

Decision No. R24-0660-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 24A-0303G

IN THE MATTER OF THE APPLICATION FILED BY ATMOS ENERGY CORPORATION
FOR APPROVAL OF ITS 2025-2026 GAS DEMAND-SIDE MANAGEMENT PLAN.

**INTERIM DECISION
GRANTING INTERVENTION AND SETTING
PREHEARING CONFERENCE**

Issued Date: September 16, 2024

I. STATEMENT.

1. On July 8, 2024, Atmos Energy Corporation ("Atmos") filed an Application for approval of its 2025-2026 Gas Demand-Side Management Plan ("Application").

2. Atmos seeks Commission approval to implement six gas efficiency programs to achieve the savings goals established by the Commission in the Company's most recent Demand Side Management ("DSM") Strategic Issues proceeding, Proceeding No. 23A-0216G. The programs, to be implemented in 2025 and 2026, include an Air Sealing and Insulation Program, an Efficient Natural Gas Rebate Program, an Income-Qualified ("IQ") Program, an Energy Efficiency Kits Program, a Home Energy Reports Program, and a Commercial & Industrial Program.

3. Atmos proposes a total budget of \$3,976,728 over the plan period, allocating \$1,927,031 to 2025 and \$2,049,697 to 2026. It estimates 128,701 dekatherms ("Dths") of savings over the plan period (62,583 Dths in 2025 and 66,118 Dths in 2026), and estimates 995 Dths of peak day savings (484 Dths in 2025 and 511 Dths in 2026). The budget and saving goals were set

forth in the Unanimous Non-Comprehensive Stipulation Settlement Agreement approved by the Commission through Decision No. C24-0221, issued April 9, 2024, in Proceeding No. 23A-0216G.

4. The Commission issued a Notice of Application filed on July 11, 2024, setting the deadline for filing of intervention pleadings on or before August 12, 2024.

5. On August 12, 2024, Energy Outreach Colorado (“EOC”) filed its Unopposed Motion to Intervene and Entry of Appearance (“Unopposed Motion”). EOC is a Colorado nonprofit corporation in good standing whose mission is to ensure that income-qualified (“IQ”) Colorado households can meet their home energy needs.

6. On August 19, 2024, Trial Staff of the Public Utility Commission (“Trial Staff”) filed its Notice of Intervention as of Right, Entry of Appearance and Notice Pursuant to rule 1007(a) and Rule 1401, and Request for Hearing.

7. On September 6, 2024, by Decision No. C24-0639-I, the matter was referred to an Administrative Law Judge.

II. PARTIES TO THE PROCEEDING

A. Interventions of Right

8. Staff filed a timely notice of intervention. In their filing, they outline several issues they plan to address in this Proceeding and request a hearing.

9. Pursuant to Rule 4 *Code of Colorado Regulations* (CCR) 723-1-1401(b) of the Commission’s Rules of Practice and Procedure, no decision is required in response to appropriately filed notices of intervention by right. The notice of intervention of right is acknowledged. Staff is a party to this Proceeding.

B. Permissive Interventions

10. EOC filed a timely request for permissive intervention.

11. EOC states it has a vested interest in ensuring that the interests of IQ customers and Disproportionally Impacted (“DI”) Communities of Colorado utilities are recognized in Commission proceedings. EOC believes it has a tangible and pecuniary interest in ensuring that its services are not required for a growing number of Colorado citizens.

12. Two classes of parties may intervene in proceedings such as this: parties with a legally protected right that may be impacted by the proceeding (intervention of right), and parties with pecuniary or tangible interests that may be substantially impacted by the proceeding (permissive intervention).

13. In addition, per Rule 1401(e), 4 *Code of Colorado Regulations* (CCR) 723-1 of the Commission’s Rules of Practice and Procedure, Staff may intervene of right in any Commission proceeding. Any other person or entity wishing to intervene of right must identify the basis for the legally protected right that may be affected by the proceeding.¹

14. As relevant here, to permissively intervene, the party’s intervention must:

. . . state the specific grounds relied upon for intervention; the claim or defense within the scope of the Commission's jurisdiction on which the requested intervention is based, including the specific interest that justifies intervention; and why the filer is positioned to represent that interest in a manner that will advance the just resolution of the proceeding. . . demonstrate that the subject proceeding may substantially affect the pecuniary or tangible interests of the movant (or those it may represent) and that the movant’s interests would not otherwise be adequately represented.²

15. The person or entity seeking to intervene bears the burden of proof that it has met the intervention standards and should be permitted to intervene.³

¹ Rule 1401(b), 4 CCR 723-1.

² Rule 1401(c), 4 CCR 723-1.

³ Rule 1500, 4 CCR 723-1.

16. EOC states in its Unopposed Motion that Atmos does not object to the request. Based on this; the information provided in their collective requests to intervene; and the relevant legal standards; the ALJ grants the intervention of EOC.

III. TIME TO ISSUE A FINAL COMMISSION DECISION

17. Under § 40-6-109.5(2), C.R.S., when a party files an application without testimony, the Commission must issue a final decision within 250 days after the application is deemed complete.

18. The Application was automatically deemed complete on August 27, 2024. Since the Company filed testimony with its Application, the Commission must issue a final decision within 250 days, unless the Commission finds that additional time is necessary. To meet the statutory deadline, a final Commission decision must issue by May 5, 2025.

IV. REMOTE PREHEARING CONFERENCE

19. In order to establish a procedural schedule and to discuss discovery and other matters, it is necessary to schedule a hearing.. A remote prehearing conference will be held on September 26, 2024.

20. Participants will appear at the prehearing conference from remote locations by videoconference and may not appear in person for the prehearing conference. The remote prehearing conference will be held using the web-hosted service, Zoom. Attachment A hereto includes important technical information and requirements to facilitate holding the prehearing conference remotely. All those participating in the hearing must carefully review and follow all requirements in this Decision and Attachment A.

21. The undersigned ALJ expects the Parties to come to the prehearing conference with proposed dates for disclosures (including hearing dates) for the procedural schedule. The Parties

must confer prior to the prehearing conference with respect to the listed matters and are encouraged to present, if possible, a procedural schedule and hearing dates that are acceptable to all Parties.

22. If the Parties reach agreement on a procedural schedule, they may file the proposed procedural schedule and a motion to vacate the prehearing conference prior to September 26, 2024..

V. ORDER

A. It is Ordered That:

1. The Colorado Public Utilities Commission Trial Staff is acknowledged as a party as of right in this Proceeding.

2. Consistent with the above discussion, the Motion seeking to permissively intervene filed by Energy Outreach Colorado (“EOC”) is granted.

3. A remote prehearing conference on the above-captioned Application is scheduled as follows:

DATE: September 26, 2024

TIME: 10:00 a.m.

PLACE: By video conference using Zoom.

4. All parties must comply with the requirements in Attachment A to this Decision, which are incorporated as if fully set forth.

5. If the Parties reach an agreement on a procedural schedule, they may file a motion for the adoption of the procedural schedule, and the prehearing conference may be vacated.

6. The Parties shall be held to the advisements in this Decision.

7. This Decision is effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

ROBERT I. GARVEY

Administrative Law Judge

ATTEST: A TRUE COPY

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

Rebecca E. White,
Director