

BEFORE THE TENNESSEE PUBLIC UTILITY COMMISSION

NASHVILLE, TENNESSEE

April 5, 2018

IN RE:

ATMOS ENERGY CORPORATION ANNUAL
RECONCILIATION OF ANNUAL REVIEW
MECHANISM

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DOCKET NO.
17-00091

ORDER DENYING ATMOS ENERGY CORPORATION'S MOTION TO RESUBMIT
RECONCILIATION AND CHANGE DATES

This matter came before the Vice Chairman Robin Morrison, Commissioner Herbert H. Hilliard, and Commissioner Keith Jordan of the Tennessee Public Utility Commission ("Commission" or "TPUC") at the Commission Conference on February 26, 2018, to consider the *Motion to Resubmit Reconciliation and Change Dates* ("Motion") filed by Atmos Energy Corporation ("Atmos" or "Company") on January 8, 2018.

BACKGROUND AND PETITION

On May 11, 2015, the Commission approved, in TPUC Docket No. 14-00146, a general rate increase and an Annual Rate Review Mechanism ("ARM," "ARM Tariff" or the "mechanism") for Atmos pursuant to the *Stipulation and Settlement Agreement* ("Settlement Agreement") filed by the Atmos and the Consumer Protection and Advocate Division of the Office of the Tennessee Attorney General and Reporter ("CPAD" or "Consumer Advocate") on April 29, 2015. The *Settlement Agreement* provided that Atmos could opt into an annual review of its rates pursuant to Tenn. Code Ann. § 65-5-103(d)(6), with Atmos' tariff outlining the

specific methodologies for the ARM.¹ The mechanism requires the Company to submit a rate adjustment in February of each year based upon its forward looking test year.² Subsequently, by September 1 of each year, the Company shall file with the Commission a reconciliation of actual results of its calculated authorized Return on Equity (“ROE”) to the forward looking test year just completed.³ The actual cost of service shall be compared to actual booked revenues to determine the revenue requirement adjustment necessary in order to achieve the authorized ROE.⁴

On August 31, 2017, Atmos filed the *Petition of Atmos Energy for Approval of 2017 Annual Reconciliation Filing* (“*Petition*”) in the present docket representing the second annual reconciliation filed under the Company’s approved ARM. As a component of the Company’s ARM, this filing reconciles actual operating results to those previously forecasted for the forward looking test year ending May 31, 2016.⁵ Pursuant to the ARM, any approved annual reconciliation revenue requirement would be included in the February 1, 2017 ARM Filing.⁶

On September 26, 2017, the CPAD filed a *Petition to Intervene*, which was granted by the Hearing Officer in an Order dated October 6, 2017. No other parties petitioned to intervene in this matter.

INCOME TAX CALCULATION METHODOLOGY

A dispute arose amongst the parties concerning the appropriateness of a new income tax methodology proposed by the Company. In its initial filing, the Company provided two separate income tax reconciliation calculations. On behalf of the Consumer Advocate, expert witness

¹ See *In re: Petition of Atmos Energy Corporation for a General Rate Increase Under T.C.A. 65-5-103(a) and Adoption of an Annual Rate Review Mechanism Under T.C.A. 65-5-103(d)(6)*, Docket No. 14-00146, *Stipulation and Settlement Agreement*, pp. 4-6 (April 29, 2015) (“*Atmos ARM Settlement Agreement*”).

² *Id.* at 4.

³ *Id.* at 26.

⁴ *Id.*

⁵ *Petition*, p. 2 (August 31, 2017).

⁶ *Settlement Agreement*, p. 27 (April 29, 2015).

William H. Novak explained in pre-filed direct testimony that the first of the two calculations was in a manner as agreed by the parties in the previous reconciliation filing in Docket No. 16-00105 which results in a negative adjustment of \$2,589,384.⁷ The second of the reconciliation calculations results in a positive adjustment of \$720,734. According to Mr. Novak, the second calculation is a change in methodology for calculating income taxes that excludes the “true-up to the actual recorded amounts on the ledger.”⁸ According to Mr. Novak’s pre-filed testimony, the Company did not mention a normalization violation or a statute or rule requiring a change in how income taxes were calculated.⁹ However, Mr. Novak stated, the Company later stated in discovery responses that a violation of income tax normalization rules requires the change.¹⁰

