

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14AL-0300G

IN THE MATTER OF ADVICE LETTER NO. 511 FILED BY ATMOS ENERGY CORPORATION TO PLACE INTO EFFECT TARIFF SHEET CHANGES TO BE EFFECTIVE ON MAY 5, 2014.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
MELODY MIRBABA
VACATING DEADLINES,
PREHEARING CONFERENCE, AND
AUGUST 13 AND 15, 2014 HEARING DATES**

Mailed Date: August 11, 2014

I. STATEMENT, FINDINGS, AND CONCLUSIONS

1. Only those portions of the procedural history necessary to understand this Decision are included.

2. On April 2, 2014, Atmos Energy Corporation (Atmos) filed Advice Letter No. 511 seeking to place in effect tariff sheet changes on May 5, 2014. That same day, Atmos filed Direct Testimony and Exhibits to the Direct Testimony.

3. During its weekly meeting held April 30, 2014, the Commission referred this matter to an Administrative Law Judge (ALJ) for disposition. Decision No. C14-0452 issued May 2, 2014.

4. On May 9, 2014, the ALJ scheduled a prehearing conference in this matter to take place on June 5, 2014. Decision No. R14-0494-I.

5. The Colorado Office of Consumer Counsel and Public Utilities Commission trial Staff timely intervened of right.

6. On May 13, 2014, Energy Outreach Colorado (Energy Outreach) filed a Motion to Intervene, seeking permissive intervention in this proceeding.

7. On June 10, 2014, after holding a prehearing conference, the ALJ established a procedural schedule, and scheduled the matter for an evidentiary hearing for August 13, 14, and 15, 2014. Decision No. R14-0618-I. The same Decision granted Energy Outreach's Motion to Intervene.

8. Consistent with that procedural schedule, Interveners filed their Answer Testimony on July 8, 2014, and Atmos filed its Rebuttal Testimony on July 28, 2014.

9. On August 1, 2014, Energy Outreach filed and served a "Motion to Strike Certain Rebuttal Testimony (Motion). On August 5, 2014, by Decision No. R14-0949-I, the ALJ shortened the response time to the Motion to August 8, 2014.

10. During the week of August 4, 2014, the parties informally notified the ALJ that they had reached a settlement of the issues in this case, and would be filing the settlement once it was finalized. Based on this, the ALJ found no need to hold a prehearing conference and informally notified the parties that the August 8, 2014 10:00 a.m. prehearing conference would be vacated.¹

11. The parties filed their "Stipulation and Settlement Agreement" (Settlement) on August 8, 2014. Contemporaneously therewith, Atmos filed an "Unopposed Joint Motion to Approve Stipulation and Settlement Agreement, to Modify Procedural Schedule and for Waiver of Response Time" (Unopposed Motion). All parties join in the Unopposed Motion.

¹ The ALJ informally notified the parties that the prehearing conference would be vacated on August 6, 2014.

And, because no party opposes it, the parties ask that the response time to the Unopposed Motion be waived.

12. The Unopposed Motion seeks the procedural scheduled be modified to: vacate the August 8, 2014 prehearing conference; vacate the deadline to respond to Energy Outreach's Motion; vacate the deadline to file joint witness lists; and vacate the deadline to file post-hearing statements of position. The parties further seek to vacate two of the three days currently scheduled for the evidentiary hearing. The parties request that one hearing date be maintained, during which the parties may present relevant evidence relating to the Settlement. As grounds for the requested relief, Atmos explains that the Settlement Agreement resolves all issues, thereby obviating the need for the parties to meet referenced deadlines (and the need for a full three-day evidentiary hearing).

13. Because all parties join in the Unopposed Motion, the ALJ finds good cause to waive the response time to it, pursuant to the authority provided in Rule 1400(b) of the Rules of Practice and Procedure, 4 *Code of Colorado Regulations* 723-1. The ALJ will waive the response time to the Unopposed Motion.

14. The ALJ finds that the parties have shown good cause for the referenced deadlines to be vacated. For good cause shown, the ALJ will vacate the prehearing conference, and two of the dates currently scheduled for an evidentiary hearing. A hearing will be held on August 14, 2014 to address the Settlement.

II. ORDER

A. It Is Ordered That:

1. The prehearing conference scheduled for August 8, 2014 is vacated, *nunc pro tunc*, August 6, 2014.

2. The deadline to respond to “Colorado Energy Outreach’s Motion to Strike Certain Rebuttal Testimony” is vacated.

3. The deadline to file a joint witness list as required by Ordering Paragraph 14 in Decision No. R14-0618-I is vacated.

4. The deadline to file post-hearing statements of position is vacated

5. The hearing scheduled for August 13 and 15, 2014 is vacated. The August 14, 2014 hearing date remains; the parties are expected to appear for a hearing as noticed by Decision No. R14-0618-I on August 14, 2014.

6. This Decision is effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

MELODY MIRBABA

Administrative Law Judge

ATTEST: A TRUE COPY

A handwritten signature in cursive script that reads "Doug Dean".

Doug Dean,
Director