COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

SIGMA GAS CORPORATION)
COMPLAINANT))
V.) CASE NO. 2004-00018
B.T.U. GAS COMPANY, INC.)
DEFENDANT)

<u>O R D E R</u>

On March 17, 2008, the Commission entered an Order to determine whether this case should remain on the Commission's docket or be dismissed. In that Order, the Commission found that Sigma Gas Corporation ("Sigma") had been administratively dissolved and its assets had been transferred to DLR Enterprises, Inc. ("DLR") and Cow Creek Gas, Inc. ("Cow Creek"). Due to this transfer, the Commission afforded DLR and Cow Creek an opportunity to request intervention in this matter to demonstrate why the Commission should issue a decision on the merits of the original complaint and to show cause why the proceedings should not be dismissed. All interested parties were directed to file a response to that Order no later than April 15, 2008. B.T.U. Gas Company, Inc. ("BTU") and DLR have not filed a response to the Order.

Cow Creek filed a response on April 15, 2008. Cow Creek requested full intervention in this proceeding as Sigma's successor-in-interest. Cow Creek states that the transfer of assets was completed on January 11, 2008, and that it now has direct

financial and operational interests in this proceeding. In Case No. 2007-00419,¹ the Commission found that the Joint Applicants provided sufficient evidence to support their assertion that Cow Creek has the financial, technical, and managerial ability to provide reasonable service to Sigma's customers. The Commission further found that the proposed transfer to Cow Creek was in accordance with the law and for a proper purpose.² Cow Creek states that the actions of BTU continue to have a detrimental financial impact on the operations of Cow Creek and that the ongoing alleged statutory violations of BTU in extending its lines and providing service to Cow Creek's customers warrant this proceeding.

We find that Cow Creek should be granted intervention in this case upon the present record. We further find that Cow Creek has demonstrated that this matter should not be dismissed, but should proceed to a decision.

IT IS THEREFORE ORDERED that:

1. Cow Creek is granted full intervention in this matter as the successor-ininterest of Sigma.

2. Cow Creek shall replace Sigma and assume the existing record of this case.

3. This case shall proceed on the existing record and is now submitted to the Commission for a decision.

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¹ Case No. 2007-00419, Application of DLR Enterprises, Inc. and Cow Creek Gas, Inc. for Approval of the Transfer of Certain Assets Formerly Owned and Controlled by Sigma Gas Company (Ky. PSC Nov. 21, 2007).

² Cow Creek has filed the required notice adopting Sigma's tariff effective January 12, 2008.

Done at Frankfort, Kentucky, this 15th day of May, 2008.

By the Commission

Commissioner Clark Abstains.

ATTEST. Junko **Executive** Director

Estill B. Branham Manager Sigma Gas Corporation, Inc. P. O. Box 22 Salyersville, KY 41465

Honorable John N. Hughes Attorney at Law 124 West Todd Street Frankfort, KY 40601 Honorable Karen Chrisman Attorney at Law McBrayer, McGinnis, Leslie & Kirkland PLLC 305 Ann Street Suite 308 Frankfort, KY 40601

Richard Williams Operations Manager B.T.U. Gas Company, Inc. P. O. Box 707, Oakley Road Salyersville, KY 41465 Honorable W. Duncan Crosby III Attorney at Law Stoll Keenon Ogden, PLLC 2000 PNC Plaza 500 W Jefferson Street Louisville, KY 40202-2828

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