

Decision No. R23-0739-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 23A-0216G

IN THE MATTER OF ATMOS ENERGY CORPORATION'S APPLICATION TO OPEN
DEMAND-SIDE MANAGEMENT STRATEGIC ISSUES PROCEEDING.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
ALENKA HAN
EXTENDING SETTLEMENT TESTIMONY DEADLINE**

Mailed Date: November 1, 2023

I. STATEMENT AND PROCEDURAL BACKGROUND

1. On May 1, 2023, Atmos Energy Corporation (Atmos or the Company), commenced this Proceeding by filing a Verified Application to open a Demand-Side Management (DSM) strategic issues proceeding.¹ The Company filed the application as required by § 40-3.2-103(1), C.R.S., and Decision No. C23-0116 filed in Proceeding No. 22A-0579G issued February 21, 2023, “for the development and approval of DSM energy savings targets, estimated budgets, and cost recovery procedures, and DSM bonus structure.”²

2. The Commission’s Notice of Application Filed noted that Atmos had not filed testimony with its Application, that Atmos was seeking a Commission decision within 250 days of the Application being deemed complete, and that Atmos would be required to file its prefiled testimony within 60 days of the filing of its Application.³

¹ Atmos Energy Corporation’s Verified Application, May 1, 2023.

² Notice of Application Filed, May 3, 2023.

³ *Id.*

3. The following entities filed interventions as of right:

- The Office of the Utility Consumer Advocate (UCA) filed its Notice of Intervention of Right on May 15, 2023; and
- Commission Trial Staff filed a Notice of Intervention as of Right on May 25, 2023.

4. The Colorado Energy Office (CEO) also filed an Intervention of Right on June 1, 2023, but withdrew it on July 12, 2023.⁴

5. In addition, two entities moved to intervene in this Proceeding:

- Southwest Energy Efficiency Project (SWEEP) filed its Motion to Intervene on June 1, 2023; and,
- Energy Outreach Colorado (EOC) filed an Unopposed Motion to Intervene on June 2, 2023.

Decision No. R23-0476-I, issued July 27, 2023, granted both Motions to Intervene.

6. The parties to this Proceeding therefore are Atmos, UCA, SWEEP, EOC, and Trial Staff.

7. The Commission automatically deemed the application complete as of June 17, 2023, and referred the matter to an administrative law judge (ALJ) for disposition. The proceeding was subsequently assigned to the undersigned ALJ.

8. Decision No. R23-0476-I also adopted a procedural schedule to which the parties had agreed and scheduled an evidentiary hearing for November 16 and 17, 2023. Pursuant to the procedural schedule, any settlement documents are due by November 2, 2023, and corrections, witness matrices, and exhibit lists are due by November 9, 2023.

⁴ See Notice of Withdrawal of Intervention by Right of the Colorado Energy Office, July 12, 2023.

9. On October 31, 2023, counsel for Atmos, Nikolas Stoffel, advised the undersigned ALJ that the parties had reached a settlement agreement in principle with respect to all but one issue. Mr. Stoffel indicated that the parties would be able to submit most of their settlement documents by the November 2, 2023, deadline, but requested an additional week, up to and including November 9, 2023, within which to file testimony supporting the settlement.

10. The ALJ finds and concludes that a one-week extension for the parties to file and/or submit testimony in support of their settlement is reasonable and appropriate. The ALJ will therefore amend the procedural schedule to reflect that testimony in support of the parties' settlement is due on or before November 9, 2023.

II. ORDER

A. It Is Ordered That:

1. The procedural schedule adopted by Decision No. R23-0476-I, issued July 27, 2023, is amended.

2. Testimony in support of the settlement reached by the parties is now due on or before November 9, 2023. Other settlement documents remain due by November 2, 2023.

3. This Decision is effective immediately.

(S E A L)



THE PUBLIC UTILITIES
COMMISSION
OF THE STATE OF COLORADO

ALENKA HAN

Administrative Law Judge

ATTEST: A TRUE COPY

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

Rebecca E. White,
Director