BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF ATMOS ENERGY CORPORATION'S APPLICATION FOR APPROVAL OF ITS 2024-2028 CLEAN HEAT PLAN.	PROCEEDING NO. 23A-_____G

DIRECT TESTIMONY AND ATTACHMENT

OF

MATTHEW H. NELSON

SUBMITTED ON BEHALF OF
ATMOS ENERGY CORPORATION

Colorado PUC E-Filings System

DECEMBER 29, 2023

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Attachment MHN-1 - CV of Matthew H. Nelson

I. INTRODUCTION

Q. PLEASE STATE YOUR NAME AND BUSINESS ADDRESS.

A. My name is Matthew H. Nelson. My business address is 1717 Bluebell Lane Boulder, Colorado 80302.

Q. BY WHOM ARE YOU EMPLOYED AND IN WHAT POSITION?

A. I am employed by Apex Analytics, LLC ("Apex") as Principal of Regulatory Strategy.

Q. ON WHOSE BEHALF ARE YOU TESTIFYING IN THIS PROCEEDING?

A. I am testifying on behalf of Atmos Energy Corporation ("Atmos Energy" or the "Company").

Q. PLEASE DESCRIBE YOUR RESPONSIBILITIES AND QUALIFICATIONS.

A. In my role at Apex I work with federal agencies, state agencies, utilities, and third-party developers on the modernization of electric and natural gas systems, general regulatory compliance and analysis, and expansion of energy savings products. Prior to my role at Apex, I was the Chair of the Massachusetts Department of Public Utilities ("DPU") for four years, as well as the director of electric power, and an analyst in the natural gas division. I also worked as the Supervisor of Regulatory and Evaluation for Eversource Energy. I have a Master's degree in Economics from Tufts University and a Bachelor's degree in Economics from Stonehill College. My CV is attached to my testimony as Attachment MHN-1.

Q. HAVE YOU EVER SUBMITTED TESTIMONY BEFORE THIS COMMISSION OR ANY OTHER REGULATORY COMMISSION?

A. I have not testified before the Colorado Public Utilities Commission ("Commission"), but I have testified before the Massachusetts DPU, the New York Public Service Commission,

United States Congress, the Federal Energy Regulatory Commission ("FERC"), and state and regional planning councils. As a member of Massachusetts DPU, I participated in cross examination in hundreds of regulatory matters.

II. OVERVIEW AND CONCLUSIONS

Q. WHAT IS THE PURPOSE OF YOUR DIRECT TESTIMONY?

A. Section 40-3.2-108, C.R.S. ("Clean Heat Statute") and Rules 4725-4734 require natural gas utilities serving more than 90,000 customers in Colorado to present various portfolios of clean heat resources that are intended to reduce greenhouse gas ("GHG") emissions from the transportation, distribution, and combustion of gas in Colorado. Atmos Energy's Clean Heat Plan ("CHP") filing presents three portfolios to meet the requirements of the statute and rules and requests approval of its Preferred Portfolio, as described in the testimony of Ms. Kathleen R. Ocanas and Attachment KRO-2.

Section 40-3.2-108(4)(c)(XII), C.R.S., requires that the Company's CHP "[i]dentify potential changes to depreciation schedules or other actions to align the gas distribution utility's cost recovery with statewide policy goals, including reducing carbon dioxide and methane emissions, minimizing costs, and minimizing risks to customers." The Clean Heat Statute also requires the Commission to consider allowing current recovery for CHP costs and a gas distribution utility may recover the prudently incurred costs associated with actions under an approved CHP. The purpose of my testimony is to discuss (1) the cost recovery policy considerations that must be taken into account when considering the portfolios presented by Atmos Energy in this filing and its proposed cost recovery, and (2) additional potential implications of Colorado's statewide policy goals related to GHG emissions reductions on cost recovery. My testimony supplements the

testimony of Ms. Ocanas, which contains Atmos Energy's cost recovery proposal (the CHP Rider) for the costs associated with the CHP ultimately approved by the Commission.

Q. ARE YOU PROVIDING AN OPINION ON ATMOS ENERGY'S APPROACH TO DEVELOPING THE CHP PORTFOLIOS OR THE MEASURES WITHIN EACH PORTFOLIO?

A. No, my testimony is limited to the cost recovery and rate design implications associated with the Company's Preferred Portfolio and Colorado's statewide policy goals more generally.

