

BEFORE THE STATE CORPORATION COMMISSION  
OF THE STATE OF KANSAS

In the Matter of the Complaint Against Atmos Energy     )  
by DH Pace Company Located At: 1901 E. 119<sup>th</sup>     )  
Street, Olathe, Kansas 66061     )     Docket No. 16-ATMG-049-COM

**REPLY OF ATMOS ENERGY TO DH PACE'S  
RESPONSE FILED NOVEMBER 13, 2015**

Atmos Energy provides the following reply to the "Final Response" filed by DH Pace on November 13, 2015.

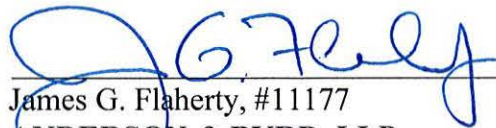
1. Contrary to DH Pace's argument, Atmos Energy did not violate any of its tariffs in issuing bills to DH Pace. The tariff provisions cited in DH Pace's complaint (at page 3) relate to a situation where the customer's actual usage was not metered properly, for example, where a meter is not working and so the utility is required to estimate the customer's usage. That is not the situation in this case. The meter at 1901 E. 119<sup>th</sup> Street, Olathe, Kansas 66061 ("1901") worked properly. Atmos Energy had a recorded usage amount for November 12, 2013, and a recorded usage amount for January 13, 2015. With these two measured amounts, Atmos Energy had the actual amount of gas used by DH Pace between November 12, 2013, and January 13, 2015. There was no reason to estimate consumption and no violation of the tariff sections referred to by DH Pace.

2. DH Pace argues that Atmos Energy's records do not show a reading performed on the meter located at 1901 on November 6, 2013. However, Exhibit D to Atmos Energy's Answer clearly refers to DH Pace; the 1901 address; the 1,095 ccf reading taken on November 12, 2013.

3. Finally, DH Pace challenges the reasonableness of the method used by Atmos Energy to prorate or spread DH Pace's actual usage at 1901 for the months November 2013 to December 2015. As indicated in Atmos Energy's Answer, the equal daily proration method used by Atmos

Energy to spread DH Pace's actual usage during the period between November 13, 2013, and December 26, 2015, would have shifted some of DH Pace's usage to the non-winter months (June 2014-August 2014) when the commodity portion of the bill ranged from 50 cents per ccf to 53 cents per ccf. As indicated in Atmos Energy's reply filed on September 28, 2015, if Atmos Energy had performed an allocation of actual usage based upon degree days and adjusted the two partial months to prorate the days of those months, such would have resulted in a net decrease of about \$1,120.00.

4. Based upon the information and documentation provided by Atmos Energy in this docket, Atmos Energy requests the Commission find that Atmos Energy did not violate any of its tariffs and that DH Pace's complaint be denied.




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## VERIFICATION

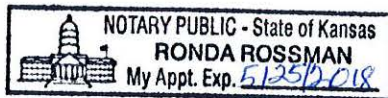
STATE OF KANSAS, COUNTY OF FRANKLIN, ss:

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

That he is the attorney for Atmos Energy, named in the foregoing Reply to DH Pace's Response filed November 13, 2015, and is duly authorized to make this affidavit; that he has read the foregoing Reply, and knows the contents thereof; and that the facts set forth therein are true and correct.

  
James G. Flaherty

SUBSCRIBED AND SWORN to before me this 1<sup>st</sup> day of December, 2015.






Notary Public

Appointment/Commission Expires:

## CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing was sent by electronic mail and also mailed, postage prepaid, this 1<sup>st</sup> day of December, 2015, addressed to: Chris Mann, Executive Vice President/CIO, DH Pace Door Company, Inc., 1901 E. 119<sup>th</sup> Street, Olathe, Kansas 66061, [chris.mann@dhpace.com](mailto:chris.mann@dhpace.com), Michael J. Duenes, Litigation Counsel, Kansas Corporation Commission, 1500 SW Arrowhead Road, Topeka, Kansas 66604-4027, [m.duenes@kcc.ks.gov](mailto:m.duenes@kcc.ks.gov), and Leah Mullin, Managed Energy Systems, 6600 College Blvd., Ste. 125, Overland Park, Kansas 66211, [leah@energymes.com](mailto:leah@energymes.com).

  
James G. Flaherty