

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

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In the Matter of:

APPLICATION OF WESTERN KENTUCKY GAS)
COMPANY, A DIVISION OF TEXAS AMERICAN)
ENERGY CORPORATION, OWENSBORO, KENTUCKY) CASE NO.
FOR A CERTIFICATE AUTHORIZING IT TO BID) 9461
ON FRANCHISE ESTABLISHED AND TO BE)
OFFERED FOR SALE BY THE CITY OF POWDERLY,)
MUHLENBERG COUNTY, KENTUCKY)

O R D E R

On November 13, 1985, Western Kentucky Gas Company ("Western") filed with the Commission its application seeking a certificate of convenience and necessity to qualify it to bid on a gas franchise in the city of Powderly, Kentucky. Under the provisions of KRS 278.020(3), no utility may apply for a franchise from any governmental agency until it has obtained a certificate of convenience and necessity from this Commission based on our finding that there is a need and demand for the services sought to be rendered.

The Commission finds that there is a need and demand for gas service in the city of Powderly, Kentucky. Since the Commission's authority in such matters is limited by statute to finding only whether there is a need and demand for the service sought to be rendered, no finding or determination is made as to the validity of any of the provisions of the franchise offered by said city or the manner in which any franchise fee is to be treated for rate purposes.

IT IS THEREFORE ORDERED that:


1. Western be and it hereby is granted a certificate of convenience and necessity which authorizes it to bid on a gas franchise in the city of Powderly, Kentucky.


2. Western, if it becomes the successful bidder, shall file with this Commission copies of the said franchise.

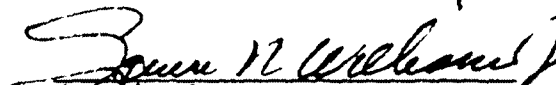
3. This Order shall not be construed as granting a certificate of convenience and necessity to construct utility facilities in said city.

Done at Frankfort, Kentucky, this 15th day of November, 1985.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:

Secretary