

**BEFORE THE TENNESSEE REGULATORY AUTHORITY**

**NASHVILLE, TENNESSEE**

**October 25, 2013**

**IN RE:**

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

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**DOCKET NO.  
13-00111**

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**ORDER GRANTING JOINT MOTION FOR OFFICIAL NOTICE &  
NOTICE TAKING OFFICIAL NOTICE OF RECORD OF PROCEEDINGS IN PRIOR DOCKETS**

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This matter came before the Hearing Officer of the Tennessee Regulatory Authority ("TRA" or the "Authority") upon the *Joint Motion of Atmos Energy Corporation and the Consumer Advocate and Protection Division for Official Notice of the Record in Prior Proceedings before the Authority Regarding the Audit of Atmos Energy Corporation's Incentive Plan Account ("Joint Motion")* filed by the parties, Atmos Energy Corporation ("Atmos") and the Consumer Advocate and Protection Division of the Office of the Attorney General and Reporter ("Consumer Advocate"), on October 7, 2013.

In the *Joint Motion*, the parties, pursuant to Tenn. Code Ann. § 4-5-313(6)(A)(ii), request an order taking official notice of the record in several prior TRA dockets related to the audit of Atmos' Incentive Plan Account, and attached as collective Exhibit 1 the TRA docket sheets in Docket Nos. 11-00158, 11-00195, 12-00053, 12-00044, and 13-00084. As grounds for their motion, the parties state that neither party objects to the record materials referenced in collective Exhibit 1. As such, by the granting of their request, discovery and evidentiary matters will be handled more economically and efficiently.

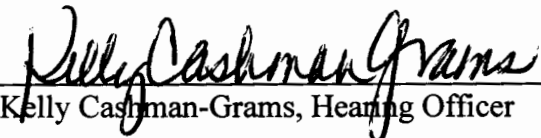
Therefore, upon consideration of the parties' request, the Hearing Officer finds good and sufficient cause to grant the *Joint Motion*, and to take official notice of the administrative record in the docket files set forth in collective Exhibit 1 to the *Joint Motion*. Furthermore, the Hearing Officer agrees that any documents in these prior TRA docket files that are subject to confidentiality protections under the terms of Protective Orders entered in those proceedings should continue to be so protected.

**IT IS THEREFORE ORDERED THAT:**

1. The *Joint Motion of Atmos Energy Corporation and the Consumer Advocate and Protection Division for Official Notice of the Record in Prior Proceedings before the Authority Regarding the Audit of Atmos Energy Corporation's Incentive Plan Account* is GRANTED;

2. In accordance with Tenn. Code Ann. §§ 4-5-313(6) and 65-2-109(2) and (4), the Authority takes official notice of the administrative record in TRA Docket Nos. 11-00158, 11-00195, 12-00053, 12-00044, and 13-00084, as set forth in collective Exhibit 1 to the *Joint Motion*, also attached hereto, and incorporates by reference the record in those docket files into the administrative record of this proceeding; and

3. Those documents entered in the designated prior TRA docket files that are entitled to confidentiality protections under the terms of the Protective Orders entered in those proceedings shall continue to be protected and any restrictions imposed by those orders remain in place, unaffected by the actions taken in this Order and Official Notice.

  
Kelly Cashman-Grams, Hearing Officer

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**Tennessee Regulatory Authority Docket 1100158**


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<b>Status:</b> Closed	<b>Type:</b> <i>Utilities/Telecom -- Audit</i>
<b>Section:</b> Section 3	<b>Panel:</b> Kyle,Hill,Freeman

IN RE: AUDIT OF ATMOS ENERGY CORPORATION'S ("ATMOS") INCENTIVE PLAN ACCOUNT FOR PERIOD OF APRIL 1, 2001 THROUGH MARCH 31, 2004.

