

**BEFORE THE TENNESSEE PUBLIC UTILITY COMMISSION
NASHVILLE, TENNESSEE**

April 12, 2023

IN RE:)	
)	
PETITION OF ATMOS ENERGY)	DOCKET NO.
CORPORATION FOR APPROVAL OF ITS 2023)	23-00008
ANNUAL RATE REVIEW FILING PURSUANT)	
TO TENN. CODE ANN. § 65-5-103(d)(6))	

**ORDER GRANTING CONSUMER ADVOCATE’S MOTION FOR LEAVE
TO ISSUE MORE THAN FORTY DISCOVERY REQUESTS**

This matter is before the Hearing Officer upon the *Consumer Advocate’s Motion for Leave to Issue More than Forty Discovery Requests* (“*Motion*”) filed by the Consumer Advocate Division of the Office of the Tennessee Attorney General (“Consumer Advocate”) on March 13, 2023, requesting leave to serve more than forty discovery requests on Atmos Energy Corporation (“Atmos” or the “Company”) pursuant to Tennessee Public Utility Commission (“Commission” or “TPUC”) Rule 1220-1-2-.11(5)(a). The Consumer Advocate also filed a *Memorandum in Support of the Consumer Advocate’s Motion for Leave to Issue more than Forty Discovery Requests* (“*Memo*”) on March 13, 2023.

The Consumer Advocate seeks additional discovery to allow it to fully test the merits of Atmos’ annual rate review mechanism (“ARRM”) filing, and the Consumer Advocate maintains there is good cause for its *Motion* as required by Commission Rule 1220-01-0-.11.¹ In its *Memo*, the Consumer Advocate states it seeks to present a “complete case” to the Commission by providing a parallel case to the Commission setting forth an alternative number for each one presented by the Company, not merely opposing selected parts of the Company’s Petition.² According to the Consumer Advocate, [w]ithout the requested discovery – and without receiving discovery responses

¹ *Memo*, p. 4 (March 13, 2023).

² *Id.*

in the format requested – the Consumer Advocate will be severely constrained in representing the interests of households that constitute the Company’s consumers.”³ The Consumer Advocate argues that additional discovery is justified because the ARRM results in a rate increase for Atmos customers that arises from ongoing capital investment, and further, the Company specifically agreed to provide additional discovery to the Consumer Advocate in the Settlement Agreement approved by the Commission to implement the ARRM.⁴


TPUC Rule 1220-1-2-.11 (5)(a) provides as follows:

No party shall serve on any other party more than forty (40) discovery requests including sub-parts without first having obtained leave of the Commission or a Hearing Officer. Any motion seeking permission to serve more than forty (40) discovery requests shall set forth the additional requests. The motion shall be accompanied by a memorandum establishing good cause for the service of additional interrogatories or requests for production. If a party is served with more than forty (40) discovery requests without an order authorizing the same, such party need only respond to the first forty (40) requests.

TPUC Rules allow a minimum of forty discovery requests to be served upon a party. Nevertheless, upon compliance with TPUC Rule 1220-1-2-.11(5)(a) and a showing of good cause, the Commission has been flexible in permitting supplemental discovery. Based on the foregoing, the Hearing Officer finds the Consumer Advocate has met the requirements of the Rule by showing good cause to issue additional discovery requests. Further, the Company did not object the *Motion*. Therefore, based on these findings, the Hearing Officer concludes the *Motion* should be granted.⁵

IT IS THEREFORE ORDERED THAT:

The *Consumer Advocate’s Motion for Leave to Issue More than Forty Discovery Requests* is **GRANTED**.


Monica Smith-Ashford, Hearing Officer

³ *Id.* at 5.

⁴ *Id.*

⁵ The Hearing Officer communicated the ruling to the parties via an email dated March 28, 2023.