

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 20V-0152G

IN THE MATTER OF THE PETITION OF ATMOS ENERGY CORPORATION FOR AN
ORDER GRANTING A TEMPORARY WAIVER OF CERTAIN OF ITS TARIFF
REQUIREMENTS AND FOR WAIVER OF RULES 1206(D) AND 1403(A).

**COMMISSION DECISION GRANTING
PETITION FOR A WAIVER OF RULES AND TARIFF**

Mailed Date: April 14, 2020
Adopted Date: April 8, 2020

I. BY THE COMMISSION

A. Statement, Findings, and Conclusion

1. On April 3, 2020, Atmos Energy Corporation (Atmos), filed a Petition for Waiver of Tariff Sheet No. R8E to the extent it requires Atmos to collect reconnection charges before restoring service; Sheet No. R15C to the extent it requires Atmos to collect reconnection charges before a customer can be eligible for an installment payment plan (*i.e.*, a budget billing plan); and Sheet No. 24 to the extent it requires Atmos to collect late payment charges.

2. Additionally, Atmos requests that the Public Utilities Commission (Commission or PUC) waive its intervention and notice period set forth in Commission Rule 4 *Code of Colorado Regulations* (CCR) 723-1-1206(d) of the Rules of Practice and Procedure (Rule 1206(d)) and, if the Petition is uncontested or unopposed, that the Commission approve the Petition without a hearing pursuant to Commission Rule 4 CCR 723-1-1403.

3. Through its Petition, Atmos explains that the novel coronavirus pandemic (COVID-19) has created financial hardships for an increasing number of Atmos customers. As

part of its efforts to provide safe and reliable service to its customers affected by the pandemic, Atmos therefore seeks a temporary waiver to discontinue reconnection charges and late payment charges.

4. On March 10, 2020, Colorado Governor Jared Polis declared a state of emergency over COVID-19. Subsequently, on March 20, 2020, the Governor's Order D 2020 012, directs the PUC as follows, in pertinent part through Subsection III:

- A. I direct the [PUC], within [the Department of Regulatory Agencies], to work with all public utilities in the State to suspend service disconnections for delayed or missed payments from residential and small business consumers related to the impacts of COVID-19.
- B. I further direct the PUC to work with all public utilities to waive reconnection fees and suspend accrual of late payment fees for all residential customers and small business consumers most significantly burdened by the impacts of COVID-19 as well as to make reasonable efforts to reinstate service for those customers currently disconnected for nonpayment or arrearage related to the impacts of COVID-19.
- C. I further direct the PUC to work with all public utilities to develop and provide payment assistance programs to aid customers, particularly customers qualified for the Low Income Energy Assistance Program, in the payment of their utility bills, related to the impacts of COVID-19.

5. The impacts of COVID-19 create a unique and urgent set of circumstances affecting the public interest. Therefore, we find good cause to consider the Petition expeditiously. In these rare and specific circumstances, a waiver of the Commission's notice and intervention period provided in Rule 1206(d) is appropriate.

6. The portions of its Tariff that Atmos has identified would require the Company to assess certain fees at this time, which are contrary to the public interest given the directives in the Governor's March 20, 2020 order.

7. Considering the Petition and directives in the Governor's March 20, 2020 order, we find good cause to grant a waiver of the tariff provisions. We find good cause to grant the Petition *nunc pro tunc* from March 20, 2020, the date of the Governor's order.

8. Regarding the sought end date of "until Governor Polis's directives regarding utility disconnections, reconnection fees, and late payments in Executive Order D 2020 012 expire,"¹ Atmos notes in footnote 1 on page 2 of the Petition that "Executive Order D 2020 012 expires 30 days from March 20, 2020, unless extended by further Executive Order."² However, to provide certainty of duration of the instant waivers, we find that August 1, 2020, sets a reasonable amount of time for the requested waiver, consistent with similar waivers considered given the effects of COVID-19.³ Extension of the requested waiver may be requested as appropriate given the unprecedented developments surrounding COVID-19. If circumstances dictate otherwise, Atmos may also seek to shorten the end date or otherwise modify this waiver.

II. **ORDER**

A. **The Commission Orders That:**

1. The Petition filed on April 3, 2020 by Atmos Energy Corporation (Atmos) for a waiver of Atmos Tariff Sheet Nos. R8E, R15C, and 24 is granted, consistent with the discussion above, *nunc pro tunc*, from March 20, 2020, through August 1, 2020.

¹ Atmos Petition ¶ 3.

² The Governor's Executive Order D 2020 031, dated April 6, 2020, has already extended the applicable provisions of Executive Order D 2020 12 through April 30, 2020.

³ See, e.g., Proceeding Nos. 20V-0133G and 20V-0150EG.

2. Atmos's request filed within the Petition that the Commission waive its intervention and notice period set forth in Commission Rule 4 *Code of Colorado Regulations* 723-1-1206(d) is granted.

3. The 20-day time period provided by § 40-6-114(1), C.R.S., to file an application for rehearing, reargument, or reconsideration shall begin on the first day after the Commission mails this Decision.

4. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
April 8, 2020.**

(S E A L)



ATTEST: A TRUE COPY

Doug Dean

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

JEFFREY P. ACKERMANN

JOHN GAVAN

MEGAN M. GILMAN

Commissioners