

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

March 1, 2010

IN RE:

**ATMOS ENERGY'S TENNESSEE AND
UNION CITY TENNESSEE 2008-2009
ACA FILING**

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**DOCKET NO.
09-00123**

**ORDER ADOPTING ACA AUDIT REPORT OF
TENNESSEE REGULATORY AUTHORITY'S UTILITIES DIVISION**

This matter came before Director Mary W. Freeman, Director Eddie Roberson, and Director Kenneth C. Hill of the Tennessee Regulatory Authority (the "Authority" or "TRA"), the voting panel assigned to this Docket, at a regularly scheduled Authority Conference held on February 22, 2010, for consideration of the report of the Authority's Utilities Division (the "Staff") resulting from the Staff's audit of Atmos Energy Corporation's ("Atmos" or the "Company") annual deferred gas cost account filing for the year ended June 30, 2009. The Actual Cost Adjustment ("ACA") Compliance Audit Report (the "Report"), attached hereto as Exhibit 1 and incorporated by this reference, contains the audit findings of the Staff and the responses thereto of the Company.

The Company submitted its ACA filing on August 31, 2009. On January 14, 2010, the Staff completed its audit of the Company's filing. TRA Staff issued its preliminary ACA audit findings to the Company on January 15, 2010 and the Company responded to the findings. On January 26, 2010, the Staff filed its Report in this docket.

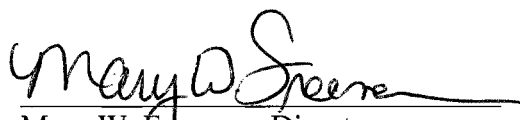
There are two categories set out in the Report: All Other Tennessee Towns and Union City. The Report contains three findings for each category. The first finding addressed storage

inventory activity, specifically a \$98,217.69 under-recovery related to All Other Tennessee Towns and an over-recovery of (\$146,464.27) related to Union City. The second finding addressed imbalance activity, specifically, an \$8,971.69 under-recovery related to All Other Tennessee Towns and an over-recovery of (\$4,450.01) related to Union City. The third finding addressed interest, specifically a \$669.69 under-recovery related to All Other Tennessee Towns and an over-recovery of (\$4,797.48) related to Union City. The Company agreed with all three findings. Customers began to receive a refund due to the over-collected balances in October 2009.

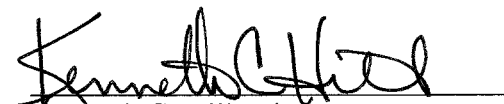
After consideration of the Report, the voting panel unanimously approved and adopted the Report including the three findings and the resulting ACA factors contained therein.

IT IS THEREFORE ORDERED THAT:

The Actual Cost Adjustment Compliance Audit Report relative to Atmos Energy Corporation's gas costs for the year ended June 30, 2009, a copy of which is attached to this Order as Exhibit 1, is approved and adopted and the findings and resulting ACA factors contained therein are incorporated in this Order as if fully rewritten herein.


Mary W. Freeman, Director


Eddie Roberson, Director


Kenneth C. Hill, Director

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BEFORE THE TENNESSEE REGULATORY AUTHORITY

T.R.A. DOCKET ROOM

NASHVILLE, TENNESSEE

January 26, 2010

IN RE:

ATMOS ENERGY CORPORATION

ACTUAL COST ADJUSTMENT ("ACA") AUDIT

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) Docket No. 09-00123

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

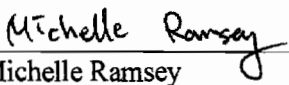
Pursuant to Tenn. Code Ann. §§65-4-104, 65-4-111 and 65-3-108, the Utilities Division of the Tennessee Regulatory Authority ("Authority") hereby gives notice of its filing of the Compliance Audit Report of the Actual Cost Adjustment Audit (hereafter "ACA") component of the Purchased Gas Adjustment Rule 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, 2008 through June 30, 2009.
2. The Company's ACA filing was received on August 31, 2009, and the Staff completed its audit of same on January 14, 2010.
3. On January 15, 2010, the Utilities Division submitted its preliminary ACA audit findings to the Company via e-mail. The Company responded on January 18, 2010 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.

