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**OVERNIGHT DELIVERY**

June 16, 2009

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

2009-0622  
RECEIVED

JUN 17 2009

PUBLIC SERVICE  
COMMISSION

RE: City of Mayfield, Kentucky

Dear Mr. Devouen:

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 Mayfield, Kentucky, for filing in your office.

The City has established July 3, 2009 as the deadline for submitting bids. We would therefore appreciate entry of an order prior to that date. I am sorry for the short time frame but we were just able to obtain a copy of the Ordinance from the City Attorney yesterday.

Very truly yours,



Mark R. Hutchinson

Enclosures

c: Mark Martin

BEFORE THE

RECEIVED

JUN 17 2009

PUBLIC SERVICE  
COMMISSION

**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 MAYFIELD,  
KENTUCKY

CASE  
NO. \_\_\_\_\_

**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

A certified copy of Applicant's Amended and Restated Articles of Incorporation is already on file with the Commission in the Matter of: The Application of Atmos Enemy Corporation for An Order Authorizing a \$900,000,000 Universal Shelf Registration, Case No. 2006-00387.

1


The City of Mayfield (sometimes hereinafter called the "City") is a municipal corporation situated in Graves 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.

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 July 3, 2009. 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.

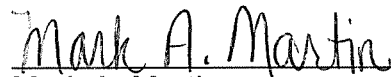
Respectfully submitted,




Mark R. Hutchinson  
611 Frederica Street  
Owensboro, Kentucky 42301  
Attorney for Applicant

COMMONWEALTH OF KENTUCKY )  
COUNTY OF DAVIESS )

The undersigned Affiant, Mark A. Martin, being first duly sworn, deposes and says that he is Vice President-Marketing and Regulatory Affairs of Atmos Energy Corporation, Kentucky/Mid-States Division having its principal office in Owensboro, Kentucky, 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 – Marketing and Regulatory Affairs of Atmos Energy Corporation, Kentucky/Mid-States Division, on this the 16 day of June, 2009.

  
Notary Public

My Commission Expires: 7/30/2012

7-07  
ORDINANCE ~~809~~

AN ORDINANCE OF THE CITY OF MAYFIELD, 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 MAYFIELD, KENTUCKY, FOR A TERM OF FIVE (5) YEARS IN CONSIDERATION FOR WHICH, THE SUCCESSFUL FRANCHISEE SHALL PAY TO THE CITY AN ANNUAL SUM EQUAL TO THREE (3%) PERCENT GROSS REVENUE; 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 Mayfield, Kentucky and Atmos Energy Corporation expired on April 9, 2009; 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 MAYFIELD, 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 natural gas distribution franchise to enter upon, acquire, construct, operate, maintain and repairs in the public right of way of the City, a gas distribution system with 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, Mayfield, Kentucky, by Friday, July 3, 2009 at 12:00 p.m. (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 4:30 p.m. C.D.T. on Friday, July 3, 2009. All bids shall state the bidder's acceptance of the terms and provisions set forth in the attached franchise agreement.

The Mayor shall present all written bids to the City of Mayfield 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.

INTRODUCED AND PUBLICLY READ ON FIRST READING, this the 17<sup>th</sup> day of May, 2009.

PUBLICLY READ AND FINALLY APPROVED ON SECOND READING, this the 8<sup>th</sup> day of June, 2009.

CITY OF MAYFIELD, KENTUCKY

By: [Signature]

ATTEST:  
Garnie Johnson

June 11, 2009  
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Funeral arrangements are incomplete at Byrn Funeral Home in Mayfield.

### Doris Warner

Doris Warner, 67, of the Fulgham community died Wednesday, June 10, 2009 at 5:30 a.m. at her residence;

Funeral arrangements are incomplete at the Brown Funeral Home in Clinton.

to take the next step towards stardom. At his audition in Chicago, Kevin was chosen out of close to 12,000 people. He was called back again for other auditions, and was eventually chosen to compete against hundreds of other talented people in the new season of America's Got Talent.

He described his trip to Chicago at that time as "an experience in itself." He went on to say, "During my stay in Chicago I got to do some sight seeing. We were walking along the sidewalk by a blues bar and I met Buddy Guy. He is the five-time Grammy Award-winning American blues rock guitarist and singer. It was amazing," said Kevin. "I got to talk to him about what I was doing in Chicago and he was very supportive. It was really great to meet and speak with the blues legend, especially considering I was there to take my first step into the music business."

He stated that after his audition in Chicago, he had

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**DARNELL MONUMENTS**  
227 FOX ROAD  
Off Hwy. 68 East  
(formerly 80 E)  
Mayfield, KY  
(270) 247-8858  
"Custom Design & Engraving Done On Site"

## Crimestoppers 247-5000

**NOTICE OF SALE OF GAS FRANCHISE**

NOTICE IS HEREBY GIVEN that the City of Mayfield, Kentucky, will on July 9, 2009, at 12:00 p.m. at City Hall, Mayfield, Kentucky, consider offers for sale to the highest and best bidder, plus all costs, (including advertising cost, a franchise as defined in Ordinance 7-07 adopted by the City Council on May 11 and June 8, 2009 the full text of which Ordinance, including the agreement containing the terms of franchise, is available for inspection in the Office of the City Clerk, City Hall, Mayfield, Kentucky between the hours of 8:00 a.m. and 4:30 p.m. Monday through Friday,

**ORDINANCE 7-07**

AN ORDINANCE OF THE CITY OF MAYFIELD, 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 MAYFIELD, KENTUCKY, FOR A TERM OF FIVE (5) YEARS IN CONSIDERATION FOR WHICH, THE SUCCESSFUL FRANCHISEE SHALL PAY TO THE CITY AN ANNUAL SUM EQUAL TO THREE % AND FURTHER ESTABLISHING A BID PROCEDURE FOR THE AWARD OF SAID FRANCHISE TO THE SUCCESSFUL BIDDER.

Sealed bids are to be delivered to Mayor Arthur Byrn or his designee, Mayfield, Kentucky, to be publicly opened and read at 4:30 p.m. C.S.T. On July 9, 2009.

The City of Mayfield reserves the right to accept any bid, to reject any and all bids, to waive any irregularities or informalities in awarding the franchise and to accept what, in its opinion, is the best responsive and responsible bid.

- Lot
- Kentucky
- LOUISVILLE
- ring numbers
- 2-1-2
- 4-0-0-0
- Cash
- 9
- Illinois Lottery
- SPRINGFIELD
- numbers selected
- Lottary
- 9-1-6 (Ohio)
- 3-4-9 (Ohio)
- 9-6-8-4 (Ohio)

**Ag m**

We apologize, the A not be avail

THURSDAY JUNE 11 2009