

COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION

AT RICHMOND, JUNE 17, 2024

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APPLICATION OF

ATMOS ENERGY CORPORATION

CASE NO. PUR-2024-00094

For approval of a 2024 SAVE Rider
Projected Factor and True-Up Factor

ORDER FOR NOTICE AND COMMENT

On June 7, 2024, Atmos Energy Corporation ("Atmos" or "Company") completed the filing of an application ("Application") pursuant to § 56-603 *et seq.* of the Code of Virginia ("Code"), known as the Steps to Advance Virginia's Energy (SAVE) Plan Act, for approval of its annual update of its SAVE Rider, consisting of a revised Infrastructure Replacement Current Rate ("Projected Factor") and an Infrastructure Replacement Reconciliation Rate ("True-Up Factor"), under the Company's approved SAVE Plan.¹ Pursuant to Code § 56-604 E, the Commission shall approve or deny, within 90 days, a natural gas utility's proposed SAVE rider adjustment.

In support of its Application, Atmos states that, pursuant to the Commission's prior orders regarding its SAVE Plan,² the Company is filing this Application for approval to implement

¹ Application at 1 and 5-6.

² *Id.* at 3 (citing *Application of Atmos Energy Corporation, For approval of a SAVE Plan and Rider as provided by Chapter 26 of Title 56 of the Code of Virginia*, Case No. PUR-2019-00054, 2019 S.C.C. Ann. Rept. 411, Order Approving SAVE Plan and Rider (Sept. 24, 2019); *Application of Atmos Energy Corporation, For approval of a 2020 SAVE Rider Projected Factor*, Case No. PUR-2020-00107, 2020 S.C.C. Ann. Rept. 538, Order Approving SAVE Rider (Aug. 21, 2020); *Application of Atmos Energy Corporation, For approval of a 2021 SAVE Rider Projected Factor*, Case No. PUR-2021-00121, 2021 S.C.C. Ann. Rept. 497, Order Approving SAVE Rider (Aug. 23, 2021); *Application of Atmos Energy Corporation, For approval of a 2022 SAVE Rider Projected Factor and True-Up Factor*, Case No. PUR-2022-00085, 2022 S.C.C. Ann. Rept. 573, Order Approving SAVE Rider (Aug. 12, 2022); and *Application of Atmos Energy Corporation, For approval of a 2023 SAVE Rider Projected Factor and True-Up Factor and to amend the SAVE Plan*, Case No. PUR-2023-00091, Doc. Con. Cen. No. 230910191, Order Approving SAVE Plan Amendment and Rider (Sept. 11, 2023)).

updated SAVE Rider rates, effective with the first billing cycle in October 2024.³ Atmos has requested a Projected Factor revenue requirement of \$2,428,914 for the upcoming SAVE Plan year as well as a True-Up Factor revenue requirement of \$84,298 related to the Company's fourth year of investment under its SAVE Plan,⁴ for a combined 2024 SAVE Rider revenue requirement of \$2,513,212.⁵ As proposed, the 2024 SAVE Rider rate for residential customers will be \$2.99 per month, an increase of \$0.90 over the current rate of \$2.09 per month for such customers.⁶

NOW THE COMMISSION, upon consideration of this matter, is of the opinion and finds that this matter should be docketed; that the Company should provide public notice of its Application; that any interested persons should be afforded an opportunity to file comments or request a hearing on the Company's Application; and that Commission Staff ("Staff") should investigate the Application and file a report ("Staff Report") containing Staff's findings and recommendations.

To promote administrative efficiency and timely service of filings upon participants, the Commission will, among other things, direct the electronic filing of testimony and pleadings unless they contain confidential information, and require electronic service on parties to this proceeding.

³ Application at 4-5.

⁴ *Id.* at 4-5, and Schedule 46(a).

⁵ Application at Schedule 46(a).

⁶ Supplemental Schedule 46(MISC) at 4.

Accordingly, IT IS ORDERED THAT:

(1) All pleadings in this matter should be submitted electronically to the extent authorized by 5 VAC 5-20-150, *Copies and format*, of the Commission's Rules of Practice and Procedure ("Rules of Practice"). Confidential and Extraordinarily Sensitive Information shall not be submitted electronically and should comply with 5 VAC 5-20-170, *Confidential information*, of the Rules of Practice. Any person seeking to hand deliver and physically file or submit any pleading or other document shall contact the Clerk's Office Document Control Center at (804) 371-9838 to arrange the delivery.

(2) Pursuant to 5 VAC 5-20-140, *Filing and service*, of the Commission's Rules of Practice, the Commission directs that service on parties and the Staff in this matter shall be accomplished by electronic means. Concerning Confidential or Extraordinarily Sensitive Information, parties and the Staff are instructed to work together to agree upon the manner in which documents containing such information shall be served upon one another, to the extent practicable, in an electronically protected manner, even if such information is unable to be filed in the Office of the Clerk, so that no party or the Staff is impeded from preparing its case.

