

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

September 17, 2012

IN RE:

PETITION OF ATMOS ENERGY  
CORPORATION FOR A GENERAL RATE  
INCREASE

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DOCKET NO.  
12-00064

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ORDER GRANTING MOTION FOR LEAVE TO ISSUE SUPPLEMENTAL  
DISCOVERY REQUESTS

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This matter is before the Hearing Officer upon the *Motion for Leave to Issue Supplemental Discovery Requests* ("Motion") filed by the Consumer Advocate and Protection Division ("Consumer Advocate") on September 14, 2012. Simultaneously with its *Motion*, the Consumer Advocate filed Discovery Requests 42-81 addressed to Atmos Energy Corporation ("Atmos").<sup>1</sup> The Consumer Advocate has previously issued forty-one discovery requests to Atmos.<sup>2</sup>

TRA Rule 1220-1-2-.11(5)(a) provides:

No party shall serve on any other party more than forty (40) discovery requests including subparts without first having obtained leave of the Authority or a Hearing Officer. Any motion seeking permission to serve more than forty (40) discovery requests shall set forth the additional requests. The motion shall be accompanied by a memorandum establishing good cause for the service of additional interrogatories or request for production. If a party is served with more than forty (40) discovery requests without an order authorizing the same, such party need only respond to the first forty requests.

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<sup>1</sup> See *Supplemental Discovery Request of the Consumer Advocate and Protection Division to Atmos Energy Corporation* (September 14, 2012).


<sup>2</sup> See *Order Granting Petition to Intervene and Motion for More than Forty Discovery Requests, and Establishing a Procedural Schedule* (August 27, 2012).

In its *Motion*, the Consumer Advocate notes that the “respective experts of Atmos and the Consumer Advocate have been engaged in cooperative discussions and informal discussions for the last several weeks” and further asserts that the “bulk of the discovery requests the Consumer Advocate seeks to propound have already been answered by Atmos informally.”<sup>3</sup> The Consumer Advocate also states that “[w]hile reserving all rights with respect to any future discovery requests, Atmos has no objection to this motion.”<sup>4</sup>

The Hearing Officer finds that the Consumer Advocate has established good cause and, given the Consumer Advocate’s assurance that there is no objection by Atmos, grants the *Motion for Leave to Issue Supplemental Discovery Requests*.

**IT IS THEREFORE ORDERED THAT:**

The *Motion for Leave to Issue Supplemental Discovery Requests* is hereby granted.

  
Jean A. Stone, Hearing Officer

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<sup>3</sup> *Motion*, p. 1 (September 14, 2012).

<sup>4</sup> *Id.*