

**RAILROAD COMMISSION OF TEXAS
GAS SERVICES DIVISION**

**GAS UTILITIES
INFORMATION BULLETIN**

No. 863



**RAILROAD COMMISSION
OF TEXAS**

**Victor G. Carrillo, Chairman
Elizabeth A. Jones, Commissioner
Michael L. Williams, Commissioner**

**William O. Geise
Director
Gas Services Division**

March 10, 2009

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Orders were issued in the following dockets:

None at this time.

SECTION 1
NEW APPEALS AND APPLICATIONS FILED

None at this time.

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SECTION 2

APPEALS AND APPLICATIONS SET FOR HEARING OR PREHEARING CONFERENCE

**BEFORE THE
RAILROAD COMMISSION OF TEXAS**

**Rate Case Expenses Severed from Gas Utilities
Docket No. 9762**

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;

GAS UTILITIES DOCKET NO. 9787

NOTICE OF HEARING

Summary of the Proceeding - On October 26, 2007, Atmos Energy Mid-Tex filed a *Statement of Intent to Increase Gas Utility Rates* in the unincorporated areas of its Mid-Tex Division. The filing was docketed as Gas Utilities Docket No. 9762. An Interim Order issued in that case on February 12, 2007, severed consideration of rate case expenses into a separate docket. The rate case expense proceeding was docketed as GUD No. 9782.

NOTICE IS HEREBY GIVEN THAT a public hearing will be held, at the time and place set out below, to consider all issues of fact and law raised in or relevant to the proposed rate case expenses. The issues that may be addressed at the hearing include, but are not limited to, the following:

1. Whether the proposed rates are just and reasonable,
2. Whether the requested rate case expenses are justified,
3. Any and all other issues raised in the pleadings, evidence, or argument that are necessary for the Commission to establish just and reasonable rates.

Legal Authority and Jurisdiction - The Commission has jurisdiction over Atmos Energy Mid-Tex and over the matters at issue in this proceeding pursuant to TEX. UTIL. CODE ANN. ' ' 102.001 (Vernon 1998 and Supp. 2008), 103.003 (Vernon Supp. 2008), and 103.051, 104.001, 121.051, 121.052 and 121.151 (Vernon 1998). The examiners shall conduct the hearing pursuant to the requirements of TEX. GOV=T CODE, Chapter 2001, and TEX. REV. CIV. STAT. ANN. Art. 6447e (Vernon Supp. 2008).

Particular Statutes and Rules Involved - The statutes and rules applicable to this proceeding include but are not limited to the following:

- 1 All sections of TEX. UTIL. CODE CHAPTERS 101, 102, 103, 104, and 121; and
- 2 All Commission rules in 16 TEX. ADMIN. CODE, Chapters 1, 7 and 8; and 16 TEX. ADMIN. CODE ' 3.70 (2008).

IT IS DIRECTED that all parties desiring to present sworn testimony, documentary and demonstrative evidence, and argument regarding any issue of law or fact at the final hearing on the merits **SHALL** appear in person or by attorney.

Time, Place, and Nature of the Hearing - **IT IS FURTHER DIRECTED** that the hearing shall commence at

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10:00 a.m., Thursday, April 2, 2009, at the Commission's offices in the William B. Travis Building, 1701 North Congress Avenue, Austin, Texas, in a room to be posted on the bulletin board in the first floor lobby of the Travis Building on the morning of the hearing. If the hearing is not concluded on the day it commences, the hearing will be continued from day to day as the examiners announce until concluded.

Record of the Hearing -The record of the hearing will be made by digital or tape recorder. If a transcript is requested, the Commission may assess the cost of the transcript to one or more parties pursuant to TEX. GOV'T CODE ' 2001.059 (Vernon 2008).

Hearing Examiner to Preside - One or more Hearing Examiners of the Office of General Counsel's Hearings Section, Railroad Commission of Texas, will preside over the hearing pursuant to TEX. REV. CIV. STAT. ANN. Art. 6519a (Vernon Supp. 2008) and 16 TEX. ADMIN. CODE ' 1.121 (2008).

Auxiliary Aids or Services for Persons with a Disability - Any individual with a disability who needs auxiliary aids and services in order to have an equal opportunity to effectively communicate and participate in the hearing must request such aids or services by March 29, 2009, by notifying the Personnel Office of the Commission by mail at P. O. Box 12967, Austin, Texas 78711-2967 or by telephone at (512) 463-6981 or TDD No. (512) 463-7284.

