filed electronically in docket office on 10/28/13

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	)	

RESPONSES OF CONSUMER ADVOCATE AND PROTECTION DIVISION TO DATA REQUESTS OF AUTHORITY STAFF ISSUED ON OCTOBER 21, 2013

The Consumer Advocate and Protection Division hereby submits its responses to the data requests issued by the Authority Staff on October 21, 2013.

REQUEST NO. 1: On September 26, 2007, the Authority opened Docket No. 07-00225 to evaluate Atmos' gas purchases and related sharing incentives. Following extensive discovery, and ongoing negotiations between the Consumer Advocate and Atmos over the ensuing five and a half years, a Stipulation and Settlement Agreement was filed with the Authority on May 7, 2013. The terms provided for a comprehensive review of the transactions and activities related to asset management by an independent consultant in the fall of 2014 and approval for the Company to recover its legal fees from the customers' share of asset management fees. The Stipulation and Settlement was considered and approved at the June 17, 2013 Authority Conference and memorialized in an Authority Order dated August 6, 2013. Seven days after the Authority's Order, Atmos requested a revision of its PBR tariff. Please state all rationale and reasons why Atmos' proposed tariff revision was not addressed in Docket No. 07-00225, the docket specifically designated by the Authority for this purpose?

RESPONSE: Counsel for Atmos has indicated to the Consumer Advocate that he contacted a representative of the Consumer Advocate after the negotiations had concluded but just prior to the filing of the settlement in Docket No. 07-00225 on May 7, 2013, stating that Atmos wanted to discuss the deadband with the Consumer Advocate. The Consumer Advocate does not have a recollection of this contact but cannot deny it occurred. The Consumer Advocate met with Atmos to discuss the deadband on July 17, 2013. That meeting was scheduled on or about July 15, 2013. Thus, the negotiations in Docket No. 07-00225 did not include any discussion of the deadband. Rather, as indicated in the status reports filed in Docket No. 07-00225, the negotiations in that docket focused on scheduling a review of the incentive plan and recovery of attorney's fees.

REQUEST NO. 2: Did the Consumer Advocate know that a subsequent tariff revision focusing on one issue would be filed by Atmos soon after the Stipulation and Settlement was approved?

RESPONSE: No.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing was served by electronic mail upon the following:

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This 28th day of October, 2013.

Joe Shirley