

**BEFORE THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS**

Before Commissioners: Thomas E. Wright, Chairman
Michael C. Moffet
Joseph F. Harkins

**In the Matter of the Application of Atmos)
Energy for Approval of the Commission) Docket No. 10-ATMG-133-TAR
for Gas System Reliability Surcharge per)
K.S.A. 66-2201 through 66-2204)**

**ORDER GRANTING INTERVENTION
FOR THE CITIZENS' UTILITY RATEPAYER BOARD**

The above captioned matter comes before the State Corporation Commission of the State of Kansas (Commission) for consideration and decision. Having examined its files and records, and being duly advised in the premises, the Commission makes the following findings and conclusions:

1. On August 14, 2009, Atmos Energy (Atmos) submitted for filing a new tariff schedule, Gas System Reliability Surcharge (GSRs), which is designed to allow for the adjustment of Atmos' rates and charges to provide for recovery of costs for eligible infrastructure system replacements.
2. The Citizens' Utility Ratepayer Board (CURB) petitioned the Commission on August 18, 2009, to permit it to intervene in this proceeding.
3. CURB represents the interests of Kansas residential and small commercial ratepayers in utility proceedings. CURB Petition, ¶ 1. CURB stated that it has the discretion to intervene on behalf of the interests of residential and small commercial ratepayers in any utility proceedings before the Commission under K.S.A. 66-1223 *et seq.* CURB Petition, ¶ 2. CURB asserts that the rates paid and service received by the customers it represents will or may be

affected by a Commission decision in this proceeding. CURB Petition, ¶ 4. Additionally, CURB stated that representation of CURB's interests in this proceeding by existing parties is or may not be adequate. CURB Petition, ¶ 6.

6. The Commission has broad discretion to grant a petition for intervention if it is in the interest of justice, if the intervention will not impair the orderly and prompt conduct of the proceedings, and if the party has stated facts demonstrating its legal rights, duties, privileges, immunities or other legal interests may be substantially affected by the proceeding. K.S.A. 77-521(a)(3); K.A.R. 82-1-225. Furthermore, at any time during a proceeding, the Commission may impose limitations on an intervenor's participation. K.S.A. 77-521(c).

7. The Commission finds and concludes that CURB has met the requirements of K.A.R. 82-1-225 and K.A.R. 82-1-204(i)(2) and should be granted intervention. CURB will be added to the mailing list, service of pleadings, communications, and correspondence should be directed to counsel of record as follows:

David Springe
Niki Christopher
C. Steven Rarrick
Citizens' Utility Ratepayer Board
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Topeka, KS 66604

Shonda Smith
Office Manager
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IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

A. The CURB is granted intervention in the above captioned proceeding. Counsel of record for petitioner shall receive service of all pleadings in this matter.

B. A party may file a petition for reconsideration of final agency action within fifteen days of the service of the Order. If the order is mailed, service is complete upon mailing, and three days may be added to the above time frame. K.S.A. 66-118b; K.S.A. 2008 Supp. 77-529(a)(1).

C. The Commission retains jurisdiction of the subject matter and the parties for the purpose of entering such further order, or orders, as it may deem necessary and proper.

BY THE COMMISSION IT IS SO ORDERED.

Wright, Chmn.; Moffet, Com.; Harkins, Com.

Dated: SEP 14 2009

ORDERED MAILED

SEP 14 2009

 EXECUTIVE
DIRECTOR

Susan K. Duffy
Executive Director

PPK: jnh