RAILROAD COMMISSION OF TEXAS
GAS SERVICES DIVISION

GAS UTILITIES
INFORMATION BULLETIN

No. 774

RAILROAD COMMISSION
OF TEXAS

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

Stephen L. Pitner
Director
Gas Services Division

June 27, 2005

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ORDERS WERE ISSUED IN THE FOLLOWING DOCKETS:

- **GUD Docket No. 9584** Rate Case Expenses Severed from GUD No. 9364.
- **GUD Docket No. 9461** Service Rules and Regulations Severed from Gas Utilities Docket No. 9400.
- **GUD Docket No. 9515** Statement of Intent Filed by Plains Gas Farmers Coop to Change Rates for the Unincorporated Area of Parmer County, Texas.
- **GUD Docket No. 9563** Statement of Intent Filed by Atmos Energy Corporation to Change Gas Rates in the Environs of Lubbock, Texas.
- **GUD Docket No. 9587** Statement of Intent Filed by Greenlight Gas to Change Transportation Rate for Various Cities and Unincorporated Areas.

SECTION 1
NEW APPEALS AND APPLICATIONS FILED

DOCKET NO. -- 9591
CAPTION -- Inquiry into the Failure of the City of Benavides to Comply with Safety Standards.
DATE FILED -- June 16, 2005
FILED BY -- Commission's Own Motion
EXAMINER -- Elaine Moore

DOCKET NO. -- 9592
CAPTION -- Inquiry into the Failure of ConocoPhillips Company to Comply with Safety Standards.
DATE FILED -- June 16, 2005
FILED BY -- Commission's Own Motion
EXAMINER -- Susan German

DOCKET NO. -- 9593
CAPTION -- Inquiry into the Failure of Equistar Chemicals, LP to Comply with Safety Standards.
DATE FILED -- June 16, 2005
FILED BY -- Commission's Own Motion
EXAMINER -- Lowell Williams

DOCKET NO. -- 9594
CAPTION -- Appeal filed by Atmos Energy Corp., Mid-Tex Division for Review of Municipal Rate Actions Regarding the Annual GRIP filing from the Cities of Canton, Fairfield, Glenn Heights, Howe, Iowa Park, Manor, et al.
DATE FILED -- June 16, 2005
FILED BY -- John K. Arnold
EXAMINER -- Rose Ruiz

DOCKET NO. -- 9595
CAPTION -- Appeal filed by Atmos Energy Corp., Mid-Tex Division for Review of Municipal Rate Actions Regarding the Annual GRIP filing from the Cities of Ferris and Roxton.
DATE FILED -- June 22, 2005
FILED BY -- John K. Arnold
EXAMINER -- Rose Ruiz

SECTION 2
APPEALS AND APPLICATIONS SET FOR HEARING OR PREHEARING CONFERENCE

None at this time.

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

RAILROAD COMMISSION OF TEXAS

SERVICE RULES AND REGULATIONS SEVERED FROM GAS UTILITIES DOCKET NO. 9400	**§ § §**	**GAS UTILITIES DOCKET NO. 9461**

FINAL ORDER

Notice of Open Meeting to consider this Order was duly posted with the Secretary of State within the time provided by law pursuant to TEX. GOV'T CODE ANN. Chapter 551 (Vernon 2004). The Railroad Commission of Texas adopts the following findings of fact and conclusions of law, and orders as follows:

FINDINGS OF FACT

1. On May 23, 2003, TXU Gas Company filed with the Railroad Commission of Texas (Commission) Gas Utilities Docket No. 9400, TXU Gas Company Statement of Intent to Change Rates in the Company's Statewide Gas Utility System (GUD 9400).

2. Examiners' Letter No. 14 in GUD 9400, dated October 9, 2003, severed the issue of service rules and regulations from GUD 9400.

3. The service rules and regulations docket was subsequently assigned to Gas Utilities Docket No. 9461, Service Rules and Regulations Severed from Gas Utilities Docket No. 9400 (GUD 9461).

4. Examiners' Letter No. 1 in GUD 9461, dated August 10, 2004, provided additional notice to all parties; established that all parties to GUD 9400 were also parties to GUD 9461; and afforded all parties an opportunity to withdraw from GUD 9461.

5. The parties to GUD 9461 are Atmos Energy Corporation (Atmos); Allied Coalition of Cities (ACC); Alliance of TXU Municipalities (ATM); City of Dallas (Dallas); Garland Power & Light (GP&L); Brazos Electric Power Cooperative, Inc.(Brazos); Devon Gas Services, L.P. (Devon); West Texas Gas, Inc.(WTG); CoServ Gas, Ltd.(CoServ); Industrial Gas Users (IGU); Chaparral Steel Midlothian, L.P. (Chaparral); United State Department of Defense and Other Federal Executive Agencies (FEA); General Land Office (GLO); State of Texas; and the Railroad Commission of Texas (Commission Staff).

6. On September 8, 2004, the Examiners granted ATM's Motion to Withdraw.

7. On September 20, 2004, the Examiners granted WTG and FEA's Motions to Withdraw.

8. On or about October 1, 2004, Atmos Energy Corporation acquired TXU Gas Company. All references to "Atmos Energy Corporation," "Atmos Energy Corp., Mid-Tex Division," or "Atmos" include the company previously known as TXU Gas Company.

9. Atmos Energy Corp., Mid-Tex Division (Atmos) is a utility as that term is defined in the TEXAS UTILITIES CODE.

10. Atmos owns and operates a natural gas pipeline and distribution system in the State of Texas.

11. On April 27, 2005, Atmos filed a Settlement Agreement signed by Atmos, ACC, State of Texas, Dallas, Chaparral, Brazos, GLO, GP&L, CoServ, and Commission Staff. The Settlement Agreement is attached to this Order as Exhibit A, and is incorporated herein for all purposes as if fully set out.

12. On May 9, 2005, the Examiners granted Devon's Motion to Withdraw.

13. IGU does not oppose the settlement.

14. The Settlement Agreement provides service terms and conditions applicable to Atmos' residential and small commercial customers of the Mid-Tex Division, whether located within municipal city limits or in an environs area.

15. The service rules and regulations in the Settlement Agreement are consistent with the Commission's rule governing utilities' service rules and regulations.

16. The Settlement Agreement resolves all issues regarding Atmos' service rules and regulations.

CONCLUSIONS OF LAW

1. Atmos Energy Corp., Mid-Tex Division (Atmos), is a "gas utility" as defined in TEX. UTIL. CODE ANN. §101.003(7) and is therefore subject to the jurisdiction of the Railroad Commission of Texas (Commission).

2. The Railroad Commission of Texas (Commission) has jurisdiction over Atmos, Atmos' Statement of Intent, and Atmos' service rules under TEX. UTIL. CODE ANN. §102.001 (Vernon Supp. 2004-2005), §103.001 (Vernon Supp. 2004-2005), §103.051 (Vernon 1998), and §104.001 (Vernon 1998).

3. The Commission may approve the Settlement Agreement in this contested case under TEXAS GOV'T CODE § 2001.056 (Vernon 2000).

4. This docket was processed in accordance with the requirements of the TEXAS UTILITIES CODE and with the Administrative Procedure Act, TEX. GOV'T CODE ANN. Chapter 2001, (Vernon 2000 and Supp. 2004-2005) (APA).

5. In accordance with 16 TEX. ADMIN. CODE § 7.315 (2002), within thirty days of the effective date of any change to rates or services, Atmos is required to file with the Gas Services Division of the Commission its revised tariffs.

6. Atmos' service rules and regulations are consistent with the Commission's Quality of Service rule, 16 TEX. ADMIN. CODE § 7.45 (2004).

IT IS THEREFORE ORDERED BY THE RAILROAD COMMISSION OF TEXAS THAT the Settlement Agreement of the parties is HEREBY approved and adopted.

IT IS FURTHER ORDERED THAT within 30 days of this Order, Atmos shall electronically file tariffs and rate schedules in proper form that accurately reflect the service rate approved by the Commission in this Order.

IT IS FURTHER ORDERED THAT all requested findings of fact and conclusions of law which are not expressly adopted herein are denied.

IT IS FURTHER ORDERED THAT all pending motions and requests for relief not previously granted or granted herein are denied.

SIGNED this 21st day of June, 2005.