Contact for Additional Information B In accordance with TEX. GOV'T CODE ANN. ' 2001.061 (Vernon 2000) and 16 TEX. ADMIN. CODE ' 1.6 (2001), *ex parte* communications with Hearings Examiners or Commissioners are prohibited. Any persons or entities desiring additional information may contact the Commission by writing to Colin Lineberry at the Railroad Commission of Texas, 1701 North Congress Avenue, P. O. Box 12967, Capitol Station, Austin, Texas 78711-2967, or by calling Mr. Lineberry at (512) 463-7033. Any persons or entities having clerical questions, such as questions regarding the number of copies of filings, the service list or reviewing the record, may contact the secretary of the Gas Services Section of the Office of General Counsel, Loretta Howard, at (512) 463-7033.

/s/ _____
Gene Montes, Hearings Examiner
Hearings Section
Office of General Counsel

March 10, 2009

**BEFORE THE
RAILROAD COMMISSION OF TEXAS**

**STATEMENT OF INTENT FILED BY
TEXAS GAS SERVICE COMPANY TO
CHANGE THE RATES WITHIN THE
ENVIRONS OF THE NORTH TEXAS
SERVICE AREA**

':
'
'
'

**GAS UTILITIES DOCKET NO.
9839**

NOTICE OF HEARING

Summary of the Proceeding - On December 1, 2008, Texas Gas Service Company filed with the Railroad Commission of Texas (ACommission@) a statement of intent to increase the rates in the environs of its North Texas Service Area.

NOTICE IS HEREBY GIVEN THAT a public hearing will be held, at the time and place set out below, to consider all issues of fact and law raised in or relevant to the appeals and statement of intent of Texas Gas Service Company. The issues that may be addressed at the hearing include, but are not limited to, the following:

1. The legality and effect of Texas Gas Service Company=s statement of intent;
2. The justness and reasonableness of all of Texas Gas Service Company=s utility rates, operations, and services;
3. The safety, adequacy, efficiency, and reasonableness of Texas Gas Service Company=s services;
4. Texas Gas Service Company=s compliance with all applicable statutes, rules, orders, duties, directions, or requirements of the Commission, enforced by the Commission, or imposed by the Commission;
5. Whether the changes in rates and services proposed by Texas Gas Service Company in this proceeding are not unreasonably preferential, prejudicial, or discriminatory, but are sufficient, equitable, and consistent in application to each class of customer, in compliance with the applicable provisions of the Texas Utilities Code;
6. Any and all other issues raised in the pleadings, evidence, or argument that are necessary for the Commission to render a final decision on the merits of this case.

Legal Authority and Jurisdiction - The Commission has jurisdiction over Texas Gas Service Company and over the matters at issue in this proceeding pursuant to TEX. UTIL. CODE ANN. ' ' 102.001, 104.001, 121.051, 121.052 and 121.151 (Vernon 2007). The examiners shall conduct the hearing pursuant to the requirements of TEX. GOV=T CODE, Chapter 2001, and TEX. REV. CIV. STAT. ANN. Art. 6447e (Vernon Supp. 2004).

Particular Statutes and Rules Involved - The statutes and rules applicable to this proceeding include but are not limited to the following:

1 All sections of TEX. UTIL. CODE CHAPTERS 101, 102, 103, 104, and 121;

All Commission rules in 16 TEX. ADMIN. CODE, Chapters 1, 7 and 8; and

IT IS DIRECTED that all parties desiring to present sworn testimony, documentary and demonstrative evidence, and argument regarding any issue of law or fact at the final hearing on the merits **SHALL** appear in person or by attorney.

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Time, Place, and Nature of the Hearing - IT IS FURTHER DIRECTED that the hearing shall commence at **9:00 a.m., Tuesday, April 7, 2009**, at the Commission=s offices in the William B. Travis Building, 1701 North Congress Avenue, Austin, Texas, in a room to be posted on the bulletin board in the first floor lobby of the Travis Building on the morning of the hearing. If the hearing is not concluded on the day it commences, the hearing will be continued from day to day as the examiners announce until concluded.

Written Transcript of the Hearing -The record of the hearing will be made by stenographic transcription by the court reporter. Any party that desires a copy of the written transcript of the hearing should contact the court reporter at (512) 282-0313. The Commission may assess the cost of the transcript to one or more parties pursuant to TEX. GOV=T CODE ' 2001.059 (Vernon 2000).

