

**Goss  
Samford**

ATTORNEYS AT LAW | PLLC

**Mark David Goss**  
mdgoss@gosssamfordlaw.com  
(859) 368-7740

July 3, 2017

*Via Hand-Delivery*

Ms. Talina Mathews, Ph.D.  
Executive Director  
Kentucky Public Service Commission  
P.O. Box 615  
211 Sower Boulevard  
Frankfort, KY 40602

**RECEIVED**

JUL 03 2017

PUBLIC SERVICE  
COMMISSION

Re: *In the Matter of: Alternative Rate Adjustment Filing of B&H Gas Company - Case  
No. 2016-00257*

Dear Dr. Mathews:

Enclosed please find for filing with the Commission in the above-referenced case an original and ten (10) copies of B&H Gas Company's Motion to Dismiss. Please return a file-stamped copy to me.

Please do not hesitate to contact me if you have any questions.

Sincerely,



Mark David Goss

Enclosures

**COMMONWEALTH OF KENTUCKY**  
**BEFORE THE PUBLIC SERVICE COMMISSION**

**IN THE MATTER OF:**

ALTERNATIVE RATE ADJUSTMENT FILING	)	CASE NO.
OF B&H GAS COMPANY	)	2016-00257

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**MOTION TO DISMISS**

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Comes now B&H Gas Company (“B&H”) by and through counsel, and for its motion to dismiss this case, without prejudice, states as follows:

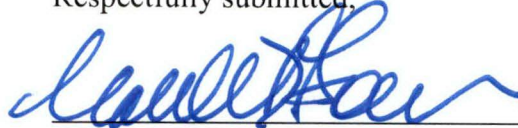
On July 15, 2016 B&H filed an application for an Alternative Rate Adjustment (“ARF”). On August 3, 2016 the Kentucky Public Service Commission (“Commission”) issued an Order citing several deficiencies in B&H’s ARF application. B&H did not make any filings to cure the deficiencies cited in the Commission’s August 3, 2016 Order. On June 5, 2017 the Commission issued an Order giving B&H sixty (60) days to cure the filing deficiencies cited in its August 3, 2016 Order.

Between the August 3, 2016 Order and the June 5, 2017 Order, B&H filed its 2016 Annual Report. Based on 807 KAR 5:076 Section 9, the ARF application must be based on the latest annual report on file with the Commission. Since the ARF application submitted to the PSC on July 15, 2016 was based on B&H’s 2015 Annual Report, and since the deficiencies of the July 15, 2016 ARF application had not been cured, that application has not yet been deemed filed by the Commission. Curing the deficiencies to the application in this case, would not be in compliance with 807 KAR 5:076 since the application would no longer be based on the most recent annual report on file with the Commission.

Therefore, B&H requests the Commission to dismiss this case, without prejudice, and B&H will tender a new ARF application when the required information is gathered based on the 2016 Annual Report on file with the Commission.

Dated this 3<sup>rd</sup> day of July, 2017.

Respectfully submitted,



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Mark David Goss  
L. Allyson Honaker  
GOSS SAMFORD, PLLC  
2365 Harrodsburg Road, Suite B-325  
Lexington, Kentucky 40504  
(859) 368-7740  
mdgoss@gosssamfordlaw.com  
allyson@gosssamfordlaw.com

and

Joe F. Childers  
Bethany Baxter  
Joe F. Childers & Associates  
300 Lexington Building  
201 West Short Street  
Lexington, KY 40507

*Counsel for B&H Gas Company and B&S Oil &  
Gas Company*