

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

August 10, 2007

IN RE:)	
)	
PETITION OF ATMOS ENERGY CORPORATION)	DOCKET NO.
FOR APPROVAL OF TARIFF ESTABLISHING)	07-00081
ENVIRONMENTAL COST RECOVERY RIDER)	

ORDER GRANTING AGREED MOTION TO STAY PROCEEDINGS

This matter is before the Hearing Officer upon the *Agreed Motion to Stay the Procedural Schedule* (“*Agreed Motion*”) filed on August 9, 2007 by Atmos Energy Corporation (“Atmos” or the “Company”), the Consumer Advocate and Protection Division of the Office of the Attorney General (“Consumer Advocate”) and Atmos Intervention Group (“AIG”).

BACKGROUND

On March 29, 2007, Atmos filed its *Petition* and tariff in which the Company is seeking to establish an Environmental Cost Recovery Rider (“ECRR”) which would “provide a mechanism for the recovery of the deferral costs authorized by the Deferral Order [in Tennessee Public Service Commission Docket No. 94-02529] in a manner comparable to that proposed by [the Company] in Docket No. 05-00258. . .”¹ The *Petition* sought to have Atmos’ tariff, which would implement the proposed rates, effective as of June 1, 2007.

On April 27, 2007, the Consumer Advocate filed a *Petition to Intervene* in this docket which was granted by order of the Hearing Officer entered on May 31, 2007. In that Order, the Hearing Officer also suspended the *Petition* and tariff of Atmos through September 1, 2007 and

¹ *Petition for Approval of Tariff Establishing Environmental Lost Recovery Rider* at 4 (March 29, 2007).

set a Status Conference for June 12, 2007.² At the Status Conference held on June 12, 2007, AIG was granted intervention, and the parties reached agreement on a procedural schedule. The procedural schedule established dates for discovery and the filing of testimony and included a tentative hearing date in September, 2007.

MOTION TO STAY PROCEEDINGS

On August 9, 2007, the parties filed the *Agreed Motion* stating that they are “conducting good faith negotiations to settle the issues pending in this matter” and that they require additional time to pursue a settlement.³ The parties request that the proceedings be stayed until such time when any party files a notice to resume the proceedings. The parties agree that in the event of the filing of such a notice, the Intervenors will have fifteen days therefrom to proceed with filing their direct testimony. According to the parties, the remainder of the procedural schedule would progress using the time intervals originally determined.

The Hearing Officer finds that there exists good cause to stay the proceedings to allow the parties additional time to conduct settlement negotiations. The Hearing Officer states that upon lifting the stay, the procedural schedule may need to be revised to incorporate new dates for concluding prehearing matters and that a new hearing date must be set. The Hearing Officer also finds that the stay is applicable to any statutory privilege pertaining to placing the tariff into effect.

IT IS THEREFORE ORDERED THAT:

1. The *Agreed Motion to Stay the Proceedings* is granted and the procedural schedule, as well as the proposed hearing date, are hereby stayed pending further notice from the parties.

² *Order Suspending Tariff, Granting Petition to Intervene and Setting Status Conference* (May 31, 2007).

³ *Agreed Motion to Stay Proceedings*, p. 1 (August 9, 2007).

2. If any Party should file a notice to resume the proceedings, the Intervenors' Direct Testimony will be due in fifteen (15) days after the filing of the notice, and the remainder of the filings identified in the procedural schedule shall be due thereafter at the time intervals provided therein. The Hearing Officer will enter an order revising the procedural schedule and establishing a new hearing date.

4. The stay of the proceedings includes a stay of the Company's statutory privilege to place the tariff into effect and that time period is hereby tolled from the date of this Order.


J. Richard Collier, Hearing Officer