

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

O R D E R

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.

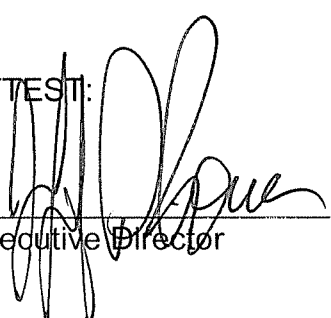
IT IS THEREFORE ORDERED that:

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

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KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:



Executive Director

Case No. 2010-00146

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