

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF DELTA	)	
NATURAL GAS COMPANY, INC. FOR A	)	
CERTIFICATE OF PUBLIC CONVENIENCE	)	CASE NO.
AND NECESSITY TO BID ON A FRANCHISE	)	2020-00202
ESTABLISHED BY THE CITY OF	)	
BARBOURVILLE, KENTUCKY	)	

ORDER

On June 22, 2020, Delta Natural Gas Company, Inc. (Delta) filed its application with the Commission seeking a Certificate of Public Convenience and Necessity (CPCN) to authorize it to bid on a franchise offered by the city of Barbourville, Kentucky, for the transmission and distribution of natural gas. Under the provisions of KRS 278.020(5), no utility may apply for a franchise from any governmental agency until it has obtained a CPCN 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 Barbourville's ordinance creating a natural gas transmission and 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. The Commission directs Delta to the Commission's March 16, 2020 and

March 24, 2020 Orders in Case No. 2020-00085<sup>1</sup> regarding filings with the Commission. The Commission expects the original documents to be filed with the Commission within 30 days of the lifting of the current state of emergency.

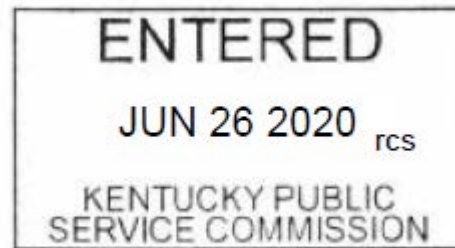
IT IS THEREFORE ORDERED that:

1. Delta is granted a CPCN that authorizes it to bid on a franchise offered by the city of Barbourville, Kentucky, for the transmission and distribution of natural gas.
2. If Delta is not the successful bidder, Delta shall, within ten days of the award of the franchise at issue, file with the Commission a written notice stating that Delta was not the successful bidder.
3. If Delta is the successful bidder, Delta shall, within ten days of the award of the franchise at issue, file with the Commission a copy of the executed franchise agreement and a statement disclosing the amount of the initial franchise fee.
4. If Delta is the successful bidder, Delta shall, within ten days of an increase or decrease in the amount of the initial franchise fee set forth in the franchise agreement, file with the Commission documentation setting forth the revised fee.
5. Any documents filed pursuant to ordering paragraphs 2, 3, or 4 of this Order shall reference the number of this case and shall be electronically submitted via the Commission's electronic Tariff Filing System.
6. This Order shall not be construed as granting a CPCN to construct utility facilities in said city.
7. This case is closed and removed from the Commission's docket.

---

<sup>1</sup> Case No. 2020-00085, Electronic Emergency Docket Related to the Novel Coronavirus COVID-19 (Ky. PSC Mar. 16, 2020), Order at 5-6. Case No. 2020-00085, Electronic Emergency Docket Related to the Novel Coronavirus COVID-19 (Ky. PSC Mar. 24, 2020), Order at 1-3

By the Commission



ATTEST:



---

Executive Director

\*John B Brown  
Chief Financial Officer  
Delta Natural Gas Company, Inc.  
3617 Lexington Road  
Winchester, KY 40391

\*Monica Braun  
STOLL KEENON OGDEN PLLC  
300 West Vine Street  
Suite 2100  
Lexington, KENTUCKY 40507-1801

\*Delta Natural Gas Company, Inc.  
3617 Lexington Road  
Winchester, KY 40391