BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

December 21, 2007

IN RE:	)	
	)	**DOCKET NO.**
DOCKET TO EVALUATE ATMOS	)	**07-00225**
ENERGY CORPORATION'S GAS	)	
PURCHASES AND RELATED SHARING	)	
INCENTIVES	)	

ORDER ON DECEMBER 13, 2007 STATUS CONFERENCE

This docket came before the Hearing Officer at a Status Conference held on December 13, 2007, in order to: (1) finalize the issues list; (2) rule on the oral motion of Atmos Energy Corporation requesting that the Tennessee Regulatory Authority ("Authority") enter an order allowing it to defer the costs associated with litigating this docket; (3) set further dates in the procedural schedule; and (4) hear any other matters raised.

A *Notice of Status Conference* issued on December 5, 2007. The Status Conference began as noticed on December 13, 2007, at 9:00 a.m. in the Hearing Room of the Tennessee Regulatory Authority. The parties in attendance were as follows:

> **Atmos Energy Marketing, LLC ("AEM")** – Melvin J. Malone, Esq. and E. Todd Presnell, Miller & Martin PLLC, 1200 One Nashville Place, 150 4th Avenue North, Nashville, Tennessee, 37219;
> **Atmos Energy Corporation ("AEC")** – A. Scott Ross Esq., Neal & Harwell, 150 4th Avenue North, Suite 2000, Nashville, Tennessee, 37219;
> **Atmos Intervention Group ("AIG")** – Henry M. Walker, Esq., Boult, Cummings, Conners & Berry, PLC, 1600 Division Street, Suite 700, P.O. Box 340025, Nashville, Tennessee 37203;
> **Consumer Advocate and Protection Division of the Office of the Attorney General ("Consumer Advocate")** – Timothy Phillips, Esq. and Vance Broemel, Esq., Office of the Attorney General, P.O. Box 20207, Nashville, Tennessee, 37202; and

Stand Energy Corporation ("Stand") – D. Billye Sanders, Esq., Waller, Lansden, Dortch & Davis, LLP, 511 Union Street, Suite 2700, Nashville, Tennessee 37219.

I. THE ISSUES LIST

As required by the procedural schedule contained in the *Order on November 5, 2007 Pre-Hearing Conference*, the parties filed on November 19, 2007, comments with regard to the issues to be decided in this docket as well as comments as to whether any of the issues are legal and/or threshold issues. Having reviewed these comments, I find as follows. No party has argued in favor of deleting an issue listed in Attachment A to the *Order on November 5, 2007 Pre-Hearing Conference*. The Consumer Advocate argues for the addition of an issue "regarding the matching of natural gas sales with natural gas deliveries raised in the pre-filed Testimony of Steve Brown on De-Coupling Issues filed on August 20, 2007, in TRA Docket No. 07-00105."[1] However, the Consumer Advocate does not provide a specific statement of the issue. Stand argues for the addition of three issues:

1. "What assets (Firm Transportation and Storage) of the Atmos Energy Corporation does Atmos Energy Marketing use to serve gas transportation customers?";
2. "Are the transportation customers served by Atmos Energy Marketing charged the full costs of the capacity that is used to serve them? If the answer is no, who pays for the difference?"; and
3. "On Atmos Energy Corporation's peak day, what capacity does Atmos Energy Marketing use to service its transportation customers?"[2]

AEC did not object to the addition of the issues proposed by the Consumer Advocate or Stand and asserted certain defenses with regard to the resolution of the issues and available remedies.[3] During the November 5, 2007, Pre-Hearing Conference in this docket, AEC requested that the panel decide as an issue in this docket whether AEC may recover the costs of litigating this

[1] *Statement of Claims of the Consumer Advocate and Protection Division*, p. 4 (Nov. 19, 2007).
[2] *Stand Energy Corporation's Statement of Initial Claims, Proposed Issues, Classification of Issues and Responses to Atmos Energy Corporation's Motion to Defer Litigation Costs in this Docket*, p. 2 (Nov. 19, 2007).
[3] *Atmos Energy Corporation's Response to the November 19, 2007 Filings*, p. 2 (Dec. 3, 2007).

docket from ratepayers.[4] AEC did not provide a specific statement of the issue when it filed its response to the November 19, 2007, comments.