Exhibit 1

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

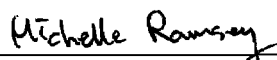
I hereby certify that on this 26th day of January, 2010, a true and exact copy of the foregoing has been either hand-delivered or delivered via U.S. Mail, postage pre-paid, to the following persons:

Sara Kyle
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
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Mr. Edwin Wilkens
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P.O. Box 650205
Dallas, TX 75265-0205

Terry Buckner
Office of the Attorney General
Consumer Advocate and Protection Division
P. O. Box 20207
Nashville, TN 37202



Michelle Ramsey

COMPLIANCE AUDIT REPORT
OF
ATMOS ENERGY CORPORATION
ACTUAL COST ADJUSTMENT
DOCKET NO. 09-00123

PREPARED BY
TENNESSEE REGULATORY AUTHORITY
UTILITIES DIVISION
January 2010

EXHIBIT A

COMPLIANCE AUDIT
ATMOS ENERGY CORPORATION

ACTUAL COST ADJUSTMENT

DOCKET NO. 09-00123

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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, 2009 are calculated correctly and are supported by appropriate source documentation.

II. AUDIT OPINION

The Audit Staff ("Staff") concludes that, except for the findings 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 August 31, 2009. This ACA filing showed \$127,888,188 in total gas costs, with \$131,708,343 being recovered from customers through rates. Adding a beginning balance in the ACA account of negative \$159,349 in net over-recovered gas costs from the preceding ACA period and interest due from customers for the current period of \$144,845 resulted in an ACA Account balance at June 30, 2009 of negative \$3,834,658 in over-recovered gas costs.¹

ATMOS ENERGY CORPORATION SUMMARY OF ACA FILING FOR PERIOD JULY 2008-JUNE 2009

<u>Line</u>		<u>Union City</u>	<u>Other TN Towns</u>	<u>Total</u>
1	Beginning Balance (July 2008)	\$348,601.02	(\$507,949.73)	(\$159,348.71)
2	Purchased Gas Costs	2,648,384.16	125,239,803.57	127,888,187.73
3	Gas Costs recovered through rates	3,593,323.11	128,115,019.39	131,708,342.50
4	Interest on monthly balances	<u>8,149.76</u>	<u>136,695.33</u>	<u>144,845.09</u>
5	Ending Balance (June 2009) (Line 1 + Line 2 – Line 3 + Line 4)	<u>(\$588,188.17)</u>	<u>(\$3,246,470.22)</u>	<u>(\$3,834,658.39)</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 \$588,188 over-recovered balance in the Union City service area and a \$3,246,470 over-recovered balance in the remaining Tennessee towns service area.

The Company began a refund to its Union City customers and customers in other Tennessee service areas on October 1, 2009, to distribute the balances in the ACA accounts as of June 30, 2009. 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, 2009. 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.

Atmos' gas Commodity requirements are currently met under a contract between Atmos and its affiliate Atmos Energy Marketing (AEM) approved by the Authority in Docket No. 08-00024 Asset Management fees are shared with ratepayers according to the terms of the contract as a credit to the ACA Account.

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 and Tiffany Underwood of the Utilities Division conducted this audit.

VIII. ACA FINDINGS

Staff's audit findings totaled a **net over-recovery of \$47,852.69**. This amount is the net total of three (3) findings and represents an increase to the Company's reported over-recovered amount of \$3,834,658.39, which when added to the Company's calculated balance, results in a net ending balance in the ACA account of a negative \$3,882,511.08 in over-recovered gas costs.³ 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**:

Line		Atmos Combined Filing	Staff Audit Results	Difference (Findings)
1	Adj. Beginning Balance (July 2008)	(\$159,348.71)	(\$159,348.71)	\$0.00
2	Purchased Gas Costs	127,888,187.73	127,844,462.83	(43,724.90)
3	Gas Costs recovered through rates	131,708,342.50	131,708,342.50	0.00
4	Interest on monthly balances	<u>144,845.09</u>	<u>140,717.30</u>	<u>(4,127.79)</u>
5	Ending Balance (June 2009) (Line 1 + Line 2 – Line 3 + Line 4)	<u>(\$3,834,658.39)</u>	<u>(\$3,882,511.08)</u>	<u>(\$47,852.69)</u>

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

SUMMARY OF FINDINGS:

				<u>See page</u>
FINDING #1	ETN-Storage Activity	\$ 98,217.69	Under-recovery	6
FINDING #1	Union City-Storage Activity	(146,464.27)	Over-recovery	6
FINDING #2	ETN-Imbalance Activity	8,971.69	Under-recovery	7
FINDING #2	Union City-Imbalance Activity	(4,450.01)	Over-recovery	7
FINDING #3	ETN-Interest	669.69	Under-recovery	8
FINDING #3	Union City-Interest	<u>(4,797.48)</u>	Over-recovery	8
	Net Result	<u>\$ (47,852.69)</u>	Over-recovery	

³ The ending balance is made up of a negative \$743,899.92 for "Union City" filing and a negative \$3,138,611.15 for "All Other Towns" filing.

