

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

SARAH SPERRY)	
)	
COMPLAINANT)	
V.)	CASE NO.
)	2019-00138
ATMOS ENERGY CORPORATION)	
)	
DEFENDANT)	

ORDER

On May 1, 2019, Sarah Sperry (Ms. Sperry) tendered a formal complaint with the Commission against Atmos Energy Corporation (Atmos). The complaint filed by Ms. Sperry, through her Attorney Matthew J. Baker, requests that Atmos provide accurate bills for the months of December 2018 through March 2019.¹ The Attorney General of the Commonwealth of Kentucky, by and through the Office of Rate Intervention (Attorney General), was granted intervention on May 10, 2019. The Attorney General then filed initial comments on May 30, 2019. On June 5, 2019, Atmos filed a response to the Attorney General's initial comments. On June 14, 2019, the Commission issued an Order notifying Atmos that it had been named as a defendant in a formal complaint, attached a copy of said complaint, and pursuant to 807 KAR 5:001, Section 20, ordered Atmos to satisfy the matters complained of or file a written answer within ten days from the date of entry of the Order. Atmos filed an answer to the complaint on June 24, 2019, asserting

¹ Complaint at 2.

that Atmos was attempting to work with Ms. Sperry to satisfy the complaint and requested that the Commission not proceed with the case until Ms. Sperry either accepts or rejects the offer of satisfaction.² On July 2, 2019, the Attorney General filed a motion for leave to file data requests to Atmos, to which Atmos objected to in its response filed on July 8, 2019, and the Attorney General filed a reply to the same on July 11, 2019.

Atmos provided a status update with the Commission on July 23, 2019, once again requesting that the Commission hold the case in abeyance pending Ms. Sperry's response to the offer of settlement.³ On August 12, 2019, Attorney Baker filed with the Commission a notice of withdrawal as counsel. In the notice, Attorney Baker asserted that he had conferred with Ms. Sperry, and based upon mutual agreement, he was withdrawing from the case. The Commission issued an Order on September 5, 2019, stating that due to Attorney Baker's withdrawal from the case, we found good cause to hold the case in abeyance for 30 days in order to allow Ms. Sperry to either obtain new counsel or indicate that she intended to represent herself *pro se* in the pending complaint proceeding. Ms. Sperry has never filed a response to the September 5, 2019 Order.

Atmos filed a second status update on October 15, 2019, stating that Ms. Sperry advised that she was moving and requested Atmos to permanently discontinue her natural gas service.⁴ Atmos further asserted that because Ms. Sperry never responded to the September 5, 2019 Order, because she informed Atmos she was moving, and because she requested for the natural gas service to be discontinued, the case should

² Atmos's Answer at 3.

³ Atmos's first update regarding the complaint at 2.

⁴ Atmos's second update regarding the complaint at 1.

be dismissed.⁵ Finally, on November 8, 2019, Assistant Attorney General Kent A. Chandler withdrew from the case, and on November 18, 2019, Assistant Attorney General Rebecca W. Goodman withdrew from the case as well.

Having reviewed the evidentiary record and being otherwise sufficiently advised, the Commission finds that because the Complainant Ms. Sperry has not responded to the September 5, 2019 Order to state whether she wishes to hire new counsel or proceed with the complaint on a *pro se* basis and has further advised Atmos that she is moving and requested to permanently discontinue natural gas service, the Commission is inclined to grant Atmos's request to dismiss the pending case with prejudice. Thus, the Commission will provide ten days from the date of this Order for any party to provide good cause as to why this case should not be dismissed and removed from the Commission's docket.

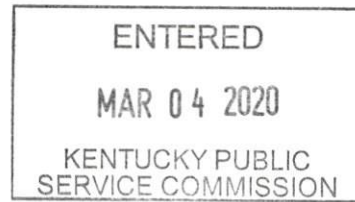
IT IS HEREBY ORDERED that:

1. Within ten days from the date of this Order, any party to the case shall file a response to this Order providing good cause as to why this case should not be dismissed and removed from the Commission's docket.

2. Should documents of any kind be filed with the Commission in the course of this proceeding, the documents shall also be served on all parties of record. A party filing a paper containing personal information shall, in accordance with 807 KAR 5:001, Section 4(10), encrypt or redact the paper so personal information cannot be read.

⁵ *Id.*

By the Commission



ATTEST:


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