

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC TARIFF FILING OF VALLEY GAS,	)	
INC. OF AN AMENDMENT TO A SPECIAL	)	CASE NO.
CONTRACT WITH MAGO CONSTRUCTION	)	2023-00402
COMPANY	)	

ORDER

On November 15, 2023, Valley Gas, Inc. (Valley Gas) filed an amendment to a special contract (Amended Special Contract) with Mago Construction Company (Mago). The Amended Special Contract set forth a \$489 meter charge per month for the services of Valley Gas in transporting to Mago natural gas in amounts equal to or less than the amount of contract gas delivered to Valley Gas by its supplier. The Amended Special Contract indicated that it was effective as of May 17, 2023. KRS 278.180(1) provides that no change in rates shall be made except upon thirty (30) days' notice to the Commission. As the Amended Special Contract was filed with the Commission on November 15, 2023, the earliest date it can become effective is December 15, 2023, which is 30 days after the date of the filing.

KRS 278.030 provides that a utility may collect fair, just and reasonable rates and that the service it provides must be adequate, efficient and reasonable. Having reviewed the proposed Amended Special Contract and being otherwise sufficiently advised, the Commission finds that an investigation is necessary to determine the reasonableness of the proposed Amended Special Contract and that such investigation cannot be completed by December 15, 2023. Pursuant to KRS 278.190(2), the Commission will, therefore,

suspend the effective date of the proposed Amended Special Contract for five months, up to and including May 14, 2024.

The Commission directs Valley Gas to the Commission's July 22, 2021 Order in Case No. 2020-00085<sup>1</sup> in which the Commission mandated the use of electronic filing procedures listed in 807 KAR 5:001, Section 8. The Commission finds that electronic filing procedures should be used, consistent with the filing procedures set forth in Case No. 2020-00085.

The Commission further finds that a procedural schedule should be established to review the reasonableness of the proposed Amended Special Contract. The procedural schedule is attached as an Appendix to this Order.

Additionally, any hearing scheduled in this matter shall be held on the designated day or days and continued until called from the bench by the presiding officer. Pursuant to 807 KAR 5:001, Section 2, if the hearing is not concluded on the designated day, the hearing may be continued upon verbal announcement by the presiding officer. A verbal announcement made by the presiding officer shall be proper notice of the continued hearing. Hearings are held in the Richard Raff Hearing Room at the offices of the Public Service Commission at 211 Sower Boulevard, Frankfort, Kentucky. Witnesses who sponsor schedules, testimony, or responses to requests for information are expected to participate in person at a hearing.

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<sup>1</sup> Case No. 2020-00085, *Electronic Emergency Docket Related to the Novel Coronavirus COVID-19* (Ky. PSC July 22, 2021), Order (in which the Commission ordered that for case filings made on and after March 16, 2020, filers are NOT required to file the original physical copies of the filings required by 807 KAR 5:001, Section 8).

IT IS THEREFORE ORDERED that:

1. This proceeding is established to investigate the reasonableness of the proposed Amended Special Contract.

2. Valley Gas' proposed Amended Special Contract is suspended for five months from December 15, 2023, up to and including May 14, 2024.

3. Valley Gas shall, by counsel, enter an appearance in this proceeding within seven days of the date of service of this Order. The entry of appearance shall include the name, address, telephone number, fax number, and electronic mail address of counsel.

4. Unless otherwise ordered by the Commission, the procedures set forth in 807 KAR 5:001, Section 8, related to service and electronic filing of papers shall be followed in this proceeding.

5. Pursuant to 807 KAR 5:001, Section 8(9), within seven days of the date of service of this Order, Valley Gas shall file by electronic means a written statement that it waives any right to service of Commission Orders by United States mail and that it or its authorized agent possess the facilities to receive electronic submissions.

6. Unless a party granted leave to intervene states its objection to the use of electronic filing procedures in a motion for intervention, the party shall:

a. Be deemed to have consented to the use of electronic filing procedures and the service of all papers, including Orders of the Commission, by electronic means; and

b. Within seven days of the date of service of an order of the Commission granting intervention, file with the Commission a written statement that:

(1) It or its authorized agent possesses the facilities to receive electronic transmissions; and

(2) Sets forth the electronic mail address to which all electronic notices and messages related to this proceeding shall be served.