FINDING #1:

Exception

The Company miscalculated the Storage Inventory Activities.

Discussion

In calculating the balance in the ACA Account each month, total invoiced gas costs are charged (debited) to the ACA Account. If some of that gas is injected into storage, the cost of the injected gas is credited back to the account, so that customers do not pay for gas until they actually use it. That occurs when gas is withdrawn from storage by the Company at a later date for delivery to its customers. The Company made several errors in calculating the monthly activity in the storage accounts, which are described below.

During all 12 months of the audit period, the Union City customers were charged for the total invoiced gas costs, but were not credited for the amount of gas that was injected into the Barnsley storage (storage account 1641-15900). The result is a **decrease of \$146,464.27 (over-recovery)** in the commodity gas costs applicable to the **“Union City” filing**.

During all 12 months of the audit period, the Company used an incorrect rate in calculating the cost of gas injected into storage (storage account 1641-15900) for the ETN (“all other towns except Union City”) ACA Account. This led to an over-statement of the cost of the injected gas, which resulted in an **increase of \$114,997.79 (under-recovery)** in the commodity gas costs applicable to the **“All Other Towns” filing**. In calculating the cost of gas injected into storage (storage account 1641-15941), the Company incorrectly used “net” injected volumes instead of the “purchased” volumes. This error led to an under-statement of the cost of injected gas, which resulted in a **decrease of \$16,780.10 (over-recovery)** in commodity gas costs applicable to the “All Other Towns” filing.

The net result of these three (3) errors is a net **under-recovery of \$98,217.69 in commodity gas costs for “All Other Towns” filing** and an **over-recovery of \$146,464.27 in commodity gas costs for “Union City” filing**.

Company Response

Atmos Energy agrees with Finding #1 and will make the appropriate correction in the ACA and the storage workpapers.

FINDING #2:

Exception

The Company miscalculated the Imbalance Activities.

Discussion

From July 2008 to June 2009, the Company erroneously used First of Month index for Columbia Gulf Transmission Company (Louisiana) instead of Columbia Gulf Transmission Company (Mainline) to calculate Imbalance Activities for **“All Other Towns” filing**. The result of this error is an **increase of \$8,971.69 (under-recovery)** in the ACA Commodity gas costs.

From March 2009 to June 2009, the Company erroneously used an incorrect “Assumed Liability Price” to calculate Imbalance Activities for **“Union City” filing**. The result of this error is a decrease of **\$4,450.01 (over-recovery)** in the ACA Commodity gas costs.

Company Response

Atmos Energy agrees with Finding #2 and will make the appropriate correction in the ACA and in the imbalance accounts.

FINDING #3:

Exception

The Company understated the amount of interest due to customers in the Commodity component of the ACA filing.

Discussion

Staff recalculated interest based upon audit findings #1- #2 above. The result was an **understatement of \$669.69 interest due from customers** for the “All Other Towns” filing and an **understatement of \$4,797.48 interest due to customers** for the “Union City” filing. The net difference of **\$4,127.79** represents an **over-recovery** of gas costs

Company Response

Atmos Energy agrees with Finding #3 and will make the appropriate adjustment in the ACA.

IX. STAFF CONCLUSIONS AND RECOMMENDATIONS

Staff reviewed the gas costs and recoveries of Atmos Energy Corporation for the 12-month period ended June 30, 2009. 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 three monetary findings 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, 2009 was a **negative \$3,882,511.08**. This means that as of June 30, 2009 the Company had over-collected this amount from its customers. The net balance is composed of a **total over-collection from Union City customers of \$743,899.92 and a total over-collection from customers in Other Tennessee towns of negative \$3,138,611.15**. 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).⁴ 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, 2009, as restated by Staff.

⁴ 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.