

May 13, 2020

Ordinance No. _____

WHEREAS, Atmos Energy Corp., Mid-Tex Division (“Atmos”) provides natural gas utility service within the City of Dallas in accordance with Ordinance No. 27793; and

WHEREAS, on February 14, 2018 the City of Dallas adopted Ordinance No. 30777 which approved new rates for gas distribution service in the City of Dallas including Rider DARR-Dallas Annual Rate Review (“Rider DARR”), and

WHEREAS, on January 15, 2020 Atmos made its annual filing under Rider DARR seeking an increase in gas distribution rates in the City of Dallas, with such request to be reviewed by the City of Dallas and such increase to be effective on June 1, 2020, and

WHEREAS subsequent to January 15, 2020, a state of emergency was declared by the President of the United States as of March 13, 2020, a state of disaster by the Governor of the State of Texas as of March 13, 2020, by Dallas County Texas as of March 12, 2020, and by the City of Dallas as of March 13, 2020, all due to the Novel Coronavirus Disease 2019 (COVID-19) outbreak and pandemic and

WHEREAS, such state of emergency has continued, and

WHEREAS, Atmos announced in a press release on March 27, 2020, due to the Covid-19 pandemic that it was committed to “helping our communities” and that it had decided to defer implementation of its current compliance filings in Texas that impact customer rate until at least September 1, 2020, and

WHEREAS, an amendment to the Rider DARR is necessary in order to allow implementation of the deferral, and

WHEREAS, the City Council of the City of Dallas finds it is reasonable to amend Rider DARR in order to defer the implementation of any increase resulting from the January 15, 2020 filing;

Now, Therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS;

Section 1. That Rider DARR-Dallas Annual Rate Review Section II e) is amended to read, “e) The **Rate Effective Period** is defined as the twelve-month period commencing June 1 and ending when subsequent rates are implemented pursuant to a final order from a regulatory authority unless the period for the City of Dallas review is extended in accordance with Section VI in which case the Rate Effective Period shall commence at the end of the Extended Period

Section 2. That Rider DARR-Dallas Annual Rate Review is amended to read:

VI. Evaluation Procedures

The City of Dallas shall have 135 days to review and render a decision on the Company's filed schedules and work papers. However, should a declaration of emergency be issued affecting the City of Dallas by action of the United States federal government, the government of the State of Texas, the County of Dallas or the City of Dallas which is in effect during the 135 day evaluation period, the 135 day evaluation period shall be extended an additional 92 days (:Extended Period") The Company will be prepared to provide all supplemental information as may be requested to ensure adequate review by the relevant regulatory authority. The Company shall not unilaterally impose any limits upon the provision of supplemental information and such information shall be provided within ten (10) working days of the original request. The regulatory authority may propose any adjustments it determines to be required to bring the schedules into compliance with the above provisions.

During the 135 day period or Extended period, the Company and the regulatory authority will work collaboratively and seek agreement on the proposed adjustments to the Company's schedule and proposed rates. If agreement has been reached by the Company and the regulatory authority, the regulatory authority shall authorize an increase or decrease to the Company's rates so as to achieve the revenue levels indicated for the Rate Effective Period. If, at the end of the 135 day period or Extended Period, the Company and the regulatory authority have not reached agreement on the proposed adjustments, the Company shall have the right to appeal the regulatory authority's action or inaction to the Railroad Commission of Texas. Upon the filing of an appeal of the City's order relating to an annual DARR filing with the Railroad Commission of Texas, the City shall not oppose the implementation of rates subject to refund or advocate the imposition of a 3rd party surety bond by the Company

Section 3. The Revised Rider DARR-Dallas Annual Rate Review is attached to this Ordinance as Exhibit A

Section 4. That this ordinance shall take effect immediately from and after its passage in accordance with the provisions of the City Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:
Christopher J. Caso
City Attorney

