

**IN THE TENNESSEE PUBLIC UTILITY COMMISSION
AT NASHVILLE, TENNESSEE**

IN RE:)	
)	
ATMOS ENERGY CORPORATION)	
FOR APPROVAL OF ITS 2024 ANNUAL)	DOCKET NO. 24-00006
RATE REVIEW FILING PURSUANT)	
TO TENN. CODE ANN. § 65-5-103(d)(6))	
)	

**CONSUMER ADVOCATE’S RESPONSES TO
ATMOS’ FIRST SET OF DISCOVERY REQUESTS**

Jonathan Skrmetti, Attorney General and Reporter for the State of Tennessee, by and through the Consumer Advocate Division of the Office of the Tennessee Attorney General (“Consumer Advocate”), pursuant to Rules 26, 33, and 34 of the Tennessee Rules of Civil Procedure, Tennessee Public Utility Commission (“TPUC” or the “Commission”) Rule 1220-01-02-.11, and the Agreed Procedural Schedule entered by the Hearing Officer in this Docket, hereby submits its responses to the *First Set of Discovery Request of Atmos Energy Corporation* (“Atmos” or the “Company”) filed on August 7, 2023.

General Objections

All of the General Objections made herein are applicable to and are hereby incorporated into each and every response herein, and each response herein is made subject to and without waiver of these General Objections.

- A. The Consumer Advocate objects to each of the Company’s requests on the grounds that each is overly broad, unduly burdensome, and oppressive.
- B. The Consumer Advocate objects to the Company’s discovery requests to the extent that they purport to impose the obligations upon the Consumer Advocate beyond

those contemplated by the Tennessee Rules of Civil Procedure, TPUC Rules, and Tennessee law.

- C. The Consumer Advocate objects to each of the Company's requests to the extent that each purports to call for information and/or documents prepared in anticipation of litigation, and/or information and/or documents protected by the attorney-client privilege, the work product doctrine, the common-interest doctrine, or any other applicable protection or privilege.
- D. The Consumer Advocate objects to each of the Company's requests to the extent that they are not applicable in the context of a proceeding before the TPUC, cite an incorrect legal conclusion, or mischaracterize or improperly summarize statements made by the Consumer Advocate's expert witnesses in their pre-filed direct testimonies.
- E. By providing the objections contained herein, the Consumer Advocate does not waive or intend to waive, but rather, intends to preserve, all objections with regard to competence, relevance, materiality, and admissibility of the discovery information or documents in any subsequent proceeding on the related subject matter. Moreover, the Consumer Advocate intends by this set of responses to preserve all objections to vagueness, ambiguity, and undue burden in connection with requests to produce documents, including those that are not in the Consumer Advocate's possession, custody, or control.
- F. The responses made herein are made to the best of Consumer Advocate's present knowledge after a reasonably diligent search for responsive information. The Consumer Advocate will supplement its responses in line with the requirements of the Tennessee Rules of Civil Procedure as well as TPUC Rules and expressly reserves its right to supplement or amend its answers, if and as appropriate, including with respect to objections that may arise at a later time than this filing.

Without waiving these General Objections as they apply to each individual request, the Consumer Advocate presents the following responses:

CONSUMER ADVOCATE'S RESPONSES

- 1-01. Please provide all formulas, excel spreadsheets, and workpapers supporting Mr. Novak's calculations resulting in the \$19,282,107 revenue deficiency, as set forth in page 11 of his pre-filed testimony.

RESPONSE:

This information has already been provided to the Company on Monday, April 8, 2024.

1-02. Admit or deny that the Company's calculation of the Forfeited Discount Factor using Revenue is in compliance with the Approved Methodology resulting from Docket 18-00112. If you deny this statement, specify in detail (i) the methodology changes which you believe the Company has made and (ii) when you contend Atmos Energy first made that methodology change in its annual ARM filings.

RESPONSE:

Admit.

1-03. Admit or deny that the Forfeited Discount rate of 1.0971% from Docket No. 14-00146 proposed for use at page 8 of Mr. Novak's pre-filed testimony is based upon total margin. If you deny this statement, please provide your factual basis for doing so, including an explanation for Paragraph 10 of the Settlement Agreement filed in Docket No. 18-00112.

RESPONSE:

Admit.

1-04. Admit or deny that the rate design in ARM filings between base charges and volumetric charges is formulaic per the Approved Methodologies. If you deny this statement, please state in detail what you contend the rate design between base charge and volumetric charges should be, and identify all the portions of all past ARM filings, if any, using that rate design.

RESPONSE:

We are unable to admit or deny since the term "formulaic" is undefined within the Approved Methodologies.

RESPECTFULLY SUBMITTED,



SHILINA B. BROWN (BPR No. 020689)

Assistant Attorney General

VANCE L. BROEMEL (BPR No. 011421)

Managing Attorney

Office of the Tennessee Attorney General

Consumer Advocate Division

P.O. Box 20207

Nashville, Tennessee 37202

Phone: (615) 740-2357

Fax: (615) 741-1026

Email: Shilina.Brown@ag.tn.gov

Email: Vance.Broemel@ag.tn.gov

TPUC Docket No. 24-00006

CA's Responses to Atmos DR 1

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served via U.S. Mail, with a courtesy copy by electronic mail provided upon:

Erik Lybeck, Esq.
Sims Funk, PLC
3322 West End Avenue, #200
Nashville, TN 37203
Phone: (615) 425-7030
Email: Elybeck@simsfunk.com

This the 15th day of April, 2024.



SHILINA B. BROWN
Assistant Attorney General