RAILROAD COMMISSION OF TEXAS

/s/
VICTOR G. CARRILLO
CHAIRMAN

/s/
MICHAEL L. WILLIAMS
COMMISSIONER

/s/
ELIZABETH A. JONES
COMMISSIONER

ATTEST

/s/ Kim Williamson
SECRETARY

GAS UTILITIES DOCKET NO. 9461

SERVICE RULES AND REGULATIONS SEVERED FROM GAS UTILITIES DOCKET NO. 9400	**§ § §**	**BEFORE THE RAILROAD COMMISSION OF TEXAS**

SETTLEMENT AGREEMENT

This Settlement Agreement ("Agreement") is executed as of April 27, 2005, by and between Atmos Energy Corp., Mid-Texas Division ("Company"), the Staff of the Railroad Commission of Texas ("Staff"), the Allied Coalition of Cities ("ACC"), the State of Texas ("State"), the City of Dallas, Texas ("Dallas"), Chaparral Steel Midlothian, L.P. ("Chaparral"), Brazos Electric Power Cooperative, Inc. ("Brazos"), the Texas General Land Office ("GLO"), Garland Power and Light ("GP&L"), and CoServ Gas, Ltd. ("CoServ"). The Company, Staff, ACC, State, Dallas, Chaparral, Brazos, GLO, GP&L, and CoServ are sometimes referred to herein individually as a "Party" and collectively as the "Parties."

I.

SETTLEMENT OF GUD NO. 9461

The Parties agree to support the entry of a final order of the Commission, which approves the attached Service Rules and Regulations. It is the specific intent of the Parties to resolve and settle, and the Parties do hereby resolve and settle, all issues in Gas Utilities Docket ("GUD") No. 9461.

II.

SETTLEMENT AGREEMENT FOR LIMITED PURPOSES

The Parties agree that the entry of a final order by the Commission consistent with this Agreement would be reasonable, in the public interest, and will avoid considerable additional expense resulting from protracted litigation. This Agreement represents a compromise in an attempt to conclude these proceedings. The making of this Agreement will not be deemed in any respect to constitute an admission by any Party that any allegation or contention made in GUD No. 9461 is valid or untrue and invalid. The Parties agree that the provisions of this Agreement are the result of extensive negotiations and that the terms and conditions of this Agreement are interdependent. A Party's support for this Agreement may differ from its position or testimony in other dockets. Because this is a stipulated agreement, the Parties are under no obligation to take the same positions as set out in this Agreement in other dockets, whether those dockets present the same or a different set of circumstances.

III.

MISCELLANEOUS

This Agreement is made upon the following conditions:

(A) This Agreement will become effective upon its execution; provided, however, if the Commission should adopt a final order modifying the provisions of this Agreement in any material respect, any Party may withdraw from this Agreement by giving written notice of such withdrawal to the other Parties within five business days following the entry of such final order.

(B) Each signing representative warrants that he or she is authorized to sign this Agreement on behalf of the Party represented.

Respectfully submitted,

By: /s/_____

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EXHIBIT "A"

TARIFF FOR GAS SERVICE **ATMOS ENERGY CORP., MID-TEX DIVISION**

RATE SCHEDULE: 21	**Service Rules and Regulations**	
APPLICABLE TO:	**Distribution System**	**REVISION: 0** **DATE:**
EFFECTIVE DATE:		**PAGE: 1 OF 10**

For gas utility service to residential and small commercial customers, the following minimum service standards shall be applicable in unincorporated areas served by the Company. For the purposes of this rate schedule, the Company is referred to as the "utility." In addition, these minimum service standards shall be applicable to residential and small commercial customers within incorporated areas served by the utility, but only to the extent that said minimum service standards do not conflict with, supersede, or replace a provision of quality of service standards lawfully established currently or in the future within a particular municipality for a gas distribution utility. The utility shall file service rules incorporating said minimum service standards with the Railroad Commission and with the municipalities in the manner prescribed by law.
(1) Continuity of service.
(A) Service interruptions.
(i) The utility shall make all reasonable efforts to prevent interruptions of service. When interruptions occur, the utility shall reestablish service within the shortest possible time consistent with prudent operating principles so that the smallest number of customers are affected.
(ii) The utility shall make reasonable provisions to meet emergencies resulting from failure of service, and the utility shall issue instructions to its employees covering procedures to be followed in the event of an emergency in order to prevent or mitigate interruption or impairment of service.
(iii) In the event of national emergency or local disaster resulting in disruption of normal service, the utility may, in the public interest, interrupt service to other customers to provide necessary service to civil defense or other emergency service agencies on a temporary basis until normal service to these agencies can be restored.
(B) Record of interruption. Except for momentary interruptions which do not cause a major disruption of service, the utility shall keep a complete record of all interruptions, both emergency and scheduled. This record shall show the cause of interruptions, date, time duration, location, approximate number of customers affected, and, in cases of emergency interruptions, the remedy and steps taken to prevent recurrence.
(C) Report to commission. The commission shall be notified in writing within 48 hours of interruptions in service affecting the entire system or any major division thereof lasting more than four hours. The notice shall also state the cause of such interruptions. If any service interruption is reported to the commission otherwise (for example, as a curtailment report or safety report), such other report is sufficient to comply with the terms of this paragraph.
(2) Customer relations.
(A) Information to customers. The utility shall:
(i) maintain a current set of maps showing the physical locations of its facilities. All distribution facilities shall be labeled to indicate the size or any pertinent information which will accurately describe the utility's facilities. These maps, or such other maps as may be required by the regulatory authority, shall be kept by the utility in a central location and will be available for inspection by the regulatory authority during normal working hours. Each business office or service center shall have available up-to-date maps, plans, or records of its immediate area, with such other information as may be necessary to enable the utility to advise applicants and others entitled to the information as to the facilities available for serving that locality;
(ii) assist the customer or applicant in selecting the most economical rate schedule;
(iii) in compliance with applicable law or regulations, notify customers affected by a change in rates or schedule or classification;
(iv) post a notice on the Company's website informing the public that copies of the rate schedules and rules relating to the service of the utility as filed with the commission are available for inspection;
(v) upon request inform its customers as to the method of reading meters;

(vi) provide to new customers, at the time service is initiated or as an insert in the first billing, a pamphlet or information packet containing the following information. This information shall be provided in English and Spanish as necessary to adequately inform the customers; provided, however, the regulatory authority upon application and a showing of good cause may exempt the utility from the requirement that the information be provided in Spanish:
(I) the customer's right to information concerning rates and services and the customer's right to inspect or obtain at reproduction cost a copy of the applicable tariffs and service rules;
(II) the customer's right to have his or her meter checked without charge under paragraph (7) of this section, if applicable;
(III) the time allowed to pay outstanding bills;
(IV) grounds for termination of service;
(V) the steps the utility must take before terminating service;
(VI) how the customer can resolve billing disputes with the utility and how disputes and health emergencies may affect termination of service;
(VII) information on alternative payment plans offered by the utility;
(VIII) the steps necessary to have service reconnected after involuntary termination;
(IX) the appropriate regulatory authority with whom to register a complaint and how to contact such authority;
(X) a toll-free telephone number where information may be obtained concerning the hours and addresses of locations where bills may be paid; and
(XI) the customer's right to be instructed by the utility how to read his or her meter;
(vii) at least once each calendar year, notify customers that information is available upon request, at no charge to the customer, concerning the items listed in clause (vi)(I) - (XI) of this subparagraph. This notice may be accomplished by use of a billing insert or a printed statement upon the bill itself.
(B) Customer complaints. Upon complaint to the utility by residential or small commercial customers either at its office, by letter, or by telephone, the utility shall promptly make a suitable investigation and advise the complainant of the results thereof. The utility shall keep a record of all complaints which shall show the name and address of the complainant, the date and nature of the complaint, and the adjustment or disposition thereof for a period of one year subsequent to the final disposition of the complaint.
(C) Utility response. Upon receipt of a complaint, either by letter or by telephone, from the regulatory authority on behalf of a customer, the utility shall make a suitable investigation and advise the regulatory authority and complainant of the results thereof. An initial response acknowledging the receipt of the complaint must be made by the next working day. The utility must make a final and complete response within 15 days from the date of receipt by Company of the complaint, unless additional time is granted within the 15-day period. The commission encourages all customer complaints to be made in writing to assist the regulatory authority in maintaining records of the quality of service of each utility; however, telephone communications will be acceptable.
(D) Deferred payment plan. The utility is encouraged to offer a deferred payment plan for delinquent residential accounts. If such a plan is offered, it shall conform to the following guidelines:
(i) Every deferred payment plan entered into due to the customer's inability to pay the outstanding bill in full must provide that service will not be discontinued if the customer pays current bills and a reasonable amount of the outstanding bill and agrees to pay the balance in reasonable installments until the bill is paid.
(ii) For purposes of determining reasonableness under these rules, the following shall be considered: size of delinquent account; customer's ability to pay; customer's payment history; time that the debt has been outstanding; reasons why debt has been outstanding; and other relevant factors concerning the circumstances of the customer.
(iii) A deferred payment plan, if reduced to writing, offered by a utility shall state, immediately preceding the space provided for the customer's signature and in bold-face print at least two sizes larger than any other used, that: **"If you are not satisfied with this agreement, do not sign. If you are satisfied with this agreement, you give up your right to dispute the amount due under the agreement except for the utility's failure or refusal to comply with the terms of this agreement."**
(iv) A deferred payment plan may include a one-time 5.0% penalty for late payment on the original amount of the outstanding bill with no prompt payment discount allowed except in cases where the outstanding bill is unusually high as a result of the utility's error (such as an inaccurately estimated bill or an incorrectly read meter). A deferred payment plan shall not include a finance charge.

