

**BEFORE THE TENNESSEE PUBLIC UTILITY COMMISSION**

**NASHVILLE, TENNESSEE**

**August 6, 2019**

**IN RE:**

**ATMOS ENERGY CORPORATION TENNESSEE AND  
UNION CITY, TENNESSEE 2017–2018 ACA FILING**

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**DOCKET NO.  
18-00090**

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**ORDER ADOPTING ACA AUDIT REPORT OF  
TENNESSEE PUBLIC UTILITY COMMISSION’S UTILITIES DIVISION**

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This matter came before Vice Chairman Kenneth C. Hill, Commissioner Herbert H. Hilliard, and Commissioner John Hie of the Tennessee Public Utility Commission (the “Commission” or “TPUC”), the voting panel assigned to this docket, during a regularly scheduled Commission Conference held on July 15, 2019 to consider the report of the Commission’s Utilities Division (the “Staff”) resulting from the Staff’s audit of Atmos Energy Corporation’s (“Atmos” or the “Company”) annual deferred gas cost account filing for the year ended June 30, 2018. The Actual Cost Adjustment (“ACA”) Compliance Audit Report (the “Report”) is attached hereto as Exhibit 1 and incorporated by this reference.

The Company’s ACA filing was filed on August 30, 2018. The Staff completed its audit of the Company’s filing on June 6, 2019 and filed its Report on June 12, 2019.<sup>1</sup> The objective of the audit was to verify that the Company’s calculations of gas costs incurred and recovered were materially correct and that the Company has followed all Commission orders and directives with respect to the ACA account balance. The original 180-day deadline for staff’s completion of the audit, which may be extended by mutual agreement, was February 26, 2019.<sup>2</sup> The Company and

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<sup>1</sup> Notice of Filing by the Tennessee Public Utility Commission (June 12, 2019).

<sup>2</sup> See Tenn. Comp. R & Regs. 1220-04-07-.03(2).

staff agreed to extend the audit deadline to May 31, 2019<sup>3</sup> and subsequently to July 31, 2019.<sup>4</sup> Based on the Company's filing and staff's audit of the same, the over-collected ending balance reported by Atmos in the combined ACA Accounts at June 30, 2018 was a \$5,621,636.90.<sup>5</sup> Of this amount, \$53,323.49 reflects over-collections from Union City customers and \$5,568,313.41 are over-collections from East Tennessee customers.<sup>6</sup>

During the regularly scheduled Commission Conference held on July 15, 2019, the voting panel considered the Company's ACA filing and Staff's report. The panel found that the correct ACA account balance at June 30, 2018 is \$53,323.49 in over-collected gas costs for the Union City filing and the correct ACA account balance at June 30, 2018 is \$5,568,313.41 in over-collected gas costs for the East Tennessee filing. Further, the panel found that Atmos is correctly implementing its Purchased Gas Adjustment Rider as calculated in the ACA in accordance with TPUC rules. The panel voted unanimously to approve and adopt the Staff's report.

**IT IS THEREFORE ORDERED THAT:**

1. The Actual Cost Adjustment Compliance Audit Report relative to Atmos Energy Corporation's gas costs for the year ended June 30, 2018, a copy of which is attached to this Order as Exhibit 1, is approved and adopted and the conclusions and recommendations contained therein are incorporated in this Order as if fully rewritten herein.

2. Any person who is aggrieved by the Commission's decision in this matter may file a Petition for Reconsideration with the Commission within fifteen (15) days from the date of this Order.

3. Any person who is aggrieved by the Commission's decision in this matter has the

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<sup>3</sup> *Memorandum* (March 8, 2019).

<sup>4</sup> *Memorandum* (June 5, 2019).

<sup>5</sup> *Notice of Filing by the Utilities Division of the Tennessee Public Utility Commission*, Exhibit 1, p. 4 (June 12, 2019).

<sup>6</sup> *Id.*

right to judicial review by filing a Petition for Review in the Tennessee Court of Appeals, Middle Section, within sixty (60) days from the date of this Order.

