

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

September 2, 2011

IN RE:

PETITION FOR APPROVAL OF CONTRACT
REGARDING GAS COMMODITY REQUIREMENTS
AND MANAGEMENT OF TRANSPORTATION/
STORAGE CONTRACTS

)
)
)
)
)
)

DOCKET NO.
11-00034

ORDER GRANTING PETITION TO INTERVENE OF CONSUMER ADVOCATE

This matter is before the Hearing Officer upon the filing with the Tennessee Regulatory Authority ("TRA" or "Authority") of a *Petition to Intervene* by Robert E. Cooper, Jr., Attorney General and Reporter for the State of Tennessee, by and through the Consumer Advocate and Protection Division of the Office of the Attorney General ("Consumer Advocate") on March 31, 2011.

BACKGROUND

On March 3, 2011, Atmos Energy Corporation ("Atmos") filed with the Authority a *Petition for Approval of Contract Regarding Gas Commodity Requirements and Management of Transportation/Storage Contracts* ("*Petition*") requesting approval of its new gas commodity requirements and transportation and storage management contract ("Asset Management Agreement") executed and scheduled to begin April 1, 2011, with Atmos Energy Marketing, L.L.C. With its *Petition*, Atmos filed a proposed Protective Order. Shortly thereafter, on March 17, 2011, Atmos filed the Direct Testimony of Rebecca M. Buchanan, and Exhibits A through F thereto, under seal and marked confidential.

On March 31, 2011, Atmos filed a revised proposed Protective Order incorporating

certain language suggested by the Consumer Advocate, to which Atmos agrees, onto the end of Paragraph 15. Also on March 31, 2011, the Consumer Advocate filed a *Petition to Intervene* requesting to intervene as a party in the proceedings. On April 13, 2011, the Authority entered an *Order Convening a Contested Case and Appointing a Hearing Officer* reflecting the unanimous decision of the voting panel during a regularly scheduled Authority Conference held on March 28, 2011, to appoint General Counsel or his designee to act as Hearing Officer to handle any preliminary matters arising in the docket.

On June 3, 2011, Atmos filed a copy of the Virginia State Corporation Commission's Action Brief, dated April 26, 2011, and Order Granting Authority, issued May 9, 2011, reflecting action taken by that commission on the Asset Management Agreement. Recently, Atmos filed a revised tariff sheet, which adds certain language to its Performance Based Ratemaking Mechanism Rider clarifying the application of revenue derived from asset management.

PETITION TO INTERVENE

In its *Petition to Intervene*, the Consumer Advocate seeks intervention pursuant to Tenn. Code Ann. § 65-4-118, which authorizes the Consumer Advocate to intervene in proceedings to represent the interests of Tennessee consumers. The Consumer Advocate asserts that the terms of the proposed contract could affect the rates and charges of Tennessee consumers and that additional investigation and discovery may be needed to determine whether the contract is in the best interest of Tennessee consumers. The Consumer Advocate further asserts that it can protect the public interest only by participating in this proceeding. The petitioner, Atmos Energy Corporation, has not filed an objection in the docket file or indicated opposition to the Consumer Advocate's intervention request.

Therefore, the Hearing Officer finds that the legal rights and interests of Tennessee

consumers may be determined in this proceeding, the Consumer Advocate's petition is timely, and that its intervention will not impair the orderly and prompt conduct of these proceedings. For the foregoing reasons, the Hearing Officer hereby grants the Consumer Advocate's *Petition to Intervene*. At this time, there are no other petitions to intervene pending in the docket.

IT IS SO ORDERED.



Kelly Cashman-Grams, Hearing Officer