By _____
Assistant City Attorney

Exhibit A

MID-TEX DIVISION
ATMOS ENERGY CORPORATION

| | | |
|-----------------|-------------------------------------|--------------|
| RIDER: | DARR – Dallas Annual Rate Review | |
| APPLICABLE TO: | Customers within the City of Dallas | |
| EFFECTIVE DATE: | 5-13-2020 | PAGE: 1 of 5 |

I. Purpose:

This mechanism is designed to provide annual earnings transparency. All rate calculations under this tariff shall be made on a system wide basis. If, through the implementation of the provisions of this mechanism, it is determined that rates should be decreased or increased, then rates will be adjusted accordingly in the manner set forth herein. The rate adjustments implemented under this mechanism will reflect annual changes in the Company's cost of service and rate base. This Rider DARR will be effective for the period commencing with the Company's first DARR filing on or before January 15, 2019.

II. Definitions

a) The **Annual Evaluation Date** shall be the date the Company will make its annual filing under this mechanism. The Annual Evaluation Date shall be no earlier than January 2nd nor later than January 15th of each year. The Company may request recovery of its total cost of service but will include schedules showing the computation of any adjustments. This filing shall be made in electronic form where practicable.

b) **Audited Financial Data** shall mean the Company's books and records related to the Company's Mid- Tex operating area and shared services operations. Audited Financial Data shall not require the schedules and information provided under this tariff to undergo a separate financial audit by an outside auditing firm similar to the Company's annual financial audit.

c) The **Company** is defined as Amos Energy Corporation's Mid-Tex Division.

d) The **Test Period** is defined as the twelve month period ending September 30, of each preceding calendar year.

e) The **Rate Effective Period** is defined as the twelve-month period commencing June 1 and ending when subsequent rates are implemented pursuant to a final order from a regulatory authority unless the period for the City of Dallas review is extended in accordance with Section VI. in which case the Rate Effective Period shall commence at the end of the Extended Period

f) Unless otherwise provided in this tariff the term Final Order refers to the final order issued by the Railroad Commission of Texas in GUD No. 9869 as clarified by the final order in GUD No. 10580.

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III. Rate Review Mechanism

The Company shall file with the City of Dallas the schedules specified below for the Test Period, with the filing to be made by the Annual Evaluation Date following the end of the Test Period. The schedules will be based upon the Company's Audited Financial Data, as adjusted, and will include the following:

- a) Test Period ending balances for actual gross plant in service, accumulated depreciation, accumulated deferred income taxes, inventory, working capital, and other rate base components will be used for the calculation of rates for the Rate Effective Period. The ratemaking treatments, principles, findings and adjustments included in the Final Order, will apply except when a departure from those treatments, principles, findings or adjustments is justified by changed circumstances. However, no post Test Period adjustments to rate base will be permitted. Cash working capital will be calculated using the lead/lag days approved in the Final Order.
- b) Depreciation rates booked in the period will be those approved in the final order in GUD 10170, or the depreciation rates most recently approved for the Mid-Tex Division and the Shared Services Division by the Railroad Commission of Texas, as applicable, if and only if the City of Dallas has the right to participate in the subsequent Railroad Commission of Texas proceeding with a full right to have its reasonable expenses reimbursed. All calculation methodologies will be those approved in the final order except where noted or included in this tariff. In addition, the Company shall exclude from operating and maintenance expense the discretionary costs to be disallowed from Rider DARR filings listed in the DARR Schedules and Information section of this tariff.
- c) Return on Equity (ROE) shall be maintained at 9.8%.
- d) Long-term cost of debt will be the actual thirteen month average for the Test Period. Capital structure will be the actual thirteen month average Test Period ratio of long-term debt and equity.
- e) All applicable accounting adjustments along with all supporting work papers. Such adjustments may include:
 - 1) Pro-forma adjustments to update and annualize costs and revenue billing determinants for the Rate Effective Period.
 - 2) Pro-forma or other adjustments required to properly account for atypical, unusual, or nonrecurring events recorded during the Test Period.
- f) Shared Services allocation factors shall be recalculated each year based on the latest component factors used during the Test Period, but the methodology used will be that approved in the Final Order.

