

**BEFORE THE  
RAILROAD COMMISSION OF TEXAS**

<b>APPLICATION OF ATMOS ENERGY, WEST TEXAS DIVISION FOR THE 2006 ANNUAL GAS RELIABILITY INFRASTRUCTURE PROGRAM RATE ADJUSTMENT FOR THE ENVIRONS OF THE LUBBOCK RATE DIVISION (LBB).</b>	§ § § § § § §	<b>GAS UTILITIES DOCKET NO. 9772</b>
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**INTERIM RATE ADJUSTMENT 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 (Vernon 2000 & Supp. 2007). The Railroad Commission of Texas adopts the following findings of fact and conclusions of law and orders as follows:

**FINDINGS OF FACT**

Background

1. Atmos Energy Corporation (Atmos) is a "gas utility," as that term is defined in the TEXAS UTILITY CODE, and is subject to the jurisdiction of the Railroad Commission of Texas (Commission).
2. Atmos Energy Corporation, West Texas Division (Atmos West Texas), a division of Atmos, owns and operates a gas distribution system.
3. On November 15, 2007, Atmos West Texas filed an application for an annual interim rate adjustment (IRA) applicable to customers located in the environs of the Lubbock Rate Division (LBB).
4. Atmos West Texas requested that the IRA for all customer classes become effective on January 13, 2008.
5. On November 19, 2007, the Commission suspended implementation of Atmos West Texas' proposed IRA until February 27, 2008, which is 45 days following the 60<sup>th</sup> day after the applications were to be complete.

6. On February 13, 2008 the Commission received notice from Atmos West Texas that negotiations were ongoing with the City of Lubbock and its request to extend the statutory deadline until March 31, 2008. The Commission granted that request for an extension.
7. On March 26, 2008, Atmos extended the statutory deadline to April 8, 2008, or the next regularly scheduled Railroad Commission of Texas Conference date, whichever later.
8. No pleas to intervene were filed in the docket.
9. No comments were received in the docket.
10. On January 10, 2005, Atmos West Texas filed a Statement of Intent to change its rates to customers located in the environs of the Lubbock Rate Division Service Area, **GUD No. 9563**. An order approving new rates was signed on June 21, 2005.
11. On September 2, 2005, Atmos West Texas filed its first IRA, **GUD No. 9609**, using a test year ended December 31, 2004. The order approved implementation of the IRA to be effective for bills rendered after December 13, 2005.
12. On September 1, 2006, Atmos West Texas filed its second IRA, **GUD No. 9692**, using a test year ended December 31, 2005. In that order, Atmos West Texas did not ask for an Interim Rate Adjustment. The filing under this docket was required by Statute and Commission rule as an annual filing regardless of a change in the rate. The order approved the application as a compliance filing on December 5, 2006.
13. This docket is the third annual IRA for the Lubbock Rate Division environs of Atmos West Texas subsequent to its most recent rate case for Distribution, GUD No. 9563, Statement of Intent Filed by Atmos Energy Corporation to increase Rates and change Tariffs in the Environs of the Lubbock Rate Division.
14. Until promulgation of TEX. UTIL. CODE ANN, §104.301 (Vernon Supp 2007), a utility could not increase its rates applicable to environs customers without filing with the Commission a formal statement of intent rate case, including a comprehensive cost of service rate review.
15. Atmos West Texas' proposed IRA will allow an opportunity to recover, subject to refund, a return on investment, depreciation expense, and related taxes on the incremental cost of infrastructure investment since its last rate case, without the necessity of filing a formal statement of intent rate case and without review by the Commission of Atmos West Texas' comprehensive cost of service.

Applicability

16. This docket applies to only those rates over which the Commission has original jurisdiction, which includes all of Atmos West Texas' environs customers in the Lubbock Rate Division.
17. As of year-end 2006, the Lubbock Rate Division environs customers totaled approximately 761,335 Residential customers, 74,533 Commercial customers, and 1,009 Industrial customers, 1,900 Public Authority customers, and 666 State Institution customers.

