

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF WKG STORAGE, INC. FOR	)	
RATE ADJUSTMENT FOR SMALL UTILITIES	)	CASE NO.
PURSUANT TO 807 KAR 5:076	)	2016-00053

ORDER

On March 11, 2016, the Commission issued an Order establishing a procedural schedule for this proceeding. On March 21, 2016, the Attorney General of the Commonwealth of Kentucky, by and through his Office of Rate Intervention (“AG”), moved to intervene herein. Subsequently, on March 25, 2016, the AG filed a motion to deviate from the procedural schedule established for this proceeding to permit him time to determine whether WKG Storage, Inc. (“WKG”) is a utility under the Commission’s jurisdiction, and if so, to look into the relationship between WKG and Atmos Energy Corporation, WKG’s only customer.

On March 31, 2016, WKG responded to the AG’s motion to deviate from the procedural schedule, stating that the AG cited no authority and provided no reasoning for his concern that WKG may not be a utility whose rates and terms of service are subject to the jurisdiction of the Commission. Further, WKG states that its currently effective tariff was accepted by this Commission effective October 15, 2001, and that it has operated under that tariff since its effective date. As a result, WKG believed then and still believes that its rates and terms of service are subject to the jurisdiction of the Commission under KRS Chapter 278.

WKG states in its response that it has a good faith intent, however, to cooperate with the AG. Despite the AG's failure to timely file his motion to intervene,<sup>1</sup> WKG states that it did not object to the late filing. WKG also does not oppose extending the procedural dates by a reasonable amount of time to accommodate the AG, even though the AG does not specify what changes to the procedural schedule he contemplates. WKG proposes modifying the procedural schedule in a manner that would allow discovery by the AG on the jurisdictional issue and then resume the remaining steps in the schedule previously established by the Commission.

Having considered the AG's motion to deviate and being otherwise sufficiently advised, the Commission finds that the procedural schedule should be amended to allow time for discovery on the jurisdictional issue, with the remaining procedural steps to be modified accordingly.

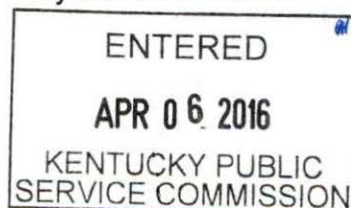
IT IS THEREFORE ORDERED that:

1. The AG's motion to deviate from the procedural schedule is approved.
2. The procedural schedule previously established in this matter is amended as set forth in the Appendix to this Order and shall be followed for the remainder of this proceeding.

ATTEST:

  
Acting Executive Director

By the Commission



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<sup>1</sup> WKG initiated this proceeding when it submitted its original application on January 21, 2016. The Commission's March 11, 2016 Procedural Order established March 18, 2016 as the last date to submit requests for intervention.

APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE  
COMMISSION IN CASE NO. 2016-00053 DATED **APR 06 2016**

Requests for information to WKG related to the jurisdictional issue  
raised in the AG's motion to deviate shall be filed no later than.....04/12/16

WKG shall file responses to requests for  
information related to the jurisdictional issue no later than .....04/22/16

Supplemental requests for information to WKG  
shall be filed no later than .....05/05/16

WKG shall file responses to supplemental requests  
for information no later than .....05/20/16

Any request for a formal hearing shall  
be filed no later than .....06/01/16

\*Kent Chandler  
Assistant Attorney General  
Office of the Attorney General Utility & Rate  
1024 Capital Center Drive  
Suite 200  
Frankfort, KENTUCKY 40601-8204

\*Lawrence W Cook  
Assistant Attorney General  
Office of the Attorney General Utility & Rate  
1024 Capital Center Drive  
Suite 200  
Frankfort, KENTUCKY 40601-8204

\*Atmos Energy Corporation  
Atmos Energy Corporation  
3275 Highland Pointe Drive  
Owensboro, KY 42303

\*WKG Storage, Inc.  
2929 W Sam Houston Pkwy  
Houston, TX 77043

\*T. Tommy Littlepage  
Wilson, Hutchinson & Littlepage  
611 Frederica Street  
Owensboro, KENTUCKY 42301