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NASHVILLE, TENNESSEE

February 12, 2013

IN RE:

COUNCE NATURAL GAS COMPANY

ACTUAL COST ADJUSTMENT (ACA) AUDIT

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) Docket No. 12-00139

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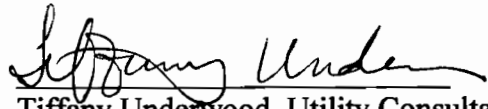
**NOTICE OF FILING BY THE UTILITIES DIVISION OF THE TENNESSEE
REGULATORY AUTHORITY**

Pursuant to Tenn. Code Ann. §§ 65-4-104, 65-4-111 and 65-3-108, the Utilities Division of the Tennessee Regulatory Authority hereby gives notice of its filing of the Compliance Audit Report of the Actual Cost Adjustment ("ACA") Component of the Purchased Gas Adjustment Rule ("PGA Rule") for Counce Natural Gas Company (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 October 1, 2011 through September 30, 2012.
2. The Company's ACA filing was received on November 7, 2012, and the Compliance Audit Staff ("Staff") completed its audit of same on January 31, 2013. There were no material audit findings.

3. The Utilities Division hereby files its Report attached as Exhibit A with the Tennessee Regulatory Authority for deposit as a public record and approval of the Report and recommendations contained therein.

Respectfully Submitted:

A handwritten signature in black ink, appearing to read "Tiffany Underwood", is written over a horizontal line.

Tiffany Underwood, Utility Consultant
Utilities Division
Tennessee Regulatory Authority

CERTIFICATE OF SERVICE

I hereby certify that on this 12th day of February 2013, 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:

James M. Allison
Chairman
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, TN 37243

Mr. Mike Horton, President
Counce Natural Gas Company
P.O. Box 385
Burnsville, MS 38833

Ryan McGehee, Esq.
Office of the Attorney General
Consumer Advocate and Protection Division
P. O. Box 20207
Nashville, TN 37202

Ms. Charlena S. Aumiller
Office of the Attorney General
Consumer Advocate and Protection Division
P. O. Box 20207
Nashville, TN 37202



Tiffany Underwood

EXHIBIT A

COMPLIANCE AUDIT REPORT

OF

COUNCE NATURAL GAS COMPANY

ACTUAL COST ADJUSTMENT

Docket No. 12-00139

PREPARED BY THE

TENNESSEE REGULATORY AUTHORITY

UTILITIES DIVISION

February 2013

COUNCE NATURAL GAS COMPANY

**COMPLIANCE AUDIT REPORT OF
ACTUAL COST ADJUSTMENT FILING**

DOCKET NO. 12-00139

TABLE OF CONTENTS

	<u>PAGE NO.</u>
I. INTRODUCTION	1
II. AUDIT OPINION	1
III. SUMMARY OF COMPANY FILING	1
IV. BACKGROUND INFORMATION ON COMPANY AND GAS SUPPLIERS	2
V. JURISDICTION OF THE TENNESSEE REGULATORY AUTHORITY	3
VI. DESCRIPTION OF PURCHASED GAS ADJUSTMENT RULE	3
VII. SCOPE OF ACTUAL COST ADJUSTMENT AUDIT	4
VIII. ACA AUDIT FINDINGS	4
IX. CONCLUSIONS AND RECOMMENDATIONS	5
APPENDIX A - <u>PGA FORMULA</u>	6
ATTACHMENT 1 (CALCULATION OF ACA FACTOR)	9

I. INTRODUCTION

The subject of this audit is Counce Natural Gas Company's ("Company" or "Counce") compliance with the Actual Cost Adjustment and Refund Adjustment of the Purchased Gas Adjustment Rule¹ ("PGA Rule") of the Tennessee Regulatory Authority ("TRA" or the "Authority"). The objective of the audit was to determine whether the Purchased Gas Adjustments, which are encompassed by the Actual Cost Adjustment ("ACA")², for the twelve (12) months ended September 30, 2012, were calculated correctly and were supported by appropriate source documentation.

