

Decision No. C23-0374

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO**

PROCEEDING NO. 23AL-0235G

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IN THE MATTER OF COMPLIANCE ADVICE LETTER NO. 595 FILED BY ATMOS ENERGY CORPORATION IN COMPLIANCE WITH DECISION NO. C23-0293 IN PROCEEDING NO. 22AL-0348G TO IMPLEMENT A BASE RATE REVENUE REQUIREMENT TO DECREASE EXPENSES, TO BECOME EFFECTIVE MAY 13, 2023.

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**COMMISSION DECISION  
GRANTING APPLICATION FOR REHEARING,  
REARGUMENT, OR RECONSIDERATION  
FOR THE SOLE PURPOSE OF TOLLING THE  
STATUTORY TIME LIMIT**

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Mailed Date: June 6, 2023  
Adopted Date: May 31, 2023

**I. BY THE COMMISSION**

**A. Statement**

1. This matter comes before the Commission to consider the Application for Rehearing, Reargument, and Reconsideration (RRR Application) filed by Atmos Energy Corporation (Atmos) on May 16, 2023. By this Decision, we grant the RRR Application for the sole purpose of tolling the 30-day statutory time limit in § 40-6-114(1), C.R.S. to act upon the Application. We will address the merits of the RRR Application at a later date.

**B. Findings and Conclusions**

2. On May 10, 2023, Atmos filed Advice Letter 595<sup>1</sup> with tariff sheets setting forth its rates for natural gas service. Atmos filed the advice letter to put into effect rates resulting from its

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<sup>1</sup> Amended on May 12, 2023.

ongoing rate case in Proceeding No. 22AL-0348G. On May 11, the Office of the Utility Consumer Advocate (UCA) filed a protest and asked that certain tariff sheets be suspended and set for hearing. UCA argued that Atmos had improperly applied a tax gross-up to certain components of the Gas Cost Adjustment calculation. On May 12, Commission Trial Staff filed an Objection/Protest Letter agreeing with UCA that the application of the tax gross-up had not been approved by the Commission.

3. On May 12, we suspended the GCA-related tariff sheets through Decision No. C23-0320. Atmos filed its RRR Application on May 16 challenging the suspension of the sheets.

4. In the interim, the parties to the underlying rate case have addressed the tax gross-up question in their applications for RRR filed in that proceeding.

5. In order to consider the issue that has now been presented in both proceedings we find it necessary to toll the RRR Application filed in this proceeding. Pursuant to § 40-6-114(1), C.R.S., we are required to consider and act upon any application for RRR within 30 days of its filing or the RRR will be denied by operation of law. To preclude a denial by operation of law, we grant the RRR for the sole purpose of tolling the statutory time limit.

6. This grant is procedural and undertaken only to toll the statutory time limit in § 40-6-114(1), C.R.S. We will consider the merits of the RRR Application at a future Commissioners' Weekly Meeting.

## **II. ORDER**

### **A. The Commission Orders That:**

1. The Application for Rehearing, Reargument, and Reconsideration filed on May 16, 2023, by Atmos Energy Corporation is granted consistent with the discussion above.

2. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING  
May 31, 2023.**

(S E A L)



ATTEST: A TRUE COPY

A handwritten signature in cursive script that reads "Rebecca E. White".

Rebecca E. White,  
Director

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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MEGAN M. GILMAN

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TOM PLANT

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Commissioners