

STATE OF TENNESSEE

Office of the Attorney General



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November 6, 2003

Honorable Deborah Taylor Tate
Chairman
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, Tennessee 37243

**RE: PETITION OF CHATTANOOGA GAS COMPANY, NASHVILLE GAS COMPANY, A
DIVISION OF PIEDMONT NATURAL GAS COMPANY, INC., ATMOS ENERGY
CORPORATION FOR A DECLARATORY RULING REGARDING THE
COLLECTIBILITY OF THE GAS COST PORTION OF UNCOLLECTIBLE ACCOUNTS
UNDER THE PURCHASED GAS ADJUSTMENT ("PGA") RULES
Docket No. 03-00209**

Dear Chairman Tate:

Enclosed is an original and thirteen copies of a Motion to Strike Petitioners' Motion for Summary Judgment or Amend Procedural Schedule filed by the Consumer Advocate and Protection Division of the Office of the Attorney General. Kindly file the attached in this docket. By copy of this letter, we are serving all parties of record. If you have any questions, please feel free to contact me at (615) 532-3382. Thank you.

Sincerely,

Shilina B. Chatterjee
Assistant Attorney General
(615) 532-3382

Enclosures

cc: Kim Beals, Esq.
Hearing Officer
All Parties of Record

70413

**IN THE TENNESSEE REGULATORY AUTHORITY
NASHVILLE, TENNESSEE**

IN RE:)	
)	
PETITION OF CHATTANOOGA GAS)	DOCKET NO. 03-00209
COMPANY, NASHVILLE GAS COMPANY, A)	
DIVISION OF PIEDMONT NATURAL GAS)	
COMPANY, INC., AND UNITED CITIES GAS)	
COMPANY, A DIVISION OF ATMOS)	
ENERGY CORPORATION FOR A)	
DECLARATORY RULING REGARDING THE)	
COLLECTIBILITY OF THE GAS COST)	
PORTION OF UNCOLLECTIBLE)	
ACCOUNTS UNDER THE PURCHASED GAS)	
ADJUSTMENT ("PGA") RULES)	

**MOTION TO STRIKE PETITIONERS' MOTION FOR SUMMARY JUDGMENT OR
AMEND PROCEDURAL SCHEDULE**

Comes Paul G. Summers, the Attorney General and Reporter, through the Consumer Advocate and Protection Division of the Office of Attorney General (hereinafter "CAPD" or "Consumer Advocate") respectfully moves for a motion to strike Petitioners' Motion for Summary Judgment or alternatively, amend the procedural schedule in the above-captioned matter. As grounds for this motion, the Consumer Advocate states that:

1. On October 27, 2003, the Petitioners in this matter filed a Motion for Summary Judgment in this matter. The Petitioners' Motion for Summary Judgment should be struck since it is not in accordance with the governing procedural schedule this matter.

2. On October 3, 2003, the Hearing Officer Kim Beals established a procedural schedule. Incorporated in the procedural schedule was a date and time for oral argument of the CAPD's Motion for Summary Judgment. However, the procedural schedule does not set forth

response dates or hearing times for the Petitioners' Motion for Summary Judgment. The procedural schedule precludes the Petitioners' Motion for Summary Judgment.

4. In the event Petitioners' Motion for Summary Judgment is not struck, it would be necessary to amend the procedural schedule to allow ample opportunity for the Consumer Advocate to respond to Petitioners' Motion for Summary Judgment.

5. Oral argument for the Consumer Advocate' Motion for Summary Judgment has been set for November 12, 2003. It is possible that the decision rendered by the Directors in could render Petitioners' Motion for Summary Judgment moot.

6. If not, the procedural schedule should be revised to provide for the opportunity for the filing of a response by the Consumer Advocate to the Petitioners' Motion for Summary Judgment and to date established for hearing for the Petitioners' Motion for Summary Judgment.

WHEREFORE, the Consumer Advocate respectfully requests, based on the above, that Petitioners Motion for Summary Judgment be struck or in the alternative, the procedural schedule be modified to allow the Consumer Advocate to have a reasonable opportunity to respond and for a hearing date for the Petitioners Motion for Summary Judgment to be established.

RESPECTFULLY SUBMITTED,



SHILINA B. CHATTERJEE, B.P.R. #20689

Assistant Attorney General
Office of the Attorney General
Consumer Advocate and Protection Division
P.O. Box 20207
Nashville, Tennessee 37202
(615) 532-3382

Dated: November 6, 2003

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served via hand delivery or facsimile on November 6, 2003.

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