

RECEIVED

MAR 03 2020

PUBLIC SERVICE
COMMISSION

The Law Offices of

WILSON, HUTCHINSON & LITTLEPAGE

611 Frederica Street
Owensboro, Kentucky 42301
Telephone (270) 926-5011
Facsimile (270) 926-9394

William L. Wilson, Jr.
Mark R. Hutchinson
T. Tommy Littlepage
Sean S. Land

bill@whplawfirm.com
randy@whplawfirm.com
ttommy@whplawfirm.com
sean@whplawfirm.com

OVERNIGHT DELIVERY

March 2, 2020

Executive Director
Kentucky Public Service Commission
211 Sower Blvd.
PO Box 615
Frankfort, Kentucky 40602

RE: City of Marion, Kentucky

Dear Sir:

I enclose herewith an original, plus eleven (11) copies, of an Application of Atmos Energy Corporation for a Certificate of Public Convenience and Necessity Authorizing it to Bid on Franchise Established by the City of Marion, Kentucky, for filing in your office.

The City has established April 6, 2020 as the deadline for submitting bids. We would therefore appreciate entry of an order prior to that date.

Very truly yours,



Mark R. Hutchinson

Enclosures

c: Mark Martin

RECEIVED

MAR 03 2020

PUBLIC SERVICE
COMMISSION

BEFORE THE

PUBLIC SERVICE COMMISSION OF KENTUCKY

IN THE MATTER OF:

APPLICATION OF ATMOS ENERGY
CORPORATION, OWENSBORO
KENTUCKY FOR A CERTIFICATE OF PUBLIC
CONVENIENCE AND NECESSITY
AUTHORIZING IT TO BID ON A FRANCHISE
ESTABLISHED BY THE CITY OF MARION,
KENTUCKY

CASE
NO. 2020-00069

APPLICATION

1

Applicant, Atmos Energy Corporation, a corporation duly qualified under the laws of the Commonwealth of Kentucky to carry on its business in the Commonwealth.

The Company is an operating public utility engaged in the business of supplying natural gas to the public in numerous cities, towns, and communities in Western and South Central Kentucky.

2

Atmos' Articles of Incorporation, together with all amendments thereto, have already been filed with the Commission in Case No. 2017-00349. There have been no changes to the Articles of Incorporation since they were filed with the

1

Commission in Docket No. 2017-00349.

3

The City of Marion (sometimes hereinafter called the "City") is a municipal corporation situated in Crittenden County, Kentucky and is in an area presently served by Applicant. Applicant has been the owner of a franchise operation of the natural gas system within the City immediately prior to the sale of a new franchise. Applicant is at the present time serving the City and owns and maintains a gas distribution system in such City.

4

The City Commission of the City has established a natural gas franchise for the City and has directed that bids for the sale thereof be received on or before 4:00 p.m. on Monday, April 6, 2020. A copy of the resolution establishing such franchise, directing its sale, and setting forth the type and provisions of such franchise is filed herewith as a part hereof.

There is a demand and need for continued natural gas service for the City.

WHEREFORE, Applicant respectfully requests the Commission to enter a certificate of public convenience and necessity authorizing Applicant to bid on the aforesaid natural gas franchise and, if it is awarded such franchise, to operate the natural gas distribution system pursuant to such franchise. A copy of the franchise, if awarded to Applicant, will be filed with the Commission.

2

Respectfully submitted,



Mark R. Hutchinson
WILSON, HUTCHINSON & LITTLEPAGE
611 Frederica Street
Owensboro, Kentucky 42301
(270) 926-5011
Fax: (270) 926-9394
randy@whplawfirm.com

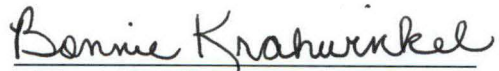
COMMONWEALTH OF KENTUCKY)
COUNTY OF DAVIESS)

The undersigned Affiant, Mark A. Martin, being first duly sworn, deposes and says that he is Vice President Rates and Regulatory Affairs of Atmos Energy Corporation, Kentucky/Mid-States Division, which is the Applicant in this proceeding; that he has read the foregoing application and knows the contents thereof; that the same is true of his own knowledge, except as to the matters which are therein stated on information or belief, and that as to those matters he believes them to be true; and that he is duly authorized to sign, execute, verify and file the foregoing application on behalf of Applicant.



Mark A. Martin

SUBSCRIBED AND SWORN to before me by Mark A. Martin as Vice President Rates and Regulatory Affairs of Atmos Energy Corporation, Kentucky/Mid-States Division, on this the 2 day of March, 2020.