Mr. Novak’s pre-filed direct testimony opined that the Company had provided no testimony, Internal Revenue Service (“IRS”) ruling or private letter ruling or any other support that there was in fact a normalization violation.¹¹ Mr. Novak asserted that there was an alignment between accumulated deferred income taxes in rate base and deferred taxes included in tax expense with the ARM. Mr. Novak asserted that there was no requirement that the ARM reconciliation align with the Company’s fiscal year.¹² In the event the Commission determined the present ARM income tax calculation methodology results in a tax normalization violation, Mr. Novak urged the Commission to consider terminating the ARM and direct the Company to make an appropriate filing that avoids the issue.¹³

Mr. Novak states it is “not possible to overstate the extent to which true-up to actual recorded amounts on the Company’s books was a core concept” of the settlement that resolved

⁷ William H. Novak, Pre-filed Direct Testimony, p. 10 (December 4, 2017).

⁸ *Id.* at 10.

⁹ *Id.* at 12, 15-16.

¹⁰ *Id.*

¹¹ *Id.* at 16.

¹² *Id.* at 16-17.

¹³ *Id.* at 18.

Docket No. 14-00146 and created the ARM.¹⁴ Mr. Novak also discussed the possibility of moving the reconciliation forward by four months to coincide with the Company's fiscal year to relieve any normalization issue; however Mr. Novak cautioned that there were a number of complications such a change would entail and that it was unclear how a sixteen (16) month reconciliation period from June 2016 through September 2017 would be calculated.¹⁵

Pursuant to the procedural schedule, the Company submitted the pre-filed rebuttal testimony of Greg Waller and Jennifer Story on December 20, 2017. Mr. Waller contends that a specific income tax methodology was not addressed in the Settlement Agreement adopted by the Commission in Docket No. 14-00146 and therefore the methodology is governed by the paragraph outlining "Other Methodologies Adopted."¹⁶ Mr. Waller asserts the Annual Reconciliation specifies only that previously forecasted cost of service items be replaced with actual results without actually defining "actual results" for income tax.¹⁷

Mr. Waller further asserts that all previous forward looking ARM filings have calculated income tax expense at statutory rates per the approved methodologies; and the one annual reconciliation filing in Docket No. 16-00105 used the per-book expense for the eight month period prior to the end of the test period in error.¹⁸ Atmos states that if the Company is directed to follow the recommendation of the Consumer Advocate, this error will continue in perpetuity which is in conflict with paragraphs 18 and 19 of the Settlement Agreement which prohibit the use of the Settlement Agreement as a precedent in future proceedings.¹⁹

¹⁴ *Id.*

¹⁵ *Id.* at 19.

¹⁶ Gregory K. Waller, Pre-filed Rebuttal Testimony, p. 4 (December 21, 2017).

¹⁷ *Id.* at 4.

¹⁸ *Id.* at 5.

¹⁹ *Id.* at 3-5.

Atmos ascribes that Treas. Reg. § 1.167(1)-1(h)(6)(i) is very clear that the time period for income tax expense and ADIT must match.²⁰ Additionally, Ms. Story asserts that it is very time consuming and expensive to obtain a private letter ruling from the IRS. For these reasons, Ms. Story attests no further clarification is necessary or warranted.²¹ Ms. Story disagrees with Mr. Novak's proposal to include per-books income tax expense balance for September 30, 2016, as she believes this will result in a clear misalignment between income tax expense included in the filing and the forecasted and reconciliation amounts.²²

In pre-filed rebuttal testimony, Mr. Waller indicated the Company had considered an alternative solution to the income tax issue of moving the reconciliation period forward as discussed briefly by Mr. Novak in his pre-filed direct testimony.²³ The Company recommended the Commission approve an alternative solution discussed by Mr. Waller; order the Company to re-file its reconciliation filing on January 23, 2018, and approve the amended ARM tariff attached to the rebuttal testimony of Gregory K. Waller.²⁴ Should the Commission not approve the alternative solution, the Company requests the Commission to approve the Annual Reconciliation Revenue Requirement of \$382,182.²⁵

On January 4, 2018, the Consumer Advocate filed the *Motion for Leave to File Supplemental Testimony* ("Motion for Leave") with Mr. Novak's supplemental pre-filed testimony attached. The Consumer Advocate asserted that additional testimony was necessary to respond to the rebuttal testimony of the Company with respect to the position Atmos was taking on the appropriate income tax reconciliation methodology and the claim of a tax normalization

²⁰ Jennifer K. Story, Pre-filed Rebuttal Testimony, p. 4 (December 21, 2017).