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IV. Calculation of Rate Adjustment

- a) The Company shall provide additional schedules indicating the following revenue deficiency/sufficiency calculations using the methodology accepted in the Final Order. The result shall be reflected in the proposed new rates to be established for the Rate Effective Period. In calculating the required rate adjustments, such adjustments will be apportioned between the customer charge and usage charge with the Residential and the Commercial customer charges being rounded to the nearest \$0.25.
- b) The Company may also adjust rates for the Rate Effective Period to include recovery of any known and measurable changes to operating and maintenance costs including, but not limited to, payroll and compensation expense, benefit expense, pension expense, insurance costs, materials and supplies, bad debt costs, medical expense, transportation and building and lease costs for the Rate Effective Period Provided, however, that adjustments may only be made for costs that are reasonable and necessary.
- c) The Company shall also adjust income tax and taxes other than income tax from the Test Period adjusted for known and measurable changes occurring after the Test Period and before the Filing Date. Atmos Energy shall establish a regulatory liability and comprehensively account for any excess deferred taxes which exist due to the decrease in the federal income tax rate from 35% to 21%. Effective with the DARR filing for the period ending September 30, 2018, Atmos will use the statutory income tax rate in effect for Corporations, and in the initial filing commence the flowback of excess deferred taxes to ratepayers in accordance with the provisions of the Internal Revenue Code.
- d) The regulatory authority may disallow any net plant investment that is not shown to be prudently incurred. Approval by the regulatory authority of net plant investment pursuant to the provisions of this tariff shall permit the Company to earn a return on that net investment for the Effective Period which shall not be subject to refund if in a subsequent review a portion of the plant is determined to be imprudently incurred.
- e) The Company shall provide a schedule demonstrating the “proof of revenues” relied upon to calculate the proposed rate for the Rate Effective Period. The proposed rates shall conform as closely as is practicable to the revenue allocation principles approved in the Final Order.

V. Attestation

A sworn statement shall be filed by an Officer of the Mid-Tex Division affirming that the filed schedules are in compliance with the provisions of this mechanism and are true and correct to the best of his/her knowledge, information and belief. No testimony shall be filed, but a brief narrative explanation shall be provided of any changes to corporate structure, accounting methodologies or allocation of common costs.

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VII. Reconsideration and Appeal

Orders issued pursuant to this mechanism are ratemaking orders and shall be subject to appeal under Sections 102.001(b) and 103.021, et seq., of the Texas Utilities Code (Vernon 2007).

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VIII. Notice

Notice of this annual DARR filing shall be provided by including the notice, in conspicuous form, in the bill of each directly affected customer no later than forty-five (45) days after the Company makes its annual filing pursuant to this tariff. The notice to customers shall include the following information:

- a) a description of the proposed revision of rates and schedules;
- b) the effect the proposed revision of rates is expected to have on the rates applicable to each customer class and on an average bill for each affected customer;
- c) the service area or areas in which the proposed rate adjustment would apply;
- d) the date the proposed rate adjustment was filed with the regulatory authority; and
- e) the Company's address, telephone number and website where information concerning the proposed rate adjustment may be obtained.

Company shall notice customers again by bill insert as soon as practical after final DARR rates are ordered by the City and agreed to by the Company if the agreed increase or decrease in rates is materially different than the initial notice.

IX. DARR Schedules and Information

The following types of employee reimbursed expenses and directly incurred costs are to be removed from all expense and rate base amounts included within Rider DARR filings for the Test Period and for the Rate Effective Period:

- Amounts incurred for travel, meals or entertainment of employee spouses, domestic partners, significant others, children and pets.
- Amounts for air travel that exceed published commercial coach air fares.
- Amounts incurred for excessive rates for hotel rooms.
- Amounts for alcoholic beverages.
- Amounts paid for admission to entertainment, sports, art or cultural events, and all event sponsorship costs.
- Amounts for social club dues or fees.