

Memorandum



CITY OF DALLAS

DATE May 12, 2023

TO Honorable Members of the Government Performance and Financial Management Committee: Cara Mendelsohn (Chair), Gay Donnell Wills (Vice Chair), Tennell Atkins, Adam Bazaldua, Adam McGough, Paul Ridley, Chad West

SUBJECT **Atmos Dallas Annual Rate Review Filing Update**

On January 13, Atmos Energy Corporation, Mid-Tex Division (Atmos) filed a request with the City to increase rates. This filing was made under the Dallas Annual Rate Review (DARR) Tariff and is the company's fifth filing under the current DARR mechanism. Atmos requested an increase in annual revenues of \$20.6 million for the City of Dallas. This represents a monthly increase of 6.36 percent or \$6.10 for the average residential customer. Atmos has requested a June 1, 2023, effective date for the new rates.

Staff assisted by the City's gas rate consultant and outside legal counsel negotiated a settlement with Atmos which will be briefed to the Government Performance and Financial Management (GPFM) Committee on May 22, 2023, with recommendations for Council action on May 24, 2023. Pursuant to the DARR tariff the City has a review period of 135 days from the date of the filing to render a decision which would be May 28, 2023 however on May 13, 2020 in response to the COVID-19 pandemic the City amended the language to extend the evaluation period. The following language was added to the ordinance:

"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 Governor has issued an emergency declaration monthly pertaining to the COVID-19 pandemic. The most recent order related to the COVID-19 pandemic was issued on April 15, 2023, therefore the review period of the 2023 is extended 92 days from May 28, 2023, to August 28, 2023. Staff recommends moving forward as negotiations are now complete.

The settlement reduces the requested increase by \$2.4 million annually and delays the implementation of the new rates from June 1, 2023, until September 1, 2023. This represents a monthly increase of \$5.73 per month for the average residential customer.

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On Monday, May 22, 2023, staff will brief the GPFM committee on the City Manager's recommendation and next steps. If you have any questions, please contact Nick Fehrenbach, Manager of Regulatory Affairs in Budget and Management Services.



Jack Ireland
Chief Financial Officer

[Attachment]

c: T.C. Broadnax, City Manager
Tammy Palomino, Interim City Attorney
Mark Swann, City Auditor
Biliera Johnson, City Secretary
Preston Robinson, Administrative Judge
Kimberly Bizer Tolbert, Deputy City Manager
Jon Fortune, Deputy City Manager

Majed A. Al-Ghafry, Assistant City Manager
M. Elizabeth (Liz) Cedillo-Pereira, Assistant City Manager
Dr. Robert Perez, Assistant City Manager
Carl Simpson, Assistant City Manager
Jack Ireland, Chief Financial Officer
Genesis D. Gavino, Chief of Staff to the City Manager
Directors and Assistant Directors



City of Dallas

Atmos Dallas Annual Rate Review Filing

**Government Performance and
Financial Management
May 22, 2023**

Nick Fehrenbach
Manager of Regulatory Affairs
Budget and Management Services

Overview



- Update City Council on Atmos Energy Corporation's (Atmos) Dallas Annual Rate Review (DARR) filing
- Review proposed settlement agreement
- Discuss options
- Provide City Manager's recommendation
- Next steps



2023 DARR Filing



- Atmos filed its 2023 DARR rate case on January 13, 2023*
- Requested annual rate increase of \$20.6 million from within the city of Dallas
 - Average residential bill to increase by \$6.10/month or 6.36% with gas costs
 - Average commercial bill to increase by \$20.30/month or 3.41% with gas costs
- Requested rates to become effective June 1, 2023



**2023 DARR filed on January 13 due to January 15 being Sunday*

2023 DARR Filing



- The 2023 filing is the largest increase requested by Atmos under the DARR tariff since it was adopted in 2012
 - Although Atmos has had some increases in operating costs, the driving factor in this rate increase is Atmos' investment in new plant
 - In the past year Atmos has:
 - Spent over \$180 million in new capital investment
 - Replaced 64 miles of pipe within the City of Dallas
 - Reflects approximately 2% of pipeline in Dallas
 - Replaced 3,200 steel service lines within the City of Dallas



2023 DARR Filing



- City amended DARR ordinance May 13, 2020 in response to the COVID-19 Pandemic
 - The following language was added to the ordinance
 - 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 Governor has issued an emergency declaration monthly pertaining to the COVID-19 pandemic. The most recent declaration being April 15, 2023
 - Therefore the review period of the 2023 DARR is extended 92 days from May 28, 2023 to August 28, 2023
 - Staff recommends moving forward as negotiations are now complete



2023 DARR Filing



- City retained Garrett Group LLC (Garrett) in 2017 to review gas rate cases such as the current DARR filing
- After reviewing the filing and supplemental information requested from Atmos, Garrett provided a draft report and preliminary findings, including recommendations for several adjustments to filing
- Staff shared Garrett's preliminary findings with Atmos
- Staff (assisted by Garrett and outside legal counsel) met with Atmos on multiple occasions via virtual conference and telephone to negotiate a settlement
 - Reached proposed settlement on May 5, 2023



2023 DARR Proposed Settlement



- Atmos to increase rates in Dallas by \$18.2 million annually
- Rates to become effective September 1, 2023
- Average residential bill will increase by \$5.73 per month
- Average commercial bill will increase by \$14.11 per month
- Atmos will reimburse City's rate case expense
 - Amount determined after adoption of settlement



Options



- 1) Adopt proposed settlement agreement
 - Atmos to increase rates by \$18.2 million annually
 - Rates to become effective September 1, 2023
 - Atmos to reimburse City for rate case expense
- 2) Adopt rates at some amount less than the proposed settlement
 - Atmos could appeal rates to RCT
 - Atmos could implement requested increase of \$20.6M in rates subject to refund while appeal was pending
- 3) Deny rate request, keeping current rates in effect
 - Atmos could appeal rates to RCT
 - Atmos could implement requested rates subject to refund while appeal was pending



City Manager's Recommendation



- Adopt proposed settlement agreement as negotiated by staff (Option 1)
 - Saves residents \$2.4 million off of requested rates
 - Atmos to pay City's rate case expenses
 - Rates to become effective September 1, 2023
 - Avoids uncertainty of litigating and appeal at RCT
 - Avoids additional rate case expense which would be passed on to customers





Next Steps

- City Council will consider ordinance to set rates to be charged by Atmos on *May 24, 2023*





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Appendix

2022 DARR Filing



- Atmos filed its 2022 DARR rate case on January 14, 2022
- Requested annual rate increase of \$15.3 million from within the city of Dallas
 - Average residential bill to increase by \$4.51/month or 6.33% with gas costs
 - Average commercial bill to increase by \$14.90/month
 - Atmos requested rates become effective June 1, 2022





2022 DARR Settlement Agreement

- Atmos increased rates in Dallas by \$13.3 million annually
- Rates became effective September 1, 2022
- Average residential bill increased by \$4.17 per month
- Average commercial bill increased by \$10.33 per month
- Atmos reimbursed City's rate case expense



Franchise History



- Original franchise granted to The Dallas Gas Company in 1905
- Purchased by Lone Star Gas in 1927
- Acquired by TXU Gas in 1996
- Merged with Atmos in 2004
- Current franchise approved January 13, 2010, by ordinance #27793 authorizes Atmos to provide natural gas utility service in city
 - Initial term of 15 years





Jurisdiction to Set Rates

- Texas Utilities Code indicates jurisdictional responsibility for regulation of natural gas in state
- City has original jurisdiction to set local distribution rates within city boundaries
- Railroad Commission of Texas (RCT) has appellate jurisdiction over local distribution rates and original jurisdiction over pipeline rates



Utility Bill Breakdown



- Customer's gas utility bill has two primary components:
 - Local distribution rates
 - Approved by City Council (RCT has appellate jurisdiction)
 - Charges for distribution from city limits to customers' premises
 - Includes costs for meter reading, billing, and customer service
 - Distribution charges split between monthly customer charge and consumption charge
 - Pipeline rates (appear on bill as Rider GCR-Gas Cost Recovery)
 - Approved by RCT
 - Costs from producer and pipeline company to city limits
 - Includes pass-through of actual cost of gas
 - Typically comprise 60% of residential charges and 70% of commercial charges



Billing Classes



- Gas utility customers are divided into four billing classes:
 - Residential
 - Commercial
 - Businesses and apartments with gas for common use
 - Industrial
 - Contract for minimum of 125 Mcf per month
 - Service may be interrupted in extreme conditions
 - Transport
 - Fee charged to transport gas between two other parties



Litigation History



- Last fully litigated case to set Dallas rates:
 - 11/5/08 – Atmos requested a rate increase of \$9.1 million
 - 3/25/09 – City denied increase and set rates below Atmos existing rates
 - Atmos appealed this rate decision to RCT
 - 1/23/10 – RCT granted Atmos a rate increase of \$1.6 million



Gas Reliability Infrastructure Program (GRIP)



- Enacted by 78th Legislature (2003) as incentive for gas utilities to invest in new infrastructure
- Rates adjusted annually to account for changes in net investment
- 2/25/11 – Filed with City of Dallas
 - Atmos requested increase of \$20.2 million (systemwide)
 - Settled for increase of \$11.0 million (systemwide)
 - City authorized DARR tariff as part of settlement



DARR Filing History



Year of DARR Filing	Atmos Request	Settlement
2012	\$2.5 million increase	\$0.4 million decrease
2013	\$4.0 million increase	\$1.8 million increase
2014	\$8.7 million increase	\$6.3 million increase
2015	\$7.4 million increase	\$4.7 million increase
2016	\$7.4 million increase	\$5.3 million increase
2017	\$10.7 million increase	\$9.9 million increase By RCT on appeal
2018	No DARR filing	
2019	\$10.1 million increase	\$8.5 million increase Settled on appeal
2020	\$18.3 million increase	\$15.8 million increase
2021	\$17.04 million increase	\$1.9 million increase
2022	\$15.3 million increase	\$13.3 million increase
2023	\$20.6 million increase	\$18.2 million increase Proposed

