

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

**August 25, 2023**

**IN RE:**

**ATMOS ENERGY CORPORATION NOTICE OF  
FILING DEPRECIATION STUDY AND  
REQUEST FOR APPROVAL OF NEW  
DEPRECIATION RATES**

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**DOCKET NO.  
23-00050**

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

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This matter is before the Hearing Officer upon the *Consumer Advocate’s Motion 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 August 4, 2023, requesting permission to serve more than forty discovery requests on Atmos Energy Corporation (“Atmos Energy” 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 August 4, 2023.

In its *Memo*, the Consumer Advocate states it seeks to present a complete case to the Commission. The Consumer Advocate states that Atmos Energy seeks approval of depreciation rates based on a recent depreciation study. The Consumer Advocate argues that substantial discovery is justified because the Depreciation Study results in the calculation of net salvage and other calculations that should be used in calculating the cost of service for Atmos Energy customers “so that customers receiving service from the asset pay rates that include a portion of

both elements the asset's service value, the original cost and the net salvage value.”<sup>1</sup> The Consumer Advocate asserts “[t]herefore, the Consumer Advocate having more than 40 questions in its initial round of discovery is reasonable and meets the ‘good cause’ standard alone.”<sup>2</sup> In addition, the Consumer Advocate maintains that “[t]he consequences of the denial of the additional discovery requested would include the inability of the Consumer Advocate to test the validity of the Company's Depreciation Study Filing. Therefore, the Consumer Advocate would not have the ability to develop fully prepared positions on the myriad of issues presented in the *Petition* and its accompanying direct testimonies.”<sup>3</sup> According to the Consumer Advocate, “[w]ithout the requested discovery – and without receiving discovery responses in the format requested – the Consumer Advocate will be severely constrained in representing the interests of the Company's consumers.”<sup>4</sup> Atmos Energy did not oppose the Consumer Advocate's *Motion*.

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 to occur. In light of the foregoing, the Hearing Officer finds that the Consumer Advocate has met the

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<sup>1</sup> *Memo*, p. 4 (August 4, 2023).

<sup>2</sup> *Id.* at 5.

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

requirements of the Rule by showing good cause to issue additional discovery requests to Atmos Energy. Further, the Company did not object the *Motion*. Therefore, based on these findings, the Hearing Officer grants the *Motion*.

**IT IS THEREFORE ORDERED THAT:**

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

A handwritten signature in black ink that reads "Monica Smith-Ashford". The script is cursive and fluid, with the first letters of each word being capitalized and prominent.

Monica Smith-Ashford, Hearing Officer