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MAR 04 2008

PUBLIC SERVICE  
COMMISSION

March 3, 2008

*VIA UPS NEXT DAY AIR SAVER*

Mr. Robert Amato  
Acting Executive Director  
Kentucky Public Service Commission  
211 Sower Boulevard  
Frankfort, Kentucky 40602

**Re: In the Matter of: An Investigation of the Energy and Regulatory Issues in  
Section 50 of Kentucky's 2007 Energy Act - Case No. 2007-00477.**

Dear Mr. Amato:

Enclosed for filing in the above-captioned matter is an original and ten (10) copies of combined Motions of the Kentucky Oil & Gas Association, Inc. and the Stand Energy Corporation Customer Group for Joinder of Indispensable Parties because the enabling legislation does not limit this proceeding to electric utilities.

Thank you for your prompt attention to this filing and you may contact me if you require any further information.

Sincerely,

John M. Dosker  
General Counsel

Encls.

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

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MAR 04 2008

PUBLIC SERVICE  
COMMISSION

In the Matter of :

AN INVESTIGATION OF THE ) ADMINISTRATIVE  
ENERGY AND REGULATORY ) CASE NO. 2007-00477  
ISSUES IN SECTION 50 OF )  
KENTUCKY'S 2007 ENERGY ACT )

**COMBINED MOTION OF THE  
KENTUCKY OIL & GAS ASSOCIATION AND  
THE STAND ENERGY CORPORATION CUSTOMER GROUP  
FOR JOINDER OF INDISPENSABLE PARTIES UNDER CR 19.01**

Pursuant to CR 19.01, Movants Kentucky Oil & Gas Association, Inc. and the Stand Energy Corporation Customer Group move the Kentucky Public Service Commission to join Columbia Gas of Kentucky, Inc., Atmos Energy Corporation and Delta Natural Gas, Inc. as indispensable parties to this proceeding. The grounds for this motion are set forth in the attached Memorandum of Law.

Respectfully Submitted,



JOHN M. DOSKER (KBA #82089)  
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**COMMONWEALTH OF KENTUCKY**  
**BEFORE THE PUBLIC SERVICE COMMISSION**

In the Matter of :

AN INVESTIGATION OF THE	)	ADMINISTRATIVE
ENERGY AND REGULATORY	)	CASE NO. 2007-00477
ISSUES IN SECTION 50 OF	)	
KENTUCKY'S 2007 ENERGY ACT	)	

**MEMORANDUM IN SUPPORT OF COMBINED MOTION OF THE**  
**KENTUCKY OIL & GAS ASSOCIATION AND**  
**THE STAND ENERGY CORPORATION CUSTOMER GROUP**  
**FOR JOINDER OF INDISPENSABLE PARTIES UNDER CR 19.01**

\* \* \* \*

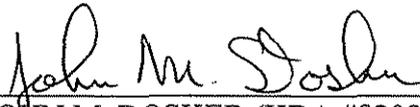
1. On November 20, 2007, The Kentucky Public Service Commission, initiated an investigation into energy and regulatory issues enumerated by the General Assembly in Section 50 of House Bill 1, enacted during the 2007 Second Extraordinary Session. The General Assembly *directed* the Commission to examine its statutes and make recommendations on or before July 1, 2008 to the Legislative Research Commission regarding four energy and regulatory issues to be discussed in this case.

2. Nowhere in the enabling statute is the legislatively-mandated investigation limited to electric generating utilities. However, it appears the Kentucky Public Service Commission has interpreted the enabling legislation to apply only to electric generating utilities. As such, the natural gas-only utilities of: Columbia Gas of Kentucky, Inc., Atmos Energy Corporation and Delta Natural Gas, Inc. were all improperly omitted from this proceeding by the Commission. The Kentucky Public Service Commission's reasons for non-joinder, other than inadvertence, are not known to Movants.

3. Movants submit that joinder of the named natural gas utilities is appropriate under CR 19.01 because in the absence of the natural gas utilities, the relief envisioned by the Kentucky legislature in ordering this proceeding, cannot be accorded those already parties. Furthermore, the natural gas utilities could claim an interest in these proceedings, which interest could be impaired or impeded by not participating in this proceeding. Finally, the failure to join the natural gas utilities might leave those already parties subject to multiple or otherwise inconsistent obligations.

4. For the foregoing reasons, Stand Energy Corporation Customer Group and the Kentucky Oil & Gas Association move the Kentucky Public Service Commission to join the Columbia Gas of Kentucky, Inc., Atmos Energy Corporation and Delta Natural Gas, Inc. as parties to this proceeding. Movants further request expedited treatment of this Motion given the deadline of July 1, 2008 ordered by the General Assembly in the enabling legislation.

Respectfully Submitted,

  
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## CERTIFICATE OF SERVICE

I hereby certify that the foregoing was hand-delivered or mailed, first class postage prepaid, this 3<sup>rd</sup> day of March 2008, to the following parties of record:

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