<b>Date Filed</b>	<b>Caption</b>	<b>Company Filing</b>	<b>Size</b>
<u>12/19/11</u>	Order Adopting Incentive Plan Report Of TRA's Utilities Division.	Tennessee Regulatory Authority	946kb
<u>11/04/11</u>	Stipulation Regarding Procedure.	Atmos Energy Corporation	107kb
<u>10/28/11</u>	Notice Of Reassignment Of Panels.	Tennessee Regulatory Authority	37kb
<u>10/21/11</u>	Staff's Amended Page 5 To October 4, 2011 Audit Report.	Tennessee Regulatory Authority	87kb
<u>10/11/11</u>	Order Convening A Contested Case And Appointing A Hearing Officer.	Tennessee Regulatory Authority	16kb
<u>10/04/11</u>	Notice Of Filing By Utilities Division Of The Tennessee Regulatory Authority.	Tennessee Regulatory Authority	900kb
<u>10/04/11</u>	Protective Order.	Tennessee Regulatory Authority	657kb
<u>09/21/11</u>	Reply In Support Of Atmos Energy Corporation's Motion To Consolidate Dockets 11-00137 And 11-00158.	Atmos Energy Corporation	1978kb
<u>09/19/11</u>	Response Of TRA Staff To Atmos Energy Corporation's Motion To Consolidate Dockets 11-00137 And 11-00158.	Tennessee Regulatory Authority	195kb
<u>09/14/11</u>	Motion To Consolidate.	Atmos Energy Corporation	65kb
<u>09/08/11</u>	Request To Open Docket For Audit.	Tennessee Regulatory Authority	35kb



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**Tennessee Regulatory Authority Docket 1100195**


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<b>Status:</b> Closed	<b>Type:</b> Utilities/Telecom -- Audit
<b>Section:</b>	<b>Panel:</b> Kyle,Hill,Freeman

IN RE: AUDIT OF ATMOS ENERGY CORPORATION'S INCENTIVE PLAN ACCOUNT FOR THE PERIOD  
APRIL 1, 2004 THROUGH MARCH 31, 2007

Date Filed	Caption	Company Filing	Size
<u>09/10/12</u>	Order.	Tennessee Regulatory Authority	678kb
<u>05/24/12</u>	Amendment To Stipulation Regarding Procedure.	Atmos Energy Corporation	34kb
<u>03/20/12</u>	Joint Request For The Authority To Take Administrative Notice.	Tennessee Regulatory Authority	76kb
<u>03/19/12</u>	Stipulation Regarding Testimony And Request For Ruling On Briefs.	Atmos Energy Corporation	1238kb
<u>03/14/12</u>	Reply Testimony Of Rebecca M. Buchanan On Behalf Of Atmos Energy.	Atmos Energy Corporation	591kb
<u>03/14/12</u>	Response Of Atmos Energy To Briefs Of TRA Staff And The CAD.	Atmos Energy Corporation	719kb
<u>03/14/12</u>	Reply Brief Of TRA Audit Staff.	Tennessee Regulatory Authority	294kb
<u>02/22/12</u>	Direct Testimony Of Rebecca M. Buchanan On Behalf Of Atmos.	Atmos Energy Corporation	2594kb
<u>02/22/12</u>	Atmos Energy's Opening Brief.	Atmos Energy Corporation	905kb
<u>02/22/12</u>	CAD's Brief In Support Of The TRA Staff's Audit Report.	Consumer Advocate Division	204kb
<u>02/22/12</u>	Brief Of TRA Audit Staff Asserting That Atmos' PBRM Tariff/Capacity Release Incentive Mechanism Does Not Include Sharing Of Fees From Asset Management Contracts With Third-Party Asset Managers.	Tennessee Regulatory Authority	4967kb
<u>02/21/12</u>	Order Granting Stipulation Regarding Schedule.	Tennessee Regulatory Authority	51kb
<u>01/12/12</u>	Stipulation Regarding Briefing Schedule.	Atmos Energy Corporation	70kb
<u>01/09/12</u>	Memorandum.	Tennessee Regulatory Authority	38kb
<u>12/19/11</u>	Order Convening A Contested Case And Appointing A Hearing Officer.	Tennessee Regulatory Authority	51kb
<u>11/10/11</u>	Notice Of Filing By Utilities Division Of The TRA.	Tennessee Regulatory Authority	1073kb
<u>11/08/11</u>	Request For Docket No.	Tennessee Regulatory Authority	38kb

**Tennessee Regulatory Authority Docket 1200053**

<b>Status:</b> Closed	<b>Type:</b> <i>Utilities/Energy and Water – Audit</i>
<b>Section:</b> Section3	<b>Panel:</b> Kyle,Hill,Allison

