

BEFORE THE TENNESSEE PUBLIC UTILITY COMMISSION

NASHVILLE, TENNESSEE

June 2, 2021

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| IN RE: |) | |
| |) | |
| PETITION OF ATMOS ENERGY CORPORATION |) | DOCKET NO. |
| FOR WAIVER OF METER TESTING UNDER |) | 21-00017 |
| TPUC RULE 1220-04-05-.26(1)(e) FOR CALENDAR |) | |
| YEAR 2020 BE COMPLETED AND OF |) | |
| REQUIREMENT THAT 2021 METER TESTING BE |) | |
| COMPLETED IN CALENDAR YEAR 2021 |) | |
| |) | |

ORDER GRANTING WAIVER OF METER TESTING RULE

This matter came before Chairman Kenneth C. Hill, Vice Chairman Herbert H. Hilliard, and Commissioner John Hie of the Tennessee Public Utility Commission (“Commission” or “TPUC”) during the regularly scheduled Commission Conference held on April 12, 2021, to consider the *Petition for Waiver of Requirement that Meter Testing Under TPUC Rule 1220-04-05-.26(1)(e) for the Calendar Year 2020 be Completed and of the Requirement that 2021 Meter Testing be Completed in Calendar Year 2021* (“*Petition*”) filed on January 27, 2021, by Atmos Energy Corporation (“Atmos” or “Company”). In summary, the *Petition* was granted.

THE PETITION

On January 27, 2021, Atmos filed the *Petition* requesting the Commission to waive completion of its annual meter testing obligation for 2020 and to waive the Company’s obligation to perform annual testing requirements within calendar year 2021 under TPUC Rule 1220-04-05-.26(1)(e). The Company previously received a waiver of its 2020 meter testing requirements in

Docket No. 20-00079 as part of an effort by the Company to help limit the spread of the COVID-19 virus.¹

In Docket No. 20-00079, the Company stated that if it was not able to “catch up” and test enough meters in 2020 and 2021 to satisfy the requirements for both years, it would file an additional waiver request.² Here, Atmos avers that it has become apparent that the Company will not be able to “catch up” and complete the 2020 meter testing. Therefore, Atmos requests the Commission to relieve it of its obligation to perform meter testing under the rule associated with calendar year 2020.³

Additionally, because the public health emergency declared in response to the COVID-19 pandemic remains in place, Atmos intends to wait at least sixty (60) days after the end of the emergency to begin its return to normal operations.⁴ Thus, Atmos will, at a minimum, have suspended meter testing for a substantial portion of 2021.⁵ The Company has concluded that completing the 2021 meter testing requirements over the remaining portion of calendar year 2021 may not be feasible.⁶ Thus, the Company’s *Petition* requested the Commission to waive the Company’s obligation to complete its 2021 meter testing requirements within this calendar year.⁷

In support of the *Petition*, Atmos filed the Pre-Filed Testimony of Brannon C. Taylor, Vice-President of Rates and Regulatory Affairs for the Kentucky/Mid-State Division of Atmos. Mr. Taylor testified that the Company follows a five-step process cycle, as well as statistical sampling

¹ See *In re: 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*, Docket No. 20-00079, *Order Granting Rule Waiver*, pp. 1-3 (September 28, 2020).

² *Petition*, p. 3 (January 27, 2021).

³ *Id.*

⁴ Brannon C. Taylor, Pre-Filed Direct Testimony, pp. 3-4 (January 27, 2021).

⁵ *Id.*

⁶ *Id.* at 4.

⁷ *Petition*, p. 3.

standards, to select and test residential and small commercial meters.⁸ Mr. Taylor testified that the meter sampling program is related to accuracy of measurement and does not impact customer or public safety.⁹

THE HEARING

The hearing in this matter was noticed by the Commission on April 1, 2021 and held during the regularly scheduled Commission Conference on April 12, 2021. The hearing was held electronically via WebEx pursuant to Executive Order No. 16 issued by Governor Bill Lee on March 20, 2020, and most recently extended by Executive Order No. 78 issued on February 26, 2021, which authorizes the Commission to meet 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

During the hearing, Mr. Brannon C. Taylor provided testimony and was available to answer any questions. No parties sought intervention in this matter. Members of the public were given an opportunity to offer comments, but no one sought recognition to do so.

FINDINGS AND CONCLUSIONS

Based upon review of the record in its entirety and consideration of the Company's presentation, the Hearing Panel found that 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 waiving the Company's meter testing requirements under TPUC Rule 1220-04-05-.26(1)(e). Due to the length of the ongoing declared public health

⁸ Brannon C. Taylor, Pre-Filed Direct Testimony, p. 3 (January 27, 2021).

⁹ *Id.*

emergency, the Hearing Panel found that Atmos should be relieved of its obligation to complete meter testing associated with calendar year 2020 and that the Company's requirement to complete meter testing for calendar year 2021 within this calendar year should be waived. The Hearing Panel voted unanimously to approve the Company's *Petition*.

IT IS THEREFORE ORDERED THAT:

1. The *Petition for Waiver of Requirement that Meter Testing Under TPUC Rule 1220-04-05-.26(1)(e) for the Calendar Year 2020 Be Completed and of the Requirement That 2021 Meter Testing Be Completed in Calendar Year 2021* filed on January 27, 2021 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 John Hie concurring.**

None dissenting.

ATTEST:



Earl R. Taylor, Executive Director