Hearing Examiner to Preside - One or more Hearing Examiners of the Office of General Counsel=s Hearings Section, Railroad Commission of Texas, will preside over the hearing pursuant to TEX. REV. CIV. STAT. ANN. Art. 6519a (Vernon Supp. 2004) and 16 TEX. ADMIN. CODE ' 1.121 (1991).

Auxiliary Aids or Services for Persons with a Disability - Any individual with a disability who needs auxiliary aids and services in order to have an equal opportunity to effectively communicate and participate in the hearing must request such aids or services by April 3, 2009, by notifying the Personnel Office of the Commission by mail at P. O. Box 12967, Austin, Texas 78711-2967 or by telephone at (512) 463-6981 or TDD No. (512) 463-7284.

Contact for Additional Information B In accordance with TEX. GOV'T CODE ANN. ' 2001.061 (Vernon 2000) and 16 TEX. ADMIN. CODE ' 1.6 (2001), *ex parte* communications with Hearings Examiners or Commissioners are prohibited. Any persons or entities desiring additional information may contact the Commission by writing to Colin Lineberry at the Railroad Commission of Texas, 1701 North Congress Avenue, P. O. Box 12967, Capitol Station, Austin, Texas 78711-2967, or by calling Mr. Lineberry at (512) 463-7033. Any persons or entities having clerical questions, such as questions regarding the number of copies of filings, the service list or reviewing the record, may contact the secretary of the Gas Services Section of the Office of General Counsel, Loretta Howard, at (512) 463-7033.

/s/ _____
H. John Chakales
Hearings Examiner
Office of General Counsel

SECTION 3
STATUS OF PENDING CASES

None at this time.

SECTION 4
NOTICES OF DISMISSAL

None at this time.

SECTION 5
ORDERS OF THE COMMISSION

None at this time.

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SECTION 6
MISCELLANEOUS

WILLIAM O. GEISE, GAS SERVICES DIVISION DIRECTOR

1. OFFICE OF THE DIRECTOR

A. Publications

1. Texas Utilities Code Titles 3 and 4. Now available at the State of Texas' website at:
<http://www.capitol.state.tx.us/statutes/uttoc.html>
Special Rules of Practice and Procedure and Substantive Rules. Now available thru the Commission's Website at:
[http://info.sos.state.tx.us/pls/pub/readtac\\$ext_ViewTAC?tac_view=4&ti=16&pt=1&ch=7](http://info.sos.state.tx.us/pls/pub/readtac$ext_ViewTAC?tac_view=4&ti=16&pt=1&ch=7)
2.
 - a. Annual Report for Fiscal Year 2007 – Now available via the Commission's website at:
<http://www.rrc.state.tx.us/data/gasservices/annualrpt/2007/index.php>
 - b. Annual Report for Fiscal Year 2006 – Now available via the Commission's website at:
<http://www.rrc.state.tx.us/data/gasservices/annualrpt/2006/index.php>
 - c. Annual Report for Fiscal Year 2005 – Now available via the Commission's website at:
<http://www.rrc.state.tx.us/data/gasservices/annualrpt/2005/index.php>
 - d. Annual Report for Fiscal Year 2004 – Now available via the Commission's website at:
<http://www.rrc.state.tx.us/data/gasservices/annualrpt/2004/index.php>
 - e. Annual Report for Fiscal Year 2003 – Now available via the Commission's website at:
<http://www.rrc.state.tx.us/data/gasservices/annualrpt/2003/index.php>
 - f. Annual Report for Fiscal Year 2002 – Now available via the Commission's website at:
<http://www.rrc.state.tx.us/data/gasservices/annualrpt/2002/index.php>
 - g. Annual Report for Fiscal Year 2001 – available via the Commission's website at:
<http://www.rrc.state.tx.us/data/gasservices/annualrpt/2001/index.php>
 - h. Annual Report for Fiscal Year 2000 - \$17.00 (includes statistical data for 1999)
3. Six MCF Monthly Residential Gas Bill Analysis for Twenty-five Texas Cities - \$2.00 – Now available via the Commission's website at:
<http://www.rrc.state.tx.us/data/gasservices/sixmcf/index.php>

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Anyone who wishes to obtain a copy of any of the publications or maps listed in Section A should contact the Central Records Section at 512-463-6887 OR 512-463-6882 P. O. Box 12967, Austin, Texas 78711-2967.

