

Decision No. C24-0932

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 24L-0528G

IN THE MATTER OF THE APPLICATION OF ATMOS ENERGY CORPORATION FOR
AUTHORIZATION TO IMPLEMENT THE CLEAN HEAT PLAN RECOVERY RIDER ON
LESS-THAN-STATUTORY NOTICE.

**COMMISSION DECISION DEEMING APPLICATION
COMPLETE AND GRANTING APPLICATION**

Issued Date: December 20, 2024

Adopted Date: December 18, 2024

I. BY THE COMMISSION

A. Statements, Findings, and Conclusions

1. On December 4, 2024, Atmos Energy Corporation (“Atmos Energy” or the “Company”) filed a Verified Application requesting a Commission order authorizing the Company, without a formal hearing and on less-than-statutory notice, to implement the new Clean Heat Plan Cost Recovery Rider (“CHP Rider”), effective on January 1, 2025 (“Application”).

2. Through this Decision, the Commission finds that the Application contains all materials required by Commission rules, deems the Application complete for purposes of § 40-6-109.5, C.R.S., and grants the Application to allow Atmos to file the attached tariffs on less-than-statutory notice.

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

4. The Commission approved the establishment of Atmos's CHP Rider as part of a Unanimous and Comprehensive Stipulation and Settlement Agreement ("Stipulation") that resolved Atmos Energy's initial Clean Heat Plan ("CHP").¹ The Stipulation establishes an approach whereby Atmos Energy recovers a specified budget amount from customers in the early years of the CHP term and applies those amounts to CHP expenditures in later years.

5. With the Stipulation approved, Atmos now files this Application pursuant to Rules 4402 and 4019(b)(II) of the Commission's Rules Regulating Gas Utilities, 4 *Code of Colorado Regulations* ("CCR") 723-4, and seeks authorization to implement the Stipulation on less-than-statutory notice, effective January 1, 2025.

6. Atmos states good cause exists to allow the Company to implement the CHP Rider on less-than-statutory notice because the rate design and amount to be recovered through the CHP Rider were the subject of a contested proceeding and fully resolved through the Stipulation. Additionally, Atmos states that because the Stipulation contemplates the Company will begin recovering the stipulated CHP amounts beginning in 2024, and the Stipulation did not become final until November 27, 2024, it seeks the Commission's authorization to implement the rate on January 1, 2025, so CHP collections can commence consistent with the Stipulation.

7. Atmos further states that it acknowledges its obligation under Rule 4109(b)(II) to provide notice to customers and the public concerning proposed tariff changes, and is seeking tariff revisions on less than 30-days' notice pursuant to Rule 4002(a)(VIII) with notice in

¹ Decisions Nos. R24-0740 and C24-0875 issued in Proceeding No. 23A-0632G.

compliance with Rule 1207(a) and § 40-3-104(3), C.R.S. Atmos requests the Commission's authorization to provide notice of the requested change through (1) making this public filing with the Commission, (2) posting customer notice and the proposed tariffs on the Company's website, and (3) publishing notice in *The Denver Post* for two consecutive weeks beginning on December 22 and December 29.

8. Pursuant to § 40-3-104(2), C.R.S., the Commission may, for good cause shown, allow changes to a rate, fare, toll, rental, charge, or classification with less than the statutorily required 30-day notice by an order specifying the changes to be made and the time and manner in which they will be filed and published.

9. We find good cause to allow the Atmos tariffs to go into effect on less-than-statutory notice, pursuant to § 40-3-104(2), C.R.S., and grant the Application.

II. ORDER

A. The Commission Orders That:

1. The Verified Application ("Application") filed by Atmos Energy Corporation ("Atmos Energy") on December 4, 2024, is deemed complete for purposes of § 40-6-109.5, C.R.S., and is granted.

2. The request by Atmos Energy to implement the Clean Heat Plan Cost Recovery Rider on less than statutory notice is granted, consistent with the discussion above.

3. Atmos is authorized to file the tariff attached as Appendix A and made a part of this Decision. The tariff shall be effective on or after their effective date of January 1, 2025.

4. The 20-day period provided for in § 40-6-114, C.R.S., within which to file an Application for Rehearing, Reargument, or Reconsideration begins on the first day following the effective date of this Decision.

5. This Decision is effective upon its Issued Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
December 18, 2024.**

(S E A L)



ATTEST: A TRUE COPY

Rebecca E. White,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

ERIC BLANK

MEGAN M. GILMAN

TOM PLANT

Commissioners