

**BEFORE THE TENNESSEE REGULATORY AUTHORITY
NASHVILLE, TENNESSEE**

IN RE:

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

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DOCKET NO. 16-00028

**FIRST DISCOVERY REQUEST OF THE
CONSUMER PROTECTION AND ADVOCATE DIVISION
TO ATMOS ENERGY CORPORATION**

To: A. Scott Ross, Esq.
c/o Atmos Energy Corporation
Neal & Harwell, PLC
2000 One Nashville Place
150 Fourth Avenue North
Nashville, TN 37219-2498

Mr. Mark Martin
VP, Regulatory Affairs
Atmos Energy Corporation
3275 Highland Pointe Drive
Owensboro, KY 42303

Douglas C. Walther, Esq.
Associate General Counsel
Atmos Energy Corporation
P.O. Box 650205
Dallas, TX 75265-0205

This First Discovery Request is hereby served upon Atmos Energy Corporation ("Company" or "Atmos Energy"), pursuant to Rules 26, 33, 34 and 36 of the Tennessee Rules of Civil Procedure and Tenn. Comp. R. & Reg. 1220-1-2-.11. The Consumer Protection and Advocate Division of the Attorney General's Office ("Consumer Advocate") requests that full and complete responses be provided pursuant to the Tennessee Rules of Civil Procedure. The

responses are to be produced at the Office of the Tennessee Attorney General and Reporter, Consumer Protection and Advocate Division, 315 Deaderick Street, 20th Floor, Nashville, Tennessee 37243, c/o Wayne M. Irvin, on or before 4:00 p.m. (CDT), September 26, 2016, or at such other time as may be ordered by the Hearing Officer in the adoption or approval of a procedural schedule in this TRA Docket.

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 Atmos Energy and any Atmos Energy affiliate which would make a prior response inaccurate, incomplete, or incorrect.

To the extent that the data or information requested is incorporated or contained in a document, please identify the document.

Provide all responses in the format in which they are created or maintained, for example, Microsoft Word or Microsoft Excel format with all cells and formulas intact and in working order. If a document (including without limitation a financial or other spreadsheet or work paper) is not created or maintained in Microsoft Excel format, convert the document to Microsoft Excel format or provide the document in a format that enables or permits functionality like or similar to Microsoft Excel (including without limitation the functionality of working cells and formulas), or provide the software program(s) that will enable the Consumer Advocate to audit and analyze the data and information in the same manner as would be enabled or permitted if the document were provided in Microsoft Excel format.

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 claim a document is privileged, identify the document and state the basis for 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” or “your” or “Company” or “Atmos Energy” as used herein mean Atmos Energy Corporation and all employees, agents, attorneys, representatives or any other person acting or purporting to act on its behalf.

The term “affiliate” means any entity that controls, is controlled by, or is under common control with the Company.

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

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

The term “identify” with respect to:

- (a) any natural person, means to state the full name, telephone number, e-mail address, and the last known physical business address of the person and that person’s relationship, whether business, commercial, professional, or personal with you;
- (b) any legal person, business entity or association, means to state the full name, telephone number, e-mail address, and the last known physical business address of such person or entity;
- (c) any document, means to state the type of document (e.g., letter), the title, the subject matter, the date the document bears and the date it was written; and
- (d) any oral communication, means to state the date when and the place where it was made, the identity of the person who made it, the identity of the person or persons who were present or who heard it, and the substance of it.

“Relates to” means constitutes, contains, records, discusses, summarizes, discloses, and/or refers to, in whole or in part.

“And” and “or” shall be construed conjunctively or disjunctively as necessary to make the discovery request inclusive rather than exclusive.

“Including” shall be construed to mean including but not limited to.

The singular shall include the plural, and vice-versa, where appropriate.