7. If a party objects to the use of electronic filing procedures and the Commission determines that good cause exists to excuse that party from the use of electronic filing procedures, service of documents on that party and by that party shall be made in accordance with 807 KAR 5:001, Section 4(8).

8. The procedural schedule set forth in the Appendix to this Order shall be followed.

9. Valley Gas shall respond to all requests for information propounded by Commission Staff, whether identified on the procedural schedule or otherwise, as provided in those requests.

10. As set forth in 807 KAR 5:001, Section 4(11)(a), a person requesting permissive intervention in a Commission proceeding is required to demonstrate either (1) a special interest in the proceeding, which is not adequately represented in the case, or (2) that the person requesting permissive intervention is likely to present issues or develop facts that will assist the Commission in fully considering the matter without unduly complicating or disrupting the proceedings. Therefore, any person requesting to intervene in a Commission proceeding must state with specificity the person's special interest that is not otherwise adequately represented, or the issues and facts the person will present that will assist the Commission in fully considering the matter. A mere recitation of the quantity of utility service consumed by the movant or a general statement

regarding the potential impact of possible modification of rates will not be deemed sufficient to establish a special interest.

11. Any motion to intervene after the date established in the procedural schedule shall also show good cause for being untimely. If the untimely motion is granted, the movant shall accept and abide by the existing procedural schedule.

12. Valley Gas shall give notice of the hearing in accordance with the provisions set forth in 807 KAR 5:001, Section 9(2). In addition, the notice of the hearing shall include the following statements: “This hearing will be streamed live and may be viewed on the PSC website, [psc.ky.gov](http://psc.ky.gov)” and “Public comments may be made at the beginning of the hearing. Those wishing to make oral public comments may do so by following the instructions listed on the PSC website, [psc.ky.gov](http://psc.ky.gov).” At the time publication is requested, Valley Gas shall forward a duplicate of the notice and request to the Commission.

13. At any public hearing in this matter, neither opening statements nor summarization of direct testimonies shall be permitted.

14. Any hearing scheduled in this matter shall be held on the designated day or days and continued until called from the bench by the presiding officer. Pursuant to 807 KAR 5:001, Section 2, if the hearing is not concluded on the designated day, the hearing shall be continued upon verbal announcement by the presiding officer. A verbal announcement made by the presiding officer shall be proper notice of the continued hearing.

15. Witnesses who sponsor schedules, testimony, or responses to requests for information shall participate in person at any hearing scheduled in this matter.


16. Pursuant to KRS 278.360 and 807 KAR 5:001, Section 9(9), a digital video recording shall be made of the hearing.

17. The Commission does not look favorably upon motions for continuance. Accordingly, motions for extensions of times with respect to the schedule herein shall be made in writing and will be granted only upon a showing of good cause.

18. The Commission does not look favorably upon motions to excuse witnesses from testifying at Commission hearings. Accordingly, motions to excuse a witness from testifying at a Commission hearing or from testifying in person at a Commission hearing shall be made in writing and will be granted only upon a showing of good cause.

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PUBLIC SERVICE COMMISSION

  
\_\_\_\_\_  
Chairman

  
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Vice Chairman

  
\_\_\_\_\_  
Commissioner

ATTEST:

  
\_\_\_\_\_  
Executive Director

APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE  
COMMISSION IN CASE NO. 2023-00402 DATED DEC 08 2023

Requests for intervention shall be filed no later than ..... 12/22/2023

Initial requests for information to Valley Gas  
shall be filed no later than ..... 01/10/2024

Valley Gas shall file responses to  
initial requests for information no later than.....01/24/2024

All supplemental requests for information to Valley Gas  
shall be filed no later than ..... 02/07/2024

Valley Gas shall file responses to supplemental requests  
for information no later than ..... 02/21/2024

Intervenor testimony, if any, in verified prepared  
form shall be filed no later than..... 02/28/2024

All requests for information to Intervenors shall  
be filed no later than..... 03/13/2024

Intervenors shall file responses to requests for  
information no later than..... 03/27/2024

Valley Gas shall file, in verified form, its rebuttal  
testimony no later than.....04/03/2024

Valley Gas or any Intervenor shall request either a  
hearing or that the case be submitted for decision  
based on the record no later than.....04/10/2024



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