

BEFORE THE TENNESSEE PUBLIC UTILITY COMMISSION

NASHVILLE, TENNESSEE

September 28, 2020

IN RE:)	
)	
PETITION OF ATMOS ENERGY CORPORATION)	DOCKET NO.
FOR WAIVER OF REQUIREMENT THAT METER)	20-00079
TESTING UNDER TPUC RULE 1220-04-05-.26(1)(e))	
BE COMPLETED IN THE CALENDAR YEAR 2020)	

ORDER GRANTING RULE WAIVER

This matter came before Chairman Kenneth C. Hill, Vice Chairman Herbert H. Hilliard, and Commissioner David F. Jones of the Tennessee Public Utility Commission (“Commission” or “TPUC”) during the regularly scheduled Commission Conference held on August 10, 2020, to consider the *Petition of Atmos Energy Corporation for Waiver of Requirement that Meter Testing Under TPUC Rule 1220-04-05-.26(1)(e) Be Completed in the Calendar Year 2020* (“*Petition*”) filed on June 5, 2020, by Atmos Energy Corporation (“Atmos” or “Company”). In summary, the *Petition* was granted.

THE PETITION

On June 5, 2020, the Company filed a *Petition* requesting that the Commission waive its annual meter testing requirement for gas utilities under TPUC Rule 1220-04-05-.26(1)(e). Atmos requested that the meter testing requirements be waived for calendar year 2020 due to safety measures it implemented in response to the COVID-19 public health emergency, which disrupted its ability to complete the required testing as scheduled.¹ Periodic meter testing was

¹ *Petition*, p. 2.

suspended by the Company to help limit the spread of the coronavirus.² Atmos indicated that once the declared public health emergency ends, the Company intended to wait at least sixty (60) days to begin its return to normal operations, which will cause the suspension of meter testing to last, at a minimum, the majority of the spring and summer.³ Thus, the Company claimed, completing the 2020 periodic meter testing requirements over the remainder of the calendar year is not feasible.⁴ As such, Atmos requested the Commission waive the Company's obligation to complete meter testing within calendar year 2020.⁵

In support of the *Petition*, Atmos filed the Pre-Filed Testimony of Mark A. Martin, Vice-President of Rates and Regulatory Affairs for the Kentucky/Mid-State Division of Atmos. Mr. Martin outlined the Company's five-step process cycle, as well as statistical sampling standards, to select and test residential and small commercial meters.⁶ According to Mr. Martin, the meter sampling program is related to accuracy of measurement, and does not impact customer or public safety.⁷ Mr. Martin asserted that the Company, at a minimum, has essentially lost half of calendar year 2020 in which to perform its meter sampling.⁸ The Company stated that it hopes that it will be able to "catch-up" and test enough meters in the remaining months of 2020 and calendar year 2021 to satisfy the requirements for both years; however, if it is unable to do so, the Company will file an additional waiver request in calendar year 2021.⁹ No parties sought intervention in this matter.

THE HEARING

² *Id.*

³ *Id.*

⁴ *Id.* at 3.

⁵ *Id.*

⁶ Mark A. Martin, Pre-Filed Direct Testimony, p. 3 (June 5, 2020).

⁷ *Id.* at 4.

⁸ *Id.*

⁹ *Id.*

The hearing in this matter was noticed by the Commission on July 31, 2020 and held during the regularly scheduled Commission Conference on August 10, 2020. Pursuant to Executive Order No. 16 and subsequent extensions thereof issued by Governor Bill Lee on March 20, 2020, the Commission met electronically, without a physical quorum. Electronic access to the hearing was made available to the parties and the public. Appearances were made by the following:

Atmos Energy Corporation – Erik C. Lybeck, Esq., Neal & Harwell, 1201
Demonbreun Street, Suite 1000, Nashville, Tennessee 37203

Mr. Mark A. Martin provided testimony and was available to answer questions. Members of the public were given an opportunity to offer comments, but no one sought recognition to do so.

FINDINGS AND CONCLUSIONS

Based upon the Company's presentation and the administrative record in its entirety, the hearing panel found the Company's temporary suspension of its meter testing program to help limit the spread of coronavirus during the declared public health emergency constitutes good cause for waiver of the Company's meter testing requirements under TPUC Rule 1220-04-05-.26(1)(e) for calendar year 2020. The hearing panel unanimously approved the Company's *Petition*.

IT IS THEREFORE ORDERED THAT:

1. The *Petition of Atmos Energy Corporation for Waiver of Requirement that Meter Testing Under TPUC Rule 1220-04-05-.26(1)(e) Be Completed in the Calendar Year 2020* filed on June 5, 2020, by Atmos Energy Corporation is approved.
2. Any party 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 party aggrieved by the Commission's decision in this matter has the 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.

FOR THE TENNESSEE PUBLIC UTILITY COMMISSION:

**Chairman Kenneth C. Hill,
Vice Chairman Herbert H. Hilliard, and
Commissioner David F. Jones concurring.**

None dissenting.

ATTEST:



Earl R. Taylor, Executive Director