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January 8, 2014

Via Hand-Delivery
Mr. Jeff Derouen, Executive Director
Kentucky Public Service Commission
211 Sower Boulevard
Frankfort, Kentucky 40602

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JAN 08 2014

PUBLIC SERVICE
COMMISSION

RE: *Case No. 2013-00365; Application of Delta Natural Gas Company, Inc. for an Order Declaring That it is Authorized to Construct, Own and Operate a Compressed Natural Gas Station in Berea, Kentucky*

Dear Mr. Derouen:

Please find enclosed the original and ten (10) copies of Interstate Gas Supply Inc.'s and Clean Energy Fuel Corp.'s collective motion to intervene in the above-referenced case.

Please place the document of file.

Regards,



Matthew Malone

C: File; Parties

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JAN 08 2014

PUBLIC SERVICE
COMMISSION

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the matter of: : CASE NO. 2013-00365
APPLICATION OF DELTA NATURAL GAS :
COMPANY, INC. FOR AN ORDER DECLARING :
THAT IT IS AUTHORIZED TO CONSTRUCT, :
OWN AND OPERATE A COMPRESSED :
NATURAL GAS STATION IN BEREA, KENTUCKY :

INTERSTATE GAS SUPPLY, INC.'S AND CLEAN ENERGY FUEL CORP.'S
MOTION TO INTERVENE

Comes Interstate Gas Supply, Inc. ("IGS"), and Clean Energy Fuels Corp, Inc. ("Clean Energy"), individually, and hereinafter, collectively (the "CNG Providers") pursuant to 807 KAR 5:001 Section 3(11), by counsel, and move for full intervenor status in this action to the fullest extent permitted by law. In support of this Motion, the CNG Providers state as follows:

In this matter, the Commission will examine whether Delta Natural Gas Company, Inc. may include the building and operating of a compressed natural gas (CNG) fueling station for public use within its base rates. The CNG Providers referenced above have retained undersigned counsel jointly to represent them collectively in these proceedings. Each CNG Providers' individual application herein for intervention should stand on its own merits but to avoid filing numerous motions to intervene a single document format was chosen.

I. CNG Providers

With respect to IGS, IGS is America's largest independent retail provider of retail gas (headquartered in Dublin, Ohio) and IGS Energy CNG Services (a division of IGS) is a complete solutions provider to the natural gas vehicle industry. IGS currently provides CNG to the public through a partnership with the City of Dublin, Ohio at the city's fueling facility; likewise, IGS owns and operates CNG fueling stations in West Virginia and is currently developing a number

of other stations throughout the region. IGS is also a supplier in the Columbia Gas of Kentucky Choice Program and supplies tens of thousands of natural gas customers at the residential and small commercial customer level through the Choice Program in the Kentucky Columbia Gas territory. IGS has also frequently intervened in previous proceedings before the KY PSC such as Case No. 2007-0008, Case No. 2009-00141, Case No. 2010-00146 and Case No. 2013-00167 along with several other dockets.

With respect to Clean Energy, Clean Energy is the largest provider of natural gas fuel for transportation in North America, fueling over 30,000 vehicles each day at approximately 400 plus fueling stations throughout the United States and Canada. With a broad customer base in a variety of markets, including trucking, airport shuttles, taxis, refuse, and public transit, they build and operate CNG and liquefied natural gas (LNG) fueling stations; manufacture CNG and LNG equipment and technologies for themselves and other companies; and develop renewable natural gas (RNG) production facilities (<http://www.cleanenergyfuels.com>). Clean Energy is headquartered in California with its principal address being 4675 MacArthur Court, Suite 800, Newport Beach, California 92660. Clean Energy is also publicly traded on the NASDAQ (CLNE) and is the private industry leader in CNG technology.

II. INTEREST IN THE PROCEEDING

CNG Providers have a significant and special¹ interest in this proceeding and should be granted intervention. The current application proposed by Delta Natural Gas Columbia, Inc. involves whether Delta Natural Gas Company, Inc. as an LDC may include the building and operating of a compressed natural gas (CNG) fueling station for public use within its base rates.

