

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

March 27, 2014

IN RE:

**PETITION OF ATMOS ENERGY CORPORATION TO
REVISE PERFORMANCE BASED RATEMAKING
MECHANISM RIDER IN TARIFF**

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**DOCKET NO.
13-00111**

PRE-HEARING ORDER

Pursuant to Tenn. Code Ann. § 4-5-306(d) and TRA Rule 1220-1-2-.12, this matter is before the Hearing Officer of the Tennessee Regulatory Authority (“TRA” or “Authority”) to establish the orderly conduct of the hearing scheduled in this matter. This Order is entered in lieu of a pre-hearing conference with the parties, Atmos Energy Corporation (“Atmos”), the Consumer Advocate and Protection Division of the Office of the Attorney General and Reporter (“Consumer Advocate”), and the TRA Staff Participating as a Party (“Party Staff”) (collectively, the “Parties”).

PROCEDURAL MATTERS

A. Notice of Hearing & Public Comment

The purpose of the hearing is to consider the *Petition to Revise Performance Based Ratemaking Mechanism Rider in Atmos Energy Corporation’s Tariff* filed on August 13, 2013. The hearing will begin at **9:00 a.m. CDT on April 14, 2014**, in Hearing Room G.201 located on the Ground Floor of the Andrew Jackson State Office Building, 500 Deaderick Street, Nashville, Tennessee. A *Notice of Hearing* was issued contemporaneously with this Order notifying the public of the hearing and encouraging public participation by filing written comments in the docket file and/or presenting verbal comments during the hearing.

B. Exhibits

The parties are directed to exchange any demonstrative exhibits related to a witness's pre-filed testimony before that witness appears on the stand. Each party should have its own copy of all exhibits, including those appended to pre-filed testimony, available for reference during the hearing, and is responsible for supplying a sufficient number of copies of any exhibits that it intends to reference or discuss with a witness. A party should use its own judgment and discretion in determining the total number of copies to have on hand, but at a minimum, copies of an exhibit should be provided to the court reporter, each Director, Legal Staff, and each Authority Division Chief. Delaying or interrupting the proceedings to make copies is disfavored and, in the discretion of the panel, may not be permitted.

C. Technological and Other Special Requests

The parties should inform the Hearing Officer of any requests or requirements as to visual display aids and technology that might be needed during the hearing. So that the appropriate arrangements and accommodations may be made, all such requests and information should be provided **via email to the Hearing Officer at kelly.grams@tn.gov on or before April 9, 2014.**

D. Opening Statements

After preliminary matters are considered, if any, each party is permitted a maximum of ten (10) minutes to present an opening statement. Opening statements will be presented in the following order: 1) Atmos, 2) Party Staff, and 3) Consumer Advocate.

E. Witnesses

Three witnesses have been identified by the parties, and will be presented as follows:

- 1) Rebecca Buchanan, Atmos
- 2) Pat Murphy, Party Staff
- 3) Chris Klein, Consumer Advocate

During direct examination, each witness is permitted ten (10) minutes to summarize his/her pre-filed testimony. In addition, each witness is subject to recall for rebuttal purposes and should remain available throughout the length of the proceedings.

F. Examination of Witnesses and Questions by the Authority

Redirect examination of a witness may be permitted; however, the parties are cautioned that redirect examination should be limited to the matters elicited during cross-examination that require clarification. Redirect examination should not raise any new issues. Re-cross examination would be permitted only if a new issue is raised during redirect examination. Further, the Authority's Advisory Staff may ask questions following the completion of cross-examination and before any redirect examination. The Directors may question witnesses at any time during their testimony.

G. Closing Arguments

In lieu of post-hearing briefs, each party is allotted a maximum of ten (10) minutes to present a closing argument. Closing arguments will be presented in the following order: 1) Party Staff, 2) Consumer Advocate, and 3) Atmos.

H. Summary Outline of Hearing

For the convenience of the presiding panel and the parties, a *Procedural Outline of Hearing* has been provided as an attachment to this Order.

IT IS THEREFORE ORDERED THAT:

The Hearing, scheduled to begin at **9:00 a.m. CDT on April 14, 2014**, shall proceed in accordance with this Order and the attached *Procedural Outline of Hearing*, unless otherwise ordered by the Panel or the Presiding Director.



Kelly Cashman-Grams, Hearing Officer

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REVISE PERFORMANCE BASED RATEMAKING)	13-00111
MECHANISM RIDER IN TARIFF)	

PROCEDURAL OUTLINE OF HEARING

HEARING ON THE MERITS

- Scheduled to convene at 9:00 a.m. CDT on April 14, 2014

A. Hearing Convened by Chairman/Presiding Director & Introductions

B. Miscellaneous or Pre-Hearing matters

C. Public comments, if any

D. Opening Statements

1. Atmos
2. Party Staff
3. Consumer Advocate

E. Witness Testimony

1) **Atmos witness**

Rebecca Buchanan

- Oath Administered/Witness Sworn -

*Witness Summary of Direct

Limited to 10 minutes

Cross-examination

Party Staff

Cross-examination

Consumer Advocate

Questions

TRA Advisory Staff¹

Re-direct examination

Atmos

¹ While the Directors may ask questions at any time, the TRA Advisory Staff may directly question a witness between cross and re-direct examination.

2) Party Staff witness

Pat Murphy

- Oath Administered/Witness Sworn -

*Witness Summary of Direct

Limited to 10 minutes

Cross-examination

Atmos

Cross-examination

Consumer Advocate

Questions

TRA Advisory Staff

Re-direct examination

Party Staff

3) Consumer Advocate witness

Chris Klein

- Oath Administered/Witness Sworn -

*Witness Summary of Direct

Limited to 10 minutes

Cross-examination

Atmos

Cross-examination

Party Staff

Questions

TRA Advisory Staff

Re-direct examination

Consumer Advocate

F. Final public comments, if any

G. Closing Arguments

1. Party Staff
2. Consumer Advocate
3. Atmos

H. Hearing Adjourned