

Decision No. C14-0634

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14V-0564G

IN THE MATTER OF THE PETITION OF ATMOS ENERGY CORPORATION FOR WAIVER OF COMMISSION RULE 4412 AND WAIVER OF CORRESPONDING TARIFF OBLIGATIONS.

**DECISION GRANTING PETITION FOR
WAIVER OF THE LOW INCOME
RULES INVOLVING PHASE III ELIGIBILITY**

Mailed Date: June 13, 2014
Adopted Date: June 11, 2014

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Commission for consideration of a Petition for Waiver and Variance of the Low Income Rules Involving Phase III Eligibility (Petition), filed by Atmos Energy Corporation (Atmos) on May 30, 2014.

2. On July 31, 2013, in Proceeding No. 13A-0868G, Atmos sought Commission approval of a permanent Program surcharge cost rider in compliance with Commission Rule 4412 of the Rules Regulating Gas Utilities and Pipeline Operators, 4 *Code of Colorado Regulations* 723-4. Decision No. C13-1147, issued on September 17, 2013, authorized Atmos to implement its Program and file tariffs in compliance with the Commission's Decision. On September 23, 2013, Atmos filed its tariff, which reflected Commission Rule 4412 and described the three-phase approach to the Program. The tariff sheets became effective on October 1, 2013.

3. By its Petition, Atmos seeks to waive Rule 4412(c)(II)(B) for gas utilities, or Phase III of the low-income assistance rules. This rule requires regulated gas utilities to limit the

eligibility of low-income customers to customers that are at or below 185 percent of the federal poverty level for the third and subsequent years of the program. Atmos filed its Petition on May 30, 2014 pursuant to these instructions.

4. Atmos states that the Colorado Department of Human Services (CDHS) has not increased its low-income qualification to 185 percent of the federal poverty level, so the data on customers qualifying for that threshold would be unduly burdensome to acquire and would result in increased expense on the Program reducing the ultimate benefit to qualifying participants. Thus, Atmos requests a permanent waiver of Rule 4412(c)(II)(B) and seeks approval to remain at Phase II eligibility and serve customers below 150 percent of the federal poverty level for the 2014 to 2015 program years and subsequently until CDHS has information regarding customers having income between 150 and 185 percent of the poverty level. Atmos thus seeks approval to remain at Phase II program cost recovery.

5. The Commission has reviewed the request for permanent waiver of Rule 4412(c)(II)(B) and finds that a permanent waiver of Commission Rules is not appropriate, thus will deny the request for a permanent waiver but will instead grant a waiver for the 2014 to 2015 program year.

6. No party opposes the Petition. We find good cause to grant the Petition and waive Rule 4412(c)(II)(B).

II. ORDER

A. The Commission Orders That:

1. The Petition for Waiver and Variance of the Low Income Rules Involving Phase III Eligibility, filed by Atmos Energy Corporation on May 30, 2014, is granted, consistent with the discussion above.

2. The 20-day period provided for in § 40-6-114, C.R.S., within which to file applications for rehearing, reargument, or reconsideration begins on the first day following the effective date of this Decision.

3. This Decision is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
June 11, 2014.**

(S E A L)



ATTEST: A TRUE COPY

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

JOSHUA B. EPEL

PAMELA J. PATTON

GLENN A. VAAD

Commissioners