

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

| | | |
|---------------------------------|---|----------------------------|
| IN RE: |) | |
| |) | |
| PETITION OF ATMOS ENERGY |) | |
| CORPORATION FOR ANNUAL |) | DOCKET NO. 14-00081 |
| REVIEW OF RATES |) | |
| |) | |

**MOTION TO DISMISS OR DENY PETITION FOR FAILURE TO MEET
STATUTORY REQUIREMENT**

Comes the Consumer Advocate and Protection Division of the Office of the Attorney General ("Consumer Advocate"), pursuant to TRA Rule 1220-1-2-.03 and the Hearing Officer's request and Procedural Schedule, and moves the Tennessee Regulatory Authority ("TRA" or "Authority") to dismiss or deny the Petition of Atmos Energy Corporation ("Atmos Energy") because the Petition fails to meet a statutory requirement necessary for it to be granted.

As ground for the motion, the Consumer Advocate would state that:

1. Atmos Energy filed its Petition for an annual rate review pursuant to Tenn. Code Ann. § 65-5-103(d)(6)(A) which provides that: "[a] public utility may opt to file for an annual review of its rates based upon the methodology adopted in its most recent rate case pursuant to § 65-5-101 and subsection (a), if applicable."

2. The Petition, however, cannot meet the statutory requirement of a review "based upon the methodology adopted in its most recent rate case"

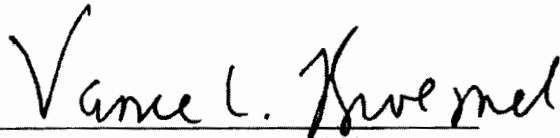
because the TRA explicitly stated that it did not adopt any "specific . . . methodologies" in Atmos Energy's most recent rate case:

In addition, the panel found that, in accepting the *Stipulation and Settlement Agreement*, the Authority was not adopting any specific means, models or methodologies used to calculate the resulting agreed-upon terms.

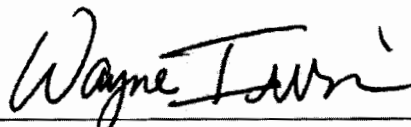
Order Approving Settlement Agreement (December 4, 2012), TRA Docket No. 12-00064 at 4 (emphasis added).

Accordingly, the Petition should be dismissed or denied.

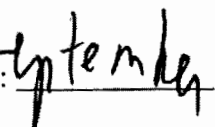
RESPECTFULLY SUBMITTED,



VANCE L. BROEMEL (BPR #11421)
Senior Counsel
Office of the Attorney General
Consumer Advocate and Protection Division
P.O. Box 20207
Nashville, Tennessee 37202-0207
(615) 741-8733



WAYNE IRVIN (BPR #30946)
Assistant Attorney General
Office of the Tennessee Attorney General
Consumer Advocate and Protection Division
P.O. Box 20207
Nashville, Tennessee 37202-0207
(615) 741-8733

24 September, 2014.
Dated:  2014.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served via U.S. Mail or electronic mail upon:

Patricia Childers
Vice President
Rates & Regulatory Affairs
Mid-States Division
Atmos Energy Corporation
810 Crescent Centre Drive, Ste. 600
Franklin, TN 37067-6226

A. Scott Ross, Esq.
Neal & Harwell, PLC
2000 One Nashville Place
150 Fourth Avenue North
Nashville, TN 37219-2498

Ellen T. Weaver, Esq.
Senior Attorney
Atmos Energy Corporation
P.O. Box 650205
Dallas, TX 75265-0205

This the 29th day of September, 2014.

Vance L. Broemel
Vance L. Broemel