¹ The Commission has consistently held that the "special interest" an intervenor must have under 807 KAR 5:001, Section 3(8) (now Section 3(11)) is one relating to the rates or service of a utility. See *In the Matter of: The 2008 Joint Integrated Resource Plan of Louisville Gas and Electric Company and Kentucky Utilities Company*, Case No.

The building of the Delta station, as well as the inclusion of station costs in base rates will directly impact the development of the CNG market in Kentucky and surrounding areas. As developers of public natural gas refueling stations in the region,¹ CNG Providers have a direct interest in the development of a sustainable CNG market.

CNG Providers will also provide significant expertise to this proceeding that is not offered by other parties to this proceeding. Without addressing the merits of such an application by Delta, CNG Providers have actual experience in the CNG field and offer products and services which can reduce barriers to CNG adoption including ownership and operation of both public and private, fast-fill CNG fueling stations. The question of whether LDCs should enter into a business of providing CNG refueling to the public, which is outside of their typical merchant function, and include the costs of such business in base rates, is a novel concept² within the Commonwealth of Kentucky. CNG Providers as actual operators and providers of CNG technology are in a unique position to present issues and develop facts that will be helpful to the Commission in fully hearing this matter. And, CNG Providers, by any reasonable measure are, “likely to present issues or to develop facts that assist the Commission in fully considering the matter without unduly complicating or disrupting the proceedings.”³ CNG Providers clearly meet this standard. CNG Providers are one of few entities capable of providing expertise to the Commission regarding CNG infrastructure and building, owning and operating fueling stations.

2008-00148, Order dated July 18, 2008 at page 3; see also, the unpublished opinion of *EnviroPower, LLC v. Public Service Commission of Kentucky*, 2007 WL 289328 (Ky.App.2007) at page 3.

² The LDC in this case looks to build a CNG station through its base rates. The question of whether an LDC should be permitted to do so creates a “special interest” in this proceeding for the CNG Providers in the services proposed in Delta’s application. CNG Providers do have a “special” interest in the potential services requested by Delta in this application as Delta’s application varies greatly from a general base rate proceeding into offering typically presented by CNG Providers. Said another way, as opposed to a traditional base rate proceeding the LDC in this matter seeks approval to include the cost of a CNG fueling station (typically handled by private enterprise) in its regulated base rates which differentiates this case from a typical proceeding.

³ 807 KAR 5:001 §3(11).

CNG Providers also intend to provide expert testimony, to the extent permitted by the Commission, regarding the costs and benefits of building, operating and owning a CNG fueling station and whether inclusion of such an endeavor in base rates by an LDC is appropriate or needed.⁴

Participation by CNG Providers will not unduly delay or disrupt these proceedings, but rather CNG providers will offer constructive participation due to their unique expertise in the CNG industry. Further, no party to this proceeding is capable of representing the interests of CNG providers, other than CNG providers. CNG Providers will accept the procedural schedule as it stands. The Kentucky Attorney General's Office has also indicated that they have no objection to the expertise of CNG Providers in regards to CNG infrastructure and building, owning and operating fueling stations.

Wherefore, the CNG Providers, IGS and Clean Energy, individually and collectively, respectfully request for the reasons stated above that they be permitted to fully intervene in the above-referenced matter.

Respectfully submitted,

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INTERSTATE GAS SUPPLY, INC.
and
CLEAN ENERGY FUELS CORP.

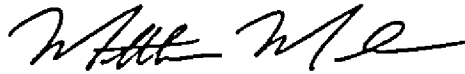
⁴ See, e.g. Commission Staff's Initial data requests to Delta (PSC 1-13).

CERTIFICATE OF SERVICE

I hereby certify that an original and ten (10) copies of this Motion to Intervene were served via hand-delivery upon Jeff Derouen, Executive Director, Public Service Commission, 211 Sower Boulevard, Frankfort, Kentucky 40602-0615; furthermore, it was served by mailing a copy by first class U.S. Mail, postage prepaid, and by email on the following, all on this 8th day of January, 2014.

Hon. Robert M. Watt, III
Stoll Keenon Ogden
300 W. Vine Street
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Lexington, KY 40507-1801

Hon. Dennis Howard
Assistant Attorney General
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MATTHEW R. MALONE