capital letters on the first page or at the first point where the utility's name, trademark, logo or brand appears;

(3) If an affiliate of an affected utility uses the utility's name, trademark, brand, or logo in a televised format, the disclaimer shall appear at the first point at which the utility's name, trademark, logo, or brand appears; and

(4) If an affiliate of an affected utility uses the utility's name in an audio format, the disclaimer shall be spoken at the close of the advertisement.

In response to data requests, Atmos identified several non-regulated affiliates that currently have a presence in Kentucky: Atmos Energy Holdings, Inc.; Atmos Energy Marketing, LLC (formerly Woodward Marketing, LLC) ("AEM"); Atmos Gathering Company, Inc. ("AGC"); Atmos Pipeline and Storage, LLC; and WKG Storage, Inc. Atmos states that the Atmos logo and name are used in the ordinary course of business on letterhead, business cards and other printed materials as well as websites for AGC

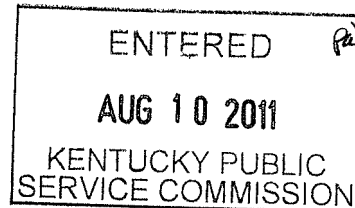
and AEM. Atmos further states that AGC also uses the name Atmos as part of its logo on trucks and uniforms. While the trucks bear both the names Atmos Energy and Atmos Gathering Company, the uniforms merely contain the name Atmos Energy.

Having considered Atmos's request and being otherwise sufficiently advised, the Commission finds that Atmos's proposed disclaimer is in compliance with the regulation, is reasonable, and should be approved. We further find that all uniforms worn by employees of affiliates should include the affiliate's name.


IT IS THEREFORE ORDERED that:

1. Atmos's proposed disclaimer is approved as proposed.
2. Atmos shall include the name of its affiliate company on all affiliate employee uniforms.
3. Atmos shall report to the Commission on its compliance status within three months of the date of this Order.

By the Commission



ATTEST:



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Executive Director

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