The Consumer Advocate asserts that there are no "threshold or legal issues identified so far that would affect the progression of this docket to resolution on its merits."[5] AIG opposes delaying the proceedings to resolve threshold issues.[6] Stand identifies a number of issues as threshold, but in each instance also identifies the same issues as factual issues.[7] Additionally, Stand identifies a number of issues as legal,[8] but does not assert that resolving what are considered to be the legal issues would or could dispose of the issues in this docket. AEC asserts that it "does not believe that there are any dispositive legal issues that should be resolved at the present time."[9]

Based on these findings, I conclude as follows. First, no issues will be deleted from the issues list provided as Attachment A to the *Order on November 5, 2007 Pre-Hearing Conference*. Second, the proposals to add issues should be accepted. The issues proposed by Stand, AEC and the Consumer Advocate shall be added to the issues list as worded.[10] A revised issues list is attached to this order as **Attachment A**. Third, when requesting the identification of threshold and/or legal issues, it was my intention that the parties would identify

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[4] Transcript of Proceedings, pp. 12-13, 35 (Nov. 5, 2007).
[5] *Statement of Claims of the Consumer Advocate and Protection Division*, p. 6 (Nov. 19, 2007).
[6] *Statement of Claims by Atmos Intervention Group*, p. 1 (Nov. 19, 2007).
[7] *Stand Energy Corporation's Statement of Initial Claims, Proposed Issues, Classification of Issues and Responses to Atmos Energy Corporation's Motion to Defer Litigation Costs in this Docket*, Attachment A (Nov. 19, 2007).
[8] *Id.*
[9] *Atmos Energy Corporation's Response to the November 19, 2007 Filings*, p. 2 (Dec. 3, 2007).
[10] During the December 13, 2007, Status Conference, the Consumer Advocate and AEC were directed to file a statement of their proposed issue by Monday, December 17, 2007. The Consumer Advocate words its issue(s) as follows: "Does the volume of natural gas delivered to Atmos Energy Corporation ("Atmos") reconcile to the volume of natural gas sold to Atmos's customers? If natural gas deliveries do not reconcile to natural gas sales should Atmos's customers pay for the costs of the natural gas commodity, natural gas storage, and/or natural gas transportation associated with any irreconcilable differences?" *Statement of Issue of the Consumer Advocate and Protection Division*, pp. 1-2 (Dec. 17, 2007). AEC words its issue as "[w]hether the litigation expenses incurred in this case by Atmos Energy Corporation may be recovered from ratepayers." *Statement of Additional Issue* (Dec. 18, 2007).

those issues that when resolved could dispose of a large part of the case or the case in its entirety. In my opinion, no party identified any such issues. Therefore, I conclude that all issues in this docket should proceed concurrently.

II. ORAL MOTION TO DEFER LITIGATION COSTS

During the Pre-Hearing Conference on November 5, 2007, Atmos made an oral motion requesting that the Authority enter an order allowing it to accumulate and to defer the litigation costs associated with this docket.[11] Atmos explained that obtaining an order allowing the deferral is a Generally Accepted Accounting Principles ("GAAP") requirement.[12] Atmos explained that Authority issuance of a deferral order is not a pronouncement as to whether the costs will be recoverable in the future. Atmos agreed that the determination of whether litigation costs are recoverable would be an issue for the hearing.[13] During the Pre-Hearing Conference, Atmos agreed to file the Financial Accounting Standards Board standard justifying Atmos' position.[14] On November 6, 2007, Atmos filed Financial Accounting Standard ("FAS") No. 71 and referenced paragraph 9 of the standard in support of its position.

In the *Order on November 5, 2007 Pre-Hearing Conference*, the parties were directed to file detailed objections to AEC's oral motion, if any, on November 19, 2007. The only party to object to the deferral was the Consumer Advocate, which claims that AEC's request is premature as the "Authority has made no determination as to whether Atmos will be allowed to recover the litigation costs from ratepayers."[15] Additionally, the Consumer Advocate has "no objection to Atmos's tracking and accumulating its litigation costs for this case."[16]

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[11] Transcript of Proceeding, p. 12 (Nov. 5, 2007 Pre-Hearing Conference).
[12] *Id.* at 35.
[13] *Id.* at 12-13, 35.
[14] *Id.* at 35.
[15] *Statement of Claims of the Consumer Advocate and Protection Division*, pp. 7-8 (Nov. 19, 2007).
[16] *Id.* at 7.

