

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

July 12, 2007

IN RE:

PETITION OF ATMOS ENERGY CORPORATION FOR  
APPROVAL OF A GENERAL RATE INCREASE

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DOCKET NO.  
07-00105

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ORDER GRANTING PETITION TO INTERVENE OF STAND ENERGY  
CORPORATION

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This matter came before the Hearing Officer upon the filing of a *Petition to Intervene* filed by Stand Energy Corporation ("Stand Energy") on June 29, 2007.

**BACKGROUND**

On May 4, 2007, Atmos Energy Corporation ("Atmos" or "AEC") filed its *Petition of Atmos Energy Corporation for Approval of Adjustment of Its Rates and Revised Tariff ("Petition")* in which the Company seeks approval by the Authority "for an adjustment of its rates and charges for natural gas service for the purpose of obtaining a general increase in its rates and for the Authority to place into effect revised tariffs."<sup>1</sup> At a regularly scheduled Authority Conference on May 15, 2007, the panel assigned to this docket appointed Director Eddie Roberson as Hearing Officer for the purposes of preparing this matter for hearing, including hearing preliminary matters and establishing a procedural schedule to completion.

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<sup>1</sup> *Petition* at 1 (May 4, 2007).

On May 31, 2007, the Hearing Officer issued *Order Granting Petitions to Intervene, Permitting Additional Discovery Requests, Establishing Procedural Schedule and Suspending Tariffs*. As reflected in that Order, the Consumer Advocate and AIG sought and were granted intervention in this docket. Pursuant to the procedural schedule, the parties commenced discovery. The Consumer Advocate submitted discovery requests to Atmos on May 25, 2007. Atmos submitted its discovery requests to both the Consumer Advocate and AIG on May 31, 2007, and AIG submitted its requests to Atmos on June 1, 2007.

The Hearing Officer issued a *Notice of Status Conference* on June 11, 2007, setting a Status Conference for June 25, 2007, rather than June 15, 2007 as noted on the procedural schedule, for the purpose of addressing potential discovery disputes and any other pre-hearing matters. Additionally, any parties having any objections to discovery were directed to file written objections with the Authority no later than June 20, 2007. At the request of the parties, the Hearing Officer extended this deadline to 12:00 noon on June 22, 2007. On June 22, 2007, Atmos filed objections to certain discovery requests of the Consumer Advocate's and AIG's discovery and data requests. Also on June 22, 2007, the Consumer Advocate filed objections to the discovery requests of Atmos. On June 25, 2007, a *Protective Order* was entered by the Hearing Officer. A Status Conference was held in this matter following a regularly scheduled Authority Conference on June 25, 2007. The Consumer Advocate filed a Motion to Consolidate Dockets on June 26, 2007. On June 29, 2007, Stand Energy filed a petition to intervene.

### **INTERVENTION**

Tenn. Code Ann. § 4-5-310(a) (1998) sets forth the following criteria for granting petitions to intervene:

- (a) The administrative judge or hearing officer shall grant one (1) or more petitions for intervention if;

- (1) The petition is submitted in writing to the administrative judge or hearing officer, with copies mailed to all parties named in the notice of the hearing, at least seven (7) days before the hearing;
- (2) The petition states facts demonstrating that the petitioner's legal rights, duties, privileges, immunities or other legal interest may be determined in the proceeding or that the petitioner qualifies as an intervenor under any provision of the law; and
- (3) The administrative judge or hearing officer determines that the interests of justice and the orderly and prompt conduct of the proceedings shall not be impaired by allowing the intervention.

In its petition, Stand Energy asserts that it is an independent marketer of retail energy, including natural gas and competes with Atmos and/or its affiliate, Atmos Energy Marketing, LLC. Stand Energy is also a limited agent for Harrison Construction in connection with natural gas consumption and other pertinent items related to natural gas consumption at facilities owned and operated by Harrison Construction in the State of Tennessee. Harrison Construction has specifically authorized Stand Energy to act on its behalf in this rate case before the Authority. Harrison Construction is a customer of Atmos in Tennessee. Stand Energy states that a decision in this docket concerning adjustment of the rates and revisions of the tariff of Atmos may affect the legal rights, duties, privileges, immunities, or other legal interests of Stand Energy and Harrison Construction.<sup>2</sup> No party has filed a response to the *Petition to Intervene*.


The Hearing Officer finds that the legal rights and interests of Harrison Construction may be determined in this proceeding. Stand Energy shall be allowed to intervene as limited agent for Harrison Construction. Stand Energy will have to abide by and adhere to the procedural schedule adopted in this proceeding since it has intervened at this point in time when the procedural schedule has been established and underway, absent good cause shown. For these reasons and applying the standards set forth in Tenn. Code Ann. § 4-5-310(a) (1998), the Hearing Officer grants Stand Energy's *Petition to Intervene*.

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<sup>2</sup> *Petition to Intervene of Stand Energy Corporation*, p. 1 (June 29, 2007).

**IT IS THEREFORE ORDERED THAT:**

1. The *Petition to Intervene* filed by Stand Energy on June 29, 2007 is granted. Stand Energy may participate in this proceeding as the limited agent for Harrison Construction, and shall receive copies of any notices, orders or other documents filed herein.
2. The Application of John M. Dosker to Appear Pro Hac Vice is granted provided that it is also filed in this docket immediately.

  
Chairman Eddie Roberson  
Acting as Hearing Officer