Q. WHAT RECOMMENDATIONS ARE YOU MAKING IN YOUR DIRECT TESTIMONY?

A. For the policy reasons discussed in my testimony, I recommend that the Commission approve the Company's proposed CHP Rider, including lost revenues for the energy efficiency ("EE") measures including the Preferred Portfolio and dollar-for-dollar recovery of the costs associated with recovered methane ("RM"). I also recommend that the Commission consider rate design and cost recovery approaches in future rate proceedings that more accurately aligns fixed charges with fixed costs or incorporates full decoupling. Finally, I recommend that the Commission consider the information regarding depreciation expense included in my testimony and the testimony of Company witness Mr. Dane A. Watson when making a decision not only in this case, but in future Atmos Energy proceedings intended to accomplish statewide policy goals.

III. COST RECOVERY AND RATEMAKING PRINCIPLES RELATED TO DEMAND-SIDE MANAGEMENT AND ENERGY EFFICIENCY

Q. PLEASE DESCRIBE THE CONCEPT OF THE "REGULATORY COMPACT."

A. In exchange for providing utility service at reasonable rates, utility regulation has been designed to permit a utility the reasonable opportunity to earn a fair return. Under the regulatory compact as described in the Regulation of Public Utilities, public utilities have four major obligations or responsibilities:

- They are obligated to serve all who apply for service.
- They are obligated to render safe and adequate service.
- They are obligated to serve all customers on equal terms, and unjust or undue discrimination among customers is forbidden.
- They are obligated to charge only a 'just and reasonable' price for services rendered. [1]

In addition, public utilities have four rights:

- The right to collect a reasonable price for their services.
- The right to render service subject to reasonable rates and regulations.
- When they furnish adequate service at reasonable rates public utilities have the right of protection from competition from an enterprise offering the same service in the same area.
- The specific right of eminent domain has been given to most public utilities. [2]

[1] Regulation of Public Utilities, Third Edition Charles F. Phillips, Jr. 1993, p.119-121.
[2] *Id.*

Q. HOW DOES THE IMPLEMENTATION OF DEMAND SIDE MANAGEMENT ("DSM") AND EE PROGRAMS AFFECT THE TRADITIONAL APPROACH TO COST RECOVERY?

A. In most states, either through legislation, rulemaking, specific utility program approvals, or a combination of these, both electric and natural gas utilities have implemented programs to promote more efficient end uses of their product, which reduce sales to customers. This approach conflicts with the traditional utility model in which costs were assumed to be incurred to provide service to customers, which generally resulted in higher sales to cover those costs. Since energy conservation was deemed to be in the public interest, a specialized form of rate design was developed to encourage these programs while allowing utilities the opportunity to earn a fair return and attract capital to fund the provision of service. The approach has often been referred to as the "three-legged stool," defined by the American Council for an Energy-Efficient Economy as "(1) recovery of program expenses, (2) removal of the throughput incentive (revenues and profits increase with higher energy sales), and (3) provision of earnings opportunities for shareholders, similar to electric supply-side investments."[3] Colorado codified this approach for DSM programs for natural gas utilities in § 40-3.2-103, C.R.S., which allows for recovery of (1) DSM program expenses, (2) "a rate adjustment mechanism that ensures that the revenue per customer approved by the commission in a general rate case proceeding is recovered by the gas utility without regard to the quantity of natural gas actually sold by the gas utility," and (3) a "bonus" to reward gas utilities for investments in cost-effective DSM programs.

[3] www.aceee.org/sites/default/files/models-comparison-pa.pdf, p. 1.

Q. DOES ATMOS ENERGY USE THIS APPROACH TO COST RECOVERY FOR ITS DSM PROGRAM IN COLORADO?

A. Yes. The DSM Cost Adjustment ("DSMCA") provides for recovery of program costs, lost revenues, and any bonus awarded as a performance incentive.

Q. DOES ATMOS ENERGY'S PREFERRED PORTFOLIO CONTAIN CLEAN HEAT RESOURCES ANALOGOUS TO ITS EXISTING DSM PROGRAM?

A. Yes. Atmos Energy's Preferred Portfolio includes a combination of established EE measures similar to those offered through its DSM Program. Additionally, Atmos Energy's Preferred Portfolio includes new pilot programs to incentivize the adoption of gas heat pumps and highly efficient manufactured homes to reduce GHG emissions.