²¹ *Id.*

²² *Id.* at 6-8.

²³ Gregory K. Waller, Pre-filed Rebuttal Testimony, p. 14 (December 21, 2017).

²⁴ *Id.* at 14-17.

²⁵ *Id.* at 17-18.

violation.²⁶ No objections were filed to the *Motion for Leave*. Mr. Novak's supplemental testimony, citing Ms. Story's pre-filed rebuttal testimony, asserted that the Company had failed to notify the IRS within ninety (90) days of learning of the alleged normalization violation as required based upon Ms. Story's testimony.²⁷ Mr. Novak points out the Company indicated it had discovered what it considered was a normalization error while preparing the initial filing of this docket, but has not informed the IRS within ninety days of becoming aware of a tax normalization violation; nor did Atmos disclose any claim of a tax normalization error until responding to the Consumer Advocate's discovery requests.²⁸

Mr. Novak asserts the Company does not provide the information or specific amounts of deferred taxes necessary to determine whether there is a tax normalization violation.²⁹ With respect to changing the ARM to take into account a reconciliation period of sixteen (16) months, Mr. Novak claims it is unclear how such reconciliation would be calculated and applied and that the Consumer Advocate would need additional time to consider the mechanics of a specific methodology.³⁰

THE MOTION TO RESUBMIT RECONCILIATION AND CHANGE DATES

On January 8, 2018, Atmos filed the *Motion* requesting a change in the ARM test year from June 1st through May 31st to October 1st through September 30th to align the test period with the Company's fiscal year. Under the Company's proposal, the Company would submit an ARM reconciliation filing covering June 1, 2016 through September 30, 2017 in a new docket as part of a new reconciliation filing. In making its request, Atmos proposed that issues between

²⁶ *Motion for Leave to File Supplemental Testimony*, pp. 1-3 (January 4, 2018).

²⁷ William H. Novak, Pre-filed Supplemental Testimony, p. 4 (January 4, 2018).

²⁸ *Id.* at 3-5.

²⁹ *Id.* at 8-12.

³⁰ *Id.* at 14-15.

the parties concerning any specific methodology to reconcile the resulting 16-month reconciliation period could be reserved until the Company's new ARM reconciliation filing.

Contemporaneously with the filing of the *Motion*, the Company filed a Petition in Docket 18-00003 with the Commission requesting a shift in the Company's ARM forward-looking filing date from February 1 to June 1; shift the forward-looking test year period to the period of October 1 through September 30; and shifting the implementation of new rates in the ARM process to October 1.³¹

THE HEARING

The Hearing in this matter was held before the voting panel of Commissioners during the regularly scheduled Commission Conference on January 16, 2018, as noticed by the Commission on January 5, 2018. Participating in the Hearing were:

Atmos Energy Corporation – Scott Ross, Esq., Neal & Harwell, PLC, 1201 Demonbreun Street, Suite 1000, Nashville, Tennessee 37203.

Consumer Protection and Advocate Division – Wayne M. Irvin, Esq., and Vance Broemel, Esq. Office of the Tennessee Attorney General and Reporter, Post Office Box 20207, Nashville, Tennessee 37202-0207.

During the Hearing, Gregory Waller, manager of rates and regulatory affairs for Atmos, and Jennifer K. Story, Director of Income Tax for Atmos, provided a summary of their pre-filed testimony in support of the *Motion* and were subject to cross-examination by the Consumer Advocate and questionings before the panel. Mr. William H. Novak was not present and did not provide testimony.

