

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

AN INVESTIGATION OF NATURAL GAS)	ADMINISTRATIVE
RETAIL COMPETITION PROGRAMS)	CASE NO. 2010-00146

ORDER

This matter is before the Commission on Stand Energy Corporation's ("Stand") motion to compel Atmos Energy Corporation ("Atmos") to provide complete responses to Stand's data requests. By this Order, the Commission grants Stand's motion in part and denies in part.

As permitted by the procedural schedule established for this proceeding, Stand issued data requests to Atmos on July 15, 2010 and Atmos filed its responses on July 29, 2010. Stand subsequently filed a motion asserting that Atmos's data responses were not complete and requesting that the Commission order Atmos to file complete responses to Request 1-1D, 1-3 A through C; 1-4; 1-5 A through C; 1-6 A through C; 1-9 B, E and F. Atmos included in its responses arguments in support of its objections, but did not file a separate response to Stand's motion.

Stand requests, in Request 1.1D, that Atmos identify when its transportation customers' deliveries provided a financial credit or system benefit to firm sales customers. Atmos objected, stating that it does not maintain this information and that it would be unduly burdensome to provide the information. Stand argues that, while

Atmos may not maintain this information, it should be able to provide a response. Having reviewed the proffered arguments, we deny Stand's request.

In its Requests 1-3 A through C, Stand requests that Atmos provide information concerning any waivers it has granted from its approved tariffs. Atmos states that it does not grant preferential treatment, but acknowledged that from time to time the company makes exceptions and maintains a log on the exceptions granted. Stand argues that the question is relevant and that Atmos should respond. The Commission will grant in part Stand's motion with respect to these requests. We will require Atmos to state whether it has granted any waivers and allow it to provide an explanation, but we find that the request is specific enough to determine whether the recipient was a supplier, affiliate or consumer and will not require Atmos to identify the specific recipient.

Atmos objects on the grounds of confidentiality and relevance to Stand's Request 1-4 that it provide information regarding the extent to which it secures supply from an affiliate. The Commission finds this information is relevant to this proceeding and that Atmos has not shown how disclosure of the identity of an affiliate supplier and the percentage of its total gas supply that is provided by that affiliate requires confidential protection. Atmos shall provide the information requested.

Stand asserts that Atmos should be required to provide the information requested in Request 1-5 A through C and 1.6 A through C relating to its marketing affiliate and its asset manager. Since Atmos and Stand make the same respective arguments with regard to these requests, we address them together. Atmos asserts that the information is not relevant to this proceeding and that all information regarding

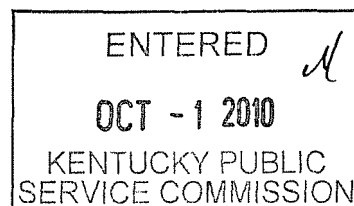
its supply arrangements are confidential. Stand claims the information is relevant and will yield information regarding Atmos's relationship with its affiliate and any barriers to competition that exist. Having reviewed the requests and the arguments presented, the Commission finds that the information in Request 1-5. A and B and 1.6 A and B is relevant and should be provided. We find that the information requested in 1.5 C and 1.6 C exceeds the scope of this proceeding and that Atmos should not be required to respond.

Finally, Stand has requested information in Request 1-9 B, E and F that we will again address together since Atmos and Stand make the same respective arguments to each. Atmos objects based on relevance and confidentiality and Stand argues relevancy based on its position that there is a lack of competition and potential discriminatory access. Based on our review of the arguments and the General Assembly's mandate, we find that Atmos shall respond to Request 1.9 B and the first part of E and F. We find that information regarding the availability of Atmos's reserved pipeline capacity for the purpose of moving a competitor's gas is relevant to this proceeding, but find that protective measures regarding codes of conduct can be structured and implemented in any program without expanding the scope of these proceedings to include the additional information requested in 1.9 E and F.

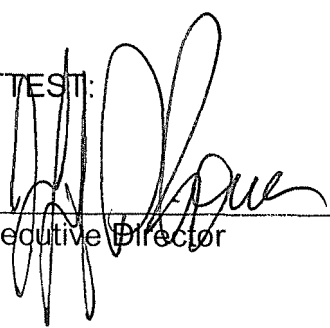
IT IS THEREFORE ORDERED that:

1. Stand's motion to compel is granted in part and denied in part as set forth herein.
2. Atmos shall provide the responses directed herein within five days of the date of this Order.

By the Commission



ATTEST:



Executive Director

Lonnie E Bellar
VP - State Regulation an
Louisville Gas and Electric Company
220 W. Main Street
P. O. Box 32010
Louisville, KY 40202

Mark David Goss
Frost, Brown, Todd, LLC
250 West Main Street
Suite 2700
Lexington, KY 40507

John B Park
Kathernine K. Yunker
Yunker & Park, PLC
P.O. Box 21784
Lexington, KY 40522-1784

John B Brown
Chief Financial Officer, Treasurer
Delta Natural Gas Company, Inc.
3617 Lexington Road
Winchester, KY 40391

Michael T Griffith
ProLiance's
111 Monument Circle Suite 2200
Indianapolis, IN 46204

Carroll M Redford III
Miller, Griffin & Marks, PSC
271 W Short Street, Suite 600
Lexington, KY 40507

Judy Cooper
Manager, Regulatory Services
Columbia Gas of Kentucky, Inc.
2001 Mercer Road
P. O. Box 14241
Lexington, KY 40512-4241

Honorable Lisa Kilkelly
Attorney at Law
Legal Aid Society
416 West Muhammad Ali Boulevard
Suite 300
Louisville, KY 40202

Iris G Skidmore
415 W. Main Street, Suite 2
Frankfort, KY 40601

Rocco D'Ascenzo
Senior Counsel
Duke Energy Kentucky, Inc.
139 East 4th Street, R. 25 At II
P. O. Box 960
Cincinnati, OH 45201

Jeanne Kingery
Duke Energy Business Services, Inc.
155 East Broad Street, 21st Floor
Columbus, OH 43215

Holly Rachel Smith
Hitt Business Center
3803 Rectortown Road
Marshall, VA 20115

Honorable John M Dosker
General Counsel
Stand Energy Corporation
1077 Celestial Street
Building 3, Suite 110
Cincinnati, OH 45202-1629

Brooke E Leslie
Columbia Gas of Kentucky, Inc.
200 Civic Center Drive
P.O. Box 117
Columbus, OH 43216-0117

Honorable Robert M Watt, III
Attorney At Law
STOLL KEENON OGDEN PLLC
300 West Vine Street
Suite 2100
Lexington, KY 40507-1801

Trevor L Earl
Reed Weitkamp Schell & Vice PLLC
500 West Jefferson Street
Suite 2400
Louisville, KY 40202-2812

Honorable Matthew R Malone
Attorney at Law
Hurt, Crosbie & May PLLC The Equus Building
127 West Main Street
Lexington, KY 40507

Katherine K Yunker
John B. Park
Yunker & Park, PLC
P.O. Box 21784
Lexington, KY 40522-1784

Thomas J FitzGerald
Counsel & Director
Kentucky Resources Council, Inc.
Post Office Box 1070
Frankfort, KY 40602

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