**Vice Chair Kenneth C. Hill, Commissioner Herbert H. Hilliard, and Commissioner John Hie concur.**

**ATTEST:**



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**Earl R. Taylor, Executive Director**

# **EXHIBIT 1**

**BEFORE THE TENNESSEE PUBLIC UTILITY COMMISSION**

**NASHVILLE, TENNESSEE**

**June 12, 2019**

<b>IN RE:</b>	)	
	)	
<b>ATMOS ENERGY CORPORATION</b>	)	<b>Docket No. 18-00090</b>
<b>ACTUAL COST ADJUSTMENT ("ACA") AUDIT</b>	)	

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**NOTICE OF FILING BY THE UTILITIES DIVISION OF THE TENNESSEE  
PUBLIC UTILITY COMMISSION**

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Pursuant to Tenn. Code Ann. §§65-4-104, 65-4-111 and 65-3-108, the Utilities Division of the Tennessee Public Utility Commission ("TPUC" or the "Commission") hereby gives notice of its filing of the Compliance Audit Report of the Actual Cost Adjustment Audit (hereafter "ACA") component of the Purchased Gas Adjustment Rule for Atmos Energy Corporation (the "Company") in this docket and would respectfully state as follows:

1. The present docket was opened by the Commission to hear matters arising out of the audit of the Company's ACA filing for the period July 1, 2017 through June 30, 2018.
2. The Company's ACA filing was received on August 30, 2018, and the Staff completed its audit of same on June 6, 2019. The original 180-day deadline for completion of the audit of Atmos Energy Corporation was extended on several occasions, lastly to July 31, 2019, by mutual consent of Company and the TPUC Audit Staff as provided for in the Purchased Gas Adjustment Rule 1220-4-7-.03(2).

3. The Audit Report is attached hereto as Exhibit A and is fully incorporated herein by this reference.

4. The Utilities Division hereby files its Report with the Tennessee Public Utility Commission for deposit as a public record and approval of the same.

Respectfully Submitted:



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Michelle Mairs, Deputy Director  
Utilities Division of the  
Tennessee Public Utility Commission

**CERTIFICATE OF SERVICE**

I hereby certify that on this 12<sup>th</sup> day of June 2019, a true and exact copy of the foregoing has been either hand-delivered or delivered via U.S. Mail, postage pre-paid, to the following persons:

Robin L. Morrison  
Chair  
Tennessee Public Utility Commission  
502 Deaderick Street 4<sup>th</sup> Floor  
Nashville, TN 37243

Mr. Mark A. Martin  
Vice President of Rates and Regulatory Affairs  
Atmos Energy Corporation  
3275 Highland Point Dr.  
Owensboro, KY 42303-7835

Ms. Elizabeth J. Gragert  
Rate Administration Analyst  
Atmos Energy Corporation  
P.O. Box 650205  
Dallas, TX 75265-0205

A. Scott Ross, Esq.  
Neal & Harwell, PLC  
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Suite 1000  
Nashville, TN 37203

Mr. Wayne M. Irvin  
Office of the Attorney General  
Consumer Advocate and Protection Division  
P. O. Box 20207  
Nashville, TN 37202

*Michelle Mairs*

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Michelle Mairs

**COMPLIANCE AUDIT REPORT**  
**OF**  
**ATMOS ENERGY CORPORATION**  
**ACTUAL COST ADJUSTMENT**  
**DOCKET NO. 18-00090**

**PREPARED BY**  
**TENNESSEE PUBLIC UTILITY COMMISSION**  
**UTILITIES DIVISION**

**June 2019**

**EXHIBIT A**



COMPLIANCE AUDIT  
**ATMOS ENERGY CORPORATION**

**ACTUAL COST ADJUSTMENT**

**DOCKET NO. 18-00090**

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## **I. INTRODUCTION**

The subject of this audit is Atmos Energy Corporation's ("Company" or "Atmos") compliance with the Actual Cost Adjustment and Refund Adjustment of the Purchased Gas Adjustment Rule ("PGA Rule") of the Tennessee Public Utility Commission ("TPUC" or the "Commission")<sup>1</sup>. The objective of the audit is to determine whether the Purchased Gas Adjustments, which are encompassed by the Actual Cost Adjustment ("ACA") as more fully described in Section IV, for the year ended June 30, 2018 are calculated correctly and are supported by appropriate source documentation.

