

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF ATMOS ENERGY )  
CORPORATION FOR AN ADJUSTMENT ) CASE NO. 2013-00148  
OF RATES AND TARIFF MODIFICATIONS )

**MOTION TO STRIKE SUPPLEMENTAL CORRECTED TESTIMONY**

Atmos Energy Corporation (Atmos Energy), by counsel, moves for an order striking from the record in this case the Corrected Supplemental testimony of Bion Ostrander filed on behalf of the Attorney General.

The AG asserts that Atmos has failed to timely respond to certain of his data requests necessitating the AG to file "Corrected and Supplemental" testimony of Mr. Ostrander.

Supplemental testimony is not allowed by the procedural schedule and is highly prejudicial to Atmos Energy. It was filed just hours before Atmos Energy's rebuttal testimony was due to be filed, preventing any meaningful opportunity to address this third iteration of Mr. Ostrander's attempt to explain his various interpretations of the test year and forecasted year data. This new testimony changes a number of his assumptions,

calculations and methodology related to payroll and benefits, for example see BCO-2, schedule A-7.

The ability of Atmos Energy to respond to this last minute filing is limited by the remaining time prior to the hearing. The fairness of allowing the testimony to be filed is negated by that timing and by the Attorney General's unilateral disregard for the procedural order in the case.

For these reasons, Atmos Energy moves that the Corrected and Supplemental testimony be stricken from the record. Should the Commission allow the testimony to be received into the record, Atmos Energy requests that it be allowed to file supplement rebuttal testimony addressing Mr. Ostrander's testimony on or before December 2, 2013.

Submitted by:

Douglas Walther  
Atmos Energy Corporation  
P.O, Box 650205  
Dallas. TX 75265  
972-855-3102  
Douglas.Walther@atmosenergy.com

Mark R. Hutchinson  
Wilson, Hutchinson, Poteat &  
Littlepage  
611 Frederica St.  
Owensboro, KY 42303  
270 926 5011  
Fax: 270-926-9394  
Randy@whplawfirm.com

*John N. Hughes*

John N. Hughes  
124 West Todd Street  
Frankfort, KY 40601  
502 227 7270  
Fax: none  
jnhughes@fewpb.net

Attorneys for Atmos Energy  
Corporation