

STATE OF IOWA  
DEPARTMENT OF COMMERCE  
UTILITIES BOARD

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IN RE:  ATMOS ENERGY CORPORATION	DOCKET NO. WRU-06-7-222
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**ORDER GRANTING WAIVER**

(Issued February 21, 2006)

On February 13, 2006, Atmos Energy Corporation (Atmos) filed with the Utilities Board (Board) a request for waiver of the March 1 filing deadline contained in 199 IAC 35.12(2). Pursuant to this subrule, Atmos must file its new energy efficiency cost recovery factors by March 1 of each year. Atmos asked that the filing deadline for 2006 be extended to April 1, 2006. Counsel for the Board contacted counsel for the Consumer Advocate Division of the Department of Justice (Consumer Advocate). Consumer Advocate said it had no objection to granting the waiver.

Subrule 35.12(2) requires Atmos to make an annual filing by March 1 specifying its energy efficiency cost recovery factors for the purpose of establishing the energy efficiency cost recovered in rates for the subsequent 12-month recovery period. In support of its waiver request, Atmos states that compliance with the March 1 deadline requires Atmos to estimate winter recovery amounts, and that the effort and expense involved in estimating and truing up to actual recovery amounts next year would be unduly burdensome in light of the limited effect of the filing and the absence of any adverse impact on Iowa customers of Atmos from allowing the

current energy efficiency recovery factors to remain in place until new factors are approved.

The Board will grant the waiver to extend the filing date for this year to April 1, 2006. The waiver will allow Atmos to use actual winter recovery amounts rather than estimates. The waiver has no impact on public health, safety, or welfare, and current energy cost recovery factors will remain in effect until new factors are approved. The standards for granting a waiver contained in 199 IAC 1.3 have been satisfied.

**IT IS THEREFORE ORDERED:**

The request for waiver filed by Atmos Energy Corporation on February 13, 2006, is granted.

**UTILITIES BOARD**

/s/ John R. Norris

/s/ Diane Munns

ATTEST:

/s/ Judi K. Cooper  
Executive Secretary

/s/ Curtis W. Stamp

Dated at Des Moines, Iowa, this 21<sup>st</sup> day of February, 2006.