

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

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

O R D E R

On October 29, 2009, Atmos Energy Corporation ("Atmos") tendered for filing an application for an adjustment of its gas rates based on a forecasted test period. The application proposed that the new rates become effective on December 1, 2009. By letter dated November 13, 2009, the Commission notified Atmos that its rate application was rejected as deficient because it did not include the information necessary to satisfy the filing requirements contained in 807 KAR 5:001, §§ 10(9)(h)(4) and 10(9)(l).

In response to the Commission's rejection letter, Atmos filed the information cited in the November 13, 2009 letter on November 18, 2009. The Commission accepted the information and considered the application filed as of November 18, 2009.

Based on the November 18 file date and the 30 days' notice requirement set forth in KRS 278.180(1), the earliest possible effective date for Atmos's proposed rates is December 18, 2009. Based on a review of Atmos's application, the Commission finds that an investigation will be necessary to determine the reasonableness of the proposed rates and that the investigation cannot be completed by December 18, 2009. Therefore, pursuant to KRS 278.190(2), the Commission will suspend the effective date of the proposed rates for six months.

IT IS THEREFORE ORDERED that:

1. Atmos's rate application is accepted for filing as of November 18, 2009.
2. Atmos's proposed rates, which are to be effective on December 18, 2009, are suspended for six months, up to and including June 17, 2010.
3. The procedural schedule set forth in the Appendix to this Order shall be followed.
4. a. All requests for information and responses thereto shall be appropriately bound, tabbed, and indexed and the original and 10 copies shall be filed with the Commission, with copies to all parties of record. Any request for information by letter from the Commission Staff shall be responded to as if set forth in a Commission Order. All responses shall include the name of the witness who will be responsible for responding to questions related to the information provided.
 - b. Each response shall be answered under oath or, for representatives of a public or private corporation or a partnership or an association or a governmental agency, be accompanied by a signed certification of the preparer or person supervising the preparation of the response on behalf of the entity that the response is true and accurate to the best of that person's knowledge, information, and belief formed after a reasonable inquiry.
 - c. A party shall make timely amendment to any prior response if it obtains information which indicates that the response was incorrect when made or, though correct when made, is now incorrect in any material respect.

d. For any request to which a party fails or refuses to furnish all or part of the requested information, that party shall provide a written explanation of the specific grounds for its failure to completely and precisely respond.

5. Any party filing testimony shall file an original and 10 copies with the Commission, with copies to all parties of record.

6. Atmos shall give notice of the hearing in accordance with the provisions set out in 807 KAR 5:011, Section 8(5). At the time publication is requested, Atmos shall forward a duplicate of the notice and request to the Commission.

7. At any public hearing in this matter, neither opening statements nor summarization of direct testimony shall be permitted.

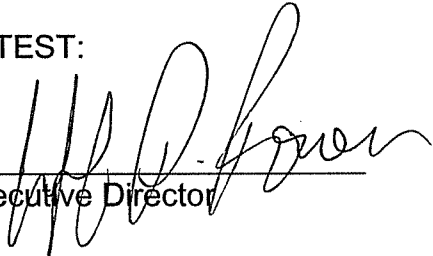
8. Any objections or motions relating to discovery or procedural dates shall be filed upon four business days' notice or the filing party shall explain, in writing, why such notice was not possible.

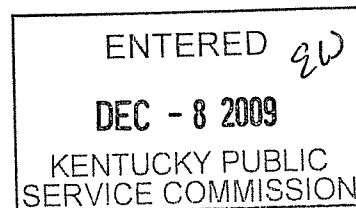
9. Motions for extensions of time with respect to the schedule herein shall be made in writing and will be granted only upon a showing of good cause.

10. Nothing contained herein shall prevent the Commission from entering further Orders in this matter.

By the Commission

ATTEST:


Executive Director



APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2009-00354 DATED **DEC - 8 2009**

All requests for information to Atmos shall
be filed no later than 12/15/09

Atmos shall file responses to requests for
information no later than 01/05/10

All supplemental requests for information to Atmos
shall be filed no later than 01/20/10

Atmos shall file responses to supplemental requests
for information no later than 02/03/10

Intervenor testimony, if any, in verified prepared
form shall be filed no later than 02/17/10

All requests for information to Intervenors shall
be filed no later than 03/03/10

Intervenors shall file responses to requests for
information no later than 03/17/10

Atmos shall file its rebuttal testimony in verified
form no later than 03/31/10

Last day for Atmos to publish notice of hearing To be scheduled

Public Hearing to be held in Hearing Room 1
of the Commission's offices at 211 Sower Boulevard,
Frankfort, Kentucky, for the purpose of cross-examination
of witnesses of Atmos and Intervenors To be scheduled

Simultaneous Briefs, if any To be scheduled

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