

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

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OCT 25 2017

In the Matter of:

PUBLIC SERVICE
COMMISSION

APPLICATION OF KENTUCKY FRONTIER
GAS, LLC FOR AN ADJUSTMENT OF RATES

CASE NO.
2017-00263

RESPONSE TO ATTORNEY GENERAL'S MOTION

Kentucky Frontier Gas, LLC, (Frontier) by counsel, objects to the Attorney General's Motion submitted on October 20, 2017 to file comments. In the order dated July 28, 2017, the Commission notified the parties that no staff report would be issued:

Pursuant to 807 KAR 5:076, Section 11, the Commission hereby states that a Commission staff report will not be issued in this proceeding. The information needed in this case will be obtained through the Application and Commission Staff's Requests for Information. Frontier or any party to this proceeding may request a formal hearing pursuant to the procedural schedule appended hereto.

The Attorney General waived a hearing, but requested the opportunity to file comments based on Frontier's responses to discovery. Asserting that comments would further develop the record, he cites no authority for this request and none can be found in the relevant regulation. 807 KAR 5:076 states:

Section 3. The Record upon which Decision Shall Be Made.
The commission shall make its decision based on the:

- (1) Applicant's annual report for the immediate past year and the annual reports for the two (2) prior years, if the utility has been in existence that long;
- (2) Application required by Section 4 of this administrative regulation;

(3) Information supplied by the parties in response to requests for information;

(4) Written reports submitted by commission staff;

(5) Stipulations and agreements between the parties and commission staff;

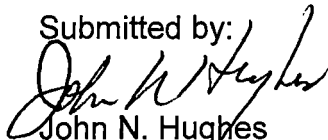
(6) Written comments and information that the parties to the proceeding submitted in response to the findings and recommendations contained in a written report that commission staff submitted; and

(7) If a hearing is held, the record of that hearing.

The regulation allows written comments only in response to the staff's report. There is no provision for comments based on responses to discovery or for an intervenor to provide "context" to the matter in the absence of a staff report or hearing. The Attorney General cites no exception to the regulation that would allow the filing of comments at this point in the proceeding or any legal justification supporting such an exception.

For these reasons, Frontier objects to the deviation from the regulation or any modification of the procedural order to allow filing of comments by the Attorney General.

Submitted by:



John N. Hughes

124 West Todd St.

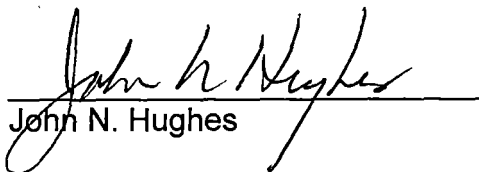
Frankfort, KY 40601

502 227 7270

Attorney for Kentucky Frontier Gas, LLC

Certificate:

I certify that a copy of this response was mailed to the Attorney General, Capital Building, Frankfort, KY 40601 this the 25th day of October, 2017.



John N. Hughes