Based on a review of the parties' positions and FAS No. 71, I conclude that AEC should be permitted to accumulate and to defer its costs associated with this litigation. However, with emphasis and specificity, I note that this determination does not in any way resolve the issue of whether AEC may recover these costs in the future from ratepayers. Recovery is a determination that the panel will make at a later date. As an additional point, I note that it is my opinion that the provisions of FAS 71 paragraph 9 permitting a regulated utility to capitalize an incurred cost that would otherwise be expensed is an accounting determination to be made by the regulated utility. In other words, it remains for AEC to determine whether this ruling today satisfies either of the criteria listed in paragraph 9 thereby permitting AEC to capitalize a cost that would otherwise be expensed.

III. PROCEDURAL SCHEDULE

In the December 5, 2007, *Notice of Status Conference*, the parties were encouraged to discuss in advance of the Status Conference the resolution of the following discovery issues that were raised during the November 5, 2007, Pre-Hearing Conference:

1. the need for two discovery rounds prior to the filing of pre-filed direct testimony by the Consumer Advocate and Stand;
2. the number of discovery requests that the Consumer Advocate and Stand will be permitted to submit to AEC;
3. whether discovery requests that mirror a factual issue on the issues list should be counted against a party's allowed number of discovery requests; and
4. the scope of the subject of the questions to be asked as part of the second round of discovery propounded in advance of the pre-filed direct testimony.

Additionally, attached to the notice were two possible procedural schedules for the parties' consideration.

Through discussions held in advance of the Status Conference and the discourse during the Status Conference, the parties agreed to the resolution to the first discovery issue. Specifically, the Consumer Advocate, and AEC explained that they had engaged in discussions

concerning a procedural schedule and provided a copy of a proposed procedural schedule to the Hearing Officer. With regard to the first discovery issue, the schedule included three rounds of discovery. Stand noted that, although it had not been contacted by AEC, the Consumer Advocate had contacted Stand with regard to discovery related issues. All parties agreed to three rounds of discovery and agreed to the Consumer Advocate and AEC's proposed schedule in its entirety subject to verification of availability and to revisions to the resolution of motion to compel time intervals. The parties agreed to finalize the details of the procedural schedule and to submit an agreed schedule for my consideration. On December 20, 2007, the parties filed the agreed schedule. Having reviewed the schedule, I find that it is substantially similar to the schedule discussed at the Status Conference, affords adequate time for the resolution of the discovery disputes and is agreed to by all the parties. Based on these findings, I adopt the procedural schedule contained in the *Agreed Proposed Schedule* filed on December 20, 2007, and attach the schedule hereto as **Attachment B**.[17]

During the Status Conference, the parties also expressed agreement as to the fourth discovery issue, that is, the scope of the subject of the questions to be asked as part of the second round of discovery propounded in advance of the pre-filed direct testimony. During the November 5, 2007, Pre-Hearing Conference, AEC suggested that a second round of discovery that precedes the filing of pre-filed testimony would include only follow-up from the first round.[18] The Consumer Advocate responded that the second round would not be limited to follow-up.[19] During the Status Conference on December 13, 2007, all parties agreed that the scope of discovery requests should not be limited to follow-up.

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[17] Unless otherwise noticed or requested, as reflected in **Attachment B**, all status and pre-hearing conference will begin at 9:00 a.m.
[18] Transcript of Proceedings, pp. 16-17 (Nov. 5, 2007 Pre-Hearing Conference).
[19] *Id.* at 17-18.

Still outstanding, however, are the resolutions of the second and third discovery issues. With regard to the third issue, Stand raises a novel and intriguing proposition, that is, that the Authority not count a discovery request that mirrors a factual issue on the issues list against a party's allowed number of discovery requests. In opposition to this proposition, AEM asserts that this has never been done by the agency. AEC contends that the presence of factual issues on the issues list should not matter with regard to counting a party's allowable discovery requests and that Stand's proposal would lead to further disputes.

Having given great thought to Stand's proposition and the opposing comments, I have determined that the specific approach advocated should not be adopted, but that adopting a similar approach will facilitate discovery; perhaps, aid in reaching stipulations; avoid discovery disputes as described by AEC, and provide a single reference in the administrative record to AEC's position on the factual issues that are part of the issue list. To explain, there are issues included on the issues list that are purely factual. AEC is the source of the information needed to establish these facts or, at the very least, to begin the fact finding process. Thus, it is reasonable to conclude that each of the parties is likely to request responses to these issues. It is inefficient and duplicitous, in my opinion, to require each party to include these factual issues in its list of requests and to require AEC to provide multiple responses to the requests. Moreover, before a party can determine whether there is a factual dispute, each party must know AEC's position as to the factual issue and be able to review any underlying documentation supporting the position. Only after receiving such information will the parties will be better positioned to discuss whether these factual disputes exist and whether the parties can enter into stipulations as to each of the issues.