B. Interest Rate on Customer Deposits

We have been advised by the Public Utility Commission that the interest rate to be applied to customer deposits in calendar year 2009 is 2.09%. All gas utilities should use 4.69% through December 31, 2007 and use 2.09% effective January 1, 2009.

2. UTILITY AUDIT SECTION

A. Maintains headquarters and three district offices as follows:

Headquarters - William B. Travis Building 1701 North Congress, P. O. Box 12967, Austin, Texas 78701	Telephone (512) 463-7022
Ed Abrahamson, Director, Utility Audit Section	Fax (512) 475-3180
Shannon Miller, Program Specialist	
Pearl Rodriguez, Program Specialist	

Dallas District- 1546 Rowlett Rd., Suite 107, Garland, Texas 75043	Telephone (972) 240-5757
Yolandra Davis, Auditor	Fax (972) 303-1897
Josh Settle, Auditor	

Austin District- P. O. Box 12967, Austin, Texas 78711-2967	Telephone (512) 463-7022
Stephen Cooper, Senior Auditor	Fax (512) 475-3180

Houston District- 1706 Seamist Drive. Suite 501 Houston, TX 77008-3135	Telephone (713) 869-8425
Margie Stoney, Senior Auditor	Fax (713) 869-3219
Larry Alcorn, Auditor	
Dale Francis, Auditor	
LaToya Johnson, Auditor	
Konata Uzoma, Auditor	

B. Gas Utility Tax, Annual Reports and Audit Reports

1. Questions relating to gas utility tax, call Pearl Rodriguez at (512) 463-7022.
2. Questions relating to annual reports, call Pearl Rodriguez at (512) 463-7022.
3. Inquiries relating to audit reports, call Pearl Rodriguez at (512) 463-7022.

C. Available Information

Copies of gas utility annual reports (2000 to present), as well as information relating to any of the above, A through C, are available for review at the William B. Travis Building, Gas Services Division, 9th Floor, 1701 North Congress. All requests for copies must be made in writing and should be addressed to the Audit Section. Copies will be provided for a fee, depending on the volume of copy work desired, allow a minimum of seven to ten business days for completion of requests. Inquiries regarding copies should be

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directed to the Audit Section at (512) 463-7022, or Fax your request to (512) 475-3180.

3. MARKET OVERSIGHT

A. Maintains the following office to assist you:

Headquarters - William B. Travis Building
1701 North Congress, P.O. Box 12967, Austin, Texas 78711
Mark Evarts, Director

Telephone (512) 463-7164

B. **Gas Utilities Information Bulletin**

Published on the Commission's web site at:

<http://www.rrc.state.tx.us/forms/newsletters/gasutilitybulletins/index.php>

C. **Proposals For Decision**

Published on the Commission's web site at: <http://www.rrc.state.tx.us/meetings/dockets/index.php>

D. **Tariff Filings**

Questions pertaining to the filing of tariffs and/or quality of service rules should be directed to Kathy Arroyo, Yolanda Lovelace or Marie Blanco at (512) 463-7167.

E. **Curtailments**

Curtailment questions should be referred to (512) 463-7167. Curtailment reports made Monday through Friday, 8:00 a.m. to 5:00 p.m., should be made to (512) 463-7167. Curtailment reports made during hours other than those specified above and holidays, should be made to (512) 463-6788.

F. **Compliance Filings**

Questions regarding gas utilities docket compliance filing requirements should be referred to Mark Brock at (512) 463-7164.

G. **Complaints and Inquiries**

All complaints and inquiries relating to the gas utility industry should be directed to the Market Oversight Section at (512) 463-7164.

H. **Pending RRC Rules and Regulations:**

GUD No. 9277 Amendments to §7.305 Curtailment Rule

4. **HEARINGS AND LEGAL ANALYSIS**

A. **Miscellaneous**

Anyone wishing to obtain copies of appendices to Orders appearing in Section 5 of this Bulletin should contact the Legal Division at (512) 463-7017.

B. **Status of Pending Cases**

The status of all pending cases listed in Section 3 of this Bulletin is for informational purposes only and is complete up to the time of printing of this Bulletin. For a more accurate status of pending cases, please call the Legal Division at (512) 463-7017.