## **II. AUDIT OPINION**

On August 30, 2018, the TPUC Audit Staff (hereafter "Staff") received Atmos's ACA filing supporting the activity in its Deferred Gas Cost Account ("ACA Account") for the period July 1, 2017 through June 30, 2018. After reviewing the Company's filing, Staff found no material errors.<sup>2</sup> The Audit Staff concludes that the Purchased Gas Adjustment mechanism as calculated in the Actual Cost Adjustment appears to be working properly and is in accordance with the TPUC rules for Atmos Energy Corporation.

The Company began to recover the amount from its Union City customers and customers in other Tennessee service areas (ETN) on October 1, 2018, to distribute the balances in the ACA accounts as of June 30, 2018.<sup>3</sup>

## **III. DESCRIPTION OF PURCHASED GAS ADJUSTMENT RULE**

### **Actual Cost Adjustment Audits:**

The PGA Rule can be found in Chapter 1220-4-7 of the Rules of the Tennessee Regulatory Authority, now the Tennessee Public Utility Commission. The PGA Rule permits a gas company to recover, in a timely manner, the total cost of gas purchased for delivery to its customers and to assure that a company does not over-collect or under-collect gas costs from its customers. The PGA Rule consists of three major components:

- 1. The Actual Cost Adjustment (ACA)**
- 2. The Gas Charge Adjustment (GCA)**
- 3. The Refund Adjustment (RA)**

The ACA is the difference between the revenues billed customers by means of the GCA and the cost of gas invoiced the Company by suppliers plus margin loss (if allowed by order of the TPUC in another docket) as reflected in the Deferred Gas Cost account. The ACA then "true-up" the difference between the actual gas costs and the gas costs

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<sup>1</sup> As of April 5, 2017, the name of Tennessee Regulatory Authority has changed to the Tennessee Public Utility Commission and board members of the agency will be known as Commissioners rather than Directors.

<sup>2</sup> Refer to Section VII for a description of the findings.

<sup>3</sup> Tariff Filing No. 2018-0052 for Union City and 2018-0053 for ETN.

recovered from customers through a surcharge or a refund. The RA refunds the "true-up" along with other supplier refunds. For a more complete definition of the GCA and RA, please see the PGA Formula in Appendix A.

Section 1220-4-7-.03(2) of the PGA Rule requires:

"Each year, the Company shall file with the [Commission] an annual report reflecting the transactions in the Deferred Gas Cost Account. Unless the [Commission] provides written notification to the Company within one hundred eighty (180) days from the date of filing the report, the Deferred Gas Cost Adjustment Account shall be deemed in compliance with the provisions of these Rules. This 180 day notification period may be extended by mutual consent of the Company and the [Commission] Staff or by order of the [Commission]."

#### **Prudence Audit of Gas Purchases:**

Section 1220-4-7-.05 of the PGA Rule requires, unless otherwise ordered by the Commission, an "Audit of Prudence of Gas Purchases" by a qualified consultant. This specialized audit evaluates and reports annually on the prudence of any gas costs included in the PGA. In Docket 97-01364, Atmos Energy was authorized to operate under a Performance-Based Ratemaking Mechanism ("PBR"), beginning April 1, 1999, and continuing each year unless terminated by the Company or the Commission. For each year that the mechanism is in effect, the requirements of Section 1220-4-7-.05 of the PGA Rule is waived.

