

Decision No. C20-0591

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
PETITION FOR TEMPORARY WAIVER**

Mailed Date: August 12, 2020
Adopted Date: August 5, 2020

I. BY THE COMMISSION

A. Statement, Findings, Conclusion

1. On July 28, 2020, Atmos Energy Corporation (Atmos or Company), filed a Petition for Temporary Waiver and Expedited Treatment (Petition).

2. On April 3, 2020, Atmos filed a Petition for Waiver of Tariff Sheet No. R8E to the extent it requires Atmos to collect reconnection charges before restoring service; Sheet No. R15C to the extent it requires Atmos 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 to collect late payment charges. That petition was granted by Commission Decision No. C20-0247 on April 14, 2020 in Proceeding No. 20V-0152G. Atmos now requests a waiver of the same provisions

3. Additionally, Atmos requests that the Commission waive its intervention and notice period set forth in Commission Rule 4 *Code of Colorado Regulations* (CCR) 723-1-1206(d) (Rule 1206(d)) and, if the Petition is uncontested or unopposed, that the Commission approve the

Petition without a hearing pursuant to Commission Rule 4 CCR 723-1-1403. Atmos also requests a waiver of the requirement to provide a sworn statement in Rule 1403(a).

4. Through its Petition, Atmos explains that the novel coronavirus pandemic (COVID-19) has created financial hardships for an increasing number of Atmos's customers. As part of its efforts to provide safe and reliable service to its customers affected by the pandemic, Atmos therefore seeks an extended temporary waiver to discontinue reconnection charges and late payment charges, provide more flexibility in installment payment programs, and ensure participants in the Gas Affordability Program can stay on the program.

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

II. 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.

6. Executive Order D 2020 098. Governor's Order D 2020 098 has since been extended by Governor's Order D 2020 132, dated July 11, 2020, which expires August 10, 2020 unless otherwise extended.¹

¹ Governor's Order D 2020 132 simply states that it is extending Governor's Order D 2020 098.

7. The impacts of COVID-19 create a unique and urgent set of circumstances affecting the public interest. Therefore, we find good cause to consider the motion expeditiously. In these rare and specific circumstances, a waiver of the Commission's notice and intervention period provided in Rule 1206(d) is appropriate.

8. 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 July 11, 2020, order.

9. Considering the Petition and directives in the Governor's July 11, 2020, order, we find good cause to grant a waiver of the tariff provisions. We find good cause to grant the Petition *nunc pro tunc* from August 1, 2020, so that there is no gap with the grant of the prior waiver.

10. This Petition seeks an end date for the waivers through the expiration of the directives of the Governor's executive orders. To provide certainty of potential duration of the instant waivers, we will grant the waiver through the expiration of any such extension of executive orders or January 31, 2021, 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 Petition filed by Atmos Energy Corporation (Atmos) for a Waiver of Atmos's Gas Tariff Sheets is granted, consistent with the discussion above, *nunc pro tunc*, from August 1, 2020, through the earlier of the expiration of the directives of the Governor's Orders or January 31, 2021.

2. Atmos’s request filed within the Petition that the Commission waive its intervention and notice period set forth in Commission Rule 4 *Code of Colorado Regulations* 723-1-1206(d) is granted. Atmos’s request to waive the requirement to provide a sworn statement is also granted.

3. 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.

4. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
August 5, 2020.**

(S E A L)



ATTEST: A TRUE COPY

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

JEFFREY P. ACKERMANN

JOHN GAVAN

MEGAN M. GILMAN

Commissioners