(3) As provided by Code § 12.1-31 and 5 VAC 5-20-120, *Procedure before hearing examiners*, of the Commission's Rules of Practice, a Hearing Examiner is appointed to rule on any discovery matters that arise during the course of this proceeding and any motions *pro hac vice* that are filed. A copy of each filing relating to discovery matters or motions *pro hac vice* made with the Office of the Clerk in this matter shall also be sent electronically to the Office of the Hearing Examiners.⁷

⁷ Such electronic copies shall be sent to: OHEParalegals@scc.virginia.gov.

(4) On or before July 5, 2024, the Company shall cause a copy of the following notice to be published as display advertising (not classified) on one (1) occasion in newspapers of general circulation throughout the Company's service territory within the Commonwealth of Virginia:

NOTICE TO THE PUBLIC OF AN APPLICATION BY
ATMOS ENERGY CORPORATION
FOR APPROVAL OF A 2024 SAVE RIDER
PROJECTED FACTOR AND TRUE-UP FACTOR
CASE NO. PUR-2024-00094

On June 7, 2024, Atmos Energy Corporation ("Atmos" or "Company") completed the filing of an application ("Application") pursuant to § 56-603 *et seq.* of the Code of Virginia ("Code"), known as the Steps to Advance Virginia's Energy (SAVE) Plan Act, for approval of its annual update of its SAVE Rider, consisting of a revised Infrastructure Replacement Current Rate ("Projected Factor") and an Infrastructure Replacement Reconciliation Rate ("True-Up Factor"), under the Company's approved SAVE Plan. Pursuant to Code § 56-604 E, the Commission shall approve or deny, within 90 days, a natural gas utility's proposed SAVE rider adjustment.

In support of its Application, Atmos states that, pursuant to the Commission's prior orders regarding its SAVE Plan, the Company is filing this Application for approval to implement updated SAVE Rider rates, effective with the first billing cycle in October 2024. Atmos has requested a Projected Factor revenue requirement of \$2,428,914 for the upcoming SAVE Plan year as well as a True-Up Factor revenue requirement of \$84,298 related to the Company's fourth year of investment under its SAVE Plan, for a combined 2024 SAVE Rider revenue requirement of \$2,513,212. As proposed, the 2024 SAVE Rider rate for residential customers will be \$2.99 per month, an increase of \$0.90 over the current rate of \$2.09 per month for such customers.

The details of these and other proposals are set forth in the Company's Application. Interested persons are encouraged to review the Company's Application and supporting exhibits for the details of these proposals.

TAKE NOTICE that the Commission may adopt rates that differ from those appearing in the Company's Application and supporting documents and may apportion revenues among

customer classes and/or design rates in a manner differing from that shown in the Application and supporting documents.

The Commission entered an Order for Notice and Comment that, among other things, directed the Company to provide notice to the public and provided interested persons an opportunity to comment on the Company's Application.

To promote administrative efficiency and timely service of filings upon participants, the Commission has directed the electronic filing of testimony and pleadings, unless they contain confidential information, and required electronic service on parties to this proceeding.

An electronic copy of the Application may be obtained, at no charge, by submitting a written request to counsel for the Company: Timothy E. Biller, Esquire, and Andrea D. Gardner, Esquire, Hunton Andrews Kurth, LLP, Riverfront Plaza, East Tower, 951 E. Byrd Street, Richmond, Virginia, 23219, tbiller@hunton.com, agardner@hunton.com. Interested persons may also download unofficial copies of the Application and other documents from the Commission's website: scc.virginia.gov/pages/Case-Information.

On or before August 1, 2024, any interested person may file comments on the Application by following the instructions on the Commission's website: scc.virginia.gov/casecomments/Submit-Public-Comments. Those unable, as a practical matter, to submit comments electronically may file such comments by U.S. mail to the Clerk of the State Corporation Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218-2118. All such comments shall refer to Case No. PUR-2024-00094.

On or before August 1, 2024, any person or entity wishing to participate as a respondent in this proceeding may do so by filing a notice of participation with the Clerk of the Commission at: scc.virginia.gov/clk/efiling. Those unable, as a practical matter, to file a notice of participation electronically may file such notice by U.S. mail to the Clerk of the Commission at the address listed above. Such notice of participation shall include the email addresses of such parties or their counsel, if available. Pursuant to 5 VAC 5-20-80 B, *Participation as a respondent*, of the Rules of Practice and Procedure ("Rules of Practice"), any notice of participation shall set forth: (i) a precise statement of the interest of the respondent; (ii) a statement of the specific action sought to

the extent then known; and (iii) the factual and legal basis for the action. Any organization, corporation, or government body participating as a respondent must be represented by counsel as required by 5 VAC 5-20-30, *Counsel*, of the Rules of Practice. All filings shall refer to Case No. PUR-2024-00094. For additional information about participation as a respondent, any person or entity should obtain a copy of the Commission's Order for Notice and Comment.