FIRST DISCOVERY REQUESTS

1. Provide a comparison of the annual cost savings to Atmos Energy and its customers under the Performance-Based Ratemaking Mechanism (“PBRM”) tariff rider with and without the deadband under the Gas Procurement Incentive Mechanism (“GPIM”) for the annual PBR review periods from April 2002 through March 2014. Include in your response the deadband; the benchmark commodity costs; Atmos Energy’s actual

commodity cost; the total commodity cost savings for Tennessee broken down between Atmos Energy and its customers; the total commodity cost savings outside of the deadband broken down between Atmos Energy and its customers; any capacity release savings; any asset management agreement (“AMA”) savings; and any savings forfeited by Atmos Energy. Provide all workpapers and documents prepared, used, or relied upon in evaluating or responding to this Request.

RESPONSE:

2. Provide a comparison of the annual cost savings to Atmos Energy and its customers under the Performance-Based Ratemaking Mechanism (PBRM) tariff rider with and without both the deadband and the \$1.25 million cap under the PBRM for the annual PBRM review periods from April 2002 through March 2014. Include in your response the deadband; the benchmark commodity costs; Atmos Energy’s actual commodity cost; the total commodity cost savings for Tennessee broken down between Atmos Energy and its customers; the total commodity cost savings outside of the deadband broken down between Atmos Energy and its customers; any capacity release savings; any AMA savings; and any savings forfeited by Atmos Energy. Provide all workpapers and documents prepared, used, or relied upon in evaluating or responding to this Request.

RESPONSE:

3. Provide a comparison of the annual cost savings to Atmos Energy and its customers under the Performance-Based Ratemaking Mechanism (PBRM) tariff rider with and without all of the PBRM changes sought by Atmos Energy, including the elimination of the deadband and the \$1.25 million cap as well as all sharing changes, for the annual PBRM review periods from April 2002 through March 2014. Include in your response

the deadband; the benchmark commodity costs; Atmos Energy's actual commodity cost; the total commodity cost savings for Tennessee broken down between Atmos Energy and its customers; the total commodity cost savings outside of the deadband broken down between Atmos Energy and its customers; any capacity release savings; any AMA savings; and any savings forfeited by Atmos Energy. Provide all workpapers and documents prepared, used, or relied upon in evaluating or responding to this Request.

RESPONSE:

4. Provide a spreadsheet containing the calculation of the market price benchmark used in the GPIM for April 2002 through March 2014. Include the monthly values of each index used to compute the benchmark and sufficient detail to show the method of calculating the benchmark from the individual indexes. Provide all workpapers and documents prepared, used, or relied upon in evaluating or responding to this Request.

RESPONSE:

5. Refer to the annual report of shared savings as filed in TRA Docket 15-00060 on May 28, 2015. Please provide the full un-redacted annual report of shared savings, along with the supporting calculations, for the twelve-month period ending March 31, 2015.

RESPONSE:

6. Refer to the annual report of shared savings as filed in TRA Docket 14-00054 on May 15, 2014. Please provide the full un-redacted annual report of shared savings, along with the supporting calculations, for the twelve-month period ending March 31, 2014.

RESPONSE:

7. Refer to the annual report of shared savings as filed in TRA Docket 13-00084 on May 28, 2013. Please provide the full un-redacted annual report of shared savings, along with the supporting calculations, for the twelve-month period ending March 31, 2013.

RESPONSE:

8. Refer to the annual report of shared savings as filed in TRA Docket 12-00044 on May 24, 2012. Please provide the full un-redacted annual report of shared savings, along with the supporting calculations, for the twelve-month period ending March 31, 2012.

RESPONSE:

9. Refer to the annual report of shared savings as filed in TRA Docket 11-00137 on August 23, 2011. Please provide the full un-redacted annual report of shared savings, along with the supporting calculations, for the twelve-month period ending March 31, 2011.

RESPONSE:

10. Refer to the annual report of shared savings as filed in TRA Docket 11-00137 on August 23, 2011. Please provide the full un-redacted annual report of shared savings, along with the supporting calculations, for the twelve-month period ending March 31, 2010.