Most Recent Comprehensive Rate Case

18. Atmos West Texas' most recent rate case for Distribution for the area in which the IRA will be implemented is GUD No. 9563, Statement of Intent Filed by Atmos Energy Corporation to change Gas Rates in the Environs of Lubbock, Texas.
19. GUD No. 9563 was filed on January 10, 2005.
20. The data used in GUD No. 9563 was based on a test-year ending March 31, 2003.
21. The Commission signed the GUD No. 9563 on June 21, 2005.
22. The Commission in GUD No. 9563 set the rates currently charged by Atmos West Texas in the environs of the Lubbock Rate Division.
23. The following chart shows the factors that were established in GUD No. 9563 to calculate the return on investment, depreciation expense, incremental federal income tax, and ad valorem taxes

Rate of Return	9.15 %
Depreciation Rate	3.35
Federal Income Tax Rate	35%

Interim Rate Adjustment

24. Atmos West Texas seeks approval from the Commission for an adjustment to its revenue, based on incremental net utility plant investment, with regard to the following components: return on investment; depreciation expense; ad valorem taxes; revenue related taxes; and federal income taxes.
25. The revenue amounts to be recovered through Atmos West Texas' proposed annual IRA are incremental to the revenue requirement established in Atmos West Texas' most recent rate case for the West Texas Service area in which the IRA is to be implemented, i.e., GUD No. 9563.

26. Atmos West Texas calculated and presented all incremental values for investment, accumulated depreciation, return on investment, depreciation expense, ad valorem taxes, and incremental federal income taxes on a full calendar-year basis.
27. For each IRA following a rate case, the amounts by which Atmos West Texas may adjust its rates are based on the difference between invested capital at the end of the most recent rate case test-year, or that last IRA, (December 31, 2005) and the invested capital at the end of the calendar-year following the end of the most recent rate case test-year (December 31, 2006).
28. This docket is the third IRA for Atmos West Texas. Therefore, to request its IRA in this docket, Atmos West Texas submitted data for the calendar year ending December 31, 2006.
29. The value of invested capital is equal to the original cost of the investment at the time the investment was first dedicated to public use minus the accumulated depreciation related to that investment for the IRA.
30. Atmos West Texas is required to use the same factors to calculate the interim return on investment, depreciation expense, and incremental federal income tax as those established or used in the final order setting rates in Atmos West Texas' most recent rate case for the area in which the IRA is to be implemented.
31. Atmos West Texas filed the Commission's Annual Earnings Monitoring Report (EMR) for Distribution as required by 16 TEXAS ADMINISTRATIVE CODE §7.7101(2004). The Company's actual rate of return is 9.06% as compared with the 9.15% allowed rate of return that was established in GUD No. 9563.
32. Atmos West Texas filed its Annual Project Report for Distribution as required by 16 TEXAS ADMINISTRATIVE CODE §7.7101(2004).
  - Atmos West Texas capital project additions totaled \$3,505,809, net of accumulated depreciation.
  - Safety-related improvements/infrastructure projects totaled \$3,036,800 before depreciation, or 50.00% of total additions.<sup>1</sup>
  - Integrity testing projects totaled \$0.00, or 0.00% of total additions.
33. Atmos West Texas is required to allocate the revenue to be collected through the IRA among its customer classes in the same manner as the cost of service was allocated among its customer classes in its most recent rate case for the area in which the IRA is to be implemented.
34. Atmos West Texas proposed the IRA as a flat rate to be applied to the monthly customer charges rather than as a volumetric rate to be applied to the initial block usage rates.

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<sup>1</sup> Atmos West Texas filed a report specific to Safety related projects allowing the calculation of the percentage.

35. Atmos West Texas is required to show its annual IRA on its customers' monthly billing statements as a surcharge.
36. The proposed IRA by Atmos West Texas does not require an evidentiary proceeding; rather, TEX. UTIL. CODE ANN, §104.301 and 16 TEX. ADMIN. CODE, §7.7101(2004) require the regulatory authority to review a utility's method of calculating the IRA.
37. Due process protections are deferred until Atmos files its next full statement of intent rate case for Atmos West Texas.

#### Notice

38. Atmos West Texas completed its notice to the Residential, Commercial, Industrial, Public Authority and State Institution customers between December 1, 2007 and December 31, 2007, completing the application and making the suspension period end on February 27, 2008.
39. Atmos requested, and was granted, an extension of the statutory deadline until April 8, 2008.

#### Comprehensive Rate Case Required

40. Atmos West Texas is not required to initiate a rate case supporting a statement of intent at the time it applies for an IRA.
41. A gas utility that implements an IRA and does not file a rate case before the fifth anniversary of the date its initial IRA became effective is required to file a rate case not later than the 180th day after that anniversary.

