

Decision No. C20-0241-I

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO**

PROCEEDING NO. 20AL-0138G

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IN THE MATTER OF ADVICE LETTER NO. 568 FILED BY ATMOS ENERGY CORPORATION TO UPDATE THE EFFECTIVE DATE OF THE ANNUAL GAS COST ADJUSTMENT AND TRANSPORTATION GAS COST ADJUSTMENT RATES FROM NOVEMBER TO OCTOBER TO BECOME EFFECTIVE MAY 1, 2020.

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**INTERIM COMMISSION DECISION GRANTING  
REQUEST FOR ALTERNATIVE FORM OF NOTICE**

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

**I. BY THE COMMISSION**

**A. Statement, Findings, and Conclusions**

1. On March 31, 2020, Atmos Energy Corporation (Atmos or the Company) filed a Motion for Alternative Form of Notice (Motion) to apply to the rate changes proposed in Advice Letter No. 568. The proposed effective date of the Advice Letter and tariff changes is May 1, 2020.

2. In the Motion, Atmos states the requested tariff changes modify the effective date for its annual Gas Cost Adjustment (GCA) in Tariff Sheet Nos. 5, 6, and 8 to comply with Rule 4 *Code of Colorado Regulations* (CCR) 723-4-4602(a) of the Commission's Rules Regulating Gas Utilities and Pipeline Operators, and to add the decision adopting Rule 4602 to the footer of those tariff sheets; add the appropriate decision number to the footer in Tariff Sheet Nos. 9 and 11; and update Tariff Sheet No. 29 to reflect the 2020 System Safety and Integrity Rider (SSIR) surcharges previously allowed to go into effect in Proceeding No. 19AL-0607G

and reference the decision approving the extension of the SSIR in the footer. Atmos states that none of the proposed tariff changes affect the service it provides to customers or current rates.

3. By its Motion, Atmos requests authorization to use the following forms of alternative notice pursuant to § 40-3-104(1)(c)(I)(E), C.R.S.:

- a. filing with the Commission and keeping open for public inspection new schedules stating plainly the changes to be made and the effective date; and
- b. posting the customer notice to Atmos's website for Colorado.

4. In support of the Motion, Atmos contends that the combination of notice provided by prior proceedings and the disproportionate cost of providing additional forms of notice support finding good cause to waive the requirement for any additional notice. Atmos explains that none of the proposed tariff changes affect the service provided by the Company or its currently effective rates. Atmos states that customers have already been notified of the proposed changes through Decision No. C18-0236 in Proceeding No. 17R-0569G issued April 11, 2018 (for the October 1 GCA effective date); Decision No. C18-0311 in Proceeding No. 17AL-0429G issued May 3, 2018 (which approved the base rates reflected in Tariff Sheet Nos. 9 and 11); and Proceeding No. 19AL-0607G (where the 2020 SSIR surcharge was allowed to go into effect). Atmos states that the cost of providing additional notice is disproportionate to the housekeeping nature of the proposed tariff changes. Atmos states the cost for the Company to provide notice by publication would be approximately \$18,000 and approximately \$100,000 if provided by mailing outside of the normal billing cycle.

5. Pursuant to § 40-3-104(1)(c)(I)(E), C.R.S., and 4 CCR 723-1-1207(b) of the Commission's Rules of Practice and Procedure, a utility may request to provide an alternative form of notice of proposed tariff changes. On May 30, 2019, Senate Bill (SB) 19-236 was signed into law and became effective immediately. As relevant here, SB 19-236 revised the

requirements in § 40-3-104(1)(c), C.R.S., for customer notice to permit on-bill statements, e-mail notification, and text notification without separate Commission approval. In its Motion, Atmos provides an estimated cost of “publication” and “mailing” but does not indicate that it determined the costs for, or even considered, other forms of customer notice newly permitted by the statute like on-bill statements, e-mails, or text messages.

6. Despite these shortcomings in the Motion, we find good cause to approve the alternative form of notice requested by Atmos. In these limited and specific circumstances, we find the proposed alternative form of notice is sufficient because the proposed tariff changes implement prior Commission decisions and will not affect the service provided by the Company or its current rates. We therefore find the alternative form of notice proposed by Atmos is reasonable with respect to the Company’s stakeholders and its general body of gas retail customers and we will grant the Motion.

7. We urge Atmos, however, to ensure future motions fully address the revised provisions in the statute. We also encourage Atmos to, where appropriate, propose to electronically serve proposed tariff changes on parties to past prior proceedings that the Company cites as relevant to its proposed tariff changes, rather than rely on these past proceedings to provide notice. *See, e.g.*, Motion of Public Service Company of Colorado for Approval of Alternative Form of Notice, filed April 1, 2020, in Proceeding No. 20AL-0143G (proposing electronic service of advice letters and associated tariffs on all parties to certain relevant prior proceedings).

**II. ORDER**

**A. It Is Ordered That:**

1. The request for alternative form of notice to apply to Atmos Energy Corporation’s Advice Letter No. 568 proposed in the Motion for Alternative Form of Notice filed on March 31, 2020, is granted, consistent with the discussion above.

2. 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,  
Director

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

JEFFREY P. ACKERMANN

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JOHN GAVAN

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MEGAN M. GILMAN

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Commissioners