

**IN THE TENNESSEE REGULATORY AUTHORITY
AT NASHVILLE, TENNESSEE**

IN RE:)
)
Generic Docket For Protective Order) **DOCKET NO. 09-00183**
)
)
)

**ATMOS ENERGY'S COMMENTS
REGARDING PROPOSED MODEL PROTECTIVE ORDERS**

Atmos Energy hereby adopts the comments submitted by Piedmont Natural Gas Company in regard to the competing protective orders submitted by Chattanooga Gas and the Consumer Advocate and Protection Division ("CAPD") to govern the exchange of Confidential Information in TRA dockets. Atmos supports the adoption of the proposed protective order attached as Exhibit A to Piedmont's comments.

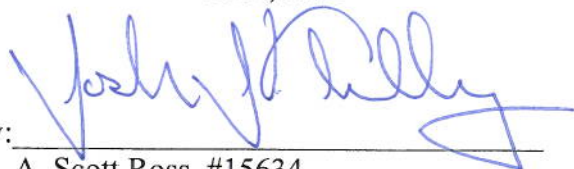
Atmos writes separately to address subsection (f) of paragraph 10 in the CAPD's proposed protective order. This provision would allow the CAPD to ignore a designation of confidentiality upon its own determination that the information "is otherwise not confidential under state or federal law, regulation or rule." See CAPD P.O. at ¶ 10(f).

The addition of subsection (f) to paragraph 10 would allow the CAPD to ignore the provisions of a TRA protective order if it concludes that a document should not have been protected. This provision works an end-around to the procedures set forth in the protective order for challenging information designated as confidential. The existing standard protective order, as well as Paragraph 11 of the CAPD's proposed order, provides that a party may contest the designation of any information as confidential information by filing a motion for a ruling that the information should not be treated as confidential. Unless and until this procedure is followed

and the protection afforded a document is lifted, the document remains protected by an order of the TRA. All parties should be required to abide by the TRA's orders, including the CAPD. The TRA should not enter orders that parties, even the CAPD, are free to disregard if they disagree with them. The CAPD's protective order would allow the CAPD to ignore a TRA protective order whenever it deems information not confidential under state or federal law, regulation or rule. Such language would render illusory any protection provided by a TRA protective order, and should not be adopted.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been served, via the method(s) indicated below, on the following counsel of record, this the 14th day of January 2010.

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