

**BEFORE THE TENNESSEE REGULATORY AUTHORITY**

**Nashville, Tennessee**

**October 18, 2006**

**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**

**DOCKET NO.  
05-00258**

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**ORDER SUSPENDING PROCEDURAL SCHEDULE**

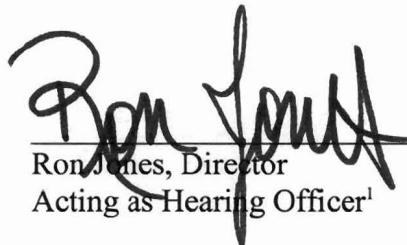
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This docket came before the Hearing Officer for consideration of *Atmos Energy Corporation's Motion for a Temporary Stay of Phase Two Procedural Schedule*. In the motion, Atmos Energy Corporation ("Atmos") requests that the procedural schedule as amended in the October 6, 2006 *Order Adopting Phase Two Issues and Modifying the Phase Two Procedural Schedule* be stayed or, in the alternative, modified. In support of its motion, Atmos relies on the fact that the published Authority Conference agenda for the October 16, 2006, Authority Conference does not include consideration by the panel of the October 6, 2006, *Recommendation of the Hearing Officer Regarding Dismissal of Phase Two and the Need for a Rulemaking to Resolve Asset Management Issues* ("Recommendation"), which, according to Atmos, is contrary to the Hearing Officer's expectations as expressed in the Recommendation.

Atmos's description of the events is accurate. I did expect that the Recommendation would be considered at the October 16, 2006, Authority Conference. Based on this expectation, I chose not to wholly suspend the procedural schedule, but instead, to modify it so that unnecessary delay would not result. Despite my efforts to avoid delay, the Recommendation was not considered by the panel and the issues and recommendations contained therein remain outstanding. Based on my uncertainty of when the panel will consider the Recommendation and the fact that the current procedural schedule includes an October 19, 2006, due date, I find that the only prudent course to take is to suspend the procedural schedule. After consideration of the Recommendation by the panel and then if necessary, I will schedule a status conference to develop a procedural schedule for the completion of Phase Two.

**IT IS THEREFORE ORDERED THAT:**

*Atmos Energy Corporation's Motion for a Temporary Stay of Phase Two Procedural Schedule* is granted. The procedural schedule adopted on July 13, 2006 and modified on October 6, 2006 is stayed pending further notice.

  
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Ron Jones, Director  
Acting as Hearing Officer<sup>1</sup>

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<sup>1</sup> During the May 15, 2006 Authority Conference, a panel of the Tennessee Regulatory Authority consisting of Chairman Sara Kyle and Directors Ron Jones and Pat Miller unanimously voted to appoint Director Jones as the Hearing Officer to prepare this docket for a hearing by the Panel. Transcript of Authority Conference, pp. 29-39 (May 15, 2006).