

Decision No. C14-0542

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14A-0435G

IN THE MATTER OF THE APPLICATION OF ATMOS ENERGY CORPORATION FOR
COMMISSION APPROVAL OF A REFUND PLAN.

**DECISION GRANTING APPLICATION
APPROVING PROPOSED REFUND, AND
GRANTING WAIVER OF RULES**

Mailed Date: May 22, 2014

Adopted Date: May 21, 2014

I. BY THE COMMISSION

A. Statement

1. On May 8, 2014, Atmos Energy Corporation (Atmos or Applicant) filed an Application for a Commission decision approving a refund plan for excess Advanced Metering Infrastructure Surcharge (AMIS) revenues of \$62,175.89 for the 13-month period through the end of December, 2013, a Motion for waiver of certain Commission Rules, and for expedited treatment.

2. On May 9, 2014, Atmos filed a Supplement to the Application seeking to clarify the Application and provide additional information.

3. In its Application, Atmos also requests that the Commission waive Commission Rule 4 *Code of Colorado Regulations* (CCR) 1207(c), Rules of Practice and Procedure 723-1.

4. In its Supplement, Atmos requests a one-time waiver of Commission Rules 4410(c) and (d), of the Rules Regulating Gas Utilities and Pipeline Operators, 4 CCR 723-4.

5. The Commission gave notice of the Application to all interested persons, firms, and corporations on May 14, 2014. The company requested expedited treatment through a shortened notice period of four days. The Commission has separately addressed the shortened notice request in Decision No. C14-0519-I, issued May 16, 2014. No protests or motions to intervene in opposition have been filed in connection with this Application for a proposed refund. Accordingly, because the Application is uncontested, it may be decided without hearing in accordance with § 40-6-109(5), C.R.S., and Rule 1403, 4 CCR 723-1.

6. The Applicant is an operating public utility subject to the jurisdiction of this Commission and is engaged in, *inter alia*, the purchase, distribution, transportation, and resale of natural gas in various certificated areas within the State of Colorado.

7. The Commission in Decision No. C10-0472, Proceeding No. 10A-189G, issued May 14, 2010, granted Atmos a Certificate of Public Convenience and Necessity to construct and operate the facilities necessary to implement its Advanced Metering Infrastructure (AMI) pilot program, and institute an AMI surcharge (AMIS) to recover the actual costs incurred with respect to the installation and deployment of the AMI pilot program.

8. Atmos is seeking to refund the excess AMIS revenues to customers in all of its Gas Cost Adjustment rate areas.

9. In the Supplement, simple interest was accrued on the total amount of the refund based upon the Commission approved 2014 deposit interest rate of 0.34 percent. The total amount of the refund is therefore \$62,264.02 (\$62,175.89 + \$88.13 (0.34 percent @ 151 days)). See Rule 4410(b)(III), 4 CCR 723-4.

10. For the reasons stated herein, Atmos respectfully requests that the Commission grant a one-time full waiver of Rules 4410(c) and (d), which state generally that a utility

shall pay 90 percent of undistributed balances, plus associated interest, to the Energy Assistance organization within four months after the refund is deemed undistributed. With respect to the above-requested waiver, Atmos states that it believes there will be no undistributed refunds since bill credits are being issued.

11. In accordance with Rule 4410(b)(VIII), 4 CCR 723-4, the Applicant will submit an affidavit establishing that the refund has been credited to their customers in accordance with the Commission decision.

12. The Application contains all of the information required under Rules 4 CCR 723-4-4002 and 4410.

13. We find Atmos' request to waive Rule 1207(g), which requires an applicant to provide newspaper notice within three days of the filing of the Application, is reasonable to the extent that not granting the Application would harm Atmos' customers.

14. Atmos' request to waive Rules 4010(c) and 4410(d), the requirement to pay 90 percent of undistributed balance, plus associated interest, to the Energy Assistance organization is reasonable.

15. We find Atmos' Application to authorize refunding the excess AMIS revenues through bill credits is in the public interest and is therefore granted.

II. ORDER

A. The Commission Orders That:

1. The Application of Atmos Energy Corporation (Atmos) for approval of a refund plan for over collections of AMIS revenues is deemed complete and is granted.

2. Atmos is authorized to provide the refund to its customers in accordance with the discussion above.

3. We find good cause has been shown to grant the requested waivers of Rules 4 *Code of Colorado Regulations* 723-1206(g), and 723-4410(c), and (d) per the above discussion.

4. Atmos will submit an affidavit establishing that the amount of \$62,264.02 has been credited to its customers through billing credits starting on June 1, 2014 and ending no later than June 30, 2014.

5. The 20-day time period provided by § 40-6-114, C.R.S., to file an application for rehearing, reargument, or reconsideration shall begin on the first day after the effective date of this Decision.

6. This Decision is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
May 21, 2014.**

(S E A L)



ATTEST: A TRUE COPY

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

JOSHUA B. EPEL

GLENN A. VAAD

Commissioners

COMMISSIONER PAMELA J. PATTON
ABSENT.