#### **IV. SCOPE OF ACTUAL COST ADJUSTMENT AUDIT**

The ACA audit is a limited compliance audit of the Company's ACA Account. The audit goal is to verify that the Company's calculations of gas costs incurred and recovered were materially correct,<sup>4</sup> and that the Company is following all Commission orders and directives with respect to its calculation of the ACA Account balance. Also included in this audit is the Company's PGA filing implementing a net recovery of the ACA Account balance, effective October 1, 2018. Refer to the ACA Account detail provided in Section VII ACA Findings.

To accomplish the audit goal, Staff reviewed gas supply invoices, as well as supplemental schedules and other source documentation provided by Atmos. Where appropriate, Staff requested additional information to clarify the filing.

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<sup>4</sup> The audit goal is not to guarantee that the Company's results are 100% correct. Where it is appropriate, Staff utilizes sampling techniques to determine whether the Company's calculations are materially correct. Material discrepancies would dictate a broadening of the scope of Staff's review.

## **V. BACKGROUND INFORMATION ON COMPANY AND GAS SUPPLIERS**

Atmos Energy Corporation, with its corporate headquarters located in Dallas, Texas, has its local offices in Franklin, Tennessee. On October 4, 2002, the Company filed tariffs to officially change its name from United Cities Gas Company to Atmos Energy Corporation. Atmos is a multi-state gas distributor, providing service to customers in twelve cities and surrounding areas in Tennessee. The natural gas used to serve these areas is purchased from four natural gas pipelines in accordance with separate and individual tariffs approved by the Federal Energy Regulatory Commission (FERC). The interstate pipelines are Tennessee Gas Pipeline (TGP), East Tennessee Natural Gas (ETNG), Texas Gas Transmission Corporation (TGTC), and Texas Eastern Transmission Corporation (TETC).

TGP and ETNG provide service to east Tennessee towns, which include Columbia, Shelbyville, Maryville, Morristown, Elizabethton, Greeneville, Johnson City, Kingsport, Bristol and adjacent areas in Maury, Bedford, Moore, Blount, Hamblen, Sullivan, Carter, Washington, and Greene Counties.

TETC provides service to Atmos in Murfreesboro and Franklin and adjacent areas in Rutherford and Williamson Counties. TGTC provides service to Atmos in Union City and adjacent areas in Obion County.

Atmos' gas Commodity requirements were met under a contract between Atmos and its affiliate Atmos Energy Marketing (AEM) approved by the Commission in Docket No. 16-00008. Asset Management fees are shared with ratepayers according to the terms of the contract as a credit to the ACA Account.

## **VI. JURISDICTION OF THE TENNESSEE PUBLIC UTILITY COMMISSION**

Tennessee Code Annotated (T.C.A.) gave jurisdiction and control over public utilities to the Tennessee Public Utility Commission, formerly Tennessee Regulatory Authority. T.C.A. §65-4-104 states that:

The [A]uthority has general supervisory and regulatory power, jurisdiction, and control over all public utilities, and also over their property, property rights, facilities, and franchises, so far as may be necessary for the purpose of carrying out the provisions of this chapter.

Further, T.C.A. §65-4-105 grants the same power to the Commission with reference to all public utilities within its jurisdiction as chapters 3 and 5 of Title 65 of the T.C.A. have conferred on the Department of Transportation's oversight of the railroads or the Department of Safety's oversight of transportation companies. By virtue of T.C.A. §65-3-108, this power includes the right to audit:

The department is given full power to examine the books and papers of the companies, and to examine, under oath, the

officers, agents, and employees of the companies and any other persons, to procure the necessary information to intelligently and justly discharge its duties and carry out the provisions of this chapter and chapter 5 of this title.

The TPUC's Utilities Division is responsible for auditing those gas, electric, and water companies under its jurisdiction, to ensure that each company is abiding by Tennessee statute as well as the Rules and Regulations of the Commission. Michelle Mairs, Lisa Foust and Kevin McClenathan of the Utilities Division conducted this audit.

