

BEFORE THE STATE CORPORATION COMMISSION  
OF THE STATE OF KANSAS

MAY 04 2012

In the Matter of the Application of Atmos )  
Energy for Adjustment of its Natural Gas Rates )  
in the State of Kansas )

by  
State Corporation Commission  
of Kansas  
Docket No. 12-ATMG-564-RTS

**MOTION TO AMEND ORDER SETTING  
PROCEDURAL SCHEDULE TO ALLOW  
NOTICE OF PUBLIC COMMENT PERIOD  
TO BE PROVIDED TO E-BILL CUSTOMERS  
BY EMAIL AND TO CORRECT THE  
RECORD TAKEN AT THE PUBLIC HEARING**

COMES NOW Atmos Energy ("Atmos") and files this motion asking the Kansas Corporation Commission ("Commission") to amend its Order Setting Procedural Schedule issued February 22, 2012, to allow Atmos to provide notice of public comment period to E-bill customers by email. Atmos is also seeking to correct the record of the public hearing held by the Commission on April 25, 2012. In support of its motion, Atmos states as follows:

1. On January 26, 2012, Atmos filed an application to make changes to its charges for natural gas service.
2. On February 22, 2012, the Commission issued its Order Setting Procedural Schedule ("Order"). In that Order, the Commission required Atmos to include in a bill insert with the monthly billing statement mailed to each customer in Atmos's service territory the Commission approved notice relating to the public hearing and public comment period set by the Commission. Atmos was also ordered to publish notice of the public hearing and public comment period twice in the larger newspapers throughout its service territory.
3. Pursuant to the Order, Atmos included the approved notice relating to the public hearing and public notice as a bill insert to each customer who received their bill by regular mail.

Atmos also had published the notice twice in the larger newspapers throughout its service territory. Atmos also provided its IT department the notice to be sent to its customers who receive their bills electronically instead of by mail so the notice would be provided to those customers.

4. During the April 25, 2012, public hearing one of the customers testified that she received her bill electronically and not by mail and that the notice was not included in her E-bill. She indicated she saw the notice of the hearing in her local newspaper and that was how she knew about the public hearing.

5. On the belief the notice provided to the Atmos IT department had been sent to its E-bill customers, Atmos informed the Commission during the public hearing it had provided notice to its E-bill customers. Following the hearing, Atmos checked with its IT department to confirm that the notice had been included in the E-bills. It discovered the notice had not been included with those bills.

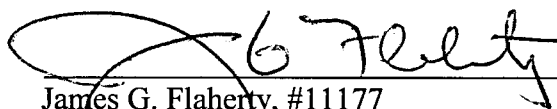
6. Atmos has discussed this issue with the Commission Staff and CURB. Atmos suggested it could email each of its E-bill customers an additional notice informing them of the public comment period and that they had until July 11, 2012, if they wished to submit written comments to the Commission concerning Atmos's rate case filing. The Commission Staff provided Atmos a modified version of the previous approved notice to remove reference to the public hearing and Atmos emailed that notice to each of its 18,053 E-bill customers on May 4, 2012. A copy of the modified notice that was emailed to each E-bill customer is attached to this motion. Atmos will file an affidavit verifying an email was sent to each of its E-bill customers providing them a copy of the approved notice and informing them of the public comment period.

7. Although the Commission's Order Setting Procedural Schedule does not specifically refer to the type of notice to be provided to E-bill customers, Atmos understood that each customer was to receive notice of the public hearing and public comment period. Atmos apologizes to the

Commission and its E-bill customers for its failure to provide the approved notice. Because Atmos failed to provide its E-bill customers a copy of the notice, it is filing this motion asking the Commission to amend its Order Setting Procedural Schedule to allow Atmos to provide notice of the public comment period to its E-bill customers by providing an electronic copy of the modified notice by email to each of its E-bill customers notifying them they have until July 11, 2012, to provide written comments to the Commission regarding Atmos's rate case.

8. Atmos is also filing this motion to ask for leave from the Commission to correct the record made during the public hearing relating to the statement made that E-bill customers received an electronic version of the notice as part of their E-bill. As indicated above, the electronic notice that was prepared to be sent to the E-bill customers did not get included by Atmos's IT department in the E-bills.

WHEREFORE, for the reasons set forth herein, Atmos asks that its motion be granted.