At the hearing, Atmos contended that in its previous ARM reconciliation filing that the Company incorrectly took the September 30th book tax number; and this error was discovered while preparing this docket; therefore, the purpose of this *Motion* is to assist the Company in

³¹ See *In re: Atmos Energy Corporation Request to Change Certain ARM Dates*, Docket No. 18-00003, *Petition of Atmos Energy Corporation*, (January 8, 2018).

correcting the error.³² The Company contends any issues relating to how to reconcile the new 12-month period with the previous 12-month period could be addressed in the new docket along with any outstanding issues in this filing. Concurrent with this filing, Atmos has requested the annual ARM filing be delayed until June 1st and they be allowed to make the same time shift in that filing in TPUC Docket No. 18-00003.³³

In summarizing his testimony, Mr. Waller testified it is inappropriate to use a tax expense of September to reconcile to the test period ending May of the following year.³⁴ During this eight month period he attests there has been more investment and more months of return resulting in more income tax expense than what was recorded eight months prior.³⁵

Several questions were posed to Mr. Waller during cross examination concerning the settlement agreement in TPUC Docket No. 14-00146 establishing the framework for the ARM tariff. Mr. Waller indicated that at the time of the settlement, the Company anticipated applying actual results from the Company's books/"general ledger" and that this is the method the Company used in the previous reconciliation in TPUC Docket No. 16-00105.³⁶ When asked why the Company, in deviating from the previous reconciliation docket, had not discussed a tax normalization issue in its filing in this docket, Mr. Waller stated that the normalization violation issue was not the primary reason why it is incorrect to use a tax expense from September to reconcile a test period that ends eight months later.³⁷ Mr. Waller asserted it was inappropriate to

³² *Id.* 30-31, 45-46

³³ Transcript of Hearing, pp. 29-34 (January 16, 2018).

³⁴ *Id.* at 45-46.

³⁵ *Id.* at 46.

³⁶ *Id.* at 51-53.

³⁷ *Id.* at 53-54.

do so for rate making purposes.³⁸ Mr. Waller also indicated the Company was still “getting our arms” around the tax normalization issue.³⁹

Mr. Waller explained that revenue requirements are calculated on 12-month periods, but that with the proposal, the reconciliation here would be for sixteen months. When asked about specific reconciliation issues that would arise from the implementation of the date change in the *Motion*, Mr. Waller answered that such matters can be addressed in the new filing.⁴⁰ During opening statements and cross-examination of Mr. Waller, the Consumer Advocate pressed a number of arguments and issues, including whether the relief requested in the *Motion* was beyond that agreed to by the Consumer Advocate. Mr. Waller conceded that the proposal in the *Motion* was not specifically authorized by the settlement agreement, but that changes to the ARM were permissible and had been done.

Jennifer K. Story testified on behalf of the Company that Atmos does record the expense on monthly basis. She further explained that the monthly recordings are based on previous quarterly estimates and are not accurate and specific calculations of income tax expense.⁴¹ Ms. Story testified that the Company’s fiscal year is September 30. Ms. Story explained that during the preparation of the reconciliation filing for this docket, it was observed that there was a clear misalignment between revenues generating income tax expense and the income tax expense which was being pulled from a prior 12-month period.⁴²

Ms. Story testified there is a Safe Harbor provision regarding the required 90-day notice from the date of discovering a normalization violation to the IRS District Director. If the Company corrects the tax normalization error at the next available opportunity in a rate

³⁸ *Id.*

³⁹ *Id.*

⁴⁰ *Id.* at 68-79.

⁴¹ *Id.* at 104-105.

⁴² *Id.* at 108.

proceeding and the Commission approves this correction, then Safe Harbor allows the Company to forgo notification to the IRS Director.⁴³ Ms. Story asserted that the “next opportunity” is the current docket.⁴⁴ If the correction of the tax normalization error was not approved then the Company would have to provide the notification. She further stated that if this matter is not rectified in this docket, Atmos will have to notify the Director.⁴⁵

Mr. Story asserted the basis and proof of the tax normalization violation is the misalignment of the date for which ADIT is being included in tax expense.⁴⁶ She claimed no private ruling from the IRS is necessary because the regulations are clear on their face.⁴⁷ The period in question does not matter only that the periods are the same, they have to be aligned.⁴⁸

At the conclusion of the Hearing, the Commissioners voted unanimously to require post-hearing briefs from the parties by February 9, 2018 in lieu of closing statements. The Commissioners further voted unanimously to hold the Company’s ARM required February 1, 2018, budget filing in abeyance.⁴⁹ Members of the public were invited to make public comments. None sought recognition.