(v) If a customer for utility service has not fulfilled terms of a deferred payment agreement or refuses to sign the same if it is reduced to writing, the utility shall have the right to disconnect pursuant to disconnection rules herein and, under such circumstances, it shall not be required to offer a subsequent negotiation of a deferred payment agreement prior to disconnection.
(vi) Any utility which institutes a deferred payment plan shall not refuse a customer participation in such a program on the basis of race, color, creed, sex, marital status, age, or any other form of discrimination prohibited by law.
(E) Delayed payment of bills by elderly persons.
(i) Applicability. This subparagraph applies only to:
(I) a utility that assesses late payment charges on residential customers and that suspends service before the 26th day after the date of the bill for which collection action is taken;
(II) utility bills issued on or after August 30, 1993; and
(III) an elderly person, as defined in clause (ii) of this subparagraph, who is a residential customer and who occupies the entire premises for which a delay is requested.
(ii) Definitions.
(I) Elderly person--A person who is 60 years of age or older.
(II) Utility--A gas utility or municipally owned utility, as defined in Texas Utilities Code, §§101.003(7), 101.003(8), and 121.001 - 121.006.
(iii) An elderly person may request that the utility implement the delay for either the most recent utility bill or for the most recent utility bill and each subsequent utility bill.
(iv) On request of an elderly person, a utility shall delay without penalty the payment date of a bill for providing utility services to that person until the 25th day after the date on which the bill is issued.
(v) The utility may require the requesting person to present reasonable proof that the person is 60 years of age or older.
(vi) Every utility shall notify its customers of this delayed payment option no less often than yearly. A utility may include this notice with other information provided pursuant to subparagraph (A) of this paragraph.
(3) Refusal of service.
(A) Compliance by applicant. Any utility may decline to serve an applicant for whom service is available from previously installed facilities until such applicant has complied with the state and municipal regulations and approved rules and regulations of the utility on file with the commission governing the service applied for or for the following reasons.
(i) Applicant's facilities inadequate. If the applicant's installation or equipment is known to be hazardous or of such character that satisfactory service cannot be given.
(ii) For indebtedness. If the applicant is indebted to any utility for the same kind of service as that applied for; provided, however, that in the event the indebtedness of the applicant for service is in dispute, the applicant shall be served upon complying with the applicable deposit requirement.
(iii) Refusal to make deposit. For refusal to make a deposit if applicant is required to make a deposit under these rules.
(B) Applicant's recourse. In the event that the utility shall refuse to serve an applicant under the provisions of these rules, the utility must inform the applicant of the basis of its refusal and that the applicant may file a complaint with the municipal regulatory authority or commission, whichever is appropriate.
(C) Insufficient grounds for refusal to serve. The following shall not constitute sufficient cause for refusal of service to a present customer or applicant:
(i) delinquency in payment for service by a previous occupant of the premises to be served;
(ii) failure to pay for merchandise or charges for nonutility service purchased from the utility;
(iii) failure to pay a bill to correct previous underbilling due to misapplication of rates more than six months prior to the date of application;
(iv) violation of the utility's rules pertaining to operation of nonstandard equipment or unauthorized attachments which interfere with the service of others unless the customer has first been notified and been afforded reasonable opportunity to comply with these rules;
(v) failure to pay a bill of another customer as guarantor thereof unless the guarantee was made in writing to the utility as a condition precedent to service; and
(vi) failure to pay the bill of another customer at the same address except where the change of customer identity is made to avoid or evade payment of a utility bill.

(4) Discontinuance of service.
(A) The due date of the bill for utility service shall not be less than 15 days after issuance, or such other period of time as may be provided by order of the regulatory authority. A bill for utility service is delinquent if unpaid by the due date.
(B) A utility may offer an inducement for prompt payment of bills by allowing a discount in the amount of 5.0% for payment of bills within 10 days after their issuance. This provision shall not apply where it conflicts with existing orders or ordinances of the appropriate regulatory authority.
(C) A customer's utility service may be disconnected if the bill has not been paid or a deferred payment plan pursuant to paragraph (2)(D) of this section has not been entered into within five working days after the bill has become delinquent and proper notice has been given. Proper notice consists of a deposit in the United States mail, postage prepaid, or hand delivery to the customer at least five working days prior to the stated date of disconnection, with the words "Termination Notice" or similar language prominently displayed on the notice. The notice shall be provided in English and Spanish as necessary to adequately inform the customer, and shall include the date of termination, a toll-free number for the hours and addresses of locations where payment may be made, and a statement that if a health or other emergency exists, the utility may be contacted concerning the nature of the emergency and the relief available, if any, to meet such emergency.
(D) Utility service may be disconnected for any of the following reasons:
(i) failure to pay a delinquent account or failure to comply with the terms of a deferred payment plan for installment payment of a delinquent account;
(ii) violation of the utility's rules pertaining to the use of service in a manner which interferes with the service of others or the operation of nonstandard equipment, if a reasonable attempt has been made to notify the customer and the customer is provided with a reasonable opportunity to remedy the situation;
(iii) failure to comply with deposit or guarantee arrangements where required by paragraph (5) of this section;
(iv) without notice where a known dangerous condition exists for as long as the condition exists;
(v) tampering with the utility company's meter or equipment or bypassing the same.
(E) Utility service may not be disconnected for any of the following reasons:
(i) delinquency in payment for service by a previous occupant of the premises;
(ii) failure to pay for merchandise or charges for nonutility service by the utility;
(iii) failure to pay for a different type or class of utility service unless the fee for such service is included on the same bill;
(iv) failure to pay the account of another customer as guarantor thereof, unless the utility has in writing the guarantee as a condition precedent to service;
(v) failure to pay charges arising from an underbilling occurring due to any misapplication of rates more than six months prior to the current billings;
(vi) failure to pay charges arising from an underbilling due to any faulty metering, unless the meter has been tampered with or unless such underbilling charges are due;
(vii) failure to pay an estimated bill other than a bill rendered pursuant to an approved meter reading plan, unless the utility is unable to read the meter due to circumstances beyond its control.
(F) Unless a dangerous condition exists, or unless the customer requests disconnection, service shall not be disconnected on a day, or on a day immediately preceding a day, when personnel of the utility are not available to the public for the purpose of making collections and reconnecting service.
(G) No utility may abandon a customer without written approval from the regulatory authority.
(H) No utility may discontinue service to a delinquent residential customer permanently residing in an individually metered dwelling unit when that customer establishes that discontinuance of service will result in some person residing at that residence becoming seriously ill or more seriously ill if the service is discontinued. Any customer seeking to avoid termination of service under this section must make a written request supported by a written statement from a licensed physician. Both the request and the statement must be received by the utility not more than five working days after the date of delinquency of the bill. The prohibition against service termination provided by this section shall last 20 days from the date of receipt by the utility of the request and statement or such lesser period as may be agreed upon by the utility and the customer. The customer who makes such request shall sign an installment agreement which provides for payment of such service along with timely payments for subsequent monthly billings.