#### Review of Interim Rate Adjustment

42. Atmos West Texas' proposed IRA is \$726,794, as shown in Exhibit B, based on an incremental net utility plant investment increase of \$6,054,206 using the property-related taxes (Ad Valorem) percentage of 1.17% and a 3.00% Franchise tax rate from GUD No. 9563.
43. Atmos West Texas' proposed allocation methodology complies with TEXAS UTIL. CODE ANN, §104.301 (Vernon 2007), and with 16 TEX. ADMIN. CODE, §7.7101.
44. For allocation methodology, it is reasonable for the Commission to approve use overall cost of service (less other revenue, gas cost, and revenue related taxes) as determined in its most recent rate case. The following overall cost of service allocation factors for use in the calculation of Atmos West Texas' IRA are reasonable:

Customer Class	Allocation Factors
Residential	0.72900
Commercial	0.20600
Industrial	0.03100
Public Authority	0.02600
State Authority	0.00800

45. Atmos West Texas' proposed customer counts comply with TEXAS UTIL. CODE ANN, §104.301 (Vernon2007), and with 16 TEX. ADMIN. CODE, §7.7101.
46. For calculating the number of customer charges per year, it is reasonable for the Commission to approve use of Atmos West Texas' 2006 year-end number of customers multiplied by twelve. The following total numbers of customer and meter charges for use in the calculation of the IRA are reasonable:

Customer Class	Total Number of Customer Charges / Meters
Residential	761,335
Commercial	74,533
Industrial	1,009
Public Authority	1,900
State Authority	666

47. The corresponding amounts of IRA revenue and additional customer charges by customer class are as follows:

Customer Class	IRA Revenue	Additional Customer/Meter Charge	New Customer/Meter Charge
Residential	\$ 529,833	\$ 0.70	\$ 10.65
Commercial	\$ 149,720	\$ 2.01	\$ 17.76
Industrial	\$ 22,530	\$ 22.33	\$ 91.29
Public Authority	\$ 18,897	\$ 9.95	\$ 57.17
State Authority	\$ 5,814	\$ 8.73	\$ 53.14
Total	\$ 726,794		

Reimbursements of Expense

48. As provided for in the statute and the rule, a gas utility that implements an IRA is required to reimburse the Commission for the utility's proportionate share of the Commission's annual costs related to the administration of the IRA mechanism.
49. After the Commission has finally acted on Atmos West Texas' application for an IRA, the Director of the Gas Services Division will estimate Atmos West Texas' proportionate share of the Commission's annual costs related to the processing of such applications.
50. In making the estimate of Atmos West Texas' proportionate share of the Commission's annual costs related to the processing of such applications, the Director will take into account the number of utilities the Commission reasonably expects to file for IRAs during the fiscal year, and the costs expected to be incurred in processing such applications.
51. Atmos West Texas is required to reimburse the Commission for the amount determined by the Director of the Gas Services Division and approved by the Commission, within thirty days after receipt of notice of the amount of the reimbursement.

CONCLUSIONS OF LAW

1. Atmos Energy Corporation (Atmos) is a "gas utility" as defined in TEX. UTIL. CODE ANN. §101.003(7) (Vernon 2007) and §121.001 (Vernon 2007), and is therefore subject to the jurisdiction of the Railroad Commission of Texas (Commission).
2. The Commission has jurisdiction over Atmos West Texas, Atmos West Texas' application for IRAs for incremental changes in investment, and the subject matter of this case under TEX. UTIL. CODE ANN. §102.001, §104.001, §104.002, and §104.301 (Vernon 2007).
3. Under TEX. UTIL. CODE ANN. §102.001 (Vernon 2007), 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.
4. Under the provisions of the TEX. UTIL. CODE ANN. §104.301 (2007) and 16 TEX. ADMIN. CODE § 7.7101 (2004), Atmos West Texas is required to seek Commission approval before implementing an interim rate adjustment tariff for environs customers.
5. Atmos West Texas filed its application for interim rate adjustments for Distribution for changes in investment in accordance with the provisions of TEX. UTIL. CODE ANN. §104.301 (Vernon 2007) and 16 TEX. ADMIN. CODE §7.7101 (2004).

