

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

Filed electronically in
TRA Docket Room
09/22/11

IN RE:

**ATMOS ENERGY CORPORATION
INCENTIVE PLAN ACCOUNT (IPA)
FOR THE YEARS 2001 THROUGH
2011**

DOCKET NO. 11-00137

PETITION TO INTERVENE FOR PURPOSES OF FILING A MOTION TO DISMISS

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"), pursuant to Tenn. Code Ann. § 65-4-118, respectfully petitions the Tennessee Regulatory Authority ("TRA" or "Authority") to grant the Consumer Advocate's intervention into this proceeding on behalf of the public interest. For cause, Petitioner would show as follows:

1. The Consumer Advocate is authorized by Tenn. Code Ann. § 65-4-118 to represent the interests of Tennessee consumers of public utilities services by initiating and intervening as a party in proceedings before the Authority in accordance with the Uniform Administrative Procedures Act and Authority rules.

2. Atmos Energy Corporation ("Atmos") is a public utility regulated by the Authority and provides natural gas services to consumers located in the State of Tennessee.

3. On August 23, 2011, Atmos filed with the Authority a *Petition for Approval of Incentive Plan Account Reports for the Period April 1, 2001 through March 31, 2011*, requesting that the Authority approve ten years of Incentive Plan Reports ("IPA") annual reports. The request of Atmos comes at a time when the Authority's audit staff has not yet completed its work.

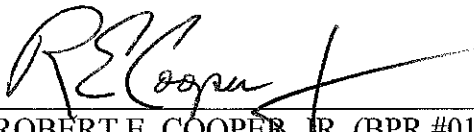
4. The relief sought by Atmos Energy usurps the role of the Authority's audit staff and the audit process followed by all regulated Tennessee natural gas utilities and delays a refund due to Tennessee consumers.

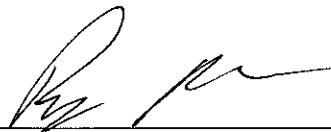
5. It is the position of the Consumer Advocate that this matter should be dismissed until the Authority's audit staff has completed its work rather than for the Authority and parties to invest time and resources in a contested case proceeding. Accordingly, a motion to dismiss is being filed contemporaneously with this petition.

6. Only by participating in this proceeding can the Consumer Advocate work adequately to protect the interests of consumers.

WHEREFORE, Petitioner respectfully asks the Authority to grant the Petition to Intervene.

RESPECTFULLY SUBMITTED,


ROBERT E. COOPER, JR. (BPR #010934)
Attorney General and Reporter
State of Tennessee



Ryan L. McGehee (BPR #025559)
Assistant Attorney General
Office of the Attorney General
Consumer Advocate and Protection Division
P.O. Box 20207
Nashville, Tennessee 37202-0207
Telephone: (615) 532-5512
Facsimile: (615) 741-1026


Dated: Sept. 22, 2011.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Petition to Intervene was served via U.S. Mail or electronic mail upon:

A. Scott Ross
Neal & Harwell, PLC
150 Fourth Avenue North,
Suite 2000
Nashville, TN 37219-2498

This the 22 day of Sept., 2011.



Ryan L. McGehee