## **VII. ACA FINDINGS**

This ACA filing showed \$62,083,816.37 in total gas costs, with \$70,168,044.26 being recovered from customers through rates. Adding a beginning balance in the ACA account of \$2,393,787.23 in net under-recovered gas costs from the preceding ACA period and interest due to customers for the current period of \$68,803.76 resulted in an ACA Account balance at June 30, 2018 of negative \$5,621,636.90 in over-recovered gas costs.

Staff agrees with the ACA Account balances as calculated by the Company. Therefore, there are no findings. A summary of the account as filed by the Company is shown below.

### **ATMOS ENERGY CORPORATION SUMMARY OF ACA FILING FOR PERIOD JULY 2017-JUNE 2018**

<u>Line</u>		<u>Union City</u>	<u>Other TN Towns</u>	<u>Total</u>
1	Beginning Balance (July 2017)	\$ 24,106.58	\$2,369,680.65	\$2,393,787.23
2	Purchased Gas Costs	1,537,228.08	60,546,588.29	62,083,816.37
3	Gas Costs recovered through rates	1,616,895.27	68,551,148.99	70,168,044.26
4	Interest on monthly balances	<u>2,237.12</u>	<u>66,566.64</u>	<u>68,803.76</u>
5	Ending Balance (June 2018) (Line 1 + Line 2 – Line 3 + Line 4)	<u>(\$53,323.49)</u>	<u>(\$5,568,313.41)</u>	<u>(\$5,621,636.90)</u>

\*\*A number in ( ) is a negative or credit balance which represents an over-collection of gas costs.

### **VIII. STAFF CONCLUSIONS AND RECOMMENDATIONS**

Staff reviewed the gas costs and recoveries of Atmos Energy Corporation for the 12-month period ended June 30, 2018. As reported in the body of this report, Staff concludes that the Purchased Gas Adjustment mechanism, as calculated in the Actual Cost Adjustment, appears to be working properly and in accordance with the TPUC rules for Atmos. Based on the Company's filing, the **net balance** in the ACA Account as of June 30, 2018 was a negative **\$5,621,636.90**. This means that as of June 30, 2018 the Company had over-collected this amount from its customers. The net balance is composed of a **total over-collection from Union City customers of \$53,323.49 and a total over-collection from customers in Other Tennessee towns of \$5,568,313.41**. This balance will become the beginning balance at July 1, 2018 in the Company's next ACA filing. **Staff recommends approval of the Company's ACA Account balances.**

## APPENDIX A

### PGA FORMULA

The computation of the GCA can be broken down into the following formulas:

$$\text{Firm GCA} = \frac{D + \text{DACA}}{\text{SF}} - \text{DB} + \frac{P + T + \text{SR} + \text{CACA}}{\text{ST}} - \text{CB}$$

$$\text{Non-Firm GCA} = \frac{P + T + \text{SR} + \text{CACA}}{\text{ST}} - \text{CB}$$

where

GCA = The Gas Charge Adjustment in dollars per Ccf/Therm, rounded to no more than five decimal places.

D = The sum of all fixed Gas Costs.

DACA = The demand portion of the ACA.

P = The sum of all commodity/gas charges.

T = The sum of all transportation charges.

SR = The sum of all FERC approved surcharges.

CACA = The commodity portion of the ACA.

DB = The per unit rate of demand costs or other fixed charges included in base rates in the most recently completed general rate case (which may be zero if the Company so elects and the Commission so approves).

CB = The per unit rate of variable gas costs included in base rates in the most recently completed general rate case (which may be zero if the Company so elects and the Commission so approves).

SF = Firm Sales.

ST = Total Sales.