6. Atmos West Texas' application for an IRA was processed in accordance with the requirements of TEX. UTIL. CODE ANN. §104.301 (Vernon 2007) and 16 TEX. ADMIN. CODE §7.7101 (2004).
7. Neither TEX. UTIL. CODE ANN, §104.301 (Vernon 2007) nor 16 TEX. ADMIN. CODE, §7.7101 (2004) provide the opportunity for parties to intervene in the Commission's review of an application for an annual IRA.
8. 16 TEX. ADMIN. CODE, §7.7101 (2004) allows written comments or a protest concerning the proposed IRA to be filed with the Gas Services Division.
9. 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 West Texas is required to file with the Gas Services Division of the Commission its revised tariffs.
10. Atmos West Texas may not charge any rate that has not been successfully filed and accepted as a tariff filing electronically pursuant to TEX. UTIL. CODE ANN. §§102.151 and 104.002 (Vernon 2007) and 16 TEX. ADMIN. CODE §7.315 (2002).
11. In accordance with TEX. UTIL. CODE ANN. §104.301(a) (Vernon 2007) and 16 TEX. ADMIN. CODE §7.7101(a) (2004), the filing date of Atmos West Texas' most recent rate case for the West Texas Service Area, in which there is a final order setting rates for the area in which the IRA will apply, was no more than two years prior to the date Atmos West Texas filed its initial IRA.
12. Atmos West Texas is required, under TEX. UTIL. CODE ANN. §104.301(e) (Vernon 2007) and 16 TEX. ADMIN. CODE §7.7101(d) (2004), to file with the Commission an annual project report, including the cost, need, and customers benefited by the change in investment, and describing the investment projects completed and placed in service during the preceding calendar year and the investments retired or abandoned during the preceding calendar year.
13. Atmos West Texas shall include in all future annual IRA filings for Distribution, relocation project reports that provide additional information about relocation project costs included in investment projects, in the same format as required in this docket.
14. Atmos West Texas is required, under TEX. UTIL. CODE ANN. §104.301(f) (Vernon 2007) and 16 TEX. ADMIN. CODE §7.7101(e) (2004), to file with the Commission an annual earnings monitoring report demonstrating Atmos West Texas's earnings during the preceding calendar year.

15. Atmos West Texas is required, under 16 TEX. ADMIN. CODE §7.7101(h) (2004), to recalculate its approved IRA annually and is required to file an application for an annual adjustment no later than 60 days prior to the one-year anniversary of the proposed implementation date of the previous IRA application.
16. In accordance with 16 TEX. ADMIN. CODE §7.7101(i) (2004), all amounts collected from customers under Atmos West Texas's IRA tariffs or rate schedules are subject to refund. The issues of refund amounts, if any, and whether interest should be included on refunded amounts and, if so, the rate of interest, shall be addressed in the rate case a gas utility files or the Commission initiates after the implementation of an IRA and shall be the subjects of specific findings of fact in the Commission's final order setting rates.
17. In accordance with 16 TEX. ADMIN. CODE §7.7101(j) (2004), in the rate case that Atmos West Texas files or the Commission initiates after the implementation of an IRA, any change in investment and related expenses and revenues that have been included in any IRA shall be fully subject to review for reasonableness and prudence. Upon issuance of a final order setting rates in the rate case that Atmos West Texas files or the Commission initiates after the implementation of an IRA, any change in investment and related expenses and revenues that have been included in any IRA shall no longer be subject to review for reasonableness or prudence.
18. The Commission has authority to suspend the implementation of the IRA, under TEX. UTIL. CODE ANN. §104.301(a) (Vernon 2007) and 16 TEX. ADMIN. CODE §7.7101(e) (2004).
19. The Company provided adequate notice, in accordance with TEX. UTIL. CODE ANN. §104.301(a) (Vernon 2007) and 16 TEX. ADMIN. CODE §7.7101(b) (2004).
20. Atmos West Texas' application for an IRA, as proposed, complies with all provisions of TEX. UTIL. CODE ANN. §104.301 (Vernon 2007) and 16 TEX. ADMIN. CODE §7.7101 (2004).
21. Atmos West Texas' IRA set forth in the findings of fact and conclusions of law, in this Order comply with the provisions of TEX. UTIL. CODE ANN. §104.301 (Vernon 2007) and 16 TEX. ADMIN. CODE §7.7101 (2004).
22. In accordance with TEX. UTIL. CODE ANN. §104.301(h) (Vernon 2007) and 16 TEX. ADMIN. CODE §7.7101(l) (2004), Atmos West Texas shall file a comprehensive rate case for the areas in which the IRA is implemented, no later than the 180th day after the fifth anniversary of the date its initial IRA became effective.
23. The Commission has authority, under TEX. UTIL. CODE ANN. §104.301(j) (Vernon 2007) and 16 TEX. ADMIN. CODE §7.7101(m) (2004), to recover from Atmos West Texas' proportionate share of the Commission's annual costs related to the administration of the IRA mechanism.

**IT IS THEREFORE ORDERED BY THE RAILROAD COMMISSION OF TEXAS THAT** Atmos West Texas' Lubbock Rate Division IRA, as requested, and to the extent recommended to be approved in the findings of fact and conclusions of law, are **HEREBY APPROVED**, subject to refund, to be effective for bills rendered on or after April 8, 2008 as shown in Exhibits A and B.

