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BEFORE THE TENNESSEE REGULATORY AUTHORITY

T.R.A. DOCKET ROOM

NASHVILLE, TENNESSEE

February 19, 2009

IN RE:

ATMOS ENERGY CORPORATION

ACTUAL COST ADJUSTMENT ("ACA") AUDIT

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) **Docket No. 08-00172**

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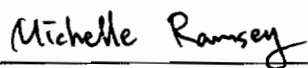
**NOTICE OF FILING BY THE UTILITIES DIVISION OF THE TENNESSEE
REGULATORY AUTHORITY**

Pursuant to Tenn. Code Ann. §§65-4-104, 65-4-111 and 65-3-108, the Utilities Division of the Tennessee Regulatory Authority ("Authority") hereby gives notice of its filing of the Compliance Audit Report of the Actual Cost Adjustment Audit (hereafter "ACA") component of the Purchased Gas Adjustment Rule for Atmos Energy Corporation (the "Company") in this docket and would respectfully state as follows:

1. The present docket was opened by the Authority to hear matters arising out of the audit of the Company's ACA filing for the period July 1, 2007 through June 30, 2008.
2. The Company's ACA filing was received on September 10, 2008, and the Staff completed its audit of same on January 27, 2009.
3. On January 28, 2009, the Utilities Division submitted its preliminary ACA audit findings to the Company via e-mail. The Company responded on January 29, 2009 via e-mail and this response has been incorporated into the final report. The Report is attached hereto as Exhibit A and is fully incorporated herein by this reference.

4. The Utilities Division hereby files its Report with the Tennessee Regulatory Authority for deposit as a public record and approval of the Report and the recommendations contained therein.

Respectfully Submitted:



Michelle Ramsey
Utilities Division of the
Tennessee Regulatory Authority

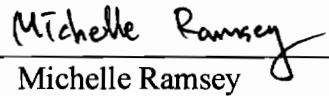
CERTIFICATE OF SERVICE

I hereby certify that on this 19th day of February, 2009, a true and exact copy of the foregoing has been either hand-delivered or delivered via U.S. Mail, postage pre-paid, to the following persons:

Eddie Roberson
Chairman
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, TN 37243

Ms. Patricia Childers
Vice President of Rates and Regulatory Affairs
Atmos Energy Corporation
810 Crescent Centre Dr., Suite 600
Franklin, TN 37067

Mr. Edwin Wilkens
Senior Rate Analyst
Atmos Energy Corporation
P.O. Box 650205
Dallas, TX 75265-0205


Michelle Ramsey

COMPLIANCE AUDIT REPORT
OF
ATMOS ENERGY CORPORATION
ACTUAL COST ADJUSTMENT
DOCKET NO. 08-00172

PREPARED BY
TENNESSEE REGULATORY AUTHORITY
UTILITIES DIVISION
February 2009

EXHIBIT A

COMPLIANCE AUDIT
ATMOS ENERGY CORPORATION
ACTUAL COST ADJUSTMENT
DOCKET NO. 08-00172
TABLE OF CONTENTS

	<u>PAGE NO.</u>
I. INTRODUCTION	1
II. AUDIT OPINION	1
III. SUMMARY OF COMPANY FILING	1
IV. DESCRIPTION OF THE PURCHASED GAS ADJUSTMENT RULE	2
V. SCOPE OF ACTUAL COST ADJUSTMENT AUDIT	3
VI. BACKGROUND INFORMATION ON COMPANY AND GAS SUPPLIERS	3
VII. JURISDICTION OF THE TENNESSEE REGULATORY AUTHORITY	4
VIII. ACA FINDINGS	5
IX. STAFF CONCLUSIONS AND RECOMMENDATIONS	7
APPENDIX A	8

I. INTRODUCTION

The subject of this audit is Atmos Energy Corporation's ("Company" or "Atmos") compliance with the Actual Cost Adjustment and Refund Adjustment of the Purchased Gas Adjustment Rule ("PGA Rule") of the Tennessee Regulatory Authority ("TRA" or the "Authority"). The objective of the audit is to determine whether the Purchased Gas Adjustments, which are encompassed by the Actual Cost Adjustment ("ACA") as more fully described in Section IV, for the year ended June 30, 2008 are calculated correctly and are supported by appropriate source documentation.