(5) Applicant deposit.
(A) Establishment of credit for residential applicants. The utility may require a residential applicant for service to satisfactorily establish credit but such establishment of credit shall not relieve the customer from complying with rules for prompt payment of bills. Subject to these rules, a residential applicant shall not be required to pay a deposit:
(i) if the residential applicant has been a customer of any utility for the same kind of service within the last two years and is not delinquent in payment of any such utility service account and during the last 12 consecutive months of service did not have more than one occasion in which a bill for such utility service was paid after becoming delinquent and never had service disconnected for nonpayment;
(ii) if the residential applicant furnishes in writing a satisfactory guarantee to secure payment of bills for the service required; or
(iii) if the residential applicant furnishes in writing a satisfactory credit rating by appropriate means, including, but not limited to, the production of valid, generally acceptable credit cards, letters of credit reference, the names of credit references which may be quickly and inexpensively contacted by the utility, or ownership of substantial equity.
(B) Reestablishment of credit. Every applicant who has previously been a customer of the utility and whose service has been discontinued for nonpayment of bills shall be required before service is rendered to pay a connect charge plus all his amounts due the utility or execute a written deferred payment agreement, if offered, and reestablish credit as provided in subparagraph (A) of this paragraph.
(C) Amount of deposit and interest for residential service, and exemption from deposit.
(i) The utility shall waive any deposit requirement for residential service for an applicant who has been determined to be a victim of family violence as defined in Texas Family Code, §71.004, by a family violence center, by treating medical personnel, by law enforcement agency personnel, or by a designee of the Attorney General in the Crime Victim Services Division of the Office of the Attorney General. This determination shall be evidenced by the applicant's submission of a certification letter developed by the Texas Council on Family Violence and made available on its web site.
(ii) The required deposit shall not exceed an amount equivalent to one-sixth of the estimated annual billings. If actual use is at least twice the amount of the estimated billings, a new deposit requirement may be calculated and an additional deposit may be required within two days. If such additional deposit is not made, the utility may disconnect service under the standard disconnection procedure for failure to comply with deposit requirements.
(iii) All applicants for residential service who are 65 years of age or older will be considered as having established credit if such applicant does not have an outstanding account balance with the utility or another utility for the same utility service which accrued within the last two years. No cash deposit shall be required of such applicant under these conditions.
(iv) Each utility which requires deposits to be made by its customers shall pay a minimum interest on such deposits according to the rate as established by law. If refund of deposit is made within 30 days of receipt of deposit, no interest payment is required. If the utility retains the deposit more than 30 days, payment of interest shall be made retroactive to the date of deposit.
(I) Payment of interest to the customer shall be annually or at the time the deposit is returned or credited to the customer's account.
(II) The deposit shall cease to draw interest on the date it is returned or credited to the customer's account.
(D) Deposits for temporary or seasonal service and for weekend or seasonal residences. The utility may require a deposit sufficient to reasonably protect it against the assumed risk, provided such a policy is applied in a uniform and nondiscriminatory manner.
(E) Records of deposits.
(i) The utility shall keep records to show:
(I) the name and address of each depositor;
(II) the amount and date of the deposit; and
(III) each transaction concerning the deposit.
(ii) The utility shall issue a receipt of deposit to each applicant from whom a deposit is received and shall provide means whereby a depositor may establish claim if the receipt is lost.
(iii) A record of each unclaimed deposit must be maintained for at least four years, during which time the utility shall make a reasonable effort to return the deposit.

(F) Refund of deposit.
(i) If service is not connected or after disconnection of service, the utility shall promptly and automatically refund the customer's deposit plus accrued interest on the balance, if any, in excess of the unpaid bills for service furnished. The transfer of service from one premise to another within the service area of the utility shall not be deemed a disconnection within the meaning of these rules, and no additional deposit may be demanded unless permitted by these rules.
(ii) When the customer has paid bills for service for 12 consecutive residential bills without having service disconnected for nonpayment of bill and without having more than two occasions in which a bill was delinquent and when the customer is not delinquent in the payment of the current bills, the utility shall promptly and automatically refund the deposit plus accrued interest to the customer in the form of cash or credit to a customer's account.
(G) Upon sale or transfer of utility or company. Upon the sale or transfer of any public utility or operating units thereof, the seller shall file with the commission under oath, in addition to other information, a list showing the names and addresses of all customers served by such utility or unit who have to their credit a deposit, the date such deposit was made, the amount thereof, and the unpaid interest thereon.
(H) Complaint by applicant or customer. The utility shall direct its personnel engaged in initial contact with an applicant or customer for service seeking to establish or reestablish credit under the provisions of these rules to inform the customer, if dissatisfaction is expressed with the utility's decision, of the customer's right to file a complaint with the regulatory authority thereon.
(6) Billing.
(A) Bills for gas service shall be rendered monthly, unless otherwise authorized or unless service is rendered for a period less than a month. Bills shall be rendered as promptly as possible following the reading of meters.
(B) The customer's bill must show all the following information. The information must be arranged and displayed in such a manner as to allow the customer to compute his bill with the applicable rate schedule. The applicable rate schedule must be mailed to the customer on request of the customer. A utility may exhaust its present stock of nonconforming bill forms before compliance is required by this section:
(i) if the meter is read by the utility, the date and reading of the meter at the beginning and end of the period for which rendered;
(ii) the number and kind of units billed;
(iii) the applicable rate schedule title or code;
(iv) the total base bill;
(v) the total of any adjustments to the base bill and the amount of adjustments per billing unit;
(vi) the date by which the customer must pay the bill to get prompt payment discount, if applicable;
(vii) the total amount due before and after any discount for prompt payment, if applicable, within a designated period;
(viii) a distinct marking to identify an estimated bill.
(C) Where there is good reason for doing so, estimated bills may be submitted, provided that an actual meter reading is taken at least every six months. For the second consecutive month in which the meter reader is unable to gain access to the premises to read the meter on regular meter reading trips, or in months where meters are not read otherwise, the utility must provide the customer with a postcard and request that the customer read the meter and return the card to the utility if the meter is of a type that can be read by the customer without significant inconvenience or special tools or equipment. If such a postcard is not received by the utility in time for billing, the utility may estimate the meter reading and render the bill accordingly.
(D) Disputed bills.
(i) In the event of a dispute between the customer and the utility regarding the bill, the utility must forthwith make such investigation as is required by the particular case and report the results thereof to the customer. If the customer wishes to obtain the benefits of clause (ii) of this subparagraph, notification of the dispute must be given to the utility prior to the date the bill becomes delinquent. In the event the dispute is not resolved, the utility shall inform the customer of the complaint procedures of the appropriate regulatory authority.
(ii) Notwithstanding any other subsection of this section, the customer shall not be required to pay the disputed portion of the bill which exceeds the amount of that customer's average usage for the billing period at current rates until the earlier of the following: resolution of the dispute or the expiration of the 60-day period beginning on the day the disputed bill is issued. For purposes of this section only, the customer's average usage for the billing period shall be the average of the customer's usage for the same billing period during the preceding two years. Where no previous usage history exists, the average usage shall be estimated on the basis of usage levels of similar customers and under similar conditions.

(7) Meters.
(A) Meter requirements.
(i) Use of meter. All gas sold by a utility must be charged for by meter measurements, except where otherwise provided for by applicable law, regulation of the regulatory authority, or tariff.
(ii) Installation by utility. Unless otherwise authorized by the regulatory authority, the utility must provide and install and will continue to own and maintain all meters necessary for measurement of gas delivered to its customers.
(iii) Standard type. No utility may furnish, set up, or put in use any meter which is not reliable and of a standard type which meets generally accepted industry standards; provided, however, special meters not necessarily conforming to such standard types may be used for investigation, testing, or experimental purposes.
(B) Meter records. The utility must keep the following records:
(i) Meter equipment records. The utility must keep a record of all its meters, showing the customer's address and date of the last test.
(ii) Records of meter tests All meter tests must be properly referenced to the meter record provided for therein. The record of each test made on request of a customer must show the identifying number and constants of the meter, the standard meter and other measuring devices used, the date and kind of test made, by whom made, the error (or percentage of accuracy) at each load tested, and sufficient data to permit verification of all calculations.
(iii) Meter readings--meter unit location. In general, each meter must indicate clearly the units of service for which charge is made to the customer.
(iv) Meter tests on request of customer.
(I) The utility must, upon request of a customer, make a test of the accuracy of the meter serving that customer. The utility must inform the customer of the time and place of the test and permit the customer or his authorized representative to be present if the customer so desires. If no such test has been performed within the previous four years for the same customer at the same location, the test is to be performed without charge. If such a test has been performed for the same customer at the same location within the previous four years, the utility is entitled to charge a fee for the test not to exceed $15 or such other fee for the testing of meters as may be set forth in the utility's tariff properly on file with the regulatory authority. The customer must be properly informed of the result of any test on a meter that serves him.
(II) Notwithstanding subclause (I) of this clause, if the meter is found to be more than nominally defective, to either the customer's or the utility's disadvantage, any fee charged for a meter test must be refunded to the customer. More than nominally defective means a deviation of more than 2.0% from accurate registration.
(v) Bill adjustments due to meter error.
(I) If any meter test reveals a meter to be more than nominally defective, the utility must correct previous readings consistent with the inaccuracy found in the meter for the period of either:
(-a-) the last six months; or
(-b-) the last test of the meter, whichever is shorter. Any resulting underbillings or overbillings are to be corrected in subsequent bills, unless service is terminated, in which event a monetary adjustment is to be made. This requirement for a correction may be foregone by the utility if the error is to the utility's disadvantage.
(II) If a meter is found not to register for any period of time, the utility may make a charge for units used but not metered for a period not to exceed three months previous to the time the meter is found not to be registering. The determination of amounts used but not metered is to be based on consumption during other like periods by the same customer at the same location, when available, and on consumption under similar conditions at the same location or of other similarly situated customers, when not available.
(8) New construction.
(A) Standards of construction. The utility is to construct, install, operate, and maintain its plant, structures, equipment, and lines in accordance with the provisions of such codes and standards as are generally accepted by the industry, as modified by rule or regulation of the regulatory authority or otherwise by law, and in such manner to best accommodate the public and to prevent interference with service furnished by other public utilities insofar as practical.
(B) Line extension and construction charges. Every utility must file its extension policy. The policy must be consistent, nondiscriminatory, and is subject to the approval of the regulatory authority. No contribution in aid of construction may be required of any customer except as provided for in extension policy.