POST-HEARING BRIEF OF ATMOS ENERGY CORPORATION

Atmos asserts the *Motion* is limited to closing this docket and resetting the test period with all other issues held in abeyance for resolution in the new reconciliation filing.⁵⁰ The Company contends the current calendar dates used for the reconciliation of the ARM prevent Atmos from synchronizing income with income tax expense. These dates were set with the initial approval and establishment of the ARM. At the time the dates were set, Atmos calculated

⁴³ *Id.* at 109-110.

⁴⁴ *Id.*

⁴⁵ *Id.* at 108-111.

⁴⁶ *Id.* at 115.

⁴⁷ *Id.* at 117.

⁴⁸ *Id.* at 117-118.

⁴⁹ *Id.* at 129-130.

⁵⁰ *Post-Hearing Brief of Atmos Energy Corporation*, p. 2 (February 9, 2018).

income tax expense by applying the statutory tax rate to forecasted income. The Company submits there are two ways to re-synchronize the income tax expense; (1) calculate income tax expense with income for the period being reconciled or (2) move the test year dates to line up with the Company's fiscal year.⁵¹

The Company asserts that no specific language outlining how income taxes were to be calculated is included in the *Settlement Agreement* in TPUC Docket No. 14-00146 and that only schedules calculating tax are attached. The *Settlement Agreement*, however, did include the following language relative to the reconciliation filing of the ARM:

The annual reconciliation shall include a calculation of actual cost of service, determined in accordance with the Approved Methodologies, for Forward Looking Test Year immediately completed; using the same revenue requirement model used in each Annual ARM Filing, substituting actual result in place of previously forecasted data for aspects of cost of service, excluding revenue calculations...⁵²

Atmos claims this is the only guidance provided regarding how income tax should be handled in future reconciliation filings.⁵³

In its prior reconciliation docket, Atmos incorrectly used the income tax figures from its books. Only upon preparing this filing did Atmos realize its error and attempt to make a correction. Atmos refers to the testimony of Mr. Waller asserting the May 31st booked income tax expense is the amount booked in September 30, 2016 and in no way reflects the actual tax due on the income for the twelve months ended May 31, 2017. Further, according to witness Ms. Story this eight-month lag will continue and grow over time and results in a tax normalization violation which must be corrected.⁵⁴

⁵¹ *Id.* at 6.

⁵² *Id.* at 3 citing *Settlement Agreement* at 26, paragraph 14(b).

⁵³ *Id.*

⁵⁴ *Id.* at 4-5.

Atmos asserts that it is in the public interest to approve the *Motion* allowing synchronization of income tax expense with income. Absent approval of this *Motion*, Atmos claims it will be denied its ability to earn its approved rate of return and will not be able to recover costs actually incurred for the period under review.⁵⁵ Atmos states that it appreciates Consumer Advocate's concerns that there are issues which would remain unresolved if the *Motion* is granted. During the Hearing, Mr. Waller addressed these concerns by stating that all other issues would be resolved in the new reconciliation docket.⁵⁶ Atmos asserts the Commission has the authority, according to Tenn. Code Ann. §65-5-103(d)(6)(D)(iii), to modify the approved annual review plan and that granting the *Motion* is "fully consistent with Commission's broad authority over rate-setting and administration." *See CF Indus. V. Tennessee Pub. Serv. Comm'n* 599 S.W.2d 536, 542-43 (Tenn. 1980); *see also* Tenn. Code Ann §65-4-106.⁵⁷

POST-HEARING BRIEF OF THE CONSUMER ADVOCATE

The Consumer Advocate submits the *Motion* should be denied and that the Company should be directed to provide a reconciliation based on the Company's books as of May 31 as Atmos did in the prior reconciliation in Docket No. 16-00105. The Consumer Advocate asserts Atmos has failed to provide quantitative information supporting its claim of a tax normalization violation. The Consumer Advocate notes that the lack of notice of the violation being provided to the IRS within 90 days as required; as such the Consumer Advocate questions whether any violation does exist.⁵⁸ The Consumer Advocate points out a number of unresolved issues that would result from calculating the return on equity from a twelve-month return to a sixteen-month

⁵⁵ *Id.* at 7-8.

⁵⁶ *Id.* at 8.

⁵⁷ *Id.* at 9.