II. AUDIT OPINION

The Audit Staff ("Staff") concludes that, except for the finding noted in Section VIII, the Purchased Gas Adjustment mechanism as calculated in the Actual Cost Adjustment appears to be working properly and in accordance with the TRA rules for Atmos Energy Corporation. The amount of the findings contained herein is not material with respect to the total gas costs.

III. SUMMARY OF COMPANY FILING

The Company filed its annual report of the transactions in the Deferred Gas Costs Account ("ACA Account") for its Tennessee service areas on September 10, 2008. This ACA filing showed \$130,250,740 in total gas costs, with \$119,523,891 being recovered from customers through rates. Adding a beginning balance in the ACA account of negative \$10,667,919 in net over-recovered gas costs from the preceding ACA period and interest due to customers for the current period of \$218,439 resulted in an ACA Account balance at June 30, 2008 of negative \$159,509 in over-recovered gas costs.¹

ATMOS ENERGY CORPORATION SUMMARY OF ACA FILING FOR PERIOD JULY 2007-JUNE 2008

<u>Line</u>		<u>Union City</u>	<u>Other TN Towns</u>	<u>Total</u>
1	Beginning Balance (July 2007)	\$(743,105.16)	\$(9,924,813.47)	\$(10,667,918.63)
2	Purchased Gas Costs	3,663,986.33	126,586,753.54	130,250,739.87
3	Gas Costs recovered through rates	2,559,441.08	116,964,450.04	119,523,891.12
4	Interest on monthly balances	<u>(12,998.89)</u>	<u>(205,439.76)</u>	<u>(218,438.65)</u>
5	Ending Balance (June 2008) (Line 1 + Line 2 – Line 3 + Line 4)	<u>\$ 348,441.20</u>	<u>\$ (507,949.73)</u>	<u>\$ (159,508.53)</u>

**A number in () is a negative or credit balance which represents an over-collection of gas costs.

¹ The filing was comprised individually of a \$348,441 under-recovered balance in the Union City service area and a \$507,950 over-recovered balance in the remaining Tennessee towns service area.

The Company made a filing, effective October 1, 2008, to begin distributing the balance in the ACA Account as of June 30, 2008. Customers in Union City receive a surcharge and customers in other Tennessee towns receive a refund. Staff's findings resulting from this audit are described in detail in Section VIII of this report.

IV. DESCRIPTION OF PURCHASED GAS ADJUSTMENT RULE

Actual Cost Adjustment Audits:

The PGA Rule can be found in Chapter 1220-4-7 of the Rules of the Tennessee Regulatory Authority. The PGA Rule permits a gas company to recover, in a timely manner, the total cost of gas purchased for delivery to its customers and to assure that a company does not over-collect or under-collect gas costs from its customers. The PGA Rule consists of three major components:

- 1. The Actual Cost Adjustment (ACA)**
- 2. The Gas Charge Adjustment (GCA)**
- 3. The Refund Adjustment (RA)**

The ACA is the difference between the revenues billed customers by means of the GCA and the cost of gas invoiced the Company by suppliers plus margin loss (if allowed by order of the TRA in another docket) as reflected in the Deferred Gas Cost account. The ACA then "true-up" the difference between the actual gas costs and the gas costs recovered from customers through a surcharge or a refund. The RA refunds the "true-up" along with other supplier refunds. For a more complete definition of the GCA and RA, please see the PGA Formula in Appendix A.

