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BEFORE THE TENNESSEE REGULATORY AUTHORITY
NASHVILLE, TENNESSEE

2008 MAY 12 PM 3:14
T.R.A. DOCKET ROOM

IN RE:)	
)	
PETITION OF ATMOS ENERGY CORPORATION)	DOCKET NO.
FOR A WAIVER TO PERMIT THE LIMITED USE)	07-00251
OF POLYETHYLENE PIPING)	

AFFIDAVIT OF LARRY BORUM

STATE OF TENNESSEE

DAVIDSON COUNTY

Larry Borum, being first duly sworn state as follows:

1. I, Larry Borum, am Chief of Gas Pipeline Safety Division of the Tennessee Regulatory Authority ("TRA").
2. I have a Bachelor of Science degree in Civil Engineering from Tennessee Technological University. I have been licensed to practice engineering in the State of Tennessee since November 6, 1975 and have worked for the Tennessee Regulatory Authority, Gas Pipeline Safety Division since August 1, 2004.
3. I have approximately thirty-five (35) years of experience in the design and construction inspection of civil projects including natural gas, water, sanitary sewer and storm sewer improvement projects.
4. I have reviewed the *Amended Petition* filed by Atmos Energy Corporation ("Atmos") in this docket and have discussed the nature and substance of the the waiver request with Mr. Richard Sanders of the Pipeline and Hazardous Materials Safety Administration of the Department of Transportation (PHMSA/DOT) and Mr. Hitesh Patadia of the Gas Technology Institute on numerous occasions. I have also consulted with PHMSA/DOT on the appropriateness of granting this waiver.

5. After reviewing the request and supporting documentation, along with the Minimum Federal Safety Standards (MFSS), I am of the opinion that the request complies with appropriate parts of the MFSS and I am supportive of approval of the request.

6. I am of the opinion that an approval of the waiver request should include three conditions as follows:

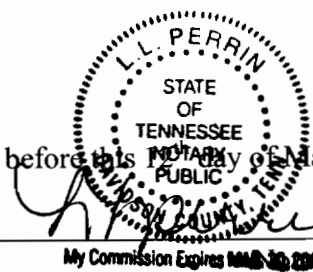
- (1) Operation at the installed pressure of any distribution pipe installed under this waiver would be allowed to continue, unless the joint industry steering committee of the Increase in Design Factor (IDF) program determines that in-service operating experience does not warrant continued efforts relating to future rule-making initiatives by the DOT in the area of an increased design factor. At that time, future operating conditions of the subject distribution pipe would be based on direction from the IDF joint industry steering committee and the TRA.
- (2) Atmos will perform testing of samples (pipe and fittings) removed from two (2) of the sites of installation after two (2) years and after seven (7) years of service life. The testing will include various industry accepted tests including, but not limited to, material property characterization tests and long term performance tests as agreed upon by the joint industry steering committee and the TRA. All test data shall be made available to the TRA.
- (3) Atmos will monitor and record the internal pressure on the pipe on a continuous basis at the two locations where samples will be removed for testing under Item 2.

7. I have discussed the three conditions in the above paragraph with Earnest Napier, P.E. of Atmos Energy Corporation and he has agreed to the above conditions as a part of the waiver. Atmos is also cognizant of the fact that any approval of its waiver request is subject to review by PHMSA/DOT after action by the Tennessee Regulatory Authority.

FURTHER THE AFFIANT SAYETH NOT:


Larry Bottom

Subscribed and sworn to me before this 10th day of May, 2008.


My Commission Expires March 20, 2010

My Commission expires on the 20th day of March, 2010.