

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

AN INVESTIGATION OF THE PROPOSED	)	
ABANDONMENT BY AMERIGAS	)	CASE NO.
PARTNERS, L.P. AND AMERIGAS	)	2013-00332
PROPANE, L.P. OF UTILITY SERVICE BY	)	
BRIGHT'S PROPANE SERVICE, INC. IN OLD	)	
BRIDGE SUBDIVISION, BOYLE COUNTY,	)	
KENTUCKY	)	

ORDER

On June 21, 2013, AmeriGas and AmeriGas Propane (collectively "AmeriGas") filed an application seeking approval to acquire Heritage Operating, L.P. d/b/a Bright's Propane Service, Inc. ("Bright's Propane"), the owner and operator of a propane gas distribution system in Old Bridge Subdivision ("Old Bridge"), in Boyle County, Kentucky. With its application, Amerigas also sought approval to abandon the pipeline system which delivers propane to Bright's Propane's 52 utility customers.

The Commission determined that the acquisition and abandonment requests should be addressed in separate dockets and by Order entered on September 10, 2013, established the instant case to investigate the abandonment request. On September 20, 2013, AmeriGas filed responses to the requests for information appended to the order that opened this proceeding.

In response to questions posed by Commission Staff ("Staff") at an informal conference ("IC") held on November 14, 2013, and detailed in the Staff's November 19, 2013 IC memorandum, Amerigas filed additional information on January 9, 2014. AmeriGas also provided additional information in response to written customer

comments with its responses to the IC questions.<sup>1</sup> On January 31, 2014, AmeriGas corrected and supplemented its response of January 9, 2014.<sup>2</sup>

On January 31, 2014, AmeriGas requested that this case be submitted for a decision on the record, and this request is currently before the Commission. AmeriGas notes there are no other parties to the proceeding, and that although public comments have been filed, these individuals have expressed their views in writing and as non-parties are without standing to make procedural requests.

Having reviewed the record in this case and being otherwise sufficiently advised, the Commission finds that although there are no intervenors in this case, numerous public comments have been filed by residents of Old Bridge who oppose the AmeriGas proposal to abandon the Bright's Propane pipeline system. Some of these residents allege that there are deed restrictions which would prohibit the use of above-ground or underground fuel tanks, and some residents have requested a hearing on the issue of abandonment. Although several of these residents requested that the Attorney General's Office of Rate Intervention intervene, the Attorney General declined to do so. Due to the numerous comments objecting to abandonment, the Commission further finds that AmeriGas has failed to establish good cause to submit this matter for a decision on the record. The customers now being served by AmeriGas should be afforded an opportunity to express their positions on the proposed abandonment.

---

<sup>1</sup> Letter from W. Duncan Crosby III, Counsel for AmeriGas, to Jeffrey Derouen, Executive Director, Public Service Commission (Jan. 9, 2014).

<sup>2</sup> Letter from W. Duncan Crosby III, Counsel for AmeriGas, to Jeffrey Derouen, Executive Director, Public Service Commission (Jan. 31, 2014).

Therefore, the Commission finds that a formal hearing is in the public interest and should be set in this matter.

IT IS THEREFORE ORDERED that:

1. AmeriGas's request that this matter be submitted on the record for a decision by the Commission without a formal hearing is denied.

2. A formal hearing on the request of AmeriGas to abandon its propane pipeline delivery system in Old Bridge subdivision shall be held on Thursday, June 12, 2014, beginning at 10:00 a.m. Eastern Daylight Time, in Hearing Room 1 of the Commission's offices at 211 Sower Boulevard, Frankfort, Kentucky, for the purpose of hearing evidence in this case, and shall continue until completed.

3. Pursuant to 807 KAR 5:001, Section 9(2)(b), AmeriGas shall provide notice to the public of the purpose, time, place, and date of the hearing. AmeriGas shall provide a copy of the notice to the Commission on or before the date of the hearing.

4. No later than May 29, 2014, AmeriGas shall file with the Commission a list of the persons it intends to call as witnesses at the scheduled hearing and a summary of each witness's expected testimony.

5. Any exhibits that AmeriGas wishes to introduce at the hearing shall be marked with its name and a sequential number (e.g., AmeriGas Exhibit 1).

6. Unless the Commission directs otherwise, AmeriGas shall file with the Commission responses to requests for information made at the hearing no later than June 26, 2014.

7. Pursuant to KRS 278.360 and 807 KAR 5:001, Section 9(9)(a), the record of the formal hearing in this matter shall be a digital video recording.

8. Commission Staff shall cause to be made a written exhibit list and a written hearing log of the date and time of each witness's testimony as recorded on the digital video recording and shall file it with the Commission, along with all exhibits and a copy of the video transcript of the hearing.

By the Commission

ENTERED  
MAR 31 2014  
KENTUCKY PUBLIC  
SERVICE COMMISSION

ATTEST:

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

Case No. 2013-00332

Honorable W. Duncan Crosby III  
Attorney at Law  
Stoll Keenon Ogden, PLLC  
2000 PNC Plaza  
500 W Jefferson Street  
Louisville, KENTUCKY 40202-2828