Section 1220-4-7-.03(2) of the PGA Rule requires:

Each year, the Company shall file with the [Authority] an annual report reflecting the transactions in the Deferred Gas Cost Account. Unless the [Authority] provides written notification to the Company within one hundred eighty (180) days from the date of filing the report, the Deferred Gas Cost Adjustment Account shall be deemed in compliance with the provisions of these Rules. This 180 day notification period may be extended by mutual consent of the Company and the [Authority] Staff or by order of the [Authority].

Prudence Audit of Gas Purchases:

Section 1220-4-7-.05 of the PGA Rule requires, unless otherwise ordered by the Authority, an "Audit of Prudence of Gas Purchases" by a qualified consultant. This specialized audit evaluates and reports annually on the prudence of any gas costs

included in the PGA. In Docket 97-01364, Atmos Energy was authorized to operate under a Performance-Based Ratemaking Mechanism ("PBR"), beginning April 1, 1999, and continuing each year unless terminated by the Company or the Authority. For each year that the mechanism is in effect, the requirements of Section 1220-4-7-.05 of the PGA Rule is waived.

V. SCOPE OF ACTUAL COST ADJUSTMENT AUDIT

The ACA audit is a limited compliance audit of the Company's ACA Account. The audit goal is to verify that the Company's calculations of gas costs incurred and recovered were materially correct,² and that the Company is following all Authority orders and directives with respect to its calculation of the ACA Account balance. Also included in this audit is the Company's PGA filing implementing a net refund of the ACA Account balance, effective October 1, 2008. Refer to the ACA Account detail provided in Section III, Summary of Company Filing.

To accomplish the audit goal, Audit Staff reviewed gas supply invoices, as well as supplemental schedules and other source documentation provided by Atmos. Where appropriate, Staff requested additional information to clarify the filing.

VI. BACKGROUND INFORMATION ON COMPANY AND GAS SUPPLIERS

Atmos Energy Corporation, with its corporate headquarters located in Dallas, Texas, has its local offices in Franklin, Tennessee. On October 4, 2002, the Company filed tariffs to officially change its name from United Cities Gas Company to Atmos Energy Corporation. Atmos is a multi-state gas distributor, providing service to customers in twelve cities and surrounding areas in Tennessee. The natural gas used to serve these areas is purchased from four natural gas pipelines in accordance with separate and individual tariffs approved by the Federal Energy Regulatory Commission (FERC). The interstate pipelines are Tennessee Gas Pipeline (TGP), East Tennessee Natural Gas (ETNG), Texas Gas Transmission Corporation (TGTC), and Texas Eastern Transmission Corporation (TETC).

TGP and ETNG provide service to east Tennessee towns, which include Columbia, Shelbyville, Maryville, Morristown, Elizabethton, Greeneville, Johnson City, Kingsport, Bristol and adjacent areas in Maury, Bedford, Moore, Blount, Hamblen, Sullivan, Carter, Washington, and Greene Counties.

TETC provides service to Atmos in Murfreesboro and Franklin and adjacent areas in Rutherford and Williamson Counties. TGTC provides service to Atmos in Union City and adjacent areas in Obion County.

² The audit goal is not to guarantee that the Company's results are 100% correct. Where it is appropriate, Staff utilizes sampling techniques to determine whether the Company's calculations are materially correct. Material discrepancies would dictate a broadening of the scope of Staff's review.

VII. JURISDICTION OF THE TENNESSEE REGULATORY AUTHORITY

Tennessee Code Annotated (T.C.A.) gave jurisdiction and control over public utilities to the Tennessee Regulatory Authority. T.C.A. §65-4-104 states that:

The [A]uthority has general supervisory and regulatory power, jurisdiction, and control over all public utilities, and also over their property, property rights, facilities, and franchises, so far as may be necessary for the purpose of carrying out the provisions of this chapter.