II. AUDIT OPINION

Audit Staff ("Staff") reviewed the Company's filing and the underlying documentation. The audit resulted in no findings. Staff also conducted a bill audit. Staff found that Counce correctly billed its customers during the audit period, reported the correct amount of invoiced gas costs, and reported the correct amount of dollars recovered from customers through the rates billed. For this reason, Staff concludes that Counce is correctly implementing the Gas Charge Adjustment, the Refund Adjustment, and the Actual Cost Adjustment in accordance with the Purchased Gas Adjustment Rules for TRA regulated gas companies.

III. SUMMARY OF COMPANY FILING

On November 7, 2012, Staff received Counce's ACA filing supporting the activity in its deferred gas cost account ("ACA Account") for the period October 1, 2011 through September 30, 2012. For the period under audit, the Company's ACA filing showed a positive beginning balance of \$12,903.48 in under-recovered gas costs from the prior ACA period, \$93,408.76 in total gas costs for the current period, \$98,764.39³ recovered from customers through rates and \$359.02 in interest due from customers, resulting in a reported ACA balance at September 30, 2012 of \$7,906.87 in under-recovered gas costs. *Small gas companies, such as Counce, do not automatically surcharge or refund the balance in the ACA account until the Staff's audit is complete and the surcharge or refund factor is determined by the TRA.*

¹ TRA Rule 1220-4-7.

² The ACA is more fully described in Section VI.

³ This amount includes PGA adjustment recoveries and ACA adjustment recoveries.

SUMMARY OF THE ACA ACCOUNT:⁴

<u>Line No.</u>		<u>Company (as filed)</u>	<u>Staff (as corrected)</u>	<u>Difference (Findings)</u>
1	Beginning Balance at 10/01/11	\$ 12,903.48	\$ 12,903.48	\$0
2	<u>Activity During Current Period:</u>			
3	Plus Gas Costs	93,408.76	93,408.76	0
4	Minus ACA Recoveries	6,386.36	6,386.36	0
5	Minus PGA Recoveries	<u>92,378.03</u>	<u>92,378.03</u>	<u>0</u>
6	Ending Balance before Interest (line 1 + line 3 – line 4 – line 5)	7,547.85	7,547.85	0
7	Plus Interest	<u>359.02</u>	<u>359.02</u>	<u>0</u>
8	Ending Balance Including Interest at 09/30/12 (line 6 + line 7)	<u>\$7,906.87</u>	<u>\$7,906.87</u>	<u>\$0.00</u>

Staff's audit resulted in no findings.

IV. BACKGROUND INFORMATION ON COMPANY AND GAS SUPPLIERS

Counce Natural Gas Company, with its headquarters in Burnsville, MS, is a wholly owned subsidiary of Tumlinson Engineering, Inc., and was formed in 1995 for the purpose of acquiring the operating authority of Hardin County Gas Company and providing natural gas service to customers in Hardin County, Tennessee. Hardin County Gas Company's certificate of convenience and necessity ("CCN") was transferred to Counce on December 22, 1995, in Docket No. 95-03379. In October 2000, ownership of Tumlinson Engineering, Inc. was transferred from Ted Tumlinson to Mike Horton.

The natural gas used to serve this area is purchased from Horton Enterprises, Inc (an affiliate), which is owned by Mike Horton. Horton Enterprises, Inc operates as a resaler of gas from Atmos Energy Marketing.

⁴ A negative number represents an over-recovery (or over-collection) of gas costs; a positive number represents an under-recovery (or under-collection) of gas costs.

V. JURISDICTION OF THE TENNESSEE REGULATORY AUTHORITY

Tennessee Code Annotated (T.C.A.) gives jurisdiction and control over public utilities to the Tennessee Regulatory Authority. T.C.A. §65-4-104 states:

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 Utilities Division of the TRA is responsible for auditing energy, water and communications utilities under its jurisdiction to ensure that each company is abiding by Tennessee statute as well as the Rules and Regulations of the Authority. Tiffany Underwood of the Utilities Division conducted this audit.

