

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF ATMOS ENERGY)	
CORPORATION TO EXTEND ITS DEMAND-)	CASE NO.
SIDE MANAGEMENT PROGRAM AND COST)	2008-00499
RECOVERY MECHANISM)	

ORDER

On September 2, 2009, the Commission issued an Order modifying and extending Atmos Energy Corporation's ("Atmos") Demand-Side Management ("DSM") program. Atmos has moved the Commission for clarification of that Order and the Attorney General ("AG"), by and through his Office of Rate Intervention, has moved the Commission for rehearing. Atmos filed a response objecting to the AG's motion on October 7, 2009.¹ Finding no additional arguments or evidence presented by the AG, the Commission denies the request for rehearing. Finding that our Order incorrectly described Atmos's proposal, the Commission grants Atmos's motion to correct the error.

KRS 278.400 provides that "[u]pon . . . rehearing any party may offer additional evidence that could not with reasonable diligence have been offered on the former hearing." The statute is intended to provide closure to Commission proceedings by limiting rehearing to new evidence not readily discoverable at the time of the original hearing. The Commission has carefully reviewed the AG's motion and Atmos's response thereto and finds that the AG offers no arguments or evidence not previously

¹ Atmos faxed its response to the AG's motion to the Commission on October 7, 2009. A paper copy was submitted for filing by the Commission on October 8, 2009.

considered by this Commission. Accordingly, pursuant to KRS 278.400, rehearing is denied.

The September 2, 2009 Order stated that Atmos proposed to, among other things, increase its weatherization budget from \$200,000 to \$300,000 annually. Atmos states that, while its weatherization budget in its current DSM program is capped at \$200,000, it wants to clarify that it is not proposing that its weatherization budget be capped at \$300,000. Atmos states that it proposes to increase its per-home assistance from \$1,500 to \$3,000, and as a result of that increase, it projects its weatherization budget to be \$300,000 but does not propose that it be capped at \$300,000. Atmos requests that the Commission's Order of September 2, 2009 be clarified to reflect that there is no cap on its weatherization budget. We find that Atmos's motion to clarify should be granted and our Order of September 2, 2009 clarified to correct any misunderstanding with regard to the weatherization budget. Atmos is authorized to increase the amount of assistance available per home from \$1,500 to \$3,000 as proposed and to adjust its weatherization budget to reflect the actual increase in assistance. Any reference to the weatherization budget being \$300,000 should be considered an estimate based on a projected number of customers and not a cap.

IT IS THEREFORE ORDERED that:

1. The AG's motion for rehearing is denied.
2. Atmos's motion to clarify is granted as set forth herein.
3. Those provisions of our Order of September 2, 2009 in conflict with the clarification made in this Order are vacated. All other provisions remain in full force and effect.

By the Commission

ENTERED
OCT 12 2009 *M*
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:



Executive Director

Paul D Adams
Office of the Attorney General Utility & Rate
1024 Capital Center Drive
Suite 200
Frankfort, KY 40601-8204

Mark R Hutchinson
Wilson, Hutchinson & Poteat
611 Frederica Street
Owensboro, KY 42301

Mark A Martin
Atmos Energy Corporation
3275 Highland Pointe Drive
Owensboro, KY 42303