

Decision No. R24-0208-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 23A-0632G

IN THE MATTER OF THE APPLICATION OF ATMOS ENERGY CORPORATION FOR APPROVAL OF ITS 2024-2028 CLEAN HEAT PLAN.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
AVIV SEGEV
ACKNOWLEDGING INTERVENTIONS AND WAIVER OF
STATUTORY DEADLINE FOR A COMMISSION DECISION,
ADOPTING PROCEDURAL SCHEDULE, SCHEDULING
REMOTE EVIDENTIARY HEARING, AND PROVIDING
INSTRUCTIONS CONCERNING EXHIBITS AND
PARTICIPATING IN REMOTE HEARING**

Mailed Date: April 3, 2024

I. STATEMENT

A. Procedural Background

1. On December 29, 2023, Atmos Energy Corporation (Atmos or Applicant) filed with the Commission Atmos Energy Corporation's Verified Application (Application), seeking approval of its initial Clean Heat Plan. With the Application, Atmos filed testimony and related exhibits.¹ This filing commenced Proceeding No. 23A-0632G.

2. On December 29, 2023, the Commission issued a Notice of Application Filed (Notice). The Notice advised interested persons, firms, and corporations of the Application and that the Applicant seeks a Commission decision within 120 days and established an intervention period for interested parties and Staff of the Public Utilities Commission.

¹ See Hearing Exhibits 100-106 and related attachments, filed December 29, 2023.

3. On January 17, 2024, the Office of Utility Consumer Advocate (UCA) timely noticed its intervention of right.

4. On February 2, 2024, Trial Staff of the Public Utilities Commission (Staff) timely noticed its intervention of right.

5. By Decision No. C24-0149-I, issued March 8, 2024, the Commission required Atmos to file its Supplemental Direct Testimony within 30 days of the mailed date of Decision No. C24-0149-I and referred this Proceeding to an Administrative Law Judge (ALJ). This Proceeding was subsequently assigned to the undersigned ALJ.

6. The undersigned ALJ informally conferred with the parties, who indicated that Atmos was willing to waive the statutory period for a Commission Decision, and confirmed their availability for a remote, evidentiary hearing. Additionally, the parties unanimously agreed upon, the following proposed procedural schedule (Consensus Schedule):

<u>Filings</u>	<u>Proposed Deadline</u>
Supplemental Direct Testimony	April 8, 2024
Answer Testimony	May 30, 2024
Rebuttal & Cross-Answer Testimony	June 27, 2024
Pre-Hearing Motions	July 25, 2024
Settlement & Supporting Testimony	August 1, 2024
Corrections to Pre-Filed Testimony and Attachments ² / Cross-Examination Matrix / Witness List	August 8, 2024
Remote Evidentiary Hearing	August 13-16, 2024

² In the informal correspondence between the parties and the undersigned ALJ, Atmos’ counsel stated the term “Corrections,” but did not identify the subject of the same. The ALJ surmises that the term “Corrections” refers to pre-filed testimony and attachments. The parties may file an appropriate motion to the extent they believe that ALJ misunderstood the parties’ intent.

B. Procedural Schedule, Unified Numbering System for Hearing Exhibits, and Remote Evidentiary Hearing

7. It is found and concluded that Atmos has waived the statutory period for a Commission Decision in this Proceeding. The Consensus Schedule was agreed to by the parties, is reasonable, and will be adopted, as ordered below.

8. In order to efficiently organize the numbering and preparation of exhibits for the hearing, the parties shall use a unified numbering system for all hearing exhibits. Blocks of hearing exhibit numbers are assigned as follows:

- Atmos is assigned hearing exhibit numbers: 100 to 199;
- Staff is assigned hearing exhibit numbers: 200 to 299; and
- UCA is assigned hearing exhibit numbers: 300 to 399.

9. As agreed to by the parties, an evidentiary hearing shall be scheduled for August 13-16, 2024. Based on the parties' agreement, the evidentiary hearing in this Proceeding will be conducted as a remote hearing. This Decision and Attachments A and B provide critical information and instructions to facilitate holding the remote hearing, which all parties must follow.

10. To minimize the potential that the remote hearing may be disrupted by non-participants, the link, meeting ID code, and passcode to attend the hearing will be provided to the participants by email before the hearing, and the participants will be prohibited from distributing that information to anyone not participating in the hearing.

11. Attachment A to this Decision provides the information addressing how to use the Zoom platform for remotely participating in the hearing. Attachment B outlines procedures and requirements for marking and formatting exhibits to facilitate the efficient and smooth electronic

evidence presentations at the hybrid hearing. It is extremely important that the parties carefully review and follow all requirements in this Decision and Attachments A and B.

C. Additional Procedural Notice

12. The parties are on notice that the ALJ will retain the discretion to change the method by which the hearing will be conducted.

13. Additional procedural requirements may be addressed in future Interim Decisions.

II. ORDER

A. It Is Ordered That:

1. The interventions herein by the Office of Utility Consumer Advocate and the Trial Staff of the Public Utilities Commission, noticed January 17, 2024 and February 2, 2024, respectively, are acknowledged.

2. The waiver of the statutory deadline contained in § 40-6-109.5, C.R.S., by Applicant Atmos Energy Corporation is acknowledged.

3. The following procedural schedule is adopted to govern this proceeding:

<u>Filings</u>	<u>Proposed Deadline</u>
Supplemental Direct Testimony	April 8, 2024
Answer Testimony	May 30, 2024
Rebuttal & Cross-Answer Testimony	June 27, 2024
Pre-Hearing Motions	July 25, 2024
Settlement & Supporting Testimony	August 1, 2024
Corrections to Pre-Filed Testimony and Attachments ³ / Cross-Examination Matrix / Witness List	August 8, 2024

³ See *supra*, footnote 2.

Remote Evidentiary Hearing	August 13-16, 2024
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4. The parties shall be held to, and shall comply with, the requirements in this Decision. In addition to other requirements of the Commission’s Rules of Practice and Procedure, 4 *Code of Colorado Regulations* 723-1 (e.g., Rule 1202 regarding pre-filed testimony and Rule 1405 regarding discovery procedures), all pre-filed hearing exhibits shall be marked for identification and filed in accordance with this Decision, including Attachment B hereto.

5. A hearing in this matter shall be conducted at the following dates, time, and place:

- DATE: August 13-16, 2024
- TIME: 9:00 a.m. on August 13, 15, and 16, 2024; 10:00 a.m. on August 14, 2024
- PLACE: Join by video conference using Zoom at the link to be provided in an email from the Administrative Law Judge⁴

⁴ Additional information about the Zoom platform and how to use the platform are available at: <https://zoom.us/>. All are strongly encouraged to participate in a test meeting prior to the scheduled hearing. See <https://zoom.us/test>.

6. This decision shall be effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

AVIV SEGEV

Administrative Law Judge

ATTEST: A TRUE COPY

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

Rebecca E. White,
Director