

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 20V-0318G

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
MOTION FOR A WAIVER**

Mailed Date: February 9, 2021

Adopted Date: February 3, 2021

I. BY THE COMMISSION

Statement, Findings, 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 Energy to collect reconnection charges before restoring service; Sheet No. R15C to the extent it requires Atmos Energy to collect reconnection charges before a customer to be eligible for an installment payment plan (*i.e.*, a budget billing plan); and Sheet No. 24 to the extent it requires Atmos Energy to collect late payment charges. That Petition was granted by Commission Decision No. C20-0269 on April 20, 2020.

2. On July 28, 2020, Atmos requested a waiver of the same provisions, which was granted by Commission Decision No. C20-0591, dated August 12, 2020.

3. Governor's Order D 2020 098, dated June 12, 2020, directed the PUC as follows, in pertinent part:

III. A. I 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.

B. I 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. The PUC will report on the development of the payment assistance programs to DORA and the Office of the Governor.

C. I direct the PUC to work with public utilities to provide guidance on prioritizing payment assistance. Further, the PUC shall collect and monitor relevant data from public utilities on the implementation of Statewide measures undertaken in response to this Executive Order and on a weekly basis report these efforts to the Office of the Governor and post them on PUC's website.

Executive Order D 2020 098. Governor's Order D 2020 098 has been serially extended, most recently by Governor's Order D 2021 030, dated January 30, 2021.

4. On January 15, 2021, Atmos filed a Motion requesting a variance from Decision No. C20-0591 (Motion), seeking an ongoing waiver of the same tariff provisions in compliance with the Governor's Executive Orders.

5. The portions of its Gas Tariff that Atmos has identified would require the Company to assess certain fees and impose certain conditions, which are contrary to the public interest given the directives in the Governor's Executive Orders.

6. Considering the Motion and directives in the Governor's Executive Orders, we find good cause to grant waiver of the tariff provisions. We find good cause to grant the Motion *nunc pro tunc* from January 31, 2021, so that there is no gap with the grant of the prior waiver.

7. This Motion seeks an end date for the waivers through September 30, 2021 or the expiration of the directives of the Governor's executive orders, whichever comes first. This provides a definite end date for the requested waiver. Extension of the waiver may at that time be requested as appropriate given the unprecedented developments surrounding COVID-19.

II. ORDER**A. The Commission Orders That:**

1. The Motion filed by Atmos Energy Corporation of Colorado (Atmos) for a variance from Decision No. C20-0591 is granted, consistent with the discussion above, *nunc pro tunc*, from January 31, 2021 through the earlier of the expiration of the directives of the Governor's Orders or September 30, 2021.

2. 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.

3. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
February 3, 2021**

(S E A L)



ATTEST: A TRUE COPY

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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JOHN GAVAN

MEGAN M. GILMAN

Commissioners