

COMMONWEALTH OF KENTUCKY  
BEFORE THE  
PUBLIC SERVICE COMMISSION

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PUBLIC SERVICE  
COMMISSION

IN THE MATTER OF:

APPLICATION OF ATMOS ENERGY CORPORATION FOR )  
APPROVAL AND CONFIDENTIAL TREATMENT OF A )  
SPECIAL CONTRACT AND COST ANALYSIS INFORMATION )  
SUBMITTED TO THE KENTUCKY PUBLIC SERVICE )  
COMMISSION )

CASE NO.2016-00052

**OBJECTION TO ATTORNEY GENERAL'S MOTION FOR INTERVENTION**

Atmos Energy Corporation ("Atmos Energy"), by counsel, objects to the intervention of the Attorney General. The initial five special contracts that are the subject of this case were filed on December 16, 2015, pursuant to 807 KAR 5:011(13). The Commission issued an order on January 29, 2016 suspending the effective dates of those contracts until June 14, 2016. Additional contracts were submitted on January 11, 2016 and on January 19, 2016. A *nunc pro tunc* order was issued on February 9, 2016. By this Order, the Commission suspended the effective date of the contract submitted on January 11, 2016 until July 9, 2016 and on the contract submitted on January 19, 2016 until July 17, 2016. On March 16, 2016, the Company submitted the eighth special contract. On April 12, 2016, the Commission entered an Order suspending the effectiveness of that contract until September 14, 2016.

807 KAR 5:001(4) sets the requirements for intervention:

(a) A person who wishes to become a party to a case before the commission may, by timely motion, request leave to intervene.

1. The motion shall include the movant's full name, mailing address, and electronic mail address and shall state his or her interest in the case and how 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.

2. The motion may include a request by movant for delivery of commission orders by United States mail and shall state how good cause exists for that means of delivery to movant.

(b) The commission shall grant a person leave to intervene if the commission finds that he or she has made a timely motion for intervention and that he or she has a special interest in the case that is not otherwise adequately represented or that his or her intervention is likely to present issues or to develop facts that assist the commission in fully considering the matter without unduly complicating or disrupting the proceedings.

(c) Unless electronic filing procedures established in Section 8 of this administrative regulation are used in the case, a party shall serve a person granted leave to intervene with all papers that the party submits in the case after the order granting intervention, but the party is not required to provide any papers submitted prior to the issuance of that order unless the commission otherwise orders.

(d) Unless the commission finds good cause to order otherwise, a person granted leave to intervene in a case shall, as a condition of his or her intervention, be subject to the procedural schedule in existence in that case when the order granting the person's intervention is issued.

KRS 367.150(8) grants the Attorney General the authority to intervene in Commission proceedings, it does not exempt him from the regulations for intervention. As the Commission recently ruled in Case No. 2016-00054, "Application of Caldwell County Water District", Order dated May 11, 2016, the Attorney General may not have to explain his reasons for intervention, but he is nonetheless bound by the Commission's procedural rules. In that case, the Attorney General filed an untimely motion for intervention. The Commission granted the motion, but noted that it stated sufficient grounds for the late action. In the case now before the Commission, no reason for the delay in filing the motion was provided. As stated by the Commission in Caldwell County: "The right afforded to the Attorney General pursuant to KRS 367.150(8) does not provide him with the authority to ignore the Commission's other procedural rules, including those regarding the manner and timing of intervention. The Attorney General is required, like any other party before the Commission, to comply with all other provisions of KRS Chapter 278, 807 Title 807 and Commission Orders." "Caldwell County, supra," p. 4. Having failed to provide any reason for the delay in submitting the motion and having ignored the specific regulatory requirement to do so, particularly in light of the recent Caldwell County order, the Attorney General's cavalier attitude toward the regulations should not be indulged.

This case has been pending since December 16, 2015, with a number of procedural and substantive orders issued. Two rounds of discovery have been propounded by the Staff and have been answered by the Company. There are only approximately two weeks remaining in the original suspension period. Any action by the Attorney General other than observation of the case as it currently stands will unduly disrupt and delay the proceedings.

It should be noted that in the pending Atmos Energy Corporation rate case (KPSC 2015-00343) the Attorney General has offered no testimony concerning these special contracts. Yet, at this late stage, wants to intervene in this case.

For these reasons, Atmos Energy objects to the granting of the motion. Should it be granted, Atmos Energy asserts that the suspension periods should not be modified nor should the ability of the Commission to issue its final orders by those dates be impeded.

Submitted by:

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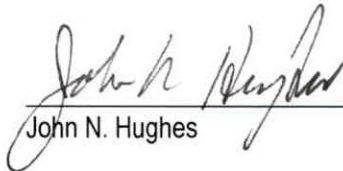
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Certification:

I certify that a copy of this response was served on the Attorney General, 1024 Capital Center Drive, Frankfort, KY 40601 by first class mail the 2<sup>nd</sup> day of June, 2016.

  
John N. Hughes