

**BEFORE THE TENNESSEE PUBLIC UTILITY COMMISSION**

**NASHVILLE, TENNESSEE**

**October 26, 2022**

<b>IN RE:</b>	)	
	)	
<b>ATMOS ENERGY CORPORATION 2021- 2022 ACA</b>	)	<b>DOCKET NO.</b>
<b>FILING FOR TENNESSEE EXCLUDING UNION</b>	)	<b>22-00084</b>
<b>CITY AND FOR UNION CITY TENNESSEE</b>	)	
	)	

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**ORDER GRANTING THE PETITION TO INTERVENE FILED BY THE  
CONSUMER ADVOCATE**

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This matter is before the Hearing Officer of the Tennessee Public Utility Commission (“Commission” or “TPUC”) to consider the *Petition to Intervene* filed by the Consumer Advocate Division of the Office of the Tennessee Attorney General (“Consumer Advocate”) on September 26, 2022.

**RELEVANT BACKGROUND**

Atmos Energy Corporation (“Atmos” or the “Company”) is a natural gas public utility regulated by the Commission. On August 31, 2022, Atmos made its 2021-2022 Actual Cost Adjustment (“ACA”) filing for Tennessee, excluding Union City and for Union City, Tennessee.

**CONSUMER ADVOCATE’S *PETITION TO INTERVENE***

On September 26, 2022, the Consumer Advocate filed a *Petition to Intervene* seeking to intervene in the docket pursuant to Tenn. Code Ann. § 65-4-118, which qualifies the Consumer Advocate to represent the interests of Tennessee consumers of public utility services in proceedings before the Commission. The Consumer Advocate maintains:

The interests of consumers may be affected by determinations and orders made by

TPUC with respect to: (a) the interpretation, application, and/or implementation of Tenn. Comp. R. & Regs. 1220-0-07-.01, *et seq.*, and other relevant statutory and regulatory provisions; and (b) the review and analysis of Atmos Energy's documentation, financial spreadsheets, and other materials...<sup>1</sup>

The Purchased Gas Adjustment ("PGA") Rule allows Atmos to recover the cost of gas purchased for delivery to customers and assures those gas costs are not over-collected or under-collected from customers. Commission Staff audits the Company's compliance with the ACA and the Refund Adjustment of the PGA Rule. The Consumer Advocate states Atmos seeks approval for its ACA balances, and Atmos states the ACA rates will be incorporated into the PGA filings for October 2022.

Further, the Consumer Advocate asserts that only by participating in this docket can it adequately represent the interests of Tennessee consumers.<sup>2</sup> Atmos did not oppose the Consumer Advocate's *Petition to Intervene*.

## **FINDINGS & CONCLUSIONS**

Tenn. Code Ann. § 4-5-310 establishes the following criteria for granting petitions to intervene:

(a) The administrative judge or hearing officer shall grant one (1) or more petitions for intervention if:

(1) The petition is submitted in writing to the administrative judge or hearing officer, with copies mailed to all parties named in the notice of the hearing, at least seven (7) days before the hearing;

(2) The petition states facts demonstrating that the petitioner's legal rights, duties, privileges, immunities or other legal interest may be determined in the proceeding or that the petitioner qualifies as an intervenor under any provision of law; and

(3) The administrative judge or hearing officer determines that the interests of justice and the orderly and prompt conduct of

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<sup>1</sup> *Petition to Intervene*, p. 3 (September 26, 2022).

<sup>2</sup> *Id.* at 4.

the proceedings shall not be impaired by allowing the intervention.

(b) The agency may grant one (1) or more petitions for intervention at any time, upon determining that the intervention sought is in the interests of justice and shall not impair the orderly and prompt conduct of the proceedings.<sup>3</sup>

Although it is not an automatic or absolute right to participate in proceedings before the Commission, Tenn. Code Ann. § 65-4-118(b)(1) provides a general basis for the qualification of the Consumer Advocate to be permitted to intervene as a party to represent the interests of Tennessee public utility consumers. It provides as follows:

The consumer advocate division has the duty and authority to represent the interests of Tennessee consumers of public utilities services. The division may, with the approval of the attorney general and reporter, participate or intervene as a party in any matter or proceeding before the commission or any other administrative, legislative or judicial body and initiate such proceeding, in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, and the rules of the commission.<sup>4</sup>

The Commission Staff audit of the Atmos ACA account verifies the accuracy of the Company's calculations of gas costs incurred and recovered. Consequently, The Hearing Officer finds that there is a sufficient factual basis to find that the legal rights or interests held by Atmos consumers may be determined in this proceeding.

THEREFORE, upon due consideration, the Hearing Officer concludes that the legal rights, duties, privileges, immunities or other legal interest of Tennessee consumers may be determined in this proceeding. Further, the Hearing Officer finds that the Consumer Advocate qualifies under law as an intervenor for the purpose of representing those consumer interests, there is no opposition to its intervention, and its *Petition to Intervene* was timely-filed and should not impair the interests of justice or the orderly and prompt conduct of the proceedings. For these reasons, the Hearing

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<sup>3</sup> Tenn. Code Ann. § 4-5-310.

<sup>4</sup> Tenn. Code Ann. § 65-4-118(b)(1).

Officer concludes that the Consumer Advocate's *Petition to Intervene* should be granted.

**IT IS THEREFORE ORDERED THAT:**

The *Petition to Intervene* filed by the Consumer Advocate Division of the Office of the Tennessee Attorney General is granted. The Consumer Advocate Division of the Office of the Tennessee Attorney General may intervene and participate as a party in this proceeding and, as such, shall receive copies of any notices, orders, or other documents filed herein.

A handwritten signature in black ink that reads "Monica Smith-Ashford". The script is cursive and fluid, with the first name "Monica" being the most prominent part of the signature.

Monica Smith-Ashford, Hearing Officer