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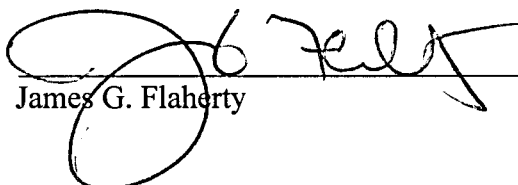
James G. Flaherty, #11177  
**ANDERSON & BYRD, LLP**  
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Attorneys for Atmos Energy

## VERIFICATION

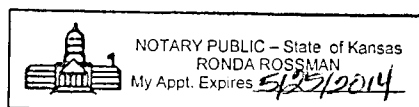
STATE OF KANSAS, COUNTY OF FRANKLIN COUNTY, ss:

James G. Flaherty, of lawful age, being first duly sworn on oath, states:

That he is an attorney for Atmos Energy; that he has read the above and foregoing Motion to Amend Order Setting Procedural Schedule to Allow Notice of Public Comment Period To Be Provided to E-Bill Customers By Email and to Correct the Record Taken at the Public Hearing, knows the contents thereof; and that the statements contained therein are true.

  
James G. Flaherty

SUBSCRIBED AND SWORN to before me this 4<sup>th</sup> day of May, 2012.



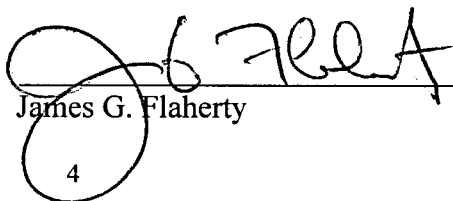
  
Notary Public

Appointment/Commission Expires:

## CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of the Motion to Amend Order Setting Procedural Schedule to Allow Notice of Public Comment Period To Be Provided to E-Bill Customers By Email and to Correct the Record Taken at the Public Hearing was served by electronic service on this 4<sup>th</sup> day of May, 2012, to the following parties who have waived receipt of follow-up hard copies.

Niki Christopher	<a href="mailto:n.christopher@curb.kansas.gov">n.christopher@curb.kansas.gov</a>
C. Steven Rarrick	<a href="mailto:s.rarrick@curb.kansas.gov">s.rarrick@curb.kansas.gov</a>
Della Smith	<a href="mailto:d.smith@curb.kansas.gov">d.smith@curb.kansas.gov</a>
Shonda Smith	<a href="mailto:sd.smith@curb.kansas.gov">sd.smith@curb.kansas.gov</a>
David R. Springe	<a href="mailto:d.springe@curb.kansas.gov">d.springe@curb.kansas.gov</a>
Ray Bergmeier	<a href="mailto:r.bergmeier@kcc.ks.gov">r.bergmeier@kcc.ks.gov</a>
Brian G. Fedotin	<a href="mailto:b.fedotin@kcc.ks.gov">b.fedotin@kcc.ks.gov</a>
Holly L. Fisher	<a href="mailto:h.fisher@kcc.ks.gov">h.fisher@kcc.ks.gov</a>
Robert A. Fox	<a href="mailto:b.fox@kcc.ks.gov">b.fox@kcc.ks.gov</a>

  
James G. Flaherty

## **NOTICE CONCERNING NATURAL GAS SERVICE RATE INCREASE REQUEST**

Atmos Energy (Atmos) has filed an application with the Kansas Corporation Commission (Commission) requesting an annual increase in rates for natural gas service of \$9.7 million or approximately twenty percent (20%). The requested increase would only affect the portions of a customer's bill that relate to the delivery of gas by Atmos to customers, including the fixed monthly Facility Charge and per hundred cubic feet (Ccf) Commodity Charge.

The rate case does not involve the cost incurred by Atmos to purchase natural gas supplies and to obtain delivery and storage of those supplies from interstate pipelines, which is reflected on your bill as the Purchased Gas Adjustment (PGA). The cost to purchase natural gas supplies is not regulated and is subject to market forces, such as, supply and demand, storage volumes, and weather. The cost to obtain delivery and storage of those natural gas supplies from interstate pipelines is regulated by the Federal Energy Regulatory Commission in Washington, D.C.

### **ATMOS ENERGY'S PROPOSAL**

Under the company's proposal, overall rates for natural gas service would increase by \$9.7 million. Atmos' last rate increase of \$3.855 million was approved on July 30, 2010.