**IT IS FURTHER ORDERED THAT** Atmos West Texas **SHALL** file with the Commission no later than September 4, 2009, an annual project report, including the cost, need, and customers benefited by the change in investment, and describing the investment projects completed and placed in service during the preceding calendar year and the investments retired or abandoned during the preceding calendar year.

**IT IS FURTHER ORDERED THAT** Atmos West Texas **SHALL** file with the Commission no later than September 4, 2009, a relocation project report, which provides additional information about relocation costs included in investment projects, in the format provided in this docket.

**IT IS FURTHER ORDERED THAT** Atmos West Texas **SHALL** file with the Commission no later than September 4, 2009, an annual earnings monitoring report demonstrating Atmos West Texas' earnings during the preceding calendar year.

**IT IS FURTHER ORDERED THAT** Atmos West Texas **SHALL** file with the Commission no later than September 4, 2009, recalculations of its approved IRA and applications for annual IRA for the preceding calendar year.

**IT IS FURTHER ORDERED THAT** within 30 days of this order Atmos West Texas **SHALL** electronically file its IRA tariffs in proper form that accurately reflect the rates, as expressed in Exhibit A, approved by the Commission in this Order.

**IT IS FURTHER ORDERED THAT** Atmos West Texas **SHALL** not charge any rate that has not been successfully electronically filed and accepted by the Commission as a tariff.

**IT IS FURTHER ORDERED THAT** Atmos West Texas **SHALL** reimburse the expenses incurred by the Commission in reviewing this application. The amount of this reimbursement shall be determined by the Director of the Gas Services Division and must be approved by the Commission. 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)(Vernon 2000 & Supp. 2007), 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.

Any portion of Atmos West Texas' application not expressly granted herein is overruled. All requested findings of fact and conclusions of law, which are not expressly adopted herein, are

denied. All pending motions and requests for relief not previously granted or granted herein are denied.

SIGNED this 8<sup>th</sup> day of April, 2008.

RAILROAD COMMISSION OF TEXAS



MICHAEL L. WILLIAMS  
CHAIRMAN



VICTOR G. CARRILLO  
COMMISSIONER



ELIZABETH A. JONES  
COMMISSIONER

ATTEST



SECRETARY



# **EXHIBIT A**

## RESIDENTIAL GAS SERVICE

AVAILABILITY

This schedule is applicable to general use by Residential customers for heating, cooking, refrigeration, water heating and other similar type uses. This schedule is not available for service to premises with an alternative supply of natural gas.

MONTHLY RATE

Customer Charge:	\$ 8.74
2004 GRIP Charge:	1.21
2005 GRIP Charge:	0.00
<u>2006 GRIP Charge</u>	<u>0.70</u>
Total Customer Charge:	\$10.65

Commodity Charge:

All Consumption                      \$ 0.09668 per Ccf

The Lubbock System Gas Cost Adjustment Rider applies to this schedule.

The Lubbock System Weather Normalization Adjustment Rider applies to this schedule.

The West Texas Rate Division 2004 and 2005 GRIP Adjustments apply to this schedule.

## COMMERCIAL GAS SERVICE

AVAILABILITY

This schedule is applicable to Commercial type customers including hospitals and churches, for heating, cooking, refrigeration, water heating and other similar type uses. This schedule is not available for service to premises with an alternative supply of natural gas.

MONTHLY RATE

Customer Charge:	\$12.26
2004 GRIP Charge:	3.49
2005 GRIP Charge:	0.00
<u>2006 GRIP Charge:</u>	<u>2.01</u>
Total Customer Charge:	\$17.76

Commodity Charge:

All Consumption \$ 0.0950 per Ccf

The Lubbock System Gas Cost Adjustment Rider applies to this schedule.

The Lubbock System Weather Normalization Adjustment Rider applies to this schedule..

The West Texas Rate Division 2004 and 2005 GRIP Adjustments apply to this schedule.

## PUBLIC AUTHORITY GAS SERVICE

AVAILABILITY

This schedule is applicable to general use by Public Authority type customers, including public schools, for heating, cooking, refrigeration, water heating and other similar type uses. This schedule is not available for service to premises with an alternative supply of natural gas.

MONTHLY RATE

Customer Charge:	\$ 29.93
2004 GRIP Charge:	17.29
2005 GRIP Charge:	0.00
<u>2006 GRIP Charge</u>	<u>9.95</u>
Total Customer Charge:	\$ 57.17

Commodity Charge:

All Consumption                      \$ 0.091 per Ccf

The Lubbock System Gas Cost Adjustment Rider applies to this schedule.

