

COMMONWEALTH OF KENTUCKY
BEFORE THE ENERGY REGULATORY COMMISSION

* * * * *

In the Matter of

ADJUSTMENT OF RATES OF)
MAGOFFIN GAS COMPANY, INC.,) CASE NO. 7903
MAGOFFIN COUNTY, KENTUCKY)

O R D E R

On October 15, 1980 Magoffin County Gas Company, Inc. (Company) filed the affidavit of Norma J. Bailey, Salyersville, Kentucky stating that she had caused a letter to be mailed to each of the customers on the books of the Company informing the customers of a meeting of the Energy Regulatory Commission on October 7, 1980 to consider the proposed rate increase of the Company. A copy of the form of letter was attached to the affidavit.

On October 16, 1980 the Attorney General's Consumer Intervention Division filed its Motion to Dismiss Petition for Adjustment of Rates stating, among other things, that the mailing or notice does not contain the proposed rate schedule.

The Commission, having considered the affidavit, form of Notice, the Motion to Dismiss and being advised, hereby finds that the Notice (letter) mailed to the customers of the Magoffin County Gas Company does not meet the directions set forth in the Commission's Order entered August 18, 1980 in that it does not set forth the time of the hearing and the proposed rates and, further, does not include a statement to the effect that the Commission may, after evidentiary hearings, order rates which differ from the proposed rates and thus result in an increase in rates other than that proposed.

IT IS THEREFORE ORDERED That this case be and it hereby is set for hearing on November 25, 1980 at 1:00 p.m., Eastern Standard time in the Commissions offices at Frankfort, Kentucky.

IT IS FURTHER ORDERED That Magoffin Gas Company, Inc. shall at least twenty (20) days prior to the date of hearing mail to each customer a typewritten or printed notice of the proposed rates or charges setting forth the place, date and hour of the hearing. Alternatively, the Company shall publish once a week for three (3)

consecutive weeks in a newspaper or newspapers of general circulation in the areas served by the Company a notice setting forth the place, date and hour of hearing and the proposed rates or charges as set forth in the Application. Said notice shall include the following language:

The rates contained in this notice are the rates proposed by Magoffin Gas Company, Inc. However, the Energy Regulatory Commission may, after evidentiary hearings, order rates to be charged that differ from these proposed rates. Such action may result in an increase in rates for consumers other than those included in this notice.

IT IS FURTHER ORDERED That the Attorney General's Motion to Dismiss be and it hereby is overruled.

Done at Frankfort, Kentucky, this 21st day of October, 1980.

ENERGY REGULATORY COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:

Secretary