

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

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| ELECTRONIC APPLICATION OF ATMOS |) | CASE NO. |
| ENERGY CORPORATION FOR AN |) | 2021-00214 |
| ADJUSTMENT OF RATES |) | |

ORDER

This matter arises upon the motion of Atmos Energy Corporation (Atmos), filed July 7, 2021, pursuant to 807 KAR 5:001, Section 22, for deviation from the notice requirements contained in 807 KAR 5:001, Section 17, to the extent that Atmos would be required to republish. As 807 KAR 5:001, Section 22, provides, the Commission may permit deviations from the rules contained in 807 KAR 5:001 for good cause shown.

Atmos tendered its application for an adjustment of rates on June 30, 2021; however, the initial filing was rejected due to filing deficiencies, including certain deficiencies in Atmos's notice to customers. The primary deficiency at issue in Atmos's request for deviation is the revised notice of average bill impact. In the original notice, Atmos broke out the average bill by three generic customer classes (Residential; Commercial and Public Authority; and Industrial and Transportation), and in the revised notice broke out the comparison by all five customer classes (Firm Services-Residential; Firm Services Non-Residential; Interruptible Sales; Firm Transportation; Interruptible Transportation). Atmos's revised notice meets all requirements.¹ The change made was

¹ Atmos's Response to Deficiency and Motion for Deviation at 3.

not related to actual amounts charged to Atmos's customers, but to the required average bill impact per customer class.

Atmos requests to republish the notice on its website only, and not publish in newspapers, citing to the Commission's recent decision in Case No. 2021-00185.² Atmos will provide notice by electronic mail to the Industrial and Transportation classes only, due to the nature of the change to the average bill computation for those classes.³

In support of its motion, Atmos states that it will cost approximately \$200,000 to republish the notice.⁴ Atmos claims that the notice is sufficient to satisfy the requirements of the regulation because Atmos published previous rate case notices with the same format of listing three customer classes of residential, commercial/public authority, and industrial/transportation for the bill comparison. Atmos contends that it was without notice that the prior format was unacceptable, and that it relied upon previous acceptance in the format for the notice in this case.⁵ Additionally, Atmos explains that upon receiving notice of the deficiency, Atmos worked with Staff to quickly implement the changes and post them to Atmos's website.⁶ Finally, Atmos claims there was no prejudice to residential and non-residential customer classes because the differences between the original and revised notice are 0.08 percent and 0.10 percent, respectively, which is a slight difference

² Case No. 2021-00185, *Electronic Application of Delta Natural Gas Company, Inc. for an Adjustment of its Rates and a Certificate of Public Convenience and Necessity*, (KY PSC June 16, 2021).

³ Atmos's Response to Deficiency and Motion for Deviation at 5–6.

⁴ *Id.* at 6.

⁵ *Id.*

⁶ *Id.* at 3–4.

and not substantially material.⁷ In further detail, the only material difference is to the industrial and transportation classes (12.3 percent in the original notice; in the revised notice, 4.2 percent for Interruptible Sales, 16.9 percent for Firm Transportation, and 17.9 percent for Interruptible Transportation).⁸ Atmos proposes to republish notice to industrial and transportation classes by electronic mail.

The Commission, being otherwise sufficiently advised, finds that the motion should be granted. The Commission directs Atmos to republish the corrected notice on its website for all customers and to send the corrected notice to the Interruptible Sales, Firm Transportation, and Interruptible Transportation customers by electronic mail. Atmos should provide a copy of the corrected notice that was sent to the Interruptible Sales Firm Transportation, and Interruptible Transportation customers. Atmos' application will be deemed filed as of the date the corrected notice was sent to customers.

IT IS HEREBY ORDERED that:

1. Atmos's motion of for deviation is granted.
2. Atmos shall republish the corrected notice on its website for all customers and mail the corrected notice to the Interruptible Sales, Firm Transportation, and Interruptible Transportation customers.
3. Atmos's application will be deemed filed as of the date that notice was sent to upon confirmation that the corrected notice has been mailed to the Interruptible Sales, Firm Transportation, and Interruptible Transportation customers.

⁷ *Id.* at 4.

⁸ *Id.*

By the Commission



ATTEST:


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