The Lubbock System Weather Normalization Adjustment Rider applies to this schedule.

The West Texas Rate Division 2004 and 2005 GRIP Adjustments apply to this schedule.

## SMALL INDUSTRIAL GAS SERVICE

AVAILABILITY

This schedule is applicable to the sales to any industrial or commercial customer whose predominant use of natural gas is other than space heating, cooking, water heating and other similar type uses. Service under this schedule is available to eligible customers following execution of a contract specifying the maximum hourly load. This schedule is not available for service to premises with an alternative supply of natural gas.

MONTHLY RATE

Customer Charge:	\$ 30.14
2004 GRIP Charge:	38.82
2005 GRIP Charge:	0.00
<u>2006 GRIP Charge</u>	<u>22.33</u>
Total Customer Charge:	\$ 91.29

## Commodity Charge:

1 <sup>st</sup> 1000	\$ 0.0965 per Ccf
All over 1000	\$ 0.0750 per Ccf

The Lubbock System Gas Cost Adjustment Rider applies to this schedule.

The West Texas Rate Division 2004 and 2005 GRIP Adjustments apply to this schedule.

## STATE INSTITUTION GAS SERVICE

AVAILABILITY

This schedule is applicable to gas service to state agencies (as provided in Texas Utilities Code, Section 104.202) including, but not limited to, state college and universities, MHMR schools, agriculture, highway and public safety departments, prisons, and other facilities owned or operated by the State of Texas for the purpose of heating, cooking, refrigeration, water heating and other similar type uses.

MONTHLY RATE

Customer Charge:	\$ 29.23
2004 GRIP Charge:	15.18
2005 GRIP Charge:	0.00
<u>2006 GRIP Charge</u>	<u>8.73</u>
Total Customer Charge:	\$ 53.14

## Commodity Charge:

All Consumption \$ 0.08645 per Ccf

The Lubbock System Gas Cost Adjustment Rider applies to this schedule.

The Lubbock System Weather Normalization Adjustment Rider applies to this schedule.

The West Texas Rate Division 2004 and 2005 GRIP Adjustments apply to this schedule.

# **EXHIBIT B**

ATMOS ENERGY, WEST TEXAS DIVISION  
LUBBOCK RATE DIVISIONS  
FOR THE TWELVE MONTHS ENDED December 31, 2006

Line No. Description (a)	TOTAL APPROVED		Adjustments [1] (d)	INCREASE IN WEST TEXAS (e)
	PER GUD 9563	PER BOOK		
	AT 12/31/2005 (b)	As of 12/31/2006 (c)		
1 Utility Plant Investment	86,943,090	93,307,362	60,192	6,304,080
2 Accumulated Depreciation	(27,845,705)	(30,643,976)		(2,798,271)
3 Net Investment	59,097,385	62,663,386	60,192	3,505,809
4				
5 Net Investment				\$3,505,809
6				
7				
8 Increase/(Decrease) in Net Investment				<b>PER GUD 9563</b> 3,505,809
9 Authorized Return on Capital - Per GUD 9573				9.15%
10 Change in Return on Net Investment				320,782
11				
12 Change in Depreciation Expense				\$211,187
13 Change in Ad Valorem Tax (IRS_5 Rev_Oth Taxes)				\$41,018
14 Change in Revenue-Related Taxes				\$47,528
15 Change in Federal Tax				\$106,280
16 <b>Change in Revenue Requirement</b>				<b>\$726,794</b>
17				
18 Annual Number of Bills				839,443
19 Increase per Bill per Month				
20 (to be applied to monthly customer charge)				
21				
22 Monthly Residential Customer Charge		\$ 9.95	\$0.70	\$10.65
23 Monthly Commercial Customer Charge		\$ 15.75	\$2.01	\$17.76
24 Monthly Industrial Customer Charge		\$ 68.96	\$22.33	\$91.29
25 Monthly Public Authority Customer Charge		\$ 47.22	\$9.95	\$57.17
26 Monthly State Authority Customer Charge		\$ 44.41	\$8.73	\$53.14
27				
28				
29 [1] EXPENSE REPORT EXCLUSIONS FOR SHARED SERVICES, CUSTOMER SERVICE CENTERS, WEST TEXAS GENERAL OFFICE AND				
30 CITY OF LUBBOCK AND ITS ENVIRONS (SEE				