Q. WILL AN APPROACH SIMILAR TO THE DSMCA WORK FOR COST RECOVERY ASSOCIATED WITH THE COMPANY'S PREFERRED PORTFOLIO IN THIS FILING?

A. For the initial years of the program, yes. Ms. Ocanas describes the proposed CHP Rider that is structured similarly to the DSMCA, and this structure will allow Atmos Energy to recover both the program costs and the lost revenues associated with the reduction in sales that would have otherwise contributed to the recovery of Amos Energy's fixed costs. However, as the level of incentives rise and sales decrease, not only from the Company's offerings but potentially also due to forces outside the Company's control, designing the Company's rates to recover a significant amount of its fixed costs through volumetric charges will no longer provide a reasonable opportunity for cost recovery.

Q. WHAT ARE YOUR RECOMMENDATIONS RELATED TO COST RECOVERY OF THE EE MEASURES INCLUDED ATMOS ENERGY'S CHP?

A. I recommend that the Commission approve the cost recovery incorporated in the CHP Rider, including the direct program costs and the lost revenues. I also recommend that the Commission approve changes to Atmos Energy's rate structure in future filings to more appropriately align fixed charges with fixed costs, as discussed in Section V. of my testimony.

IV. COST RECOVERY AND RATEMAKING PRINCIPLES RELATED TO RECOVERED METHANE

Q. HOW IS THE COMPANY PROPOSING TO RECOVER THE COSTS ASSOCIATED WITH THE PURCHASE OF RECOVERED METHANE IN ITS PREFERRED PORTFOLIO?

A. The Company is proposing to recover the actual costs associated with procuring and delivering RM (which meets the definition of recovered methane in the Clean Heat Statute) through the CHP Rider.

Q. IS THIS COST RECOVERY APPROPRIATE?

A. Yes. In addition to being CHP program costs, the costs associated with the procurement and delivery of RM are essentially costs to procure the supply of gas to be delivered to customers and should be treated as a pass-through cost to customers.

Q. WILL THE INCLUSION OF RM IN THE COMPANY'S CHP AFFECT ANY OF THE COMPANY'S OTHER REGULATORY FILINGS?

A. Yes. Atmos Energy files a gas purchase plan ("GPP") annually pursuant to Rule 4605 that describes the utility's planned purchases of gas commodity and upstream services to be

used to meet sales gas demand during the gas purchase year. If the Company's Preferred Portfolio is approved, going forward the GPP will account for and include the RM procured in compliance with Atmos Energy's CHP. As Company witness Mr. Blake D. Barfield explains, RM is comprised of not only the energy commodity but also the environmental attributes associated with its production (reflected in the associated recovered methane credit). For this reason, RM is not price-competitive with traditional sources of natural gas. Therefore, in order to meet its CHP objectives, the reasonableness of contracts will need to be evaluated using both price and non-price factors at the time of acquisition or contract negotiation. For example, the RM market in Colorado is in its early stages, which will be expected to impact the price and other terms to acquire RM. Additionally, the terms of these RM contracts must be compared with other alternative contracts to procure RM rather than standard gas contracts. These contracts will also be affected by the fact that Colorado's rules limit RM that qualifies as a clean heat resource to RM produced in Colorado, which will limit the developers with whom Atmos Energy may contract for this product.

Q. HOW DOES THIS IMPACT ATMOS ENERGY'S CHP PREFERRED PORTFOLIO?

A. In order to execute contracts to procure RM pursuant to Atmos Energy's Preferred Portfolio, the Company will need assurance that the contracting terms will not be judged against the standards held for traditional gas supply contracts.

V. ALIGNING COST RECOVERY WITH STATEWIDE POLICY GOALS

Q. WHAT IS THE PURPOSE OF THIS SECTION OF YOUR TESTIMONY?

A. Section 40-3.2-108(4)(c)(XII) requires that the Company's CHP "[i]dentify potential changes to depreciation schedules or other actions to align the gas distribution utility's cost recovery with statewide policy goals, including reducing carbon dioxide and methane emissions, minimizing costs, and minimizing risks to customers." In this section I discuss (1) the need to consider changes to the Company's rate design including increasing the costs recovered through fixed charges and decoupling, and (2) considerations related to depreciation expense reflected in rates in light of statewide policy goals.