IN RE: AUDIT OF ATMOS ENERGY CORPORATION'S INCENTIVE PLAN ACCOUNT FOR THE PERIOD  
APRIL 1, 2007 THROUGH MARCH 31, 2011

<b>Date Filed</b>	<b>Caption</b>	<b>Company Filing</b>	<b>Size</b>
<u>09/11/12</u>	Order Adopting Incentive Plan Report Of The TRA's Utilities Division.	Tennessee Regulatory Authority	986kb
<u>08/16/12</u>	Withdrawal Of Correction To Statement In Staff Audit Report.	Atmos Energy Corporation	47kb
<u>08/15/12</u>	Correction To Statement In Staff Audit Report.	Atmos Energy Corporation	59kb
<u>07/31/12</u>	Notice Of Filing By Utilities Division Of The Tennessee Regulatory Authority.	Tennessee Regulatory Authority	914kb
<u>06/13/12</u>	Request For Docket No.	Tennessee Regulatory Authority	29kb

**Tennessee Regulatory Authority Docket 1200044**

<b>Status:</b> Closed	<b>Type:</b> <i>Utilities/Energy and Water -- Other</i>
<b>Section:</b> Section3	<b>Panel:</b> Kyle,Hill,Allison

IN RE: AUDIT OF ATMOS ENERGY CORPORATION'S INCENTIVE PLAN ACCOUNT FOR THE TWELVE-MONTH PERIOD ENDING MARCH 31, 2012

<b>Date Filed</b>	<b>Caption</b>	<b>Company Filing</b>	<b>Size</b>
<u>03/04/13</u>	Order Adopting Incentive Plan Audit Report Of TRA's Utilities Division.	Tennessee Regulatory Authority	297kb
<u>01/28/13</u>	Notice Of Filing By Utilities Division Of The TRA.	Tennessee Regulatory Authority	252kb
<u>01/25/13</u>	Company And The Audit Staff Have Mutually Agreed To Extend The Deadline To February 28, 2013.	Tennessee Regulatory Authority	18kb
<u>10/24/12</u>	Company And Audit Staff Agree To Extend The Deadline For Completion To January 31, 2013.	Tennessee Regulatory Authority	19kb
<u>09/13/12</u>	Order Convening A Contested Case And Appointing A Hearing Officer.	Tennessee Regulatory Authority	43kb
<u>09/13/12</u>	Protective Order.	Tennessee Regulatory Authority	539kb
<u>09/11/12</u>	Proposed Protective Order.	Atmos Energy Corporation	32kb
<u>08/31/12</u>	Notice Of Reassignment Of Panels.	Tennessee Regulatory Authority	38kb
<u>05/24/12</u>	Letter Clarifying Filing Concerning The Annual Report Filing.	Atmos Energy Corporation	58kb
<u>05/24/12</u>	Annual Report (Confidenital On File In Docket Office).	Atmos Energy Corporation	49kb

**Tennessee Regulatory Authority Docket 1300084**

<b>Status:</b> Closed	<b>Type:</b> <i>Utilities/Telecom -- Other</i>
<b>Section:</b> Section7	<b>Panel:</b> Allison,DJones,Hill

IN RE: AUDIT OF ATMOS ENERGY CORPORATION'S INCENTIVE PLAN ACCOUNT FOR THE PERIOD OF APRIL 1, 2012 THROUGH MARCH 31, 2013

<b>Date Filed</b>	<b>Caption</b>	<b>Company Filing</b>	<b>Size</b>
<u>09/23/13</u>	Order Adopting Incentive Plan Audit Report Of TRA's Utilities Division.	Tennessee Regulatory Authority	1391kb
<u>08/27/13</u>	Notice Of Filing By Utilities Division Of The TRA.	Tennessee Regulatory Authority	1324k
<u>06/13/13</u>	Protective Order.	Tennessee Regulatory Authority	649kb
<u>06/07/13</u>	Proposed Protective Order.	Tennessee Regulatory Authority	584kb
<u>05/28/13</u>	Annual Report Of Shared Savings For The Twelve-month Period Ending March 31, 2013 (Confidential Portion On File In Docket Office).	Atmos Energy Corporation	173kb