(C) Response to request for service. Every gas utility must serve each qualified applicant for service within its service area as rapidly as practical. As a general policy, those applications not involving line extensions or new facilities should be filled within seven working days. Those applications for individual residential service requiring line extensions should be filled within 90 days unless unavailability of materials or other causes beyond the control of the utility result in unavoidable delays. In the event that residential service is delayed in excess of 90 days after an applicant has met credit requirements and made satisfactory arrangements for payment of any required construction charges, a report must be made to the regulatory authority listing the name of the applicant, location, and cause for delay. Unless such delays are due to causes which are reasonably beyond the control of the utility, a delay in excess of 90 days may be found to constitute a refusal to serve.

BEFORE THE
RAILROAD COMMISSION OF TEXAS

STATEMENT OF INTENT FILED BY PLAINS GAS FARMERS COOP TO CHANGE RATES FOR THE UNINCORPORATED AREA OF PARMER COUNTY, TEXAS	§ § § § § §	**GAS UTILITIES DOCKET NO. 9515**

FINAL ORDER

Notice of Open Meeting to consider this Order was duly posted with the Secretary of State within the time period provided by law pursuant to TEX. GOV'T CODE ANN. Chapter 551 *et seq*. (Vernon 1994 & Supp. 2004). The Railroad Commission of Texas adopts the following findings of fact and conclusions of law and orders as follows:

FINDINGS OF FACT

1. Plains Gas Farmers Coop of Hereford, Texas (Plains Gas) owns and operates a gas distribution system in an unincorporated area of Parmer County, Texas.

2. Plains Gas is a non-profit cooperative registered in the State of Texas.

3. Plains Gas does not serve any customers within an incorporated area.

4. Plains Gas' system consists of mainline taps serving approximately seventy-three (73) customers in Parmer County, Texas, consisting of twenty-four (24) residential customers and forty-nine (49) irrigation customers.

5. On or about May 13, 2004, the six members of the board of directors of Plains Gas voted to increase the rates to the residential and irrigation customers.

6. On May 19, 2004, Plains Gas filed a Statement of Intent to increase rates with the Railroad Commission of Texas (Commission).

7. On June 22, 2004, the Commission suspended the implementation of Plains Gas' proposed rates for 150 days after the date the rate schedule would otherwise be effective.

8. Plains Gas provided notice to its twenty-four (24) jurisdictional residential customers of the proposed rate increase on November 15, 2004, by United States Postal Service.

9. On November 30, 2004, Plains Gas filed an amended Statement of Intent to increase its rates.

10. Plains Gas has proposed the rates be effective with bills rendered on and after January 1, 2005.

11. Plains Gas' present rates have been effective since January 1966.

12. The current residential rate is a $5.00 per month meter reading charge and a commodity rate of $0.03 per Mcf per month, plus the cost of gas.

13. The proposed residential rate is a $10.00 per month meter reading charge and a commodity rate of $0.50 per Mcf per month, plus the cost of gas, shown in Exhibit "A."

14. The proposed increase is expected to generate approximately $2,670 in additional revenue to Plains Gas.

15. Plains Gas does not propose any changes to the miscellaneous service charges or the deposit amount.

16. On May 16, 2004, Plains Gas agreed, via Examiner's Letter No. 3, to accept into the record the Amended Statement of Intent, the Proposed Tariffs, the Notice to the customers, and the schedules, workpapers, and affidavits without a formal hearing.

17. No protests were filed with the Commission regarding the proposed rate increase for Plains Gas' service area, and no environs customer requested a hearing or filed a petition to intervene.

18. The "purchased gas adjustment clause" is not being changed in this docket and is reasonable under the criteria in 16 TEX. ADMIN. CODE § 7.55.

19. The base cost of gas included in the purchased gas adjustment clause is $0.00.

20. Plains Gas has not submitted any rate case expense and is not requesting reimbursement of any expense.

CONCLUSION OF LAW

1. Plains Gas is a gas utility as defined in TEX. UTIL. CODE ANN. § 101.003 (7), and is subject to the Commission's jurisdiction pursuant to TEX. UTIL. CODE ANN. §§ 102.001 & 1104.001 (Vernon 1998 and Supp. 2004-2005).

2. The Commission has jurisdiction over the subject matter of this case under TEX. UTIL. CODE ANN. § 104.102 (Vernon 1998).

3. The revenue, rates, and rate design recommended in the findings of fact are just and reasonable, are not unreasonably preferential, prejudicial, or discriminatory, and are sufficient, equitable, and consistent in application to each class of consumer, as required by TEX. UTIL. CODE ANN. § 104.003 (Vernon 1998).

4. It is reasonable for the Commission to allow Plains Gas to include a purchased gas adjustment clause in its rates to provide for the flow-through of all its gas costs, under 16 TEX. ADMIN. CODE § 7.5519 (West 2002).

5. Plains Gas has met its burden of proving that the proposed rates are just and reasonable, under TEX. UTIL. CODE ANN. § 104.008 (Vernon 2004).

IT IS THEREFORE ORDERED BY THE RAILROAD COMMISSION OF TEXAS THAT Plains Gas' rates as requested and to the extent recommended to be approved in the findings of fact and conclusions of law are **HEREBY APPROVED** to be effective for service provided and gas delivered on and after the date of this order.

IT IS FURTHER ORDERED THAT Plains Gas **SHALL** include in its purchased gas adjustment only its reasonable and necessary gas purchase expenses and that the reasonableness and prudence of Plains Gas' gas purchases pursuant on its Purchased Gas Adjustment clause may be subject to an adjustment and potential refund in a subsequent proceeding.

IT IS FURTHER ORDERED THAT within 30 days of this order Plains Gas **SHALL** electronically file, or cause to be filed, tariffs and rates schedules in proper form that accurately reflect the rates approved by the Commission in this Order, as shown in Exhibit "A."

IT IS FURTHER ORDERED THAT the customers shall not be surcharged for any rate case expense as a result of this docket.

IT IS FURTHER ORDERED that Plains Gas may begin charging the approved rates as of the date of this Order. This order will not be final, however, until 20 days after a party is notified of the Commission's order. A party is presumed to have been notified of the Commission's order three days after the date on which the notice is actually mailed. If a timely motion for rehearing is filed by any party at interest, this order shall not become final and effective until such motion is overruled, or if such motion is granted, this order shall be subject to further action by the Commission. Pursuant to Tex. Gov't Code §2001.146(e), the time allotted for Commission action on a motion for rehearing in this case prior to its being overruled by operation of law, is hereby extended until 90 days from the date the order is served on the parties.

IT IS FURTHER ORDERED THAT all requested relief not specifically granted herein and all proposed Findings of Fact and Conclusions of Law not specifically adopted herein are **DENIED**.

SIGNED this 21st day of June, 2005.

RAILROAD COMMISSION OF TEXAS

/s/
VICTOR CARRILLO
CHAIRMAN

/s/
MICHAEL L. WILLIAMS
COMMISSIONER

/s/
ELIZABETH A. JONES
COMMISSIONER

ATTEST

/s/ Kim Williamson
SECRETARY

BEFORE THE
RAILROAD COMMISSION OF TEXAS

STATEMENT OF INTENT FILED BY ATMOS ENERGY CORPORATION TO CHANGE GAS RATES IN THE ENVIRONS OF LUBBUCK, TEXAS	**§ § § §**	**GAS UTILITIES DOCKET NO. 9563**

FINAL ORDER

Notice of Open Meeting to consider this Order was duly posted with the Secretary of State within the time period provided by law pursuant to TEX. GOV'T CODE ANN. Chapter 551, et seq. (Vernon 1994 & Supp. 2004). The Railroad Commission of Texas adopts the following findings of fact and conclusions of law and orders as follows:

FINDINGS OF FACT

1. Atmos Energy Corporation ("Atmos") is a gas utility as that term is defined in the Texas Utility Code.

2. Atmos owns and operates a gas distribution system in the City of Lubbock and the environs of the City of Lubbock, which will be referred to as the Lubbock Distribution System.