Based on these findings, I conclude that it is appropriate to require AEC to provide a single set of responses to the factual issues contained in the issues list attached hereto as **Attachment A**. In order to avoid the type of dispute described by AEC, I have reviewed the issues list to identify the factual issues. These issues are listed in **Attachment C** to this order. With regard to each of these issues, AEC shall file a statement of fact and any underlying documentation supporting the statement of fact. The filing shall be made contemporaneously with the filing of responses to other discovery requests on February 19, 2008.

Turning to the second discovery issue, the number of discovery requests, it is my opinion, that the resolution of this issue must take into consideration the arguments of the parties as well as the determination to require AEC to respond to the factual issues. The Consumer Advocate argues that it should be permitted to issue more than forty discovery requests. Stand argues that there should be no limit, and AIG contends that, at this time, there should not even be discussions as to setting limits on the number of requests. AEM responds by asserting that knowledge of the number of allowable discovery requests is important to a party's management of the litigation and that setting a specific number is consistent with the Authority's rules. AEC asserts that the parties should each be given less than one hundred (100) total requests.

The relevant Authority rule states:

> No party shall serve on any other party more than forty (40) discovery requests including subparts 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.[20]

[20] Tenn. Comp. R. & Regs. 1220-1-2-.11(5)(a) (July, 2006 (Rev.)).

I read in this rule a preference for having a set number of allowable requests as well as a preference for affording the responding party reasonable notice of how many requests to which it should anticipate responding. Given this reading of the rule, I must reject the positions set forth by AIG and Stand that either no limit should be set at this time or that the amount should be limitless.

Having reached this conclusion, the remaining issue is how many requests each party should be permitted to ask. The Authority's rule suggests that, absent a showing of good cause to the contrary, in any given contested case forty requests, including subparts, is sufficient and not unduly burdensome. In this instance, there is good cause for allowing requests in excess of forty. The issues in this case are complex and multi-faceted and many of the facts are yet to be revealed. Given this, it is my opinion that each party should be permitted to submit a total of 120 requests, including subparts, during the course of this case. Although this equates to an average of forty requests per discovery round, each party may apportion its allotment of requests to the three discovery rounds as it chooses. This conclusion offers the responding parties, primarily AEC and AEM, the opportunity to manage the discovery process, while providing the parties flexibility as to when and in what manner to submit discovery requests. Additionally, permitting each party to submit a total of 120 requests, including subparts, and to receive the responses required by the determination herein of the third discovery issue offers parties significant relief from the forty question limit in the Authority's rule. At the same time, the protracted procedural schedule agreed to by the parties and the multiple, intermittent rounds of discovery, mitigate the burden on a responding party of compiling responses to numerous discovery requests.

IV. OTHER MATTERS

No other matters were raised during the Status Conference.

IT IS THEREFORE ORDER THAT:

1. The issues list attached hereto as **Attachment A** is adopted and all issues listed therein shall be heard concurrently.

2. The procedural schedule attached hereto as **Attachment B** is adopted. All filings shall be made by 2:00 p.m. on the date due as required by Authority Rule 1220-1-1-.11(1).

3. Atmos Energy Corporation shall file statements of fact and provide any underlying documentation supporting the statement of fact for each issue listed in **Attachment C** by **Tuesday, February 19, 2008**.

4. Each party shall be permitted to submit a total of 120 discovery requests, including subparts, to each party and may apportion the requests to the three rounds of discovery as the party chooses.

Ron Jones, Director
Acting as Hearing Officer[21]

[21] 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).

