

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 03A-173FG

IN THE MATTER OF THE APPLICATION OF ATMOS ENERGY CORPORATION,
1800 THREE LINCOLN CENTRE, 5430 LBJ FREEWAY, POST OFFICE BOX 650205,
DALLAS, TEXAS 75265-0205 FOR AN ORDER GRANTING TO IT A CERTIFICATE OF
PUBLIC CONVENIENCE AND NECESSITY TO EXERCISE FRANCHISE RIGHTS IN THE
TOWN OF PIERCE, COLORADO.

**DECISION GRANTING APPLICATION
TO EXERCISE FRANCHISE RIGHTS**

Mailed Date: May 27, 2003
Adopted Date: May 21, 2003

I. BY THE COMMISSION

A. Statement, Findings, and Conclusions

1. On April 30, 2003, Atmos Energy Corporation (Atmos or Company) filed an application seeking a Commission order granting it a certificate of public convenience and necessity to exercise franchise rights in the Town of Pierce, Colorado (Pierce or Town).

2. The Commission noticed this application to all interested persons, firms, and corporations on May 1, 2003. No petition to intervene or notice of intervention has been filed, and the application is uncontested. Accordingly, the application will be determined without a formal hearing, in accordance with § 40-6-109(5), C.R.S., and Rule 24 of the Commission's Rules of Practice and Procedure, 4 *Code of Colorado Regulations* 723-1.

3. Atmos is a Virginia and Texas corporation operating as a public utility subject to the jurisdiction of the Commission and is engaged in, *inter alia*, the generation, transmission, purchase, distribution, and sale of electricity and the purchase, distribution, transportation, and

sale of natural gas in various areas in the State of Colorado. On December 22, 1993, Atmos was authorized to merge, and did merge, with Greeley Gas Company (Greeley Gas) by Decision No. C93-1608. Atmos now operates Greeley Gas as a division of Atmos. All operations to be conducted by Atmos under the certificate of public convenience and necessity sought in the instant application shall be under the name of Atmos Energy Corporation.

4. Atmos requests that the Commission issue an order granting to it a certificate of public convenience and necessity to exercise franchise rights in Pierce, in accordance with the franchise agreement approved by the Board of Trustees for the Town on February 10, 2003 as Ordinance No. 1, Series of 2003.

5. The franchise is for a period of ten years, up to and including May 1, 2013, at a rate of 3 percent of all revenues received by the Company from the sale of gas to its customers within the Town.

6. There are no other public utilities or other entities of like character providing similar service in or near the area involved in this Application.

7. Atmos has been providing natural gas service to residents of Pierce pursuant to a 25-year franchise agreement that recently expired.

8. Atmos' gas tariff, currently on file with the Commission, will be applicable to service provided pursuant to the grant of this application.

9. Atmos has the financial ability and is qualified and competent to conduct the utility operations sought under its application.

10. The Commission finds that the application is in the public interest and should be granted.

II. ORDER

A. The Commission Orders That:

1. The application by Atmos Energy Corporation for a certificate of public convenience and necessity to exercise franchise rights in the Town of Pierce, Colorado is deemed complete and granted.

2. This Decision is effective on its Mailed Date.

B. **ADOPTED IN COMMISSIONERS' WEEKLY MEETING May 21, 2003.**

(SEAL)



ATTEST: A TRUE COPY

Bruce N. Smith
Director

THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

GREGORY E. SOPKIN

POLLY PAGE

JIM DYER

Commissioners