3. The City of Lubbock approved a rate increase for the Lubbock Distribution System on April 10, 2003.

4. Atmos originally sought approval of rates that would have resulted in approximately a $3,004,219 increase for Lubbock and its environs.

5. The original request would have resulted in an increase of approximately $211,169 for the environs of the City of Lubbock.

6. Atmos and the city of Lubbock ultimately agreed to rates that resulted in a rate increase of approximately $1,525,000.

7. Atmos seeks to have the same rates approved by the City of Lubbock implemented in the environs of the City of Lubbock.

8. On January 10, 2005, Atmos filed with the Railroad Commission of Texas (Commission) a *Statement of Intent* requesting that the Commission approve rates for customers located in the environs of the City of Lubbock that are the same as the rates approved and in effect within the City of Lubbock, Texas.

9. The proposed rates will increase Atmos' total annual revenues by approximately $120,338 in the environs of the City of Lubbock.

10. Atmos requested that the proposed new rates for all customer classes become effective on February 14, 2005.

11. On January 25, 2005, the Commission suspended the implementation of Atmos' proposed rates for 150 days after the day the rate schedule would otherwise be effective.

12. The last rate case for the environs of Lubbock was conducted in 2000, in GUD No. 9002 - 9135

13. A Notice of Hearing was issued on April 30, 2005, and a final hearing was convened on May 12, 2005, recessed and reconvened on May 25, 2005, to take testimony, other evidence, and legal argument on a limited number of issues.

14. No protests were filed with the Commission regarding the proposed rate increase for Atmos' Lubbock environs customer, and no Environs customers requested a hearing or filed a petition to intervene.

15. Atmos published notice of the proposed rate changes in the Lubbock Avalanche Journal, a newspaper of general circulation in the environs of Lubbock, for four consecutive weeks beginning February 25, 2005.

16. Atmos' publication of notice meets the statutory and rule requirements of notice and provides sufficient information to rate payers regarding the *Statement of Intent*.

17. Atmos completed its requirement to publish notice on March 18, 2005.

18. The data submitted by Atmos in this docket encompass a full test-year, i.e., the twelve-month period ending March 31, 2003.

19. There are approximately 4,349 residential, 406 Commercial, 8 Small Industrial, 21 Public Authority, and 14 State Customers that will be affected by Atmos' rate changes within the Environs of the City of Lubbock.

20. The following documents were admitted into the record of this case: (1) The Original Statement of Intent filed on January 10, 2005, (2) Response of February 18, 2005, to Examiners' Request for Information; (3) Response of April 7, 2005, to Examiners' Request for Information; and (4) Response of May 5, 2005 to Examiners' Request for Information.

21. It is reasonable to set Atmos' allowable rate of return for the environs of the City of Lubbock by establishing the weighted average cost of capital for a capital structure comprised of fifty percent (50%) long term debt and fifty percent (50.0%) equity.

22. A cost of long term debt for Atmos of 7.03% is reasonable.

23. A cost of common equity for Atmos of 11.25% is reasonable.

24. An overall rate of return of 9.15% is reasonable.

25. The depreciation rates as proposed by Atmos, approved by the City of Lubbock, and attached as part of Exhibit A, Depreciation Schedules 6, WP6-1, WP6-2, WP6-3, WP6-4, and WP6-5, are reasonable in this case.

26. Total Rate Base as calculated in Schedule 7, attached as part of Exhibit A, is reasonable in this case.

27. Atmos does not seek to revise its Purchased Gas Adjustment Clause approved in GUD No. 9002 - 9135.

28. Atmos filed a study in support of its proposed depreciation rates.

29. The depreciation rates as proposed by Atmos, approved by the City of Lubbock, and attached as Exhibit B, are reasonable in this case and should be adopted.

30. Atmos proposed changing the tariffs for residential, commercial, state institution, and public authority customers from block rates to flat rates.

31. Flat rates have been approved by the Railroad Commission in the past and are reasonable.

32. The rates for environs customers classified as residential customers will consist of a customer charge of $9.45 and a commodity charge of $0.09668 per Ccf.

33. The rates for environs customers classified as commercial customers will consist of a customer charge of $14.50 and a commodity charge of $0.0950 per Ccf.

34. The rates for environs customers classified as state institution gas service customers will consist of a customer charge of $38.95 and a commodity charge of $0.08645 per Ccf.

35. The rates for environs customers classified as public authority gas service customers will consist of a customer charge of $41.00 and a commodity charge of $0.0910 per Ccf.

36. Atmos proposed changing the tariffs for small industrial gas service customers from a three- tiered rate to a two-tiered rate.

37. Two-tiered rates have been approved by the Railroad Commission in the past and are reasonable.

38. The rates for environs customers classified as small industrial gas service customers will consist of a customer charge of $55.00 and a commodity charge of $0.0965 per Ccf for the first 1000 Ccf and $0.0750 per Ccf for all amounts over 1000 Ccf.

39. Atmos seeks to revise its current service charges and filed a study in support of the new rates.

40. Atmos' proposed services charges are reasonable; Atmos seeks to revise its current service charges as follows:

	During Business Hours	After Hours
Turn on new service with meter set	$32.00	$48.00
Turn on service (shut-in test required)	$23.50	$35.25
Turn on service (meter read only required)	$15.00	$22.50
Miscellaneous service calls	$11.25	$16.88
Reconnect delinquent service or service (temporarily off at customer's request)	$37.50	$56.25
Dishonored check	$25.00	

41. Atmos proposed a Weather Normalization Clause.

42. The Weather Normalization Clause normalizes volumes and revenues for variable weather and is reasonable, and is revenue neutral.

43. Atmos proposed creating a set of tariffs unique to the environs customers of Lubbock. (Lubbock Distribution System Tariffs).

44. Atmos proposed removing residential, commercial, small industrial, State institutions, and public authority customers in the Lubbock environs from the West Texas Environs and file new revised tariffs for those Lubbock environs customers.

45. Rates for the Lubbock environs customers are to be governed by the Lubbock Distribution System Tariffs.

46. It is reasonable for Atmos to file revised tariffs to encompass the environs customers of Lubbock, removing those customers from the existing West Texas Service Area tariffs. The revised tariffs are attached as Exhibit A.

47. The overall settlement amount, and those specific components required for TEX. UTIL. CODE ANN. § 104.301, reflected in the schedules attached as Exhibit A, are approved.

48. The proposed tariffs, attached as Exhibit B, are reasonable.

49. Atmos does not seek recovery of any rate case expenses.

CONCLUSIONS OF LAW

1. Atmos is a "Gas Utility" as defined in TEX. UTIL. CODE ANN. §§ 101.003(7) (Vernon 1998 and Supp. 2004) and § 121.001 (Vernon 1998 and Supp. 2004) and is therefore subject to the jurisdiction of the Railroad Commission of Texas (Commission).

2. The Commission has jurisdiction over Atmos and Atmos' Statement of Intent under TEX. UTIL. CODE ANN. § 102.001 (Vernon 1998 & Supp. 2004), § 104.001 (Vernon 1998 and Supp. 2004), § 104.001 (Vernon 1998), and § 104.201 (Vernon 1998).

3. Under TEX. UTIL. CODE ANN. § 102.001 (Vernon 1998 & Supp. 2004), the Commission has exclusive original jurisdiction over the rates and services of a gas utility that distributes natural gas in areas outside of a municipality and over the rates and services of a gas utility that transmits, transports, delivers, or sells natural gas to a gas utility that distributes the gas to the public.

4. Under the provisions of the Texas Utilities Code, Chapter 104 and 16 Tex. Admin. Code § 7.205, 7.210, 7.220, and 7.315 (2002), a utility is required to seek Commission approval before increasing its rates and filing revised tariff schedules for Environs customers

5. The *Statement of Intent* was processed in accordance with the requirements of the Gas Utility Regulatory Act (GURA), and the Administrative Procedure Act, TEX. GOV'T CODE ANN. §§ 2001.001 - 2001.902 (Vernon 2000 & Supp. 2004) ("APA").

6. In accordance with the stated purpose of the Texas Utilities Code, Subtitle A, expressed under TEX. UTIL. CODE ANN. § 101.002 (Vernon 1998), the Commission has assured that the rates, operations, and services established in this docket are just and reasonable to customers and to the utilities.

7. TEX. UTIL. CODE ANN. § 104.107 (Vernon 1998 and Supp. 2004) provides the Commission authority to suspend the operation of the schedule of proposed rates for 150 days from the date the schedule would otherwise go into effect.

8. The proposed rates constituted a major change as defined by TEX. UTIL. CODE ANN. § 104.101 (Vernon 1998).

9. In accordance with TEX. UTIL. CODE ANN. § 104.103 (Vernon 1998), 16 TEX. ADMIN. CODE ANN. § 7.230 (2002), and 16 TEX. ADMIN. CODE ANN. § 7.235 (2002); Atmos gave proper notice of this *Statement of Intent* to its customers.