RESPONSE:

11. Refer to the annual report of shared savings as filed in TRA Docket 11-00137 on August 23, 2011. Please provide the full un-redacted annual report of shared savings, along with the supporting calculations, for the twelve-month period ending March 31, 2009.

RESPONSE:

12. Refer to the annual report of shared savings as filed in TRA Docket 11-00137 on August 23, 2011. Please provide the full un-redacted annual report of shared savings, along with the supporting calculations, for the twelve-month period ending March 31, 2008.

RESPONSE:

13. Refer to the annual report of shared savings as filed in TRA Docket 11-00137 on August 23, 2011. Please provide the full un-redacted annual report of shared savings, along with the supporting calculations, for the twelve-month period ending March 31, 2007.

RESPONSE:

14. Refer to the annual report of shared savings as filed in TRA Docket 11-00137 on August 23, 2011. Please provide the full un-redacted annual report of shared savings, along with the supporting calculations, for the twelve-month period ending March 31, 2006.

RESPONSE:

15. Refer to the annual report of shared savings as filed in TRA Docket 11-00137 on August 23, 2011. Please provide the full un-redacted annual report of shared savings, along with the supporting calculations, for the twelve-month period ending March 31, 2005.

RESPONSE:

16. Refer to the annual report of shared savings as filed in TRA Docket 11-00137 on August 23, 2011. Please provide the full un-redacted annual report of shared savings, along with the supporting calculations, for the twelve-month period ending March 31, 2004.

RESPONSE:

17. Refer to the annual report of shared savings as filed in TRA Docket 11-00137 on August 23, 2011. Please provide the full un-redacted annual report of shared savings, along with the supporting calculations, for the twelve-month period ending March 31, 2003.

RESPONSE:

18. Refer to the annual report of shared savings as filed in TRA Docket 11-00137 on August 23, 2011. Please provide the full un-redacted annual report of shared savings, along with the supporting calculations, for the twelve-month period ending March 31, 2002.

RESPONSE:

19. Refer to the annual report of shared savings as filed in TRA Docket 11-00137 on August 23, 2011. Please provide the full un-redacted annual report of shared savings, along with the supporting calculations, for the twelve-month period ending March 31, 2001.

RESPONSE:

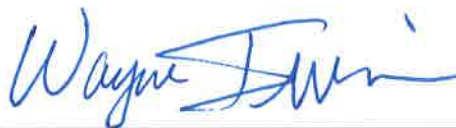
20. Provide a full and unredacted annual report of shared savings, along with the supporting calculations for each twelve month period ending March 31st prior to April 1, 2000.

RESPONSE:

21. Identify, for each response, all persons assisting in the answering of each of these requests. Please state the request(s) on which each such person(s) assisted.

RESPONSE:

RESPECTFULLY SUBMITTED,



Wayne M. Irvin (BPR # 030946)
Assistant Attorney General
Office of the Attorney General
Consumer Protection and Advocate Division
P.O. Box 20207
Nashville, Tennessee 37202-0207
615-532-5512
wayne.irvin@ag.tn.gov

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:

A. Scott Ross, Esq.
Blind Akrawi, Esq.
Neal & Harwell, PLC
2000 One Nashville Place
150 Fourth Avenue North
Nashville, TN 37219-2498
sross@nealharwell.com
bakrawi@nealharwell.com

Mr. Mark Martin
VP, Regulatory Affairs
Atmos Energy Corporation
3275 Highland Pointe Drive
Owensboro, KY 42303
(270) 685-8024
mark.martin@atmosenergy.com

Douglas C. Walther, Esq.
Associate General Counsel
Atmos Energy Corporation
P.O. Box 650205
Dallas, TX 75265-0205
doug.walther@atmosenergy.com

Joe Shirley, Esq.
Jim Layman, Esq.
Tennessee Regulatory Authority
502 Deaderick Street, 4th Floor
Nashville, TN 37243
joe.shirley@tn.gov
jim.r.layman@tn.gov

This the 12th day of September, 2016.



Wayne M. Irvin