

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

IN RE:)	
)	
PETITION OF ATMOS ENERGY)	DOCKET NO. 13-00111
CORPORATION TO REVISE)	
PERFORMANCE BASED RATEMAKING)	
MECHANISM RIDER IN TARIFF)	

**FIRST DISCOVERY REQUEST OF CONSUMER ADVOCATE AND
PROTECTION DIVISION TO TRA PARTY STAFF**

This First Discovery Request is hereby served upon TRA Party Staff (hereafter "Party Staff") pursuant to the Authority's Order Granting TRA Party Staff Motion to Intervene & Establishing Procedural Schedule entered on December 5, 2013. The Consumer Advocate requests that full and complete responses be provided and supplemented, as necessary, in accordance with the Tennessee Rules of Civil Procedure and TRA Rule 1220-1-2-.11. Please produce the responses at the Office of the Attorney General, Consumer Advocate and Protection Division, 425 5th Avenue North, Nashville, Tennessee 37243, c/o Vance L. Broemel, Senior Counsel, on or before January 6, 2014.

PRELIMINARY MATTERS AND DEFINITIONS

These discovery requests are to be considered continuing in nature, and are to be supplemented from time to time as information is received by the Party Staff which would make a prior response inaccurate, incomplete, or incorrect.

If any objections to this discovery are raised on the basis of privilege or immunity, please include in your response a complete explanation concerning the privilege or immunity asserted. If you contend that you are entitled to refuse to fully answer any of this discovery, please state the exact legal basis for each such refusal.

The terms “you” and “your” as used herein mean TRA Party Staff and all employees, agents, and representatives thereof.

The term “person” as used herein refers to any natural person, corporation, firm, company, sole proprietorship, partnership, business, unincorporated association, or other entity of any sort whatsoever.

The term “communication” means any transmission of information by oral, graphic, pictorial or otherwise perceptible means, including but not limited to personal conversations, telephone conversations, letters, memoranda, telegrams, electronic mail, newsletters, recorded or handwritten messages, or otherwise.

The term “document” as used herein shall have the broadest possible meaning under applicable law. “Document” as used herein means any medium upon which intelligence or information can be recorded or retrieved, such as any written, printed, typed, drawn, filmed, taped, or recorded medium in any manner, however produced or reproduced, including but not limited to any writing, drawing, graph, chart, form, letter, note, report, electronic mail, memorandum (including memoranda, electronic mail, report, or note of a meeting or communication), workpaper, spreadsheet, photograph, videotape, audio tape, computer disk or record, or any other data compilation in any form without limitation, which is in your possession, custody or control. If any such document was, but no longer is, in your possession, custody or control, please state what disposition was made of the document and when it was made.

FIRST DISCOVERY REQUEST

REQUEST NO. 1: In its Motion to Intervene, TRA Party Staff asserts that: “...the Authority should consider any changes to Atmos’ tariffs alongside the Authority’s recent decision in TRA Docket No. 07-00225 as well as other previous dockets involving Atmos.”

Please provide the basis for this assertion and specify by page number or paragraph number which parts of the “Authority’s recent decision in TRA Docket No 07-00225 as well as other previous dockets involving Atmos” the Authority should consider.

RESPONSE:

REQUEST NO. 2: If the TRA Party Staff contends that the proposed revision to the Performance Based Ratemaking Mechanism Rider should have been part of the settlement in TRA Docket No. 07-00225, please state the basis for the contention, including but not limited to, any facts supporting that contention. Please produce copies of any documents that support any such contention.

RESPONSE:

REQUEST NO. 3: Does the TRA Party Staff have any information and/or documents other than the settlement agreement itself as to the issues or items discussed in settlement discussions between Atmos and the Consumer Advocate in TRA Docket No. 07-00225? If so, please provide that information and/or produce copies of any such documents.

RESPONSE:

REQUEST NO. 4: In its Motion to Intervene at ¶ 4, the TRA Party Staff stated that:

Additionally, TRA Staff sent a data request to Atmos Energy Corporation (“Atmos”) on October 21, 2013, requesting additional information from Atmos. On November 4, 2013, Atmos filed a response to the data request that objected to answering certain questions. Party Staff asserts that the answers to these and other questions are essential to the TRA's analysis of Atmos' petition.

Please provide the basis for the assertion that “the answers to these and other questions are essential to the TRA’s analysis of Atmos’ petition”, including but not limited to an explicit description of the information sought and why it is “essential.”

RESPONSE:

REQUEST NO. 5: In Paragraph 24 of the Affidavit of Pat Murphy, filed in this docket on November 25, 2013, Ms. Murphy stated that:

If the provision for re-setting the lower end of the deadband is suspended for there (3) years as recommended by Dr. Klein in his Pre-Filed Testimony and remains at the current level (97.4%) or removed permanently (as Atmos has requested) and reverts back to the original 97.7%, there is a very good possibility that Atmos will be guaranteed an additional \$1.25 million annually in PBRM savings for an undetermined number of years going forward with no additional effort on its part.” (footnotes omitted).

A. Please state the basis for the statement that “there is a very good possibility that Atmos will be guaranteed an additional \$1.25 million annually in PBRM savings for an undetermined number of years going forward with no additional effort on its part,” including but not limited to, any facts supporting this statement.

RESPONSE:

B. Please identify with specificity any documents or other information filed in this docket that were relied upon by Ms. Murphy to support the statement that “there is a very good possibility that Atmos will be guaranteed an additional \$1.25 million annually in PBRM savings for an undetermined number of years going forward with no additional effort on its part.”

RESPONSE:

C. Please produce copies of any documents or other information that are not filed in this docket that were relied upon by Ms. Murphy to support the statement that “there is a very good possibility that Atmos will be guaranteed an additional \$1.25 million annually in PBRM savings for an undetermined number of years going forward with no additional effort on its part.”

RESPONSE:

REQUEST NO. 6: Please identify each person whom TRA Party Staff expects to call as an expert witness at the hearing on the merits of this matter, and for each such person state the subject matter on which the witness is expected to testify; the substance of the facts and opinions to which the witness is expected to testify; and the grounds for each opinion to which the witness is expected to testify.

RESPONSE:

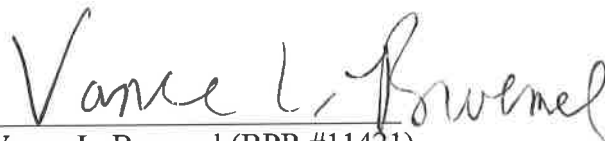
REQUEST NO. 7: Please provide all workpapers, calculations, and documents that support the opinions, conclusions, proposals, and recommendations made by each person that the TRA Party Staff expects to call as an expert witness at the hearing on the merits of this matter. The workpapers and calculations should be in Excel working format with numbers, formulas, and linked files provided.

RESPONSE:

REQUEST NO. 8: Please produce a copy of all hearing exhibits and other documents that the TRA Party Staff plan to introduce, use or reference at the hearing on the merits of this matter.

RESPONSE:

Respectfully submitted,

A handwritten signature in cursive script that reads "Vance L. Broemel". The signature is written in dark ink and is positioned above the printed name and contact information.

Vance L. Broemel (BPR #11421)
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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing was served by first-class U.S. Mail, postage prepaid, and by electronic mail upon:

A. Scott Ross, Esq.
Neal & Harwell, PLC
2000 One Nashville Place
150 Fourth Avenue North
Nashville, TN 37219

Shiva K. Bozarth, Esq.
Tennessee Regulatory Authority
500 Deadrick Street, 4th Floor
Nashville, TN 37242

This 17th day of December, 2013.


Vance L. Broemel