10. Atmos filed its Statement of Intent to change rates in accordance with the provisions of TEX. UTIL. CODE ANN. '104.102 (Vernon 1998 and Supp. 2004-2005), 16 TEX. ADMIN. CODE " 7.205, 7.210, and 7.220 (2002).

11. Atmos met its burden of proof in accordance with the provisions of TEX. UTIL. CODE ANN. § 104.008 (Vernon 1998) that its rate changes are just and reasonable.

12. The revenue, rates, rate design, and service charges proposed by Atmos are just and reasonable, not unreasonably preferential, prejudicial, or discriminatory, and are sufficient, equitable, and consistent in application to each class of consumer, as required by TEX. UTIL. CODE ANN. § 104.003 (Vernon 1998).

13. The overall revenues established by the findings of fact and attached schedules are reasonable; fix an overall level of revenues for Atmos that will permit the company a reasonable opportunity to earn a reasonable return on its invested capital used and useful in providing service to the public over and above its reasonable and necessary operating

expenses, as required by TEX. UTIL. CODE ANN. § 104.051 (Vernon 1998); and otherwise comply with Chapter 104 of the Texas Utilities Code.

14. The rates established in this Order will not yield more than a fair return on the adjusted value of the invested capital used and useful in providing service to the public, under TEX. UTIL. CODE ANN. § 104.052 (Vernon 1998 & Supp. 2004).

15. The rates established in this docket comport with the requirements of Tex. Util. Code Ann. 104.053 (Vernon 1998) and are based upon the adjusted value of invested capital used and useful, where the adjusted value is a reasonable balance between the original cost, less depreciation, and current cost, less adjustment for present age and condition.

16. The rates, operations, and services established in this docket are just and reasonable to customers and to the utilities, as expressed under TEX. UTIL. CODE ANN. '101.002 (Vernon 1998 and Supp. 2004-2005).

17. All expenses for lost and unaccounted for gas in excess of 5.0 percent shall be disallowed. TEX. ADMIN. CODE § 7.5519 (West 2004).

18. In accordance with16 TEX. ADMIN. CODE ' 7.315, within thirty days of the effective date of any change to rates or services, Atmos is required to file with the Gas Services Division of the Commission its revised tariffs.

IT IS FURTHER ORDERED that the rates and rate design reflected in the findings of fact, in the Tariffs attached and conclusions of law are **APPROVED.**

IT IS FURTHER ORDERED that, in accordance with 16 Tex. Admin. Code § 7.315, within 30 days of the date this Order is signed, Atmos shall file tariffs with the Gas Services Division. The tariffs shall incorporate the rates, rate design, and service charges consistent with this Order, as stated in the findings of fact and conclusions of law.

IT IS FURTHER ORDERED THAT Atmos' rates as requested and to the extent recommended to be approved in the findings of fact and conclusions of law are **HEREBY APPROVED** to be effective for service provided and gas delivered on and after the date of this order.

IT IS FURTHER ORDERED that the proposed findings of fact and conclusions of law not specifically adopted herein are **DENIED**. **IT IS ALSO ORDERED** that each exception to the Examiners' Proposal for Decision are overruled and all pending motions and requests for relief not previously granted herein are hereby **DENIED**.

IT IS FURTHER ORDERED THAT Atmos **SHALL** include in its purchased gas adjustment only its reasonable and necessary gas purchase expenses; and, that the reasonableness and prudence of Atmos's gas purchases pursuant to its Purchase Gas Adjustment clause may be subject to an adjustment and potential refund in a subsequent proceeding.

IT IS FURTHER ORDERED that Atmos may begin charging the approved rates as of the date of this Order. This order will not be final and appealable, however, until 20 days after a party is notified of the Commission's order. A party is presumed to have been notified of the Commission's order three days after the date on which the notice is actually mailed. If a timely motion for rehearing is filed by any party at interest, this order shall not become final and effective until such motion is overruled, or if such motion is granted, this order shall be subject to further action by the Commission.

Pursuant to Tex. Gov't Code §2001.146(e), the time allotted for Commission action on a motion for rehearing in this case prior to its being overruled by operation of law, is hereby extended until 90 days from the date the order is served on the parties.

SIGNED this 21st day of June, 2005.

RAILROAD COMMISSION OF TEXAS

/s/
VICTOR CARRILLO
CHAIRMAN

/s/
MICHAEL L. WILLIAMS
COMMISSIONER

/s/
ELIZABETH A. JONES
COMMISSIONER

ATTEST

/s/ Kim Williamson
SECRETARY

RAILROAD COMMISSION OF TEXAS

	§	
RATE CASE EXPENSES SEVERED FROM	§	**GAS UTILITIES DOCKET**
GUD NO. 9364.	§	**NO. 9584**

FINAL ORDER

Notice of Open Meeting to consider this Order was duly posted with the Secretary of State within the time period provided by law pursuant to TEX. GOV'T CODE ANN. Chapter 551 *et seq*. (Vernon 1994 & Supp. 2004). The Railroad Commission of Texas adopts the following findings of fact and conclusions of law and orders as follows:

FINDINGS OF FACT

BACKGROUND AND HISTORY

1. CenterPoint Energy Entex (Entex) owns and operates a gas distribution system in and around the City of Tyler referred to as the Tyler Integrated Distribution System ("Tyler IDS").

2. The Tyler IDS is part of the Beaumont East Texas Division.

3. The Tyler IDS provides natural gas service to approximately 32,000 residential, commercial, and large volume customers in, and adjacent to, the City of Tyler and Bullard, Texas.

4. Approximately 26,000 customers reside within the City of Tyler, approximately 400 customers are in the City of Bullard, and approximately 5,600 customers are in the unincorporated areas near the City of Tyler.

5. In 1990, the City of Tyler and Entex entered into a franchise agreement that expired in 2000.

6. The City of Tyler began examining issues related to Entex's franchise agreement in 1997.

7. The focus of review of the franchise agreement was a period from November 1, 1992, through October 31, 2002. That period is referred to by the parties to this proceeding as the "Review Period."

8. In particular, the review focused on the activities of Entex with regard to the operation of its Purchase Gas Adjustment clause (PGA).

9. The City of Tyler notified Entex that it would commence a hearing on September 25, 2002, to consider the propriety of Entex's gas purchase practices.

10. On September 17, 2003, Entex filed a petition at the Railroad Commission seeking a declaratory judgment. That case was docketed as GUD No. 9337.

11. Entex also filed a proceeding in district court seeking to enjoin the proposed action of the City of Tyler.

12. The parties entered into discussions to determine the appropriate venue for resolution of the issues related to the PGA clause.

13. The parties agreed to bring the case to the Commission as an original jurisdiction matter.

14. The City of Tyler ceded its ratemaking jurisdiction pursuant to Section 103.001 of the Texas Utilities Code on the limited issue of "whether Entex properly and lawfully charged and collected for gas sales to residential and commercial customers in the City of Tyler during such period, to consider any appropriate remedies, including but not limited to, refunds, with interest, and to enter such orders as may be appropriate."

15. The *Joint Petition for Review of Charges for Gas Sales* (*Joint Petition*) was filed on January 22, 2003, and docketed as GUD No. 9364.

16. The district court proceeding and GUD No. 9337 were subsequently simultaneously dismissed.

17. Notice of Hearing was issued on November 18, 2004, and a hearing was held from December 7, 2004, through December 17, 2004. A supplemental hearing on rate case expenses was held on January 17, 2005.

18. The Commission issued a Final Order in GUD No. 9364 on Tuesday, May 24, 2005.

19. The Commission severed all rate case expense issues for consideration in a separate docket.

20. This docket, GUD No. 9584, was established for consideration of the rate case expense issues.

21. In GUD No. 9364, the Commission determined that Entex did not notify the City of Tyler regarding its criteria for offering service to customers pursuant to a Complementary Contract and a Backup Contract

RATE CASE EXPENSES

22. By city ordinance, the City of Tyler ceded ratemaking jurisdiction to the Commission and "intended the relief sought in that docket to be ratemaking in that it would affect and change the compensation received by Entex for sales and service on Entex's Tyler Integrated Distribution System."

23. The Commission has determined that this is a ratemaking preceding.

24. The City of Tyler has provided testimony and evidence in the record for actual rate case expense of $1,142,124.94 and estimated future expenses of $460,000.

25. Entex has provided testimony and evidence in the record for a total of $1,598,366.93 in rate case expense and estimated future expenses of $442,000.

26. It is not reasonable that the City of Tyler recover $14,041.89 associated with the early stages of the negotiations of the Franchise Agreement with Entex.