For residential customers, Atmos has requested an overall increase that will increase the average monthly bill approximately \$5.36 per month, which is a 21.7% increase. This includes a request to increase the monthly Facility Charge from \$15.50 per month to \$19.00 per month, and an increase in the Commodity Charge from \$.12953 per Ccf to \$.15576 per Ccf for all residential customers. Note: The average residential customer uses 852 Ccf per year.

For commercial customers, Atmos has requested an overall increase that will increase the average monthly bill approximately \$14.25, which is a 19.6% increase. This includes a request to increase the monthly Facility Charge from \$37.00 per month to \$44.00 per month, and an increase in the Commodity Charge from \$.12953 per Ccf to \$.15576 per Ccf for all general service customers.

In its application, Atmos said the increase was necessary because while rates have not increased for some time, the company has continued to make investments in its system to provide safe, reliable and efficient natural gas service to its customers. The company further stated it has experienced increases in wages, medical expenses, and material and supplier costs.

Atmos' corporate office is located in Dallas, Texas. It is one of the largest pure natural gas distribution companies in the United States, supplying natural gas service to over 3 million customers in 12 states. In Kansas, Atmos provides natural gas service to approximately 128,000 customers.

### **ABOUT THE COMMISSION**

The Commission regulates public utilities including home telephone, natural gas, electric and water companies, as well as motor carriers, oil and gas pipeline, and oil and gas producers. The Commission's regulatory oversight of public utilities primarily pertains to rates and terms of service. In order to ensure that customers of regulated utilities are provided sufficient and efficient service at just and reasonable rates; utilities may not change their rates without Commission approval.

### **PUBLIC COMMENT PERIOD**

The Commission will accept written comments from Atmos customers through July 11, 2012. Comments regarding the case should reference Docket No. 12-ATMG-564-RTS and may be sent to the Kansas Corporation Commission, Office of Public Affairs and Consumer Protection, 1500 S.W. Arrowhead Road, Topeka, Kansas 66604, or emailed to [public.affairs@kcc.ks.gov](mailto:public.affairs@kcc.ks.gov), or you may call 1-800-662-0027.

### **ADDITIONAL INFORMATION**

A complete copy of Atmos' application and supporting testimony is available on the Commission's website at: <http://kcc.ks.gov>, searching Docket Filings for Docket No. 12-ATMG-564-RTS. If you need additional assistance or more information about the requested rate increase or the public hearing, contact the Commission's Office of Public Affairs and Consumer Protection at 1-800-662-0027, or [public.affairs@kcc.ks.gov](mailto:public.affairs@kcc.ks.gov).

LAW OFFICES OF  
**ANDERSON & BYRD**

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ROBERT A. ANDERSON  
(1920-1994)  
RICHARD C. BYRD  
(1920-2008)

May 4, 2012

***Sent by Facsimile***  
***Original Mailed 5/4/12***

Ms. Patrice Petersen-Klein  
Executive Director  
Kansas Corporation Commission  
1500 S. W. Arrowhead Road  
Topeka, Kansas 66604-4027

Received  
on

MAY 04 2012

by  
State Corporation Commission  
of Kansas

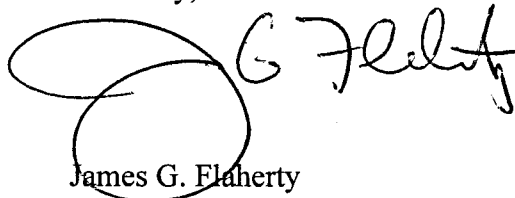
Re: Atmos Energy  
Docket No. 12-ATMG-564-RTS

Dear Ms. Petersen-Klein:

Please file the enclosed Motion to Amend Order Setting Procedural Schedule to Allow Notice of Public Comment Period To Be Provided to E-Bill Customers By Email and to Correct the Record Taken at the Public Hearing on behalf of Atmos Energy in the above captioned matter. I would appreciate receiving a file stamped copy of this cover letter as well as a file stamped copy of the Motion for my files. An envelope is included for your convenience.

Thank you for your assistance. If you have any questions, please call.

Sincerely,



James G. Flaherty  
[jflaherty@andersonbyrd.com](mailto:jflaherty@andersonbyrd.com)

JGF:rr  
Enclosure