

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

IN RE:

**ATMOS ENERGY CORPORATION
ANNUAL RECONCILIATION OF
ANNUAL REVIEW MECHANISM**

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DOCKET NO. 16-00105

PETITION TO INTERVENE

Herbert H. Slatery III, Attorney General and Reporter for the State of Tennessee, by and through the Consumer Protection and Advocate Division of the Office of the Attorney General (“Consumer Advocate”), pursuant to Tenn. Code Ann. § 65-4-118, respectfully petitions the Tennessee Regulatory Authority (“TRA” or “Authority”) to grant the Consumer Advocate’s intervention into this proceeding because consumers’ interests, rights, duties or privileges may be determined or affected by the Petition of Atmos Energy Corporation for Approval of Annual Review Mechanism (“Petition”) filed by Atmos Energy Corporation (“Atmos Energy” or “Utility”) on September 1, 2016, and docketed in this TRA Docket 16-00105. For cause, Petitioner would show as follows:

1. The Consumer Advocate is authorized by Tenn. Code Ann. § 65-4-118 to represent the interests of Tennessee consumers of public utility services by initiating and intervening as a party in any matter or proceeding before the Authority in accordance with the Uniform Administrative Procedures Act, Tenn. Code Ann. § 4-5-101 *et seq.*, and Authority rules.
2. Atmos Energy is a public utility regulated by the Authority and is in the business of transporting, distributing, and selling natural gas service.¹

¹ Petition at page 2, paragraph 3.

3. The Utility's principal place of business is located at Atmos Energy Corporation, 5430 LBJ Freeway, Suite 1800, Dallas, Texas 75240.²

4. The Petition implements the annual reconciliation process in connection with Atmos Energy's annual review mechanism ("ARM"), as approved in the Authority's Order Approving Settlement ("Order Approving Settlement"), filed on November 4, 2015, in TRA Docket 14-00146 (which incorporated by reference the Stipulation and Settlement Agreement ("Settlement Agreement") between the Parties in that Docket).³

5. The Petition requests an increase in revenue in the amount of \$5,513,723, which would be included in any adjustment to rates charged to customers in the Utility's next ARM filing in February 2017.⁴ The increase in revenue is based on the reconciliation of Atmos Energy's actual results to the forward looking test year amounts in TRA Docket 14-00146. Atmos Energy's witness states that this increase in revenue is due primarily to a pension contribution, operations and maintenance expenses for outside safety related contractors, ad valorem taxes, and lower than forecasted gross margins.⁵

6. The interests of consumers, including without limitation the proposed increase in revenues to be included in any adjustment to rates charged to customers in the Utility's next ARM filing, may be affected by determinations and orders made by the Authority with respect to (i) the interpretation, application, and/or implementation of Tenn. Code Ann. § 65-5-103(a), Tenn. Code Ann. § 65-5-103(d), and other relevant statutory and regulatory provisions, (ii) the review and analysis of the documentation, financial spreadsheets, and materials provided by Atmos Energy, and (iii) the interpretation, application, and/or implementation of the terms and

² Petition at page 2, paragraph 1.

³ Direct Testimony of Gregory K. Waller ("Waller Testimony"), as filed with the Petition, at pages 2 -3.

⁴ Petition at Page 2, paragraph 4; Waller Testimony at page 4.

⁵ Waller Testimony at page 4.

conditions of the Order Approving Settlement, the Settlement Agreement that was approved, adopted, and incorporated into the Order Approving Settlement, and orders in other TRA dockets.

7. Only by participating as a party to this proceeding can the Consumer Advocate adequately carry out its statutory duty to represent the interests of Tennessee consumers.

Wherefore, the Consumer Advocate requests the Authority to grant this Petition to Intervene.

RESPECTFULLY SUBMITTED,



HERBERT H. SLATTERY III (BPR No. 009077)
Attorney General and Reporter
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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:

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This the 21st day of September, 2016.



Wayne M. Irvin