**Allocation of Investment Recovery**  
**ATMOS ENERGY, WEST TEXAS DIVISION**  
**LUBBOCK RATE DIVISIONS**

PER GUD 9563	No. of Bills	Volumes (Ccf)	Revenue Increase by Class	% of Revenues
Residential	761,335	46,126,562	\$ 1,111,547	72.90%
Commercial	74,533	18,657,676	\$ 313,719	20.60%
Industrial	1,009	4,130,802	\$ 47,847	3.10%
Public Authority & State	1,900	2,825,540	\$ 39,090	2.60%
State	666	470,366	\$ 12,252	0.80%
<b>Total System</b>	<b>839,443</b>	<b>72,210,946</b>	<b>\$ 1,524,455</b>	<b>100.00%</b>

Allocation Factors	GUD 9563
Residential	72.900%
Commercial	20.600%
Industrial	3.100%
Public Authority	2.600%
State	0.800%
<b>Total System</b>	<b>100.00%</b>

New Investment Recovery Distribution			
Requested Recovery Amount	GUD 9563	\$726,794	Customer Chrg Change
Residential	72.900%	\$ 529,833	\$0.70
Commercial	20.600%	\$ 149,720	\$2.01
Industrial	3.100%	\$ 22,531	\$22.33
Public Authority	2.600%	\$ 18,897	\$9.95
State	0.800%	\$ 5,814	\$8.73
<b>Total System</b>	<b>100.00%</b>	<b>\$ 726,795</b>	

ANNUAL EARNINGS MONITORING REPORT  
ATMOS ENERGY, WEST TEXAS DIVISION  
LUBBOCK RATE DIVISIONS  
FOR THE TWELVE MONTHS ENDED December 31, 2006

Line No.	Description (a)	PER GUD 9563 Reference (b)	PER GUD 9563 Reference (c)	Increase/Decrease Amount (d)	PER BOOKS At Rates At 12/31/06 (e)
1	Total Operating Revenues at Present Rates	Schedule 1, Line 15	16,812,453	\$4,232,291	21,044,744
2					
3	Operating Expenses:				
4					
5	Operation & Maintenance Expense	Schedule 1, Line 1	7,258,557	(1,373,298)	5,885,259
6	Depreciation & Amortization Expense	Schedule 1, Line 3	2,450,256	758,902	3,209,158
7	Interest on Customer Deposits	Schedule 1, Line 11	55,605	1,869	57,474
8	Taxes Other Than Income Taxes	Schedule 1, Line 5	1,773,568	4,001,660	5,775,228
9					
10	TOTAL OPERATING EXPENSES BEFORE FEDERAL INCOME TAXES	(Sum of Line 5 through Line 8)	11,537,986	3,389,133	14,927,119
11					
12	OPERATING INCOME before FEDERAL INCOME TAXES	(Line 1 - Line 12)	5,274,467	843,159	6,117,626
13					
14					
15	Less: Federal Income Taxes	Schedule 1, Line 9	1,312,620	\$202,964	1,515,584
16					
17	OPERATING INCOME AFTER TAXES	(Sum of Line 13 - Line 15)	3,961,847	640,195	4,602,042
18					
19					
20	ALLOWED RETURN:				
21	RATE BASE	Schedule 6, Line 21	43,298,878		50,778,010
22	ALLOWED COST OF CAPITAL FOR TEST YEAR 2006	Schedule 6, Line 23 (Line 20 * Line 21)	9.15%		9.15%
23	CALCULATED ALLOWED RETURN	(Line 20 * Line 21)	3,961,847		4,646,188
24					
25	NET REVENUE (DEFICIENCY) / SUFFICIENCY	(Line 22 - Line 17)			44,146
26					
27	ALLOWED RATE OF RETURN - DOCKET GUD 9563	(Line 17 / Line 20)			9.15%
28	ACTUAL RATE OF RETURN - TEST YEAR 2006				9.06%

## SCHEDULE B

ATMOS ENERGY, WEST TEXAS DIVISION  
LUBBOCK RATE DIVISIONS  
ANNUAL EARNINGS MONITORING REPORT  
FOR THE TWELVE MONTHS ENDED December 31, 2006

