

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

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| APPLICATION OF ATMOS ENERGY |) | |
| CORPORATION, OWENSBORO KENTUCKY |) | CASE NO. |
| FOR A CERTIFICATE OF PUBLIC |) | 2009-00277 |
| CONVENIENCE AND NECESSITY |) | |
| AUTHORIZING IT TO BID ON A FRANCHISE |) | |
| ESTABLISHED BY THE CITY OF |) | |
| WHITESVILLE, KENTUCKY |) | |

O R D E R

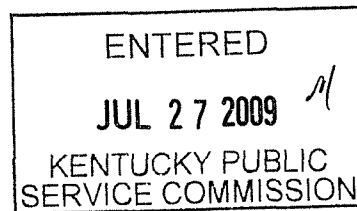
On July 17, 2009, Atmos Energy Corporation (“Atmos”) filed with the Commission its application seeking a Certificate of Public Convenience and Necessity to qualify it to bid on a franchise for natural gas service offered by the city of Whitesville, Kentucky. Under the provisions of KRS 278.020(4), no 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 service sought to be rendered.

In light of the ordinance of the city of Whitesville creating a natural gas distribution franchise, the Commission determines that there is evidence of a need and demand for natural gas service in the above-mentioned city. 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 qualifications of the bidder, the validity of any of the provisions of the franchises 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. Atmos is granted a Certificate of Public Convenience and Necessity that authorizes it to bid on a franchise for natural gas service offered by Whitesville, Kentucky.
2. Atmos, if it becomes the successful bidder, shall file with this Commission two copies of the franchise agreement.
3. This Order shall not be construed as granting a Certificate of Public Convenience and Necessity to construct utility facilities in said city.

By the Commission



ATTEST:



Executive Director

Mark R Hutchinson
Wilson, Hutchinson & Poteat
611 Frederica Street
Owensboro, KY 42301