

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF ATMOS ENERGY	)	
CORPORATION, OWENSBORO, KENTUCKY,	)	
FOR A CERTIFICATE OF PUBLIC	)	CASE NO.
CONVENIENCE AND NECESSITY	)	2010-00104
AUTHORIZING IT TO BID ON A FRANCHISE	)	
ESTABLISHED BY THE CITY OF MARION,	)	
KENTUCKY	)	

O R D E R

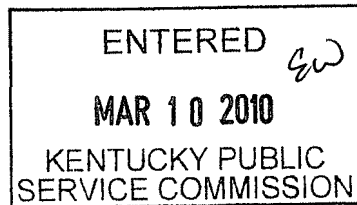
On March 4, 2010, Atmos Energy Corporation (“Atmos”) filed its application with the Commission seeking a Certificate of Public Convenience and Necessity to qualify it to bid on a franchise for natural gas service offered by the city of Marion, Kentucky. Under the provisions of KRS 278.020(4), no utility may apply for a franchise from any governmental agency until it has obtained a Certificate of Public 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 city of Marion’s ordinance 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.

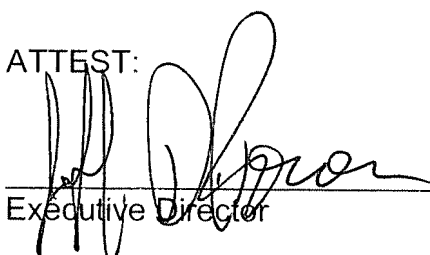
IT IS THEREFORE ORDERED that:

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 the city of Marion, Kentucky.
2. Atmos, if it becomes the successful bidder, shall file with the Commission's tariff branch 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