A. Decoupling

Q. HOW IS A UTILITY'S FINANCIAL PERFORMANCE LINKED TO ITS SALES TO CUSTOMERS?

A. Utilities often recover fixed costs through volumetric charges. From the utility's perspective, this creates an incentive to increase sales and a disincentive for engaging in conservation, as lower sales mean lower recovery of fixed costs.

Q. DO THE COMPANY'S RATES INCLUDE THIS THROUGHPUT INCENTIVE?

A. Yes. Atmos Energy's rates have been designed to include recovery of a significant amount of fixed costs through volumetric charges. Thus, the Company has an incentive to maintain or increase throughput to recover its costs and have a reasonable opportunity to earn a return on its investment in the gas distribution system.

Q. WHAT IS DECOUPLING?

A. Decoupling refers to rate mechanisms that aim to remove the link between a utility's financial performance and its sales to customers. Under traditional regulation, utilities are

incentivized to increase sales, creating a conflict with energy efficiency goals. Decoupling, however, neutralizes this by providing for stable revenues regardless of sales volume, thereby removing barriers to the utility's ability to promote energy efficiency and conservation.

Q. HOW ARE ATMOS ENERGY'S BASE RATES STRUCTURED CURRENTLY?

A. The General Service Rates for the Company's residential and commercial sales customers in Colorado contain a fixed Facilities Charge and a volumetric Distribution System Rate per CCF, derived from Atmos Energy's most recent general rate case. A significant amount of the fixed costs associated with the provision of natural gas service are recovered through the volumetric Distribution System Rate, which means that to recover its full cost of service, Atmos Energy must maintain the level of sales assumed to strike these rates.

Q. DO ATMOS ENERGY'S RATES CURRENTLY REFLECT ANY ELEMENTS OF DECOUPLING?

A. To a small degree, as the Company is allowed to recover one year of lost revenue due to DSM savings through the DSMCA. Recovery of lost revenues is one form of removing the disincentive described above and decouples a small amount of the utility's rates from volumetric sales.

Q. WHAT IS "FULL" DECOUPLING?

A. Full decoupling includes all sales on the system, including weather effects, and revenues in calculating the decoupling adjustment, unlike mechanisms that result in partially decoupling revenues from sales.

Q. WHAT ARE THE BENEFITS OF FULL DECOUPLING?

A. Full decoupling is simpler to administer by eliminating the need for separate mechanisms such as weather-normalization adjustments and complex calculations to reflect lost revenues associated with DSM and EE programs in rates. An omnibus decoupling proposal simplifies this process, ensuring the utility is appropriately compensated without the need for complex tracking systems. In addition, approval of full decoupling would eliminate the collection of lost revenue from both the DSM Plan and the EE measures in the CHP. Full decoupling also removes the disincentive for utilities to engage in in these types of programs that result in a decline in sales.

Q. IS THE COMPANY REQUESTING FULL DECOUPLING IN THIS PROCEEDING?

A. No. The additional EE measures in Atmos Energy's Preferred Portfolio require a ramp-up period to implement, meaning that resulting reductions in customer usage will be modest at the onset of the program and will begin to significantly increase after the first two years. During the initial year of CHP implementation, the cost recovery proposed in this proceeding using the CHP Rider mechanism described in the testimony of Ms. Ocanas can provide adequate recovery (so long as it also includes lost revenues associated with the EE). However, as the CHP continues, there will be a greater need to align fixed costs with fixed charges and/or move to a fully decoupled rate design, especially since Atmos Energy is expecting its existing DSM Program budget to increase substantially compared to prior years. The purpose of including information on full decoupling in this proceeding is to explain why changes to rate design, including decoupling, will ultimately be in the public

interest as a result of Colorado's GHG emissions reduction goals and how there are ways to incrementally move toward such a rate design in the interim.

Q. IN YOUR ROLE AS A COMMISSIONER IN MASSACHUSETTS, UNDER WHAT CIRCUMSTANCES DID YOU SEE FULL DECOUPLING ADOPTED FOR NATURAL GAS UTILITIES?

