

**BEFORE THE TENNESSEE REGULATORY AUTHORITY  
NASHVILLE, TENNESSEE**

**IN RE:** )  
 )  
**PETITION OF ATMOS ENERGY** ) **DOCKET NO. 07-00105**  
**CORPORATION FOR APPROVAL OF** )  
**ADJUSTMENT OF ITS RATES AND** )  
**REVISED TARIFF** )

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**RESPONSE OF ATMOS ENERGY CORPORATION TO  
JOINT MOTION FOR SUPPLEMENTAL DISCOVERY  
RELATING TO RATE DESIGN**

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Atmos Energy Corporation (“Atmos”) respectfully submits this response in opposition to the Joint Motion For Supplemental Discovery Relating to Rate Design Issues, filed by Stand Energy Corporation (“Stand”) and Atmos Intervention Group (“AIG”). With little over a week to go until the hearing in this case, AIG and Stand have moved to require that Atmos compile and produce a monthly cumulative distribution of sales volumes during the test period for each of the Company’s rate schedules. AIG and Stand make this eleventh-hour request so that their witnesses “can now design specific tariffs to present to the Authority once Atmos provides the distribution of sales volumes.” Motion at 1. Atmos opposes the Motion for a number of reasons.

With six working days to the hearing, the Atmos employees responsible for this case and their counsel should be allowed to spend their time preparing for the hearing, not compiling information in response to discovery requests. And if the requested information were produced, then what would happen? AIG and Stand seek the information so that their witnesses can “design specific tariffs to present to the Authority.” Do AIG and Stand plan to offer testimony at the October 3 hearing on these tariff proposals they plan to design? If so, how? The interveners’ deadline for pre-filed testimony has long since come and gone. Atmos has prepared and

submitted its rebuttal testimony. Do AIG and Stand suggest that their witnesses should be entitled to unveil their new proposals at the October 3 hearing? If that is their plan, then Atmos objects to it. Atmos has had to prepare and disclose its testimony in advance of the hearing – and sufficiently in advance that the other parties have time to prepare to cross examine the Atmos witnesses. AIG and Stand should have to play by the same rules.

The Procedural Schedule in this case set deadlines for pre-filed direct and rebuttal testimony. Atmos was entitled to receive AIG and Stand’s testimony as ordered, and to prepare and submit its rebuttal testimony in accordance with the procedural schedule. The deadline for Atmos to prepare and submit its rebuttal testimony has come and gone, and Atmos has complied with its deadlines. It is now time to turn to trial preparation, not go back into discovery and the preparation of direct and rebuttal testimony.

### **CONCLUSION**

For the foregoing reasons, Atmos respectfully submits that the Motion for Supplemental Discovery should be denied.

Respectfully submitted,

**NEAL & HARWELL, PLC**

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### **CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing has been served, via the method(s) indicated below, on the following counsel of record, this the 25<sup>th</sup> day September 2007.

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