Further, T.C.A. §65-4-105 grants the same power to the Authority with reference to all public utilities within its jurisdiction as chapters 3 and 5 of Title 65 of the T.C.A. have conferred on the Department of Transportation's oversight of the railroads or the Department of Safety's oversight of transportation companies. By virtue of T.C.A. §65-3-108, this power includes the right to audit:

The department is given full power to examine the books and papers of the companies, and to examine, under oath, the officers, agents, and employees of the companies and any other persons, to procure the necessary information to intelligently and justly discharge its duties and carry out the provisions of this chapter and chapter 5 of this title.

The TRA's Utilities Division is responsible for auditing those gas, electric, and water companies under its jurisdiction, to ensure that each company is abiding by Tennessee statute as well as the Rules and Regulations of the Authority. Michelle Ramsey of the Utilities Division conducted this audit.

VIII. ACA FINDINGS

Staff's audit findings totaled a **net under-recovery of \$159.82**. This amount represents a reduction of the Company's reported over-recovered amount of \$159,508.53 by this amount. The result is a net ending balance in the ACA account of a **negative \$159,348.71 in over-recovered gas costs**. A summary of the ACA account as filed by the Company and as adjusted by the Staff is shown below, followed by a description of the findings.

SUMMARY OF THE ACA ACCOUNT**:

<u>Line</u>		<u>Atmos Combined Filing</u>	<u>Staff Audit Results</u>	<u>Difference (Findings)</u>
1	Adj. Beginning Balance (July 2007)	\$ (10,667,918.63)	\$ (10,667,918.63)	\$ 0.00
2	Purchased Gas Costs (Commodity plus Demand)	130,250,739.87	130,250,739.87	0.00
3	Gas Costs recovered through rates	119,523,891.12	119,523,891.12	0.00
4	Interest on monthly balances	<u>(218,438.65)</u>	<u>(218,278.83)</u>	<u>159.82</u>
5	Ending Balance (June 2008) (Line 1 + Line 2 – Line 3 + Line 4)	<u>\$ (159,508.53)</u>	<u>\$ (159,348.71)</u>	<u>\$ 159.82</u>

**A number in () is a negative or credit balance which represents an over-collection of gas costs.

SUMMARY OF FINDINGS:

See page

FINDING #1	Interest Expense	<u>\$ 159.82</u>	Under-recovery 6
	Net Result	<u>\$ 159.82</u>	Under-recovery

FINDING #1:

Exception

The Company overstated its Interest Due to Customers by a total of **\$159.82**.

Discussion

The Company's Interest calculation for Union City did not reflect the prior years' ACA finding of \$1,955.80. Staff recalculated interest based upon the adjusted beginning balance of \$(743,105.16). Therefore, interest due to customers is reduced by **\$159.82 for the Union City filing**.

Company Response

Atmos agrees with this finding.

IX. STAFF CONCLUSIONS AND RECOMMENDATIONS

Staff reviewed the gas costs and recoveries of Atmos Energy Corporation for the 12-month period ended June 30, 2008. As reported in the body of this report, Staff concludes that the Purchased Gas Adjustment mechanism, as calculated in the Actual Cost Adjustment, appears to be working properly and in accordance with the TRA rules for Atmos. Staff's audit procedures revealed one monetary finding reported in Section VIII, with which the Company concurs. Based on the Company's filing and the audit adjustments by Staff, the **net balance** in the ACA Account as of June 30, 2008 was a **negative \$159,348.71**. This means that as of June 30, 2008 the Company had over-collected this amount from its customers. The net balance is composed of a **total under-collection from Union City customers of \$348,601.02 and a total over-collection from customers in Other Tennessee towns of negative \$507,949.73**. Staff recommends approval of the Company's adjusted ACA Account balances.

Included in this filing is the asset management payment of \$1,251,000 from the Company's affiliate asset manager Atmos Energy Marketing (AEM).³ Using the established allocation percentage between Tennessee and Virginia, Atmos credited \$801,000 to Tennessee ratepayers and \$450,000 to Virginia ratepayers. The \$801,000 to Tennessee was further allocated between Union City customers and other Tennessee towns customers.