⁵⁸ Post-Hearing Brief of the Consumer Advocate, pp. 5-7 (February 9, 2018).

return or how the average rate base will be calculated in a new filing should the *Motion* be granted.⁵⁹

The Consumer Advocate claims Atmos should be forced to explain how it missed a serious tax normalization violation before any relief is granted. Consumer Advocate expressed that it is perplexed, given the tax expertise of Atmos, that the Company cannot make a usable per-books tax entry as of May 31, 2017, resolving this issue. The Consumer Advocate further argues that the record reflects contradictory statements by the Company as to whether the *Motion* would actually resolve the tax normalization issue.⁶⁰

Consumer Advocate claims that the relief the Company is seeking is essentially an “open ended” order allowing it to make a filing absent any directives regarding methodology. Further, there would be no directive on how to reconcile a sixteen-month period June 1, 2016 to September 30, 2017 to a twelve-month test period of June 1, 2016 to May 31, 2017, or the four-month “stub period” as referred to in the testimony of Mr. Waller. The Consumer Advocate asserts this “stub period” overlaps the upcoming budget period adding more confusion and uncertainty if the *Motion* is granted. Finally, the Consumer Advocate argues that if Atmos is unable to make reasonably accurate monthly entries for income tax, it is quite reasonable to question how the Company would be able to make accurate entries for a sixteen-month period⁶¹

The Consumer Advocate draws a parallel between the *Motion* and the Company’s first ARM petition in Docket No. 14-00081 which the Consumer Advocate argues the Commission denied on the basis of a lack of specific methodologies determined in the Company’s prior rate case in which to base an ARM.⁶² In closing, Consumer Advocate asserts Tenn. Code Ann. §65-

⁵⁹ *Id.* at 18-19.

⁶⁰ *Id.* at 10-12.

⁶¹ *Id.* at 13-15.

⁶² *Id.* at 17-18.

5-103(d)(6)(A) requires rates to reviewed annually. If this *Motion* is granted, the Consumer Advocate maintains it would be in direct conflict with the express requirements of the statute.⁶³

FINDINGS AND CONCLUSIONS

Based on the evidentiary record in this matter, the hearing panel voted unanimously to deny the *Motion*. The legislative intent of alternative rate regulation was to allow adjustments to rates while permitting an opportunity for review in a process that was to be simplified to the extent possible. The framework of the ARM was agreed upon by the parties in Docket No. 14-00146. Nevertheless, the Company has raised a new issue, which it contends it was previously unaware of, and which it now argues necessitates a change in methodology in the midst of the ARM's second reconciliation docket. The *Motion* by the Company is an attempt to impose changes to the ARM both mechanically and with a new methodology that would facilitate a reconciliation over a sixteen-month period to correct what it contends is a misalignment in timing. While the Commission can appreciate a utility's desire to efficiently mold a quick solution to a potential problem, the action proposed in the *Motion* is premature for this docket and not in the public interest given the uncertain consequences and issues granting the *Motion* would entail that the Commission and the parties would have to entertain and contend with.

Based on the record, the panel found that if a tax normalization violation does exist and a realignment of the ARM or some other alternative is necessary, then it should be corrected in the next rate proceeding. No rates will change at the conclusion of this docket. This is not the appropriate docket to correct through rates any potential normalization violation. Nevertheless, this docket will impact the budget filing originally required on February 1, 2018. Therefore the Commission must take into account whether there is a tax normalization issue and the resulting revenue sufficiency or deficiency, if any, that will be carried forward to the required budget

⁶³ *Id.* at 19-20.

filing. At the conclusion of January 16, 2018, the Commission held the February 1, 2018 budget filing in abeyance. The panel voted unanimously here to continue to hold the February 1 budget filing in abeyance as the Commission sorts through the issues presented in this docket, including whether the terms and requirements of the Company's ARM tariff have inadvertently and potentially created a normalization violation. This is an issue the Commission must continue to entertain, as well as consider the impact any ruling on this matter may have on other aspects of the ARM, other utilities operating under alternative rate regulation, and upon utility customers in this and, perhaps, in other proceedings.

IT IS THEREFORE ORDERED THAT:

1. The *Motion to Resubmit Reconciliation and Change Dates* filed by Atmos Energy Corporation is denied.
2. The Required Budget Filing by Atmos Energy Corporation due on February 1, 2018, remains in abeyance pending the outcome of this docket.

Vice Chairman Robin L. Morrison, Commissioner Herbert H. Hilliard and Commissioner Keith Jordan concur.

ATTEST:



Earl R. Taylor, Executive Director