27. The City of Tyler sought to recover $46,622,731 for alleged discrimination, imprudent gas purchases and customer overcharges by CenterPoint Energy Entex.

28. The City of Tyler did not prove its claims of discrimination, imprudence and customer overcharges.

29. The only relief ordered by the Commission requires CenterPoint Energy Entex to refile its tariffs for the Tyler IDS.

30. The City of Tyler could have required CenterPoint Energy Entex to refile its tariffs for the Tyler IDS independent of this docket.

31. In determining the reasonableness of rate case expenses, the Commission is required to consider whether the ratemaking proceeding was warranted.

32. In determining the reasonableness of rate case expenses, the Commission is required to consider whether the complexity and expense of the work is commensurate with the amount of increase sought as well as the amount of any increase granted.
33. Given that no refund was granted, and that the City of Tyler could have ordered the only relief granted by the Commission in Docket 9364, the request for the ratemaking proceeding in the City of Tyler versus CenterPoint Energy Entex was not warranted.
34. Given that the City of Tyler sought to recover $46,622,731, and the Commission ordered no refund, and that the expense of the work exceeds the amount of recovery ordered by over $2,000,000, the expenses are not commensurate with the amount of recovery ordered.
35. Because the ratemaking proceeding was not warranted, and because the expense of the work was not commensurate with the amount of recovery granted, the rate case expenses requested by the City of Tyler and CenterPoint Energy Entex are unreasonable.

CONCLUSIONS OF LAW

1. Entex is a gas utility as defined in Texas Utilities Code. TEX. UTIL. CODE ANN. §§ 101.003(7) and 121.001 (Vernon Supp. 2004).
2. The Commission has jurisdiction over the subject matter of this case under TEX. UTIL. CODE ANN. §§102.001 and 103.001. (Vernon & Supp. 2004).
3. TEX. UTIL. CODE § 103.022 provides for the recovery of rate case expense by a municipality and a utility involved in a ratemaking proceeding. (Vernon & Supp. 2004).
4. TEX. UTIL. CODE § 104.051 permits the "utility a reasonable opportunity to earn a reasonable return on the utility's invested capital used and useful in providing service to the public." (Vernon & Supp. 2004).
5. In any rate proceeding, any utility and/or municipality claiming reimbursement for its rate case expenses pursuant to Texas Utilities Code, § 103.022(b), shall have the burden to prove the reasonableness of such rate case expenses by a preponderance of the evidence. Each gas utility and/or municipality shall detail and itemize all rate case expenses and allocation and shall provide evidence showing the reasonableness of the cost of all professional services, including but not limited to: (1) the amount of work done; (2) the time and labor required to accomplish the work; (3) the nature, extent, and difficulty of the work done; (4) the originality of the work; (5) the charges by others for work of the same or similar nature; and (6) any other factors taken into account in setting the amount of the compensation. 16 TEX.ADMIN. CODE § 7.5530(a).

6. In determining the reasonableness of the rate case expenses, the Commission shall consider all relevant factors including but not limited to those set out in Conclusion of Law No. 5, and shall also consider whether the request was warranted, whether there was duplication of services or testimony, whether the work was relevant and reasonably necessary to the proceeding, and whether the complexity and expense of the work was commensurate with both the complexity of the issues in the proceeding and the amount of the increase sought as well as the amount of any increase granted. 16 TEX. ADMIN. CODE § 7.5530(a).

IT IS ORDERED THAT all requested rate case expenses be denied.
This Order will not be final and effective until 20 days after a party is notified of the Commission's order. A party is presumed to have been notified of the Commission's order three days after the date on which the notice is actually mailed. If a timely motion for rehearing is filed by any party at interest, this order shall not become final and effective until such motion is overruled, or if such motion is granted, this order shall be subject to further action by the Commission. Pursuant to Tex. Gov't Code § 2001.146(e), the time allotted for Commission action on a motion for rehearing in this case prior to its being overruled by operation of law, is hereby extended until 90 days from the date the order is served on the parties.

SIGNED this 21st day of June, 2005.

RAILROAD COMMISSION OF TEXAS

VICTOR G. CARRILLO
CHAIRMAN

/s/
MICHAEL L. WILLIAMS
COMMISSIONER

/s/
ELIZABETH A. JONES
COMMISSIONER

ATTEST

/s/ Kim Williamson
SECRETARY

RAILROAD COMMISSION OF TEXAS

STATEMENT OF INTENT FILED BY	**§**	
GREENLIGHT GAS TO CHANGE	**§**	
TRANSPORTATION RATE FOR VARIOUS	**§**	**GAS UTILITIES DOCKET NO. 9587**
CITIES AND UNINCORPORATED AREAS.	**§**	

SUSPENSION ORDER

Notice of Open Meeting to consider this Order was duly posted with the Secretary of State within the time provided by law pursuant to TEX. GOV'T CODE ANN. Chapter 551 (Vernon 1994 and Supp. 2004).

On May 31, 2005, GreenLight Gas filed with the Railroad Commission of Texas (Commission) a statement of intent to change its gas transportation rate for the following cities and unincorporated areas: Clarendon, Dodson, Dozier, Estelline, Hedley, Lakeview, Lelia Lake, Lutie, Memphis, Newlin, Paducah, Samnorwood and Wellington. GreenLight Gas has proposed that the rates become effective on July 5, 2005.

The Commission has the authority to suspend the proposed rates for a period of one hundred fifty (150) days from the date on which the rates would otherwise become effective, under TEX. UTIL. CODE ANN. § 104.107(a)(2) (Vernon 1998 and Supp. 2004). The Commission requires further time to consider the propriety of the proposed rate change. A Commission order is necessary to suspend the operation of the proposed rate schedules for a period of one hundred fifty (150) days from the date on which the schedules would otherwise become effective.

IT IS THEREFORE ORDERED BY THE RAILROAD COMMISSION OF TEXAS that the rates proposed in the statement of intent filed by GreenLight Gas are hereby **SUSPENDED** for a period of one hundred fifty (150) days from the date the rates would otherwise go into effect.

SIGNED this 21st day of June, 2005.

RAILROAD COMMISSION OF TEXAS

/s/
CHAIRMAN VICTOR G. CARRILLO

/s/
COMMISSIONER MICHAEL L. WILLIAMS

/s/
COMMISSIONER ELIZABETH A. JONES

ATTEST:

/s/ Kim Williamson
SECRETARY

SECTION 6
MISCELLANEOUS

STEPHEN L. PITNER, GAS SERVICES DIVISION DIRECTOR

1. OFFICE OF THE DIRECTOR

A. Publications

1. Texas Utilities Code Titles 3 and 4. Special Rules of Practice and Procedure and Substantive Rules - $15.00

a. Annual Report for Fiscal Year 2002 – Now available via the Commission's website at:

http://www.rrc.state.tx.us/divisions/gs/tablecontents02.html

b. Annual Report for Fiscal Year 2001 – available via the Commission's website at:

http://www.rrc.state.tx.us/divisions/gs/tablecontents01.html

a. Annual Report for Fiscal Year 2000 - $17.00 (includes statistical data for 1999)

b. Annual Report for Fiscal Year 1999 - $9.00 (includes statistical data for 1998)

c. Annual Report for Fiscal Year 1998 - $7.00 (includes statistical data for 1997)

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/divisions/gs/rap/sixmcf.html

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 2004 is 6.00%. All gas utilities should use this rate.

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
Rachel Hampton, Administrative Assistant

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

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

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

B. Gas Utility Tax, Annual Reports and Audit Reports

Questions relating to gas utility tax, call Rachel Hampton at (512) 463-7022.
Questions relating to annual reports, call Rachel Hampton or Pearl Rodriguez at (512) 463-7022.
Inquiries relating to audit reports, call Pearl Rodriguez at (512) 463-7022.

C. Available Information

Copies of gas utility annual reports (1999 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 five days for completion of requests. Inquiries regarding copies should be 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 Telephone (512) 463-7164
William O. Geise, Director

B. Gas Utilities Information Bulletin

Published on the Commission's web site at: http://www.rrc.state.tx.us/divisions/gs/rap/rapbls.html.

C. Proposals For Decision

Published on the Commission's web site at: http://www.rrc.state.tx.us/divisions/gs/rap/pfds.html.

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) 463-7164.

E. Curtailments

Curtailment questions should be referred to (512) 463-7164. Curtailment reports made Monday through Friday, 8:00 a.m. to 5:00 p.m., should be made to (512) 463-7164. 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.

Pending RRC Rules and Regulations:

GUD No. 9275 Amendments to §7.512 NGPA Section 311 Rate Review

GUD No. 9276 Amendments to §7.511 TUC Section 102.054 Sale, Transfer, Merger Reviews

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.