Staff Recommendations

Staff recommends that the TRA approve the Company's ACA Account balance at June 30, 2008, as restated by Staff.

Staff intends to propose a different presentation format to Atmos for use in future ACA audit filings. The change in format will not alter the underlying information and Staff believes the change will be easy for the Company to implement. This change will standardize the format used by all three major gas companies and contribute to greater efficiency in auditing by the Audit Staff. Also, conformity will make it easier to train future TRA auditors. At the earliest convenience for Staff and Atmos personnel, Staff intends to schedule a meeting to discuss these proposed changes.

³ The asset management payment is the amount received by Atmos from its affiliate asset manager Atmos Energy Marketing (AEM) for the use of the Company's assets, some of which were paid for by both Tennessee and Virginia customers. The contract establishing the asset manager and the related payment, effective April 1, 2008 was approved by the TRA in Docket No. 08-00024.

APPENDIX A

PGA FORMULA

The computation of the GCA can be broken down into the following formulas:

$$\text{Firm GCA} = \frac{D + \text{DACA}}{\text{SF}} - \text{DB} + \frac{P + T + \text{SR} + \text{CACA}}{\text{ST}} - \text{CB}$$

$$\text{Non-Firm GCA} = \frac{P + T + \text{SR} + \text{CACA}}{\text{ST}} - \text{CB}$$

where

GCA = The Gas Charge Adjustment in dollars per Ccf/Therm, rounded to no more than five decimal places.

D = The sum of all fixed Gas Costs.

DACA = The demand portion of the ACA.

P = The sum of all commodity/gas charges.

T = The sum of all transportation charges.

SR = The sum of all FERC approved surcharges.

CACA = The commodity portion of the ACA.

DB = The per unit rate of demand costs or other fixed charges included in base rates in the most recently completed general rate case (which may be zero if the Company so elects and the Commission so approves).

CB = The per unit rate of variable gas costs included in base rates in the most recently completed general rate case (which may be zero if the Company so elects and the Commission so approves).

SF = Firm Sales.

ST = Total Sales.

The computation of the RA can be computed using the following formulas:

$$\text{Firm RA} = \frac{\text{DR1} - \text{DR2}}{\text{SFR}} + \frac{\text{CR1} - \text{CR2} + \text{CR3} + i}{\text{STR}}$$

$$\text{Non-Firm RA} = \frac{\text{CR1} - \text{CR2} + \text{CR3} + i}{\text{STR}}$$

where

- RA = The Refund Adjustment in dollars per Ccf/Therm, rounded to no more than five decimal places.
- DR1 = Demand refund not included in a currently effective Refund Adjustment, and received from suppliers by check, wire transfer, or credit memo.
- DR2 = A demand surcharge from a supplier not includable in the GCA, and not included in a currently effective Refund Adjustment.
- CR1 = Commodity refund not included in a currently effective Refund Adjustment, and received from suppliers by check, wire transfer, or credit memo.
- CR2 = A commodity surcharge from a supplier not includable in the GCA, and not included in a currently effective Refund Adjustment.
- CR3 = The residual balance of an expired Refund Adjustment.
- i = Interest on the "Refund Due Customers" account, using the average monthly balances based on the beginning and ending monthly balances. The interest rates for each calendar quarter used to compute such interest shall be the arithmetic mean (to the nearest one-hundredth of one percent) of the prime rate value published in the "Federal Reserve Bulletin" or in the Federal Reserve's "Selected Interest Rates" for the 4th, 3rd, and 2nd months preceding the 1st month of the calendar quarter.

SFR = Firm sales as defined in the GCA computation, less sales under a transportation or negotiated rate schedule.

STR = Total sales as defined in the GCA computation, less sales under a transportation or negotiated rate schedule.