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June 23, 2006

VIA HAND DELIVERY

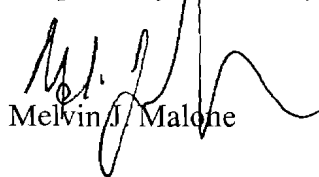
Honorable Ron Jones, Chairman
c/o Sharla Dillon, Docket & Records Manager
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, TN 37243-0505

RE: *In Re: Petition to Open An Investigation to Determine Whether Atmos Energy Corp. Should Be Required by The Tennessee Regulatory Authority to Appear And Show Cause That Atmos Energy Corp. Is Not Overearning in Violation of Tennessee Law And That It Is Charging Rates That Are Just And Reasonable, TRA Docket No. 05-00258*

Dear Chairman Jones:

Please find enclosed thirteen (13) copies and one (1) original of the *Petition to Intervene of Atmos Energy Marketing, LLC.*, and a \$25.00 check for the filing fee. An additional copy of this filing is enclosed to be "file stamped" for our records. All parties of record have been served.

Respectfully submitted,



Melvin J. Malone

clw
Enclosures

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

IN RE: PETITION TO OPEN AN)
INVESTIGATION TO DETERMINE)
WHETHER ATMOS ENERGY CORP.)
SHOULD BE REQUIRED BY THE)
TENNESSEE REGULATORY)
AUTHORITY TO APPEAR AND SHOW)
CAUSE THAT ATMOS ENERGY CORP.)
IS NOT OVEREARNING IN VIOLATION)
OF TENNESSEE LAW AND THAT IT IS)
CHARGING RATES THAT ARE JUST)
AND REASONABLE)

Docket No. 05-00258

PETITION TO INTERVENE OF ATMOS ENERGY MARKETING, LLC

Atmos Energy Marketing, LLC ("AEM" or "Petitioner"), by and through its undersigned counsel, hereby seeks leave to intervene in the above-captioned proceeding pursuant to Tenn. Code Ann. § 4-5-310. In support of this petition, Petitioner states as follows:

1. Petitioner is a full-service natural gas marketing company that provides supply and asset management services to various types of natural gas users.

2. On or about May 17, 2006, the Atmos Intervention Group ("AIG") filed a petition to intervene in this matter. AIG's petition to intervene identified AIG as "a group of customers who purchase natural gas from Atmos." AIG's petition to intervene was granted by the Tennessee Regulatory Authority ("Authority" or "TRA") in its May 25, 2006, *Order Granting Interventions and Setting Procedural Schedule*.

3. On or about June 8, 2006, TRA Director Pat Miller issued a letter in this matter to the Hearing Officer, TRA Chairman Ron Jones, and requested as follows:

In order to properly evaluate the various positions of the parties and give the appropriate weight to such positions, it is essential that all attorneys fully disclose

their clients. Therefore, I am requesting that you, as Hearing Officer, require this disclosure at your earlier convenience.

4. On June 8, 2006, a Status Conference was held in this matter. At the Status Conference, the Hearing Officer presented Director Miller's June 8, 2006, letter.¹ Further, the Hearing Officer announced that he was providing the parties the opportunity to respond to Director Miller's June 8, 2006, letter on or before June 15, 2006.²

5. On or about June 16, 2006, AIG submitted its response to Director Miller's June 8, 2006, letter. In its June 16th filing, AIG contended, among other things, that "members of the group have indicated that they wish to remain anonymous for fear of economic retaliation by Atmos or its affiliate, Atmos Energy Marketing[.]"³ AIG's response was accompanied by the Affidavit of Earl Burton, owner of Tennessee Energy Consulting.

6. In his affidavit, Mr. Burton alleges, among other things, that the following reasons serve, in part, as the basis for which certain members of AIG, who are customers of Atmos Energy Corporation, wish to remain anonymous for fear of economic retaliation by Atmos Energy Corporation or AEM: (1) "AIG members are concerned that if Atmos Energy learned that they were members of AIG, AEM would require that customer to put up collateral to continue receiving service[;]"⁴ and (2) "AIG members and Atmos customers considering participating in the intervention are captive to Atmos Energy or [AEM] on gas supply and delivery."⁵

¹ TRA Transcript of Proceeding (Status Conference), *In Re: Petition of the Consumer Advocate to Open An Investigation to Determine Whether Atmos Energy Corp. Should Be Required by the Tennessee Regulatory Authority to Appear and Show Cause that Atmos Energy Corp. Is Not Overearning in Violation of Tennessee Law and That It Is Charging Rates That Are Just and Reasonable*, TRA Docket No. 05-00258, p. 90 (June 8, 2006) (hereinafter "*June 8, 2006 Transcript*").

² *Id.* at 91.

³ *Letter of Atmos Intervention Group*, TRA Docket No. 05-00258, p. 1 (June 16, 2006). AIG's response did identify "Berkline and Koch Foods" as members of AIG.

⁴ *Affidavit of Earl Burton*, TRA Docket No. 05-00258, p. 1 (June 16, 2006).

⁵ *Id.* at 2.

7. The allegations in Mr. Burton's affidavit are directed, in large measure, towards AEM.

8. Therefore, Petitioner's legal rights, duties, privileges, immunities or other legal interests may be determined in this proceeding.

9. Because of its interest in this proceeding, Petitioner respectfully seeks to intervene in this matter on a limited basis. At this time, Petitioner only seeks to intervene for the purpose of addressing the intervention of AIG, Director Miller's June 8, 2006, letter, and the allegations set forth in Mr. Burton's afore-referenced affidavit, all of which are intertwined.

10. The interests of justice and the orderly and prompt conduct of the proceedings will not be impaired by allowing the requested limited intervention.

11. Should the requested intervention be granted, all notices, pleadings, orders, documents and the like in this proceeding should be provided to:

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Tel. (713) 316-6615
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12. Should the requested limited intervention be granted, Petitioner reserves the right, consistent with state law, to seek full intervention at a later time.

Based on the foregoing considerations, Petitioner urges the Authority to grant this request for intervention.

Respectfully Submitted,

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Attorneys for Atmos Energy Marketing, LLC

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been e-mailed or faxed and mailed to the following parties of interest this 23rd day of June, 2006.

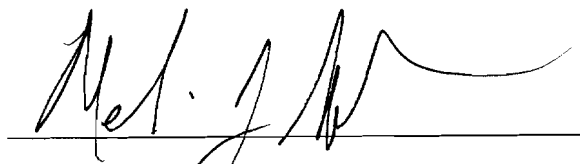
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