

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

J. W. KINZER DRILLING COMPANY'S)
REQUEST TO INCREASE ITS FARM) CASE NO. 2005-00478
TAP GAS RATES)

O R D E R

On November 28, 2005, J. W. Kinzer Drilling Company ("Kinzer") applied, pursuant to KRS 278.485 and 807 KAR 5:026, Section 9, for a rate adjustment. As part of its application, Kinzer notified its customers of their right to intervene in the proceedings before this Commission. On December 1, 2005, Timothy C. Bates requested intervention in this case. On December 21, 2005, the Commission established a procedural schedule and granted full intervention to Mr. Bates.

In the interim, Kinzer moved the Commission to deny intervenor status to Mr. Bates and to strike his requests for information. Mr. Bates then moved to compel responses to the data requests and requested an informal conference or, in the alternative, a formal hearing.

In its February 15, 2006 Order, the Commission denied Kinzer's motion to strike, granted Intervenor's request for an informal conference, and deferred Intervenor's motion to compel until after the informal conference. That Order also scheduled the informal conference, but scheduling conflicts required the conference to be re-scheduled. Commission Staff arranged another date for a conference, but, before a notice could be sent, the Intervenor notified Commission Staff and counsel for Kinzer by

telephone that he wished to withdraw as a party. The Commission will consider the telephone notification as a motion to withdraw as a party and will grant the request. However, we will afford the Intervenor 6 days from the date of this Order to notify the Commission if he does not wish to withdraw and wishes to proceed as a party. We will deny the Intervenor's motion to compel.

We find that there is no request for a formal hearing and that a formal hearing is not required.

Pursuant to 807 KAR 5:026, Section 9(1)(c), we find that sufficient information has now been filed with the proposed tariff, and the Commission will either approve or deny the proposed adjustment within 60 days.

The Commission, having been sufficiently advised, HEREBY ORDERS that:

1. Intervenor's motion to withdraw as a party is granted.
2. Intervenor's motion to compel is denied.
3. No formal hearing shall be held in this matter.
4. This matter is now submitted to the Commission for a decision as to the requested rate adjustment.

Done at Frankfort, Kentucky, this 10th day of March, 2006.

By the Commission

ATTEST:



Executive Director