



RAILROAD COMMISSION OF TEXAS GAS SERVICES DIVISION

June 29, 2010

Ms. Ann Coffin
Clark, Thomas & Winters
A Professional Corporation
300 West 6th Street, 15th Floor
Austin, Texas 78701

Mr. David J. Park
Atmos Energy Corporation
5430 LBJ Freeway, Suite 1862
Dallas, Texas 75240

Re: Gas Utilities Docket No. 9994: Appeal of Atmos Energy Corp., Mid-Tex Division for Review of Municipal Rate Action Regarding the Annual 2009 Interim Rate Adjustment for the City of Dallas

Dear Ms. Coffin and Mr. Park:

The Gas Services Division is not able to entertain the Petitions for Review in the above-referenced docket filed with the Commission by Atmos Energy Corp., Mid-Tex Division, seeking review of the denial by various cities of Atmos' Interim Rate Adjustment (GRIP) for calendar year 2009. We have been advised by the Office of the Attorney General of Texas that the Railroad Commission of Texas (Commission) is bound by the recent Judgment and Findings of Fact and Conclusions of Law in *City of Allen, et al. v. Railroad Commission of Texas*, Cause No. D-1-GV-05-5221, in the 53rd Judicial District Court in Travis County, Texas. Specifically, Conclusion of Law 4 provides that a utility does not have the authority to appeal a denial of a filing by a City to the Commission under Section 104.301 of the Texas Utilities Code and Conclusion of Law 5 provides that the Commission does not have the authority to apply its Rule 7.7101 (GRIP rule) to the action of a city.

Based on the foregoing, the Gas Services Division may not entertain the above-referenced Petitions for Review.

This letter ruling is in the nature of an interim ruling and is subject to appeal pursuant to procedures set out in §1.30 of the Commission's General Rules of Practice & Procedure (16 Tex. Admin. Code § 1.30).

Sincerely,

William O. Geise
Director, Gas Services Division

c: C. Mark Evarts, Director Market Oversight Section
Mr. Norman J. Gordon