Notary Public
Notary ID: 560343
My Commission Expires: 7-30-2020

ORDINANCE 20-04

AN ORDINANCE OF THE CITY OF MARION, KENTUCKY, PROVIDING FOR THE CREATION AND SALE OF A FRANCHISE FOR THE PRIVILEGE OF CONSTRUCTING, TRANSPORTING, OPERATING, MAINTAINING AND DISTRIBUTING NATURAL GAS ALONG AND UNDER PUBLIC RIGHT OF WAY WITHIN THE CITY OF MARION, KENTUCKY, FOR A TERM OF TEN (10) YEARS IN CONSIDERATION FOR WHICH, THE SUCCESSFUL FRANCHISEE SHALL PAY TO THE CITY AN ANNUAL SUM EQUAL TO TWO PERCENT (2%) OF ITS REVENUES; AND FURTHER ESTABLISHING A BID PROCEDURE FOR THE AWARD OF SAID FRANCHISE TO THE SUCCESSFUL BIDDER.

WHEREAS, the existing natural gas franchise agreement between the City of Marion, Kentucky and Atmos Energy Corporation expires on April 18, 2020; and,

WHEREAS, the City has determined that it is in the best interest of its citizens to create and offer for sale a new natural gas franchise.

BE IT ORDAINED BY THE CITY OF MARION, KENTUCKY (hereinafter referred to as the "City") that the Mayor of the City, or such other person as the Mayor may designate, shall offer for sale, to the highest and best bidder, a non-exclusive franchise to enter upon, acquire, construct, operate, maintain and repair in the public right of way of the City, a gas distribution system within the corporate boundaries of the City, subject to the provisions of the Franchise Agreement attached hereto and incorporated herein by reference.

The Mayor, or such other person as the Mayor may designate, shall, as soon as practicable after passage of this Ordinance, offer for sale, under sealed public bids, the franchise and privileges created herein. Such bids shall be in writing and shall be delivered to the Mayor or his designee, at City Hall, Marion, Kentucky, by 4:00 p.m. on Monday, April 6, 2020 (the "Bid Deadline"). Advertisements for such bids shall be published in accordance with the requirements of KRS Chapter 424. All costs for such advertisements shall be borne by the successful Franchisee.

Sealed bids offered for the purchase of this franchise shall be publicly opened and read at 4:15 p.m. C.S.T. on Monday, April 6, 2020. All bids shall state the bidder's acceptance of the terms and provisions set forth in the attached franchise agreement.

CERTIFICATE

The undersigned certifies that she is the duly elected and acting City Clerk of the City Council of City of Marion, Kentucky, that the foregoing Ordinance was duly adopted at a regular/special meeting of said Council held on, 2020, that all actions taken in connection with such Ordinance were in compliance with the requirements of KRS Chapter 61, and that such Ordinance is now in full force and effect, all as appears from the official records of the City in my custody and under my control.

PAM ENOCH, City Clerk



Dated: FEBRUARY 20TH, 2020

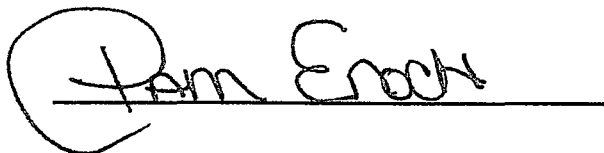
INTRODUCED AND PUBLICLY READ ON FIRST READING, this the 10TH day of FEBRUARY, 2020.

PUBLICLY READ AND FINALLY APPROVED ON SECOND READING, this the 20TH day of FEBRUARY, 2020.

CITY OF MARION, KENTUCKY

By: 

ATTEST:



The Mayor shall present all written bids to the City of Marion at its first meeting scheduled after the Bid Deadline for the City's consideration and approval. The City reserves the right to accept any bid, to reject any and all bids received, to waive any irregularities or informalities in awarding the franchise and to accept what, in its opinion, is the best responsive and responsible bid. In the event all bids are rejected, the City reserves the right to direct by resolution or ordinance that the franchise created hereunder be offered again for sale until a satisfactory bid is received and approved.

The franchise created by this ordinance shall become effective when the franchise agreement is signed by the successful bidder and the City.

<u>COUNCIL MEMBERS</u>	YES	NO
Donald Arflack	<u> X </u>	<u> </u>
Phyllis Sykes	<u> X </u>	<u> </u>
Darrin Tabor	<u> X </u>	<u> </u>
Michael Byford	<u> X </u>	<u> </u>
Dwight Sherer	<u> X </u>	<u> </u>
D'Anna Sallin	<u> X </u>	<u> </u>

It appearing that 6 Council Members voted for the adoption of the ordinance, and 0 voted against with 0 abstaining, the Mayor declared the ordinance adopted.



 Jared Byford, Mayor