The computation of the RA can be computed using the following formulas:

$$\text{Firm RA} = \frac{\text{DR1} - \text{DR2}}{\text{SFR}} + \frac{\text{CR1} - \text{CR2} + \text{CR3} + i}{\text{STR}}$$

$$\text{Non-Firm RA} = \frac{\text{CR1} - \text{CR2} + \text{CR3} + i}{\text{STR}}$$

where

RA =	The Refund Adjustment in dollars per Ccf/Therm, rounded to no more than five decimal places.
DR1 =	Demand refund not included in a currently effective Refund Adjustment, and received from suppliers by check, wire transfer, or credit memo.
DR2 =	A demand surcharge from a supplier not includable in the GCA, and not included in a currently effective Refund Adjustment.
CR1 =	Commodity refund not included in a currently effective Refund Adjustment, and received from suppliers by check, wire transfer, or credit memo.
CR2 =	A commodity surcharge from a supplier not includable in the GCA, and not included in a currently effective Refund Adjustment.
CR3 =	The residual balance of an expired Refund Adjustment.
i =	Interest on the "Refund Due Customers" account, using the average monthly balances based on the beginning and ending monthly balances. The interest rates for each calendar quarter used to compute such interest shall be the arithmetic mean (to the nearest one-hundredth of one percent) of the prime rate value published in the "Federal Reserve Bulletin" or in the Federal Reserve's "Selected Interest Rates" for the 4th, 3rd, and 2nd months preceding the 1st month of the calendar quarter.
SFR =	Firm sales as defined in the GCA computation, less sales under a transportation or negotiated rate schedule.



STR = Total sales as defined in the GCA computation, less sales under a transportation or negotiated rate schedule.

## APPENDIX A

### PGA FORMULA

The computation of the GCA can be broken down into the following formulas:

$$\text{Firm GCA} = \frac{D + \text{DACA}}{\text{SF}} - \text{DB} + \frac{P + T + \text{SR} + \text{CACA}}{\text{ST}} - \text{CB}$$

$$\text{Non-Firm GCA} = \frac{P + T + \text{SR} + \text{CACA}}{\text{ST}} - \text{CB}$$

where

GCA = The Gas Charge Adjustment in dollars per Ccf/Therm, rounded to no more than five decimal places.

D = The sum of all fixed Gas Costs.

DACA = The demand portion of the ACA.

P = The sum of all commodity/gas charges.

T = The sum of all transportation charges.

SR = The sum of all FERC approved surcharges.

CACA = The commodity portion of the ACA.

DB = The per unit rate of demand costs or other fixed charges included in base rates in the most recently completed general rate case (which may be zero if the Company so elects and the Commission so approves).

CB = The per unit rate of variable gas costs included in base rates in the most recently completed general rate case (which may be zero if the Company so elects and the Commission so approves).

SF = Firm Sales.

ST = Total Sales.

The computation of the RA can be computed using the following formulas:

$$\text{Firm RA} = \frac{\text{DR1} - \text{DR2}}{\text{SFR}} + \frac{\text{CR1} - \text{CR2} + \text{CR3} + i}{\text{STR}}$$

$$\text{Non-Firm RA} = \frac{\text{CR1} - \text{CR2} + \text{CR3} + i}{\text{STR}}$$

where

- RA = The Refund Adjustment in dollars per Ccf/Therm, rounded to no more than five decimal places.
- DR1 = Demand refund not included in a currently effective Refund Adjustment, and received from suppliers by check, wire transfer, or credit memo.
- DR2 = A demand surcharge from a supplier not includable in the GCA, and not included in a currently effective Refund Adjustment.
- CR1 = Commodity refund not included in a currently effective Refund Adjustment, and received from suppliers by check, wire transfer, or credit memo.
- CR2 = A commodity surcharge from a supplier not includable in the GCA, and not included in a currently effective Refund Adjustment.
- CR3 = The residual balance of an expired Refund Adjustment.
- i = Interest on the "Refund Due Customers" account, using the average monthly balances based on the beginning and ending monthly balances. The interest rates for each calendar quarter used to compute such interest shall be the arithmetic mean (to the nearest one-hundredth of one percent) of the prime rate value published in the "Federal Reserve Bulletin" or in the Federal Reserve's "Selected Interest Rates" for the 4th, 3rd, and 2nd months preceding the 1st month of the calendar quarter.
- SFR = Firm sales as defined in the GCA computation, less sales under a transportation or negotiated rate schedule.

STR = Total sales as defined in the GCA computation, less sales under a transportation or negotiated rate schedule.