On or before August 1, 2024, any interested person may request that the Commission convene a hearing in this matter by filing a request for hearing electronically via scc.virginia.gov/clk/efiling. Those unable, as a practical matter, to file electronically may file a request for hearing by U.S. mail to the Clerk of the Commission at the address listed above. Requests for a hearing shall include: (i) a precise statement of the filing party's interest in the proceeding; (ii) a statement of the specific action sought to the extent then known; (iii) a statement of the legal basis for such action; and (iv) a precise statement why a hearing should be conducted in this matter. All filings shall refer to Case No. PUR-2024-00094.

A copy of any notices of participation and requests for hearing shall be sent to counsel for the Company.

The Company's Application, the Commission's Rules of Practice and the Commission's Order for Notice and Comment may be viewed at: scc.virginia.gov/pages/Case-Information.

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(5) The Company shall serve each official listed in 20 VAC 5-205-10 J of the Commission's Rules Governing Utility Rate Applications and Annual Informational Filings of Investor-Owned Gas Utilities, 20 VAC 5-205-5 *et seq.*, in the manner provided therein.

(6) On or before July 26, 2024, Atmos shall file proof of the service required by Ordering Paragraphs (4) and (5) with the Clerk of the Commission.

(7) On or before August 1, 2024, any interested person may submit comments on the Application by following the instructions on the Commission's website: scc.virginia.gov/casecomments/Submit-Public-Comments. Those unable, as a practical matter,

to submit comments electronically may file such comments by U.S. mail to the Clerk of the State Corporation Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218-2118. All comments shall refer to Case No. PUR-2024-00094.

(8) On or before August 1, 2024, any person or entity wishing to participate as a respondent in this proceeding may do so by filing a notice of participation with the Clerk of the Commission at: scc.virginia.gov/clk/efiling. Those unable, as a practical matter, to file a notice of participation electronically may file such notice by U.S. mail to the Clerk of the Commission at the address above. Such notice of participation shall include the email addresses of such parties or their counsel, if available. Pursuant to 5 VAC 5-20-80 B, *Participation as a respondent*, of the Rules of Practice, any notice of participation shall set forth: (i) a precise statement of the interest of the respondent; (ii) a statement of the specific action sought to the extent then known; and (iii) the factual and legal basis for the action. Any organization, corporation, or government body participating as a respondent must be represented by counsel as required by 5 VAC 5-20-30, *Counsel*, of the Rules of Practice. All filings shall refer to Case No. PUR-2024-00094.

(9) On or before August 1, 2024, any interested person or entity may file a request that the Commission convene a hearing on the Company's Application, with the Clerk of the Commission at: scc.virginia.gov/clk/efiling. Those unable, as a practical matter, to file electronically may file a request for hearing by U.S. mail to the Clerk of the Commission at the address above. Such request for hearing shall include the email addresses of such parties or their counsel, if available. Requests for hearing must include: (i) a precise statement of the filing party's interest in the proceeding; (ii) a statement of the specific action sought to the extent then known; (iii) a statement of the legal basis for such action; and (iv) a precise statement why a

hearing should be conducted in this matter. All such filings shall refer to Case No. PUR-2024-00094.

(10) A copy of each request for hearing and notice of participation shall be sent to counsel for the Company: Timothy E. Biller, Esquire, and Andrea D. Gardner, Esquire, Hunton Andrews Kurth, LLP, Riverfront Plaza, East Tower, 951 E. Byrd Street, Richmond, Virginia, 23219, tbiller@hunton.com, agardner@hunton.com.

(11) The Staff shall investigate the Application. On or before August 1, 2024, the Staff shall file with the Clerk of the Commission a Staff Report containing its findings and recommendations and promptly shall serve a copy of the Staff Report on counsel to the Company and any respondents.

(12) On or before August 8, 2024, Atmos may file with the Clerk of the Commission any response to any requests for hearing, in rebuttal to comments filed in this case, and to the Staff Report.

(13) Any documents filed in paper form with the Office of the Clerk of the Commission in this docket may use both sides of the paper. In all other respects, except as modified herein, all filings shall comply fully with the requirements of 5 VAC 5-20-150, *Copies and format*, of the Commission's Rules of Practice.

(14) The Commission's Rule of Practice 5 VAC 5-20-260, *Interrogatories or requests for production of documents and things*, shall be modified for this proceeding as follows: responses and objections to written interrogatories and requests for production of documents shall be served within five (5) calendar days after receipt of the same. In addition to the service requirements of 5 VAC 5-20-260 of the Rules of Practice, on the day that copies are filed with the Clerk of the Commission, a copy of the interrogatory or request for production shall be

served electronically on the party to whom the interrogatory or request for production is directed or the assigned Staff attorney, if the interrogatory or request for production is directed to the Staff.⁸ Except as modified herein, discovery shall be in accordance with Part IV of the Commission's Rules of Practice, 5 VAC 5-20-240 *et seq.*

(15) This matter is continued.

A COPY hereof shall be sent electronically by the Clerk of the Commission to all persons on the official Service List in this matter. The Service List is available from the Clerk of the Commission.

⁸ The assigned Staff attorney is identified on the Commission's website, scc.virginia.gov/pages/Case-Information, by clicking "Docket Search," then clicking "Search by Case Information," and entering the case number PUR-2024-00094 in the appropriate box.