Line No. Description	TOTAL APPROVED PER GUD 9563 AT 3/31/2003	
1 Return excluding debt, per GUD 9563	3,961,847	GUD 9563, Schedule 7, Line 25
2 Total Rate Base	43,298,878	GUD 9563, Schedule 7, Line 23
3 Return Factor	<u>9.150%</u>	GUD 9563, Schedule 7, Line 23
4		
5		
6 Depreciation Expense Factor Calculation:		
7 Total Depreciation Expense	2,450,256	GUD 9563, Schedule 6, Line 12, Column (b)
8 Invested Capital - Gross Plant	<u>73,041,238</u>	GUD 9563, WP 7-1, Line 33
9 Depreciation Expense Factor	<u>3.35%</u>	Line 4 divided by Line 5
10		
11 <b>PROPERTY TAX FACTOR CALCULATION:</b>		
12 Property-Related Taxes (Ad Valorem Taxes)	562,071	GUD 9563, Schedule 5
13 Net Plant	<u>48,074,554</u>	GUD 9563, Schedule 7
14 Ad Valorem Tax Rate	<u>1.17%</u>	Line 2 divided by Line 10
15		
16 Allocation Factors:		
17 Residential	72.900%	GUD 9563
18 Commercial	20.600%	GUD 9563
19 Industrial	3.100%	GUD 9563
20 Public Authority	2.600%	GUD 9563
21 State Institutions	<u>0.800%</u>	GUD 9563
22 Total	100.000%	Sum of Line 14 through Line 18
23		
24 Revenue-Related Taxes (City Franchise & Gross Receipts)		
25 Margin Revenue AS OF CURRENT TEST YEAR	21,044,744	
26 Revenue Tax Percentage	<u>6.997%</u>	GUD 9563, ADJ Workpaper 5-1
27 Total Margin Revenue Tax	<u>\$1,472,501</u>	
28		
29		
30 Net Change in Current Investment	\$3,505,809	
31 Return Factor as stated in City Ordinances	<u>9.150%</u>	
32 Changed on Return on Net Investment	<u>\$320,782</u>	
33		
34		
35 State Gross Receipts [1]	31.44% 1,580,155	
36 City Franchise [1]	68.56% <u>3,445,895</u>	
37	<u>\$5,026,050</u>	
38		
39 Adjustment for Revenue Tax recovered through PGA	<u>(\$3,553,549)</u>	
40 [1] Source: Schedule 5 of EMR		
41		
42		
43		
44 Change in Return on Net Investment	\$320,782	
45 Change in Depreciation Expense	\$211,187	
46 Change in Ad Valorem Tax (IRS_5 Rev_Oth Taxes)	\$41,018	
47 Change in Federal Tax	<u>\$106,280</u>	
48	<u>\$679,266</u>	
49		
50 Gross Receipts Tax Increase	1.997% <u>\$13,565</u>	
51 Franchise Fees	5.00% <u>\$33,963</u>	

## SCHEDULE C

**ATMOS ENERGY CORPORATION, WEST TEXAS DIVISION**  
**LUBBOCK RATE DIVISIONS**  
**ANNUAL EARNINGS MONITORING REPORT**  
**FOR THE TWELVE MONTHS ENDED December 31, 2006**

## CHANGE IN BEGINNING PLANT BALANCES DUE TO CHANGE IN ALLOCATION FACTORS:

	2005 BALANCES	2005 FACTORS	2005 ALLOCATED BALANCES	2006 FACTORS	2006 ALLOCATED BALANCES
SHARED SERVICES PLANT	204,441,638	1.47%	3,001,930	1.85%	3,782,170
WEST TEXAS METER SHOP	615,833	23.32%	143,587	23.32%	143,587
CALL CENTERS PLANT	-	1.47%	-	2.14%	-
WEST TEXAS BUSINESS UNIT	3,629,754	18.22%	661,262	23.43%	850,451
CITY OF LUBBOCK AND IT'S ENVIRONS	82,166,763	100%	82,166,763	100.00%	82,166,763
			85,973,542		86,942,972
NET CHANGE IN BEGINNING BALANCE:					<u>969,430</u>

	Description	TOTAL AMOUNT	2006 FACTORS	ALLOCATED AMOUNT
<b>SHARED SERVICES PLANT</b>	Capitalized Overhead	\$551,247	1.85%	\$10,198
	Projects	\$540,517	1.85%	\$10,000
EXPENSE REPORT EXCLUSIONS:				<u>\$20,198</u>
<b>CALL CENTERS PLANT</b>	Capitalized Overhead	33,949	2.14%	727
	Projects	112,542	2.14%	2,408
EXPENSE REPORT EXCLUSIONS:				<u>\$3,135</u>
<b>WEST TEXAS BUSINESS UNIT:</b>	Vendor	979	23.43%	229
	Supervisors	24,561	23.43%	5,755
	Officers & Managers	131,779	23.43%	30,876
EXPENSE REPORT EXCLUSIONS:		<u>157,319</u>		<u>36,860</u>
<b>CITY OF LUBOCK AND ENVIRONS</b>		0	100.00%	<u>0</u>
TOTAL EXPENSE REPORT EXCLUSIONS:				<u>\$60,192</u> To IRA-3