VI. DESCRIPTION OF PURCHASED GAS ADJUSTMENT RULE

The PGA Rule is located at Chapter 1220-4-7 of the Rules of the Tennessee Regulatory Authority. The PGA Rule permits a gas company to recover, in a timely fashion, 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 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) and related interest 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. The RA (refunds) surcharges the "true-up" along with other supplier refunds. For a more complete definition of the GCA and RA, refer to the PGA Formula attached as Appendix A to this report.

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].

VII. SCOPE OF ACTUAL COST ADJUSTMENT AUDIT

The ACA audit is a limited compliance audit of Counce's deferred gas cost account ("ACA Account"). The objective of the audit is to verify that the Company's calculations of gas costs incurred and recovered were materially correct,⁵ and that the Company is following all Authority orders and directives with respect to its calculation of the ACA Account balance. Refer to the ACA Account detail provided in Section III, Summary of Company Filing.

To accomplish the audit goal, Staff reviewed gas supply invoices, the Company's bank statements, the general ledger, the contract between Counce and its affiliate gas purchaser, the contract between the affiliate and the source of the gas (Atmos Entergy Corporation), as well as supplemental schedules and other source documentation provided by the Company. Where appropriate, Staff requested additional information to clarify the filing. Staff also audited a sample of customer bills to determine if the proper tariff rates, as well as PGA and ACA rates were applied in the Company's calculation of customer bills during the audit period. After sampling Company bills, Staff determined that the Company's billing rates appear to be correct.

VIII. ACA AUDIT FINDINGS

Staff's audit produced no material findings, resulting in Staff's agreement with the ending balance at September 30, 2012 of \$7,906.87 as reported by Counce. See Section III of the report for a Summary of the ACA Account showing a comparison of the Company's filing and Staff's audit results.

⁵ 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.

IX. CONCLUSIONS AND RECOMMENDATIONS

The balance in the ACA account as of September 30, 2012 is **\$7,906.87 in under-recovered (under-collected) gas costs.**⁶ Staff's calculation of this balance is shown in **the Summary of the ACA Account in Section III.** Spreading the positive \$7,906.87 balance over the 12 month-to-date September 2012 sales of 15,411 MCF produces an **ACA adjustment factor of a \$0.5131 (surcharge) per MCF.**⁷ In order to begin collecting the under-recovered gas costs at the correct rate as soon as possible, Counce has agreed to apply the new ACA rate in its March 2013 customer billings, and continue until the completion of the Staff's next audit.

Staff's audit noted that Counce continues to purchase gas from Horton Enterprises (its affiliate). To ensure the gas was purchased at a reasonable price, Staff asked for copies of the contracts between Counce and Horton Enterprises. Staff also requested a copy of the contract between the affiliate and Atmos Energy (its source of gas). As requested in the prior audit report, Counce submitted copies of its bank statements and general ledger to substantiate amounts actually owed to its affiliate. Staff determined that the gas costs appear to be reasonable. **Staff requests that the Company continue to file copies of these documents and any updated supplier contracts with the Company's 2012-2013 ACA filing.**

⁶ Company is directed to use this balance as the beginning balance for the October 2012-September 2013 filing.

⁷ See Attachment 1 for detail of calculation of the ACA factor.

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.

ATTACHMENT 1

Counce Natural Gas Company

Calculation of the ACA Factor

Line No.	Factor to be applied to residential, commercial and industrial customers:		
1	Cost of Gas purchased (10/1/11 - 9/30/12)	\$ 93,408.76	
2	Cost of Gas recovered from customers through PGA rates	<u>92,378.03</u>	
3	Under/(Over) Collection (Line 1 - Line 2)	\$ 1,030.73	
4	ACA surcharges/(refunds) (10/1/11 - 9/30/12)	6,386.36	
5	Interest calculated on average monthly balance in account	359.02	
6	Beginning balance at 9/30/11	<u>12,903.48</u>	
7	Balance in ACA account at 9/30/12 (Line 3 - Line 4 + Line 5 + Line 6)	\$ <u>7,906.87</u>	
8	Sales Volumes **	15,411	MCF
9	ACA Factor - surcharge/(refund) (Line 7 divided by Line 8)	\$ <u>0.5131</u>	Per MCF

** Historical sales volumes for 12 months ending 9/30/2012.