

**IN THE TENNESSEE REGULATORY AUTHORITY
NASHVILLE, TENNESSEE**

IN RE:

**PETITION OF ATMOS ENERGY
CORPORATION FOR APPROVAL AND
ADJUSTMENT OF ITS RATES AND
REVISED TARIFF**

DOCKET NO. 07-00105

electronically filed 5/25/07 @ 1:58p

**CONSUMER ADVOCATE'S MEMORANDUM IN SUPPORT OF LEAVE TO SERVE
ADDITIONAL DISCOVERY REQUESTS**

TRA Rule 1220-1-2-.11 provides as follows:

No party shall serve on any other party more than forty (40) discovery requests including sub-parts without first having obtained leave of the Authority or a Hearing Officer. Any motion seeking permission to serve more than forty (40) discovery requests shall set forth the additional requests. The motion shall be accompanied by a memorandum establishing good cause for the service of additional interrogatories or requests for production. If a party is served with more than forty (40) discovery requests without an order authorizing the same, such party need only respond to the first forty (40) requests.

As cause for serving more than forty (40) discovery requests, the Consumer Advocate would show the following:

1. This is a complex rate case in which Atmos Energy Corporation ("Atmos", "Company") is seeking an increase of \$11,055,188.00. In order to adequately do its job of protecting the needs of Tennessee Consumers the Consumer Advocate needs to ask more than the garden variety 40 questions allowed for any case, no matter how large or small.

2. In addition to a standard rate increase, Atmos is proposing several new and potentially

controversial changes in rate making design and theory, such as a decoupling mechanism, and other proposals such as GTI funding.

3. In addition, the company may potentially field 15 witnesses in support of the proposed rate increase. Due to the volume of factual assertions and proposed issues contained within the pre-filed Direct Testimony of the company, the Consumer Advocate requires additional discovery requests.

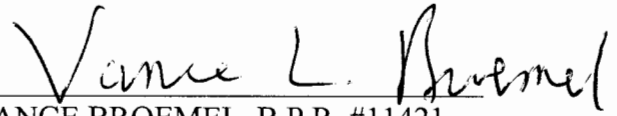
4. As matter of practice before the Tennessee Regulatory Authority (“TRA”) in all major rate cases, the discovery questions from the Consumer Advocate have exceeded 40 in number. This is so because a major rate case requires investigation and analysis of the cost and capital structure, investment, and rate design of a large public utility as well as its affiliates, a task that could hardly be accomplished on 40 questions alone. In recognition of the inherent complexity of rate-making and the analysis it requires, the TRA has allowed the Consumer Advocate to serve more than 40 discovery questions and have the Company reply with responses.

5. For example, in the Tennessee American Water case filed in 2003, TRA No. 03-00118, the Consumer Advocate submitted two sets of requests totaling 88 requests ($72+16=88$); with subparts these requests numbered approximately 188 ($129+59=188$).

6. In TRA Docket 03-00313 concerning a proposed Nashville Gas Company rate increase, the Consumer Advocate submitted 43 requests (83 with subparts). The TRA staff submitted 154 data requests.

7. The practice of allowing more than 40 discovery questions has continued when the need has arisen in recent rate case dockets.

RESPECTFULLY SUBMITTED,

A handwritten signature in black ink that reads "Vance L. Broemel". The signature is written in a cursive style with a horizontal line underneath the name.

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served via U.S. Mail or facsimile on May 25, 2007 to:

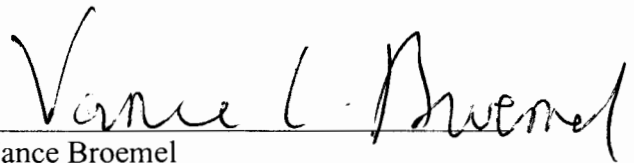
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