Docket No. 07-00225 –Issues List

1. How is Atmos Energy Corporation compensated for the sale, lease, or release of capacity and is that compensation fair to consumers?
   a. What is the bidding process for the sale, lease, or release of capacity?
   b. What asset management arrangements or contracts are or have been in place with regard to capacity?
   c. How are FERC-mandated payments handled?
2. What exactly is the amount of total capacity and what amount of capacity is available for the sale, lease, or release to third parties or affiliates or divisions of Atmos Energy Corporation?
   a. What is the appropriate level of capacity?
   b. What has been the record of capacity planning in the past?
   c. What are the future plans?
3. What is the relation between Atmos Energy Corporation and Atmos Energy Marketing and any other affiliate or division of Atmos Energy Corporation?
   a. the appropriate relation between parent and affiliate or division
   b. communications between parent and affiliate or division
   c. the number of overlapping employees
   d. the record keeping of the parent and affiliate or division
4. Are consumers receiving fair compensation for the assets related to the sale, lease, or release of capacity for which they have paid?
5. Does the Tennessee Regulatory Authority have the authority to impute to Atmos Energy Corporation all or a portion of the profits Atmos Energy Corporation's separate, non-regulated affiliate corporation, Atmos Energy Marketing, generates through its management of Atmos Energy Corporation's idle gas supply assets?
   a. If yes, may the Tennessee Regulatory Authority impute those profits to lower Atmos Energy Corporation's revenue requirement for base rates even though the assets are part of Atmos Energy Corporation's gas supply procurement activities, which under established Tennessee Regulatory Authority policy are separately regulated through the Purchased Gas Adjustment mechanism, and not through base rates?
   b. If the Tennessee Regulatory Authority imputes Atmos Energy Marketing asset management profits to lower Atmos Energy Corporation's revenue requirement for base rates, must the Tennessee Regulatory Authority treat other similarly situated gas companies in a like manner? Can such imputation be accomplished in a contested case, or is a rulemaking required?
   c. Does the Tennessee Regulatory Authority have the authority to impute Atmos Energy Marketing's asset management profits to Atmos Energy Corporation even though there is no requirement for gas companies to engage in asset management?
   d. If the Tennessee Regulatory Authority's results in a decision by Atmos Energy Marketing to exercise its right to terminate its asset management contract with Atmos Energy

Corporation, can the Tennessee Regulatory Authority order Atmos Energy Corporation to engage in asset management itself? If so, how will the Tennessee Regulatory Authority provide for Atmos Energy Corporation to recover the costs of engaging in those activities, and how will the Tennessee Regulatory Authority monitor Atmos Energy Corporation's compliance? Would prudency audits be required?

e. If the Tennessee Regulatory Authority orders that a portion of the Atmos Energy Marketing asset management profits be imputed to Atmos Energy Corporation, how will the agency determine what percentage of Atmos Energy Marketing revenues are derived from the Atmos Energy Corporation regulated Tennessee assets, versus what percentage are derived from Atmos Energy Corporation regulated assets in other states, or from Atmos Energy Marketing's own separately owned assets?

f. If the Tennessee Regulatory Authority orders that a portion of the Atmos Energy Marketing asset management profits be imputed to Atmos Energy Corporation, how will the agency determine the portion of Atmos Energy Marketing revenues that constitute profit and what portion Atmos Energy Marketing must use to meet the costs it incurs?

g. What constitutes retroactive ratemaking?

h. If the Tennessee Regulatory Authority orders that a portion of the Atmos Energy Marketing asset management profits be imputed to Atmos Energy Corporation, how will the Tennessee Regulatory Authority determine this amount consistent with the prohibition against retroactive ratemaking? Would the Tennessee Regulatory Authority have to reach a determination as to the amount of profit Atmos Energy Marketing will make in a particular future time period? If the Tennessee Regulatory Authority orders that a percentage of the Atmos Energy Marketing profits be imputed to Atmos Energy Corporation, how will the Tennessee Regulatory Authority monitor compliance? Would it require regular audits from Tennessee Regulatory Authority Staff? Does the Tennessee Regulatory Authority have the authority to audit non-regulated affiliates such as Atmos Energy Marketing?

6. Did Atmos Energy Corporation comply with the Guidelines for Affiliate Transactions entering into the existing asset management contract with Atmos Energy Marketing? If so, does the Tennessee Regulatory Authority have the Authority to invalidate the existing contract or change the terms of the existing contract? If the contract is invalidated, is Atmos Energy Marketing entitled to a refund of all or a portion of the annual lump sum fee it pays under the contract for the right to manage Atmos Energy Corporation's assets that is currently flowed through 100% to consumers?

7. Should Atmos Energy Corporation share in the lump sum fee it receives from Atmos Energy Marketing under the terms under the asset management contract through its existing Performance Based Ratemaking ("PBR") plan? If so, how would such a change affect the balance of incentives in the current PBR plan? If the Tennessee Regulatory Authority orders that all or a portion of Atmos Energy Marketing asset management profits be imputed to Atmos Energy Corporation, how would the balance of the incentives in the current PBR be affected? Would such action render the PBR plan ineffective or invalid? Would such action require reversal of the Authority's orders in the PBR dockets?

8. Whether Atmos Energy Corporation has oversubscribed to storage and capacity assets to handle the Company's jurisdictional requirements?

9. Whether Atmos Energy Corporation is currently utilizing its gas storage assets to maximize benefits to ratepayers?

10. What assets (Firm Transportation and Storage) of the Atmos Energy Corporation does Atmos Energy Marketing use to serve gas transportation customers?
11. Are the transportation customers served by Atmos Energy Marketing charged the full costs of the capacity that is used to serve them? If the answer is no, who pays for the difference?
12. On Atmos Energy Corporation's peak day, what capacity does Atmos Energy Marketing use to service its transportation customers?
13. Does the volume of natural gas delivered to Atmos Energy Corporation reconcile to the volume of natural gas sold to Atmos Energy Corporation's customers? If natural gas deliveries do not reconcile to natural gas sales should Atmos Energy Corporation's customers pay for the costs of the natural gas commodity, natural gas storage, and/or natural gas transportation associated with any irreconcilable differences?
14. Whether the litigation expenses incurred in this case by Atmos Energy Corporation may be recovered from ratepayers?

Docket No. 07-00225 – Procedural Schedule

Action	Date
1st Round Discovery Requests Due	December 28, 2007
Status Conference on Protective Order at 9:00 a.m. (if necessary)	January 11, 2008
1st Round Discovery Responses and Objections Due	February 19, 2008
1st Round Motions to Compel Due	February 25, 2008
1st Round Responses to Motions to Compel Due	February 27, 2008
Status Conference on 1st Round Motions to Compel at 9:00 a.m. (if necessary)	February 29, 2008
1st Round Supplemental Discovery Responses Due	March 7, 2008
Pre-Filed Direct Testimony of CAPD, Stand and AIG Due	March 27, 2008
2nd Round Discovery Requests Due	April 3, 2008
2nd Round Discovery Responses and Objections Due	April 23, 2008
2nd Round Motions to Compel Due	April 28, 2008
2nd Round Responses to Motions to Compel Due	April 30, 2008
Status Conference on 2nd Round Motions to Compel at 9:00 a.m. (if necessary)	May 2, 2008
2nd Round Supplemental Discovery Responses Due	May 9, 2008
Pre-Filed Direct and Rebuttal Testimony of AEC and AEM Due	May 27, 2008
3rd Round Discovery Requests Due	June 4, 2008
3rd Round Discovery Responses and Objections Due	June 27, 2008
3rd Round Motions to Compel Due	July 3, 2008
3rd Round Responses to Motions to Compel Due	July 8, 2008
Status Conference on 3rd Round Motions to Compel at 9:00 a.m. (if necessary)	July 10, 2008
3rd Round Supplemental Discovery Responses Due	July 17, 2008
Pre-Filed Rebuttal Testimony of CAPD, Stand and AIG Due	August 1, 2008
Exchange and Filing of Hearing Exhibits	August 8, 2008
Objections to Hearing Exhibits Due	August 13, 2008
Pre-Hearing Conference at 9:00 a.m. (if necessary)	August 15, 2008
Hearing on the Merits by the Panel	Late 8/08 (subject to panel availability)
Post-Hearing Briefs (with cited authorities attached)	Mid 9/08
Final Decision	10/08 (subject to panel approval)

Docket No. 07-00225 – Factual Issues List

1. How is Atmos Energy Corporation compensated for the sale, lease, or release of capacity?
2. What is the bidding process for the sale, lease, or release of capacity?
3. What asset management arrangements or contracts are or have been in place with regard to capacity?
4. How are FERC-mandated payments handled?
5. What exactly is the amount of total capacity?
6. What amount of capacity is available for the sale, lease, or release to third parties or affiliates or divisions of Atmos Energy Corporation?
7. What has been the record of capacity planning in the past?
8. What are the future plans of capacity planning?
9. What is the relation between Atmos Energy Corporation and Atmos Energy Marketing and any other affiliate or division of Atmos Energy Corporation?
10. What is the communications between parent and affiliate or division?
11. What is the number of overlapping employees?
12. What is the record keeping of the parent and affiliate or division?
13. What assets (Firm Transportation and Storage) of the Atmos Energy Corporation does Atmos Energy Marketing use to serve gas transportation customers?
14. On Atmos Energy Corporation's peak day, what capacity does Atmos Energy Marketing use to service its transportation customers?