A. Massachusetts first investigated decoupling in 2007 as a method to expand EE in the state. Massachusetts applied decoupling to utilities through rate cases over the next ten years and adopted GHG emissions targets and other statewide policies to require GHG emissions reductions. The adoption of full decoupling removed the disincentives for both electric and natural gas utilities to comply with the state's policies and requirements. By dissociating a utility's revenues from its sales, decoupling allowed for investment in energy efficiency programs without adversely affecting the utility's financial stability. The Massachusetts DPU found that this approach aligns with long-term lower rates and supports a sustainable energy model. This model also benefits consumers through potential refunds and surcharges, resulting in fair charges and encouraging utilities to invest in EE. Since Massachusetts adopted decoupling in 2008, the widespread adoption of decoupling in numerous additional states underscores its effectiveness when state policy requires GHG emissions reductions.

Q. ARE THERE OTHER BENEFITS OF FULL DECOUPLING COMPARED TO RECOVERING LOST REVENUES THROUGH SEPARATE TRACKERS FOR DSM OR EE PROGRAMS?

A. A full decoupling mechanism eliminates the complexity inherent in tracking and accounting for the costs and savings associated with programs such as the Company's

current DSM Program and the EE measures in the Preferred Portfolio. The decoupling mechanism would incorporate all sources of lost revenue, and it would avoid needing to demonstrate measure level attribution as the Company's recovery of its cost of service would no longer be dependent upon volume of sales.

Full decoupling also results in less of a burden on the Commission. With the implementation of the CHP Rider, the Commission and its staff will have to review annual filings that separately track the performance of measures in both the DSM Program and the CHP in separate proceedings. Full decoupling would streamline the regulatory approach and allow issues regarding lost revenues to be handled through adjustments to base rates rather than in separate annual filings. This uniform treatment simplifies administrative processes and encourages the comprehensive adoption of actions to reduce utility sales without triggering rate cases or other rate proceedings.

Q. HOW DOES A DECOUPLING MECHANISM HELP IN AVOIDING FREQUENT RATE CASES DUE TO REVENUE DEFICIENCIES CAUSED BY THE CHP'S PROGRESSION?

A. Implementing a decoupling mechanism can help to prevent frequent rate cases due to revenue deficiencies by stabilizing the Company's earnings despite reduced gas consumption. Decoupling aligns financial incentives with policy goals, eliminating the cyclical trigger of rate adjustments due to revenue deficiencies.

Q. IS THERE AN INTERIM STEP THAT CAN BE CONSIDERED IN LIEU OF FULL DECOUPLING?

A. Yes. As I mentioned above, a significant portion of the Company's fixed costs to provide service in Colorado is recovered through utilities' volumetric rates. Shifting recovery of

those costs to the fixed charges can mitigate the revenues lost through conservation measures and other state policies aimed at GHG emissions reductions.

Q. WHY IS IT IMPORTANT TO CONSIDER HOW FIXED COSTS ARE RECOVERED IN LIGHT OF THE PROPOSED CHP?

A. As the Commission is aware, in the utility sector a significant portion of distribution costs are fixed and are not variable, but the rates are collected through a volumetric $/CCF charge and a fixed customer charge. When we look at ratemaking for capital assets of a utility it is important to investigate balancing the $/CCF charge and the fixed customer change. With the policy goal to decrease gas usage, it's crucial to reevaluate whether and the extent to which collecting these fixed distribution costs through a variable charge provides the utility with a reasonable opportunity for cost recovery.

Q. HOW DO WE BALANCE THE IMPACT OF INCREASING FIXED CUSTOMER CHARGE COSTS WITH THE NEED FOR EE AND CUSTOMER AFFORDABILITY?

A. This balance involves several considerations. First, Atmos Energy's use of established EE measures and programs will continue to need a price signal strong enough to promote conservation. Of course, those price signals should also accurately reflect the variable costs that can be avoided through usage (compared to the fixed embedded costs of the distribution system). Second, we must be mindful of the impact on low-use customers who could be adversely affected by increasing fixed costs, a problem remedied through full decoupling or true-ups. Third, increasing the year-round customer charge can provide a more equitable means of collecting these fixed costs with more even and fixed monthly

bills, which is especially pertinent if the Commission ultimately accelerates depreciation rates for Atmos Energy, as described below.

B. Depreciation

Q. WHAT IS THE RELATIONSHIP BETWEEN DEPRECIATION AND STATEWIDE POLICY GOALS REFLECTED IN THE CHP STATUTE AND RULES?

A. Colorado has passed various pieces of legislation in the last several years with policy goals that result in not only incentivizing conservation but also in incentivizing existing natural gas customers to discontinue natural gas service and discouraging potential new customers from connecting to the distribution system. For example, one of the stated goals of the Clean Heat Statute is "[r]educing the carbon intensity of gas delivered by utilities and *switching from gas space and water heating to high-efficiency electric heating*."[4] Other relevant policies include "eliminating incentives for gas service to properties,"[5] elimination of fees associated with termination of gas service,[6] and additional policies and actions to promote what the statutes refer to as "beneficial electrification."[7] In addition to the policies enacted in legislation, there is also activity at the local level involving building and efficiency codes and standards intended to discourage connection to the gas system.

As Company witness Mr. Watson explains in his testimony, depreciation rates are developed pursuant to established methodologies to reflect the cost of the distribution system in rates systematically over the life of those assets. These investments were

[4] §40-3.2-108(a)(IV), C.R.S. (emphasis added).
[5] §40-3.2-104.5, C.R.S.
[6] §40-3.2-104.5, C.R.S.
[7] *See e.g.*, § 40-3.2-104.6 and § 40-3.2-109, C.R.S.

undertaken with the existing and expected customers in mind, and the costs of those assets should be borne by customers who receive the benefit of their use. There are a number of policy considerations that may affect a Company's proposal for depreciation rates in addition to the traditional study methodologies described by Mr. Watson. One of those considerations could be whether the utility foresees early retirement of an asset due to lack of customer demand requiring use of those assets.

Q. DO THE COMPANY'S FORECASTS IN THIS PROCEEDING NECESSITATE ACCELERATING ATMOS ENERGY'S CURRENT DEPRECIATION RATES?

A. No, not at this time. Company witness Mr. Ken Fogle states that from 2023 through 2030, the Company forecasts the sales customer growth to average 0.7 percent, which is slower than the 1.7 percent growth over the past eight years but still positive growth. This represents an addition of 5,913 customers over that timeframe. From 2023 through 2050, the Company forecasts customer growth to average 0.7 percent representing a total addition of 24,807 over that timeframe. Mr. Fogle's testimony also states that the Company estimates total throughput to grow at a rate of 0.6 percent through 2030 and 0.9 percent through 2050.

Q. WOULD THE COMMISSION'S APPROVAL OF THE COMPANY'S PREFERRED PORTFOLIO LEAD TO A NEED TO ACCELERATE THE DEPRECIATION OF ANY OF THE COMPANY'S ASSETS AT THIS TIME?

A. No, not based on the Company's current load forecasts.

Q. DOES ATMOS ENERGY'S PREFERRED PORTFOLIO WARRANT RETIREMENT OF ITS ASSETS BEFORE THE END OF THEIR USEFUL LIFE?

A. No, it does not. Atmos Energy's Preferred Portfolio allows the communities it serves to continue to benefit from the extensive natural gas system it has installed for their use to have access to affordable energy in a manner that also significantly reduces GHG emissions in a cost-effective way. However, the appropriate level of depreciation to reflect in rates could be affected by the final outcome in this case and future proceedings. Further, if state or local policies end up causing customers to terminate natural gas service or prohibit customers from connecting to the distribution system, then such an outcome may affect the Company's forecasts, which could potentially be material enough to change the appropriate level of depreciation expense to reflect in the Company's rates.

Q. DO YOU BELIEVE THAT IT IS IN THE PUBLIC INTEREST FOR STATEWIDE POLICY TO MAKE THAT NECESSARY?

A. No, I do not. As the Illustrative Depreciation Expense Analysis supported by Company witness Mr. Watson shows, policies that have such a result would have an exponential impact on the Company's rates to recover the costs of its infrastructure over a compressed time period.

Q. DOES THIS CONCLUDE YOUR DIRECT TESTIMONY?

A. Yes, this concludes my direct testimony.

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OF THE STATE OF COLORADO

IN THE MATTER OF ATMOS ENERGY CORPORATION'S APPLICATION FOR APPROVAL OF ITS 2024-2028 CLEAN HEAT PLAN.	PROCEEDING NO. 23A-____G

AFFIDAVIT

I, Matthew H. Nelson, declare under the penalty of perjury under the law of Colorado that the above testimony and attachment were prepared by me or under my supervision, control, and direction; that the testimony and attachment are true and correct to the best of my information, knowledge and belief; and that I would give the same testimony orally if asked under oath.

s/ Matthew H. Nelson
Matthew H. Nelson
Apex Analytics LLC
Principal, Regulatory Policy

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