BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

January 4, 2008

IN RE:	)	
	)	
PETITION OF ATMOS ENERGY CORPORATION FOR APPROVAL OF A GENERAL RATE INCREASE	)	**DOCKET NO. 07-00105**
	)	
	)	

ORDER DENYING MOTION TO CONSOLIDATE

This matter came before Chairman Eddie Roberson, Director Pat Miller and Director Sara Kyle of the Tennessee Regulatory Authority (the "Authority" or "TRA"), the voting panel assigned to this docket, at a regularly scheduled Authority Conference held on July 9, 2007 for consideration of the *Motion to Consolidate* ("*Motion*") filed by the Consumer Advocate and Protection Division of the Office of the Attorney General ("Consumer Advocate") on June 26, 2007.

BACKGROUND

The Authority has before it at this time three separate dockets initiated by Atmos Energy Company ("Atmos" or the "Company"). The filings by Atmos in each docket were made separate and independent of one another on different dates. Docket No. 07-00020 was opened on January 10, 2007 with the filing of proposed tariff changes to the Company's Transportation Service Schedule 260.[1] Docket No. 07-00081 was opened on March 29, 2007 upon the filing of a petition by Atmos seeking approval of a tariff which would establish an environmental cost

[1] *See In re: Tariff Filing to Modify and Add Language Regarding Transportation Service,* Docket No. 07-00020.

recovery rider.[2] On May 4, 2007, the instant docket was opened when Atmos filed a petition to increase rates and charges for natural gas services in the amount of $11 million dollars.

The Consumer Advocate's *Motion* requested that the Authority consolidate the three pending dockets. The Consumer Advocate argued that the issues are essentially the same as they involve general ratemaking and rate design issues.

On July 6, 2007, Atmos filed its *Opposition to Motion to Consolidate* for consideration by the Authority. Atmos argued that consolidating the dockets would result in a confusion of issues and proof. Also on that date, Atmos Intervention Group filed a letter notifying the Authority that it joins in the motion of the Consumer Advocate in support of consolidation of the dockets.

FINDINGS AND CONCLUSIONS

At the regularly scheduled Authority Conference held on July 9, 2007, the panel considered the *Motion* and the responses to the *Motion*. The panel found that consolidation would hamper efficiency, would not promote judicial economy or administrative economy and could lead to delays. The panel further found that the parties were near the end of discovery in Docket No. 07-00105 and that the other two dockets which the Consumer Advocate seeks to consolidate were in varying stages of pre-hearing preparation. Additionally, the panel found that there were different attorneys representing different parties in each of the dockets, and the issues were not all overlapping. Based upon these findings, the panel voted unanimously to deny the *Motion*.

[2] *See In re: Petition of Atmos Energy Corporation for Approval of Tariff Establishing Environmental Cost Recovery Rider,* Docket No. 07-00081.

IT IS THEREFORE ORDERED THAT:

The *Motion to Consolidate* filed by the Consumer Advocate and Protection Division of the Office of the Attorney General is denied.

Eddie Roberson, Chairman

* * *

Pat Miller, Director[3]

Sara Kyle, Director

[3] Director Miller voted in agreement with the other directors but resigned his position as Director before the issuance of this order.