

Decision No. R24-0571-I

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

PROCEEDING NO. 23A-0632G

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IN THE MATTER OF THE APPLICATION OF ATMOS ENERGY CORPORATION FOR  
APPROVAL OF ITS 2024-2028 CLEAN HEAT PLAN.

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**INTERIM DECISION  
GRANTING MOTION TO MODIFY PROCEDURAL  
SCHEDULE AND ADMIT EXHIBITS INTO EVIDENCE,  
WAIVING RESPONSE TIME, AND VACATING  
EVIDENTIARY HEARING**

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Issued Date: August 8, 2024

**I. STATEMENT**

1. On December 29, 2023, Atmos Energy Corporation (“Atmos”) filed with the Commission Atmos Energy Corporation’s Verified Application (“Application”), seeking approval of its initial Clean Heat Plan. With the Application, Atmos filed testimony and related exhibits. This filing commenced Proceeding No. 23A-0632G.

2. On January 17, 2024, the Office of Utility Consumer Advocate (“UCA”) timely noticed its intervention of right.

3. On February 2, 2024, Trial Staff of the Public Utilities Commission (“Staff”) timely noticed its intervention of right.

4. By Decision No. C24-0149-I, issued March 8, 2024, the Commission, among other things, referred this Proceeding to an Administrative Law Judge (“ALJ”).

5. By Decision No. R24-0208-I, issued April 3, 2024, the ALJ, among other things, adopted a procedural schedule to govern this Proceeding and scheduled an evidentiary for August 13-16, 2024.

6. On August 1, 2024, Atmos filed its Unopposed Motion to Modify Procedural Schedule, Admit Exhibits into Evidence, and for Approval of Stipulation (“Motion”). In the Motion, Atmos states that after Atmos filed its Rebuttal Testimony on June 27, 2024, Atmos, Staff, and UCA (the “Settling Parties”) engaged in settlement discussion which ultimately led to a Stipulation and Settlement Agreement that was filed contemporaneously with the Motion.<sup>1</sup> Atmos further states that the Settlement Agreement resolves all disputed issues in this Proceeding.<sup>2</sup> Given the Settlement Agreement, Atmos requests that the evidentiary hearing scheduled for August 13-16, 2024, be vacated, all pre-filed testimony and attachments in this Proceeding be admitted as evidence, and the Settlement Agreement be approved without modification by the Commission. With the Motion, Atmos, Staff, and UCA, each filed their respective Settlement Testimony in support of the Settlement Agreement.<sup>3</sup>

7. The Motion is unopposed, and Atmos stated good cause for the granting of Atmos’ requests to vacate the evidentiary hearing and admit all pre-filed testimony and attachments as evidence in this Proceeding. Accordingly, response time to the Motion will be waived and the Motion will be granted, in part, consistent with the discussion herein, as ordered below.

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<sup>1</sup> Motion at 2; *see also* Unanimous and Comprehensive Stipulation and Settlement Agreement, filed August 1, 2024 (“Settlement Agreement”).

<sup>2</sup> Motion at 3.

<sup>3</sup> *See* Hearing Exhibits 116, 203 and 301, filed August 1, 2024.

8. The ALJ will vacate the evidentiary hearing scheduled for August 13-16, 2024, but requests that the parties maintain their availability on August 16, 2024 for a possible hearing on the settlement, to be possibly scheduled by a future decision.

9. The Pre-Filed Testimony and Attachments which are listed in the Excel Spreadsheet that is attached as Appendix A to this decision will be admitted into evidence, as ordered below. Any party who believes that a document that should have been included into evidence that is not listed on Appendix A, and/or that Appendix A includes any inaccuracy or error, shall make an appropriate filing requesting that Appendix A be amended and/or corrected within seven days of the date of this Decision, as ordered below. A party's failure to make a timely request to amend and/or correct Appendix A will be deemed an admission as to the accuracy and completeness of Appendix A and its contents, as ordered below.

10. The remaining relief requested in the Motion will be addressed by a separate decision.

## **II. ORDER**

### **A. It Is Ordered That:**

1. Response time to the Unopposed Motion to Modify Procedural Schedule, Admit Exhibits into Evidence, and for Approval of Stipulation ("Motion"), filed by Atmos Energy Corporation ("Atmos") on August 1, 2024, is waived.

2. Consistent with the discussion above, the Motion is granted, in part, as to Atmos' requests to vacate the evidentiary hearing and admit as evidence all pre-filed testimony and attachments in this Proceeding.

3. The evidentiary hearing scheduled for August 13-16, 2024, is vacated.<sup>4</sup>

4. All Pre-Filed Testimony and any Attachments listed in Appendix A to this Decision are admitted as evidence.

5. Any party who believes that a document that should have been included into evidence is not listed on Appendix A, and/or that Appendix A includes any inaccuracy or error, must make an appropriate filing requesting that Appendix A be amended and/or corrected within seven days of the date of this Decision.

6. A party's failure to make a timely request to amend and/or correct Appendix A shall be deemed an admission as to the accuracy and completeness of Appendix A and its contents.

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<sup>4</sup> While the evidentiary hearing is vacated, the undersigned Administrative Law Judge requests that the parties maintain their availability on August 16, 2024, for a possible hearing on the settlement, to be possibly scheduled by a future decision.

7. This Decision shall be effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

AVIV SEGEV

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Administrative Law Judge

ATTEST: A TRUE COPY

A handwritten signature in cursive script that reads "Rebecca E. White".

Rebecca E. White,  
Director