

**BEFORE THE TENNESSEE REGULATORY AUTHORITY**

**NASHVILLE, TENNESSEE**

**April 23, 2008**

**IN RE:**

**DOCKET TO EVALUATE ATMOS  
ENERGY CORPORATION'S GAS  
PURCHASES AND RELATED SHARING  
INCENTIVES**

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**DOCKET NO.  
07-00225**

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**ORDER ON SECOND STATUS REPORT REGARDING  
OUTSTANDING DISCOVERY ISSUES**

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This docket came before the Hearing Officer as a result of the filing of the *Second Status Report Regarding Outstanding Discovery Issues* filed on April 18, 2008.

In the *Order on February 29, 2008 Status Conference: Granting Extension and Suspending Procedural Schedule* issued on March 5, 2008, the parties were directed to file a status update by March 14, 2008. On March 14, 2008, the Consumer Advocate and Protection Division ("Consumer Advocate" or "CAD") filed a status report explaining that it has resolved differences with Atmos Energy Corporation ("Atmos") and is continuing to work with Atmos Energy Management, LLC ("AEM") on completing the first round of discovery. The Consumer Advocate noted that it would file any necessary motions with regard to discovery after completing its review of the materials provided by AEM and working with AEM. The Consumer Advocate requested that the Hearing Officer continue to hold the procedural schedule in abeyance pending the completion of the first round of discovery. The Consumer Advocate further explained that Atmos, AEM and the Atmos Intervention Group ("AIG") do not object to the Consumer Advocate's requests and that those entities will not file individual status updates.

On March 19, 2008, a *Notice of Filing* issued that provided that in the event that no further filings related to the completion of discovery are made prior to April 18, 2008, the parties are directed to file a second status update by April 18, 2008. The notice further provided that the second status update shall include a statement as to whether any discovery disputes remain outstanding, a proposed hearing process for resolving any outstanding discovery disputes, and a proposed date for a status conference to establish future procedural deadlines and dates.

On April 18, 2008, AEM filed the *Second Status Report Regarding Outstanding Discovery Issues* (“Second Status Report”), which the Consumer Advocate and Atmos approved. In the Second Status Report, AEM provides a narrative of the interactions between the parties and proposes a procedural schedule. Specifically, AEM explains that neither AIG nor Atmos have any outstanding issues with any other party and that the Consumer Advocate and AEM are continuing to work cooperatively on outstanding discovery disputes.<sup>1</sup> The schedule proposed in the Second Status Report provides:

- If necessary, the CAD will submit a motion to compel on or before 2:00 p.m. on May 2, 2008.
- If necessary, AEM will respond to any motion to compel filed by the CAD on or before 2:00 p.m. on May 8, 2008.
- If necessary, a Status Conference on any such motion to compel related to the CAD’s first round of discovery requests to AEM may be set, depending upon the Hearing Officer’s availability, on May 15, 2008, at 9:00 a.m.
- At the May 15, 2008, Status Conference, the Hearing Officer may set a future date for a Status Conference to establish future procedural deadlines and dates.
- If the CAD does not file a motion to compel related to its first discovery requests to AEM, the Status Conference to establish future procedural deadlines and dates may be set, depending upon the Hearing Officer’s availability, on May 15, 2008, at 9:00 a.m.<sup>2</sup>

Having reviewed the Second Status Report, I note my appreciation of the parties’ efforts to resolve their discovery disputes. Further, I find: (1) that no other party proposed an alternative

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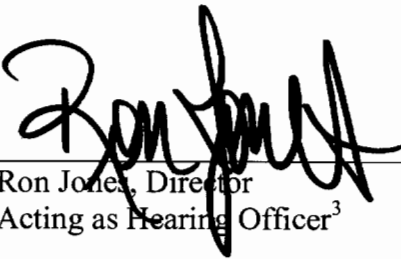
<sup>1</sup> *Second Status Report Regarding Outstanding Discovery Issues*, 1 (Apr. 18, 2008).

<sup>2</sup> *Id.* at 2.

procedural schedule and (2) that the procedural schedule proposed by AEM and agreed to by the Consumer Advocate and Atmos is reasonable. Therefore, I conclude that the proposed procedural schedule should be adopted.

**IT IS THEREFORE ORDERED THAT:**

The proposed procedural schedule as set forth in the *Second Status Report Regarding Outstanding Discovery Issues* filed on April 18, 2008, and contained herein is adopted.

  
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Ron Jones, Director  
Acting as Hearing Officer<sup>3</sup>

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<sup>3</sup> During the deliberations in Docket Nos. 05-00253 and 05-00258 on August 20, 2007, the panel voted to open a new docket and appointed Director Jones to serve as the Hearing Officer for the purposes of preparing the newly-opened docket for hearing by the panel. See Transcript of Authority Conference, pp. 36-50 (Aug. 20, 2007).