

**THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS**

Before Commissioners: Dwight D. Keen, Chair
 Susan K. Duffy
 Andrew J. French

In the Matter of the Application of Atmos)
Energy Corporation for Adjustment of its) Docket No. 23-ATMG-359-RTS
Natural Gas Rates in the State of Kansas)

SUSPENSION ORDER: MAY 8, 2023

NOW, the above-captioned matter comes before the State Corporation Commission of the State of Kansas (Commission) for consideration and decision. Having reviewed its files and records and being duly advised in the premises, the Commission makes the following findings:

1. On September 9, 2022, Atmos Energy Corporation, (Atmos) filed an Application with the Commission requesting approval to change its charges for natural gas service. Atmos seeks to increase rates to recover approximately \$8.3 million in annual revenues, excluding the rebasing of \$3.5 million currently collected through the Gas System Reliability Surcharge Rider (GSRS) as well as \$0.6 million from the Ad Valorem Tax Surcharge. Atmos also seeks to increase the budget on its System Integrity Program (SIP) Tariff from \$35 million to \$50 million annually and extend the program for five years. Finally, Atmos seeks to implement a Voluntary Smart Choice Carbon Offset Tariff (SCCO) Rider – which is designed to provide customers the voluntary option to offset some or all of the carbon emissions associated with their natural gas usage through the Company’s purchase and retirement of Carbon Credits on their behalf.

2. K.S.A. 66-117(c) states in part: “The commission shall not delay the effective date of the proposed change in rate, joint rate, toll, charge or classification or schedule of charges, or in any rule or regulation or practice pertaining to the service or rates of any such public utility or

common carrier, more than 240 days beyond the date the public utility or common carrier filed its application requesting the proposed change. If the commission does not suspend the proposed schedule within 30 days of the date the same is filed by the public utility or common carrier, such proposed schedule shall be deemed approved by the commission and shall take effect on the proposed effective date.”

3. A full investigation of the proposed rates and/or terms, which may result in a hearing, is deemed necessary and proper. Absent suspension, Commission Staff is without sufficient time to fully review, consider, and analyze whether the requested rates and/or terms should be approved.

4. The Commission finds and concludes that suspension of any potential effectiveness of the rates and/or terms proposed by Atmos is required to allow sufficient time for full investigation of this matter. The effective date of the rates and/or terms proposed shall be suspended for a period not to exceed 240 days from the date the application was made, September 9, 2022, until May 8, 2023. A Commission decision may be issued before such date.

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

A. Any decision regarding Atmos’ proposed rates and/or terms shall be deferred until May 8, 2023. The Commission may issue a decision before such date.

B. Any party may file and serve a petition for reconsideration pursuant to the requirements and time limits established by K.S.A. 77-529(a)(1).¹

¹K.S.A. 66-118b; K.S.A. 77-503(c); K.S.A. 77-531(b).

BY THE COMMISSION IT IS SO ORDERED.

Keen, Chair; Duffy, Commissioner; French, Commissioner

Dated: 09/15/2022

Lynn M. Retz

Lynn M. Retz
Executive Director

MRN

CERTIFICATE OF SERVICE

23-ATMG-359-RTS

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of electronic service on 09/15/2022.

SHELLY M BASS, SENIOR ATTORNEY
ATMOS ENERGY CORPORATION
5430 LBJ FREEWAY
1800 THREE LINCOLN CENTRE
DALLAS, TX 75240
shelly.bass@atmosenergy.com

JAMES G. FLAHERTY, ATTORNEY
ANDERSON & BYRD, L.L.P.
216 S HICKORY
PO BOX 17
OTTAWA, KS 66067
jflaherty@andersonbyrd.com

WALKER HENDRIX, LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
w.hendrix@kcc.ks.gov

CARLY MASENTHIN, LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
c.masenthin@kcc.ks.gov

MICHAEL NEELEY, LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
m.neeley@kcc.ks.gov

KATHLEEN R OCANAS, DIVISION VP OF RATES &
REGULATORY AFFAIRS
ATMOS ENERGY CORPORATION
25090 W 110TH TERR
OLATHE, KS 66061
kathleen.ocanas